

COMMENT ON THE CHINA'S RECENT ANNOUNCEMENT ABOUT AN EAST CHINA SEA AIR DEFENCE IDENTIFICATION ZONE

Thom Shanker, "US Flies B52s Into China's Expanded Air Defence Zone," *The New York Times*, 26 November 2013. Available at: <http://www.nytimes.com/2013/11/27/world/asia/us-flies-b-52s-into-chinas-expanded-air-defense-zone.html?hp&r=0>.

Editorial Board, "China's Coercive Play," *The New York Times*, 25 November 2013. Available at: <http://www.nytimes.com/2013/11/26/opinion/chinas-coercive-play.html?hp&rref=opinion>.

As reported in a number of recently published articles, including the ones cited above and elsewhere in this comment, China's Ministry of National Defence established an East China Sea Air Defence Identification Zone (ADIZ) and made it effective on 23 November. The ADIZ should not be confused with a nation's airspace or its exclusive economic zone (EEZ). The former is determined under international law to be a nation's sovereign airspace extending to the outer limits of its territorial waters, and those limits are set at 12 nautical miles from its coastline. A nation's EEZ is conveniently described by Jeremy Page in the *Wall Street Journal* as follows:¹

According to the UN Convention on the Law of the Sea, each signatory state can claim an EEZ that gives it special rights to exploit marine resources up to 200 nautical miles from its coastline. When EEZs overlap, signatory states are supposed to negotiate an agreed boundary. Most countries allow freedom of passage for foreign vessels through their EEZ. However, some countries disagree on whether non-aggressive foreign military operations – such as reconnaissance patrols – should be allowed in their EEZ. The US says yes; China says no. China often intercepts and tracks foreign military planes over its EEZ, but usually does not try to repel them or force them to land.

The air defence identification zone (ADIF) has no basis in international law and is not overseen by any international organisation. It is therefore possible for any nation to claim its own zones unilaterally. The common feature is the desire to extend the zone in such a way that it gives the claiming nation's military sufficient time to respond to potentially hostile incoming aircraft. Somewhat interestingly therefore, a nation claiming a larger extended area for its ADIFs, compared to other nations, is implicitly admitting to have a military with an inferior response capability.

China is not the only nation that declared an ADIF in the East China Sea. Japan also has such a zone and established it on 29 August 1968.² The major source of disputation in relation to

¹ Jeremy Page, "The A to Z on China's Air Defence Identification," *The Wall Street Journal*, 27 November 2013. Available at: <http://blogs.wsj.com/chinarealtime/2013/11/27/the-a-to-z-on-chinas-air-defense-identification-zone/>

² Madison Park, "Why China's New Air Zone Incensed Japan, US," CNN, 27 November 2013. Available at: <http://edition.cnn.com/2013/11/25/world/asia/china-japan-island-explainer/>.

the two ADIFs is that both included the Daiyu/Senkaku islands. As is known, China contests the boundaries of the Japanese ADIF and considers any attempts to enforce it to be illegal. China's ADIF overlaps with Japan's counterpart by about 50 per cent.³ Within the past 12 months or so, China flew unmanned aerial vehicles into the disputed area and Japan threatened to shoot them down.⁴ Many commentators consider China's announcement of a Chinese ADIF to be a counter-threat-in-response and perhaps a more daunting one in that it was not in direct reference to unmanned aircraft.⁵

Does this comprise an "escalatory action," as claimed by US Secretary of State John Kerry? It does "raise the bar" in reference to responses and counter responses, but so also, it would seem, does the response of the US Defence Secretary Chuck Hagel in dispatching unarmed bombers from Guam on a "routine mission off the coast of China" that passed through the ADIF⁶ without radio identification. If these actions continue, it will be necessary for China's military to initiate face-saving scrambling of aircraft to confirm the identity of other aircraft in the zone and to ensure that China's sovereign airspace is not penetrated. This could substantially increase the risk of in-flight collisions.⁷

It is of course the contested ownership of the islands that is at the centre of these responses and counter responses. We know with reasonable certainty that Japan issued a formal claim to them in 1895 based upon surveys beginning in 1985 that were undertaken to confirm that the Senkaku Islands was not only uninhabited but also showed no trace of

³ Wendell Minnick, "Fact Sheet: China's Air Defence Zone," *Defence News*, 24 November 2013. Available at: <http://www.defensenews.com/article/20131124/DEFREG03/311240004/Fact-Sheet-China-s-Air-Defense-Zone>.

