

Chinese Air Defence Identification Zone Over East China Sea

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Introduction

On November 23, 2013, the Chinese Ministry of National Defence (MND) announced the creation of an East China Sea Air Defence Identification Zone (ADIZ). This was followed by another statement which laid out the Aircraft Identification Rules for the East China Sea ADIZ and included a warning that 'defensive emergency measures' would be adopted to respond to aircraft that refuse to follow instructions.

What is an ADIZ?

An ADIZ is an area of air space demarcated by a state to guard against potential air threats. Its purpose is to secure enough time for the Air Force to detect and identify aircraft in the interest of national security. Since World War II, the traditional Air Defence (AD) system has been constantly challenged by the rapid development of science; the latest model of hostile aircraft equipped with cutting edge technology and tactics give little time to respond to unexpected activities. Therefore, some countries began to establish ADIZs beyond their territorial air space over the high seas, and this expansion of early warning spaces has become a common practice to guarantee enough interception time. Generally speaking, the main purpose of an ADIZ is to prevent unidentified aircraft from intruding into the territorial air space of a sovereign state and foreign military airplanes

from entering the sovereign territorial air space of a country by accident. An ADIZ can extend in some cases upto 300 miles beyond the territorial sea. When entering the zone, all aircraft are required to identify themselves, report flight plans and inform ground control of their exact location. The concept has been implemented in more than 20 countries, including the US, Canada, Australia, South Korea and Japan. The zone includes the air space in the area enclosed by China's outer limit of the territorial sea and the following six points: 33° 11' N (North Latitude) and 121° 47' E (East Longitude), 33° 11' N and 125° 00' E, 31° 00' N and 128°20'E, 25° 38' N and 125°00' E, 24°45'N and 123°00' E, 26°44' N and 120°58' E. The zone overlaps the existing ADIZs of Japan, South Korea and Taiwan. It covers the disputed Senkaku/ Diaoyu islets claimed by China, Japan and Taiwan. China conducted two aerial patrols over the area involving TU-154 and T-8 aircraft, prompting Japan's Self-Defence Force (SDF) to send two F-15 fighter jets to intercept them.

Fig 1



Legality

There are no specific international treaty provisions regulating the establishment and administration of ADIZs. As brought out above, about 20 countries have established ADIZs since the US started the trend in the early days of the Cold War but their legitimacy and role in air safety and security remain unclear.

According to the Convention on International Civil Aviation (or Chicago Convention), all nation states have sovereignty over the air space above their territory, including territorial waters. However, the United Nations Convention on the Law of the Sea (UNCLOS) defines territorial seas as extending only 12 nautical miles from the coastline. UNCLOS also recognises a 200-nautical mile

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Exclusive Economic Zone (EEZ), but coastal states do not have full sovereignty within EEZs. Coastal states have sovereign control over marine resources within EEZs but all states retain the right to navigate or transit EEZs while respecting the rights of the coastal states. According to UNCLOS, coastal states can, for instance, prohibit the dumping of waste and they can regulate foreign vessels seeking the extraction of resources in an EEZ. All states have the right to lay submarine cables

and pipelines in the EEZs of other states, but coastal states have jurisdiction of marine scientific research conducted in an EEZ.

Foreign vessels and aircraft entering EEZs have an obligation to respect the rights and privileges of the coastal states, but this does not mean coastal states can prohibit aircraft from entering an EEZ—whether through the establishment of an ADIZ or otherwise. An ADIZ can contribute to security and orderly air-traffic control, but this depends upon the Standard Operating Procedures (SOPs) of the coastal state. An ADIZ extends the geographic space for early warning and can give additional time to distinguish the nature and intent of approaching aircraft. The Chicago Convention distinguishes civilian aircraft from state aircraft (military or other state aircraft conducting policing or surveillance), and state parties have a specific obligation, consistent with customary law, to “refrain from resorting to the use of weapons against civil aircraft in flight and ... in case of interception, the lives of persons on board and the safety of aircraft ... must not be endangered”. The convention does not apply to state aircraft other than the stipulation that no state aircraft should enter the territorial air space or land in the territory of another state party without permission.

Chinese Perspective

A spokesman of China’s People’s Liberation Army (PLA) has claimed that its action is “a necessary measure taken by China in exercising its self-defence right” and that “it is not directed against any specific country or target”. While it would be difficult to ascertain the exact motive of the Chinese action, it would have the following motives:

- Based on various articles, it is clear that the Chinese are trying to strengthen their claim of sovereignty over the disputed islands. This action may be intended to test the waters and convey Chinese intentions about territorial claim on the islands.