⁴ *Ibid.*

⁵ China's Ministry of National Defence stated the following in one of its media announcements, as reported in the reference cited in footnote 3 above: "Aircraft flying in the East China Sea Air Defence Identification Zone must maintain the two-way radio communications, and respond in a timely and accurate manner to the identification inquiries from the administrative organ of the East China Sea Air Defense Identification Zone or the unit authorised by the organ. [Such aircraft] should follow the instructions of the administrative organ of the East China Sea Air Defence Identification Zone or the unit authorized by the organ. China's armed forces will adopt defensive emergency measures to respond to aircraft that do not cooperate in the identification or refuse to follow the instructions.

⁶ Mark Landler, "Airspace Claim Forces Obama to Flesh Out China Strategy", *The New York Times*, 27 November 2013. Available at: <http://www.nytimes.com/2013/11/28/world/asia/airspace-claim-forces-us-to-flesh-out-china-strategy.html?pagewanted=1&hp>. Several days later China announced that additional aircraft were being sent to patrol the area. See Simon Denyer and Chico Harlan, "China Sends Warplanes to New Air Defence Zone after US Japan, S. Korea Incursions," *The Washington Post*, 28 November 2013. Available at: http://www.washingtonpost.com/world/japan-south-korea-military-jets-cross-through-china-air-defense-id-zone/2013/11/28/6285d350-5816-11e3-bdbf-097ab2a3dc2b_story.html. So the "bar" continues to be raised for reasons that are unknown, and probably unknowable.

⁷ The *New York Times* reported (see previous footnote) that when US Vice President Joseph R. Biden Jr. visited Beijing in 2011, he presented Chinese officials with photographs taken by American pilots that documented how Chinese fighters, dispatched to intercept American planes flying surveillance missions off China's coast, sometimes came within 10 feet of their wingtips.

having been under the control of the Qing Dynasty of China.⁸ We also know that China did not officially dispute the claim until after Taiwan was officially returned to China at the end of World War II, with additional delays resulting from the fact that China did not know that Senkaku and Diaoyu comprised different names for the same islands.⁹

It is further known that the East China Sea basin, particularly the Xihu/Okinawa Trough in the region of the disputed territories, is a potentially rich source of natural gas that could help meet Chinese and Japanese domestic demand but large-scale exploration and development is not possible because of the dispute.¹⁰ The wealth of the region is therefore likely to be a factor contributing to the dispute, but it is also a factor that should contribute to a desire to have the dispute resolved in a peaceful manner. According to the US Energy Information Administration:¹¹

China and Japan began holding bilateral talks over the East China Sea issues in October 2004, although Taiwan did not participate. Japan has repeatedly requested seismic data from China on Xihu/Okinawa Trough fields and asked China to desist production until both sides reached an agreement. China has consistently rejected this claim, insisting that the trough and its associated fields are within its territorial sovereignty.

The two sides have considered joint development of the resources as a means of moving forward with energy exploration but have not yet agreed on what territory such a contract would cover. China has offered joint development of the gas fields north of the disputed islands, sidestepping the sovereignty issue. Japan offered joint development of the Chunxiao/Shirakaba gas field [refer to the map on the next page], sidestepping the sea boundary dispute. To date, neither side has accepted the other's offer.

In 2008, China and Japan agreed to explore jointly four gas fields in the East China Sea and halt development in other contested parts of the regions. Both sides agreed to conduct joint surveys, with equal investment in an area north of the Chunxiao/Shirakaba gas field and south of the Longjing/Asunaro gas field. However, China began to develop the Tianwaitian/Kashi gas field unilaterally, launching a protest from Japan in January 2009. In early 2010, Japan threatened to take China to the International Tribunal for the Law of the Sea if China began producing from the Chunxiao/Shirakaba gas field.

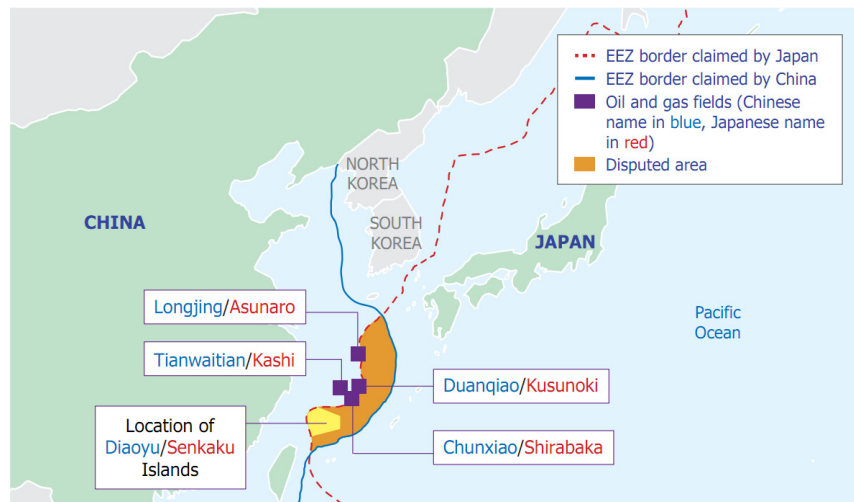
The Japanese government began to lease the islands from their private Japanese owners in 2002, sparking protest from China. In April 2012, Tokyo's governor proposed a plan to buy three of the five uninhabited islets from the owners, to the chagrin of the Chinese. The Japanese government officially announced a deal to purchase the islands in September 2012, prompting a wave of protests throughout China and further escalating tensions in the sea.

⁸ Ministry of Foreign Affairs of Japan, "Q and A on the Senkaku Islands," 2013. Available at: http://www.mofa.go.jp/region/asia-paci/senkaku/qa_1010.html.

⁹ Han-Yi Shaw, "The Inconvenient Truth Behind the Diaoyu/Senkaku Islands," *The New York Times*, 10 September 2013. Available at: <http://kristof.blogs.nytimes.com/2012/09/19/the-inconvenient-truth-behind-the-diaoyusenkaku-islands/>.

¹⁰ US Energy Information Administration, "East China Sea," 25 September 2002. Available at: <http://www.eia.gov/countries/regions-topics.cfm?fips=ECS>.

¹¹ *Ibid.*



Source: US Energy Information Administration (footnote 10).

Perhaps the dispute has become more intense as a result of third-party pressure and participation. For example, Michael J Green¹², who was an Asian-area adviser to President George W Bush, stated the following in response to a question published in the *New York Times* article mentioned above, about the US involvement in the dispute: “What isn’t clear to me is whether they [the current US government] see this as a Japan-China problem that needs to be managed or as part of a longer-term test of wills with Beijing.” A better question might be to ask if it is intended by Beijing to be a longer-term test of wills since it is clear that many observers on the eastern side of the Pacific Ocean (and some in the South Pacific) believe that it is.

If it is principally a Japan-China problem, then treating it as longer-term test of wills could easily transform it into a longer-term test of wills, and probably also change the longer-term to the medium-term. Thus, those who are pressing China to conform to the status quo will only make matters worse by increasing the anger and indignation of China. Perhaps more effort should be put into urging a return to mediation efforts, but finding a suitable mediator is likely to be difficult. The possibility that Australia could serve in such a position was always very slim, but it would be assessed as even slimmer now.¹³ *The New York Times* quoted Cheng Li, a senior fellow at the Brookings Institution in Washington, as saying: “The US has failed to understand how much weight the sovereignty issues carry with Asian countries”. That failure may apply to Australia as well.

John Zerby
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j.zerby@bigpond.com

¹² We made earlier comments about Michael J Green on a different but related subject at: <http://www.accci.com.au/CommentonHMASStirling.pdf>.

¹³ Philip Wen, “Julie Bishop Stands Firm on Remarks Despite Chinese Fury”, *The Sydney Morning Herald*, 28 November 2013. Available at: <http://www.smh.com.au/federal-politics/political-news/julie-bishop-stands-firm-on-remarks-despite-chinese-fury-20131127-2ya2q.html>.

Additional Commentaries that Appeared More Recently:

Hans Hoyng, Wieland Wagner and Bernhard Zand