- A couple of years ago, the Chinese had declared the same area of the East China Sea as China's "psychological waters," a term not recognised by UNCLOS/ any other international agency/treaty. While doing so, the Chinese had declared that they would monitor activities in the region as historically, it has been one of the routes of aggression over China. They also declared their intent of being proactive in the region and reducing US influence in the same.
- Now by declaring the ADIZ, the Chinese have further affirmed their intention to keep US Air Force out of the area. The US, on the other hand, has conveyed that as per the US-Japan Mutual Defence Treaty, it would not be binding on the US.
- China wants to assert its status as Number Two power, in both economic and military terms. While some may consider it a unilateral action by China, some analysts see it as a moderate response to the continuous provocations from certain countries (especially Japan). It intends to convey the message "keep your hands off", from the said region.

Response of the US and Regional Allies

US Secretary of State John Kerry and the Secretary of Defence Chuck Hagel issued separate statements expressing US concerns. Kerry called China's move "an attempt to change the status quo in the East China Sea and warned that its escalatory action will only increase tensions in the region and create risks of an incident". Hagel noted that the move increases the risk of misunderstanding and miscalculations. He reaffirmed the US policy that Article-V of the US-Japan Mutual Defence Treaty applies to disputed islands and that the Chinese announcement would have no bearing on US operations. On November 26, a pair of US B-52s from Guam flew through the contested area to assert US prerogatives. The US Vice President, during his visit to Beijing on December 05, 2013, told Chinese President Xi Jinping that Washington will not recognise Beijing's new ADIZ over the disputed islands in the East China Sea and asked him to take steps to reduce tensions arising out of the unilateral move. However, despite the above stand, the US Federal Department has advised all airlines to adhere to the requirements of the newly created ADIZ in view of the safety of civilian flights and passengers thereof.

Japan: Japanese Prime Minister Shinzo Abe denounced China's declaration as a dangerous attempt to change the status quo in the East China Sea through coercion, vowed to protect Japan's air and sea space, and demanded that Beijing "revoke any measures that could infringe upon the freedom of flight in international space". Foreign Minister Fumio Kishida stated that Japan would coordinate closely with the US, South Korea (ROK), and others on

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demanding a revocation of the ADIZ measures. Vice Foreign Minister Akitaka Saiki summoned China's Ambassador to Japan, Cheng Yonghua, to the Foreign Ministry and lodged a formal protest against the ADIZ announcement, repeating the Prime Minister's demand that China revoke the measure; and protested against China dismissing the validity of

Japan's position that the Senkaku Islands are an inherent part of the territory of Japan. The Defence Minister stated that Japan's Self-Defence Forces would work with the US military to coordinate the monitoring activities.

ROK: The Republic of Korea (ROK) Foreign Ministry summoned Minister Counsellor Chen Hai of China to express reservations over China's unilateral drawing of the ADIZ as did the ROK Ministry of National Defence via the Chinese Embassy's Defence Attaché. Deputy Defence Minister for Policy Yoo Jeh-Seung of the ROK also noted that Seoul cannot recognise the ADIZ and stated that the ROK would maintain its jurisdictional rights to waters around the disputed Leodo/Suyan Rock. In a clear reaction to the Chinese ADIZ, the ROK on December 08, 2013, announced expansion of its 62-year-old ADIZ. It adds over 66,000 sq km to the ROK's ADIZ. The expanded zone will cover the submerged rocks that are subject to a territorial dispute between the ROK and China and will overlap with the ADIZs of both China and Japan.

Implications for India

With the general slowdown of the world economy, a conflict at the global level would be disastrous. This fact is well understood by the Chinese who have taken a calculated risk as the international community would not like to start a military conflict due to overbearing economic considerations. What is true for the international community is true for India as well. India would, hence, have to deal with an assertive China which is prepared to take such calculated risks. India has experienced Chinese assertiveness in the past. When Chinese troops camped inside the Indian territory, it took the best of diplomatic efforts to resolve the issue. The Chinese subsequently withdrew their troops and the two sides finally signed a border defence cooperation agreement during Prime Minister Manmohan Singh's visit in October 2013. India, hence, needs to be prepared for such assertive behaviour of China on the disputed areas along the Indian border. How would India deal with a situation if China declares such an ADIZ over Aksai Chin or Arunachal Pradesh to stake its claim over these areas is a question we should be prepared to answer.

Conclusion

It is very clear from China's action that it is trying to display its newly found economic and military status through its aggressive foreign policy. While the US may be the only one to challenge the Chinese actions, this would also be limited to diplomatic moves rather than military ones. Other countries, especially in the Asia-Pacific, may be wary of even a diplomatic response due to the interdependence of their economies with the Chinese economy. The move makes it clear that when it comes to a sovereignty issue, China is unlikely to compromise. Hence, Indian strategists need for think about how to engage an increasingly assertive China and extract concessions, and convey our resolve in the way China does.

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N.B. The views expressed in this article are those of the author in his personal capacity and do not carry any official endorsement.

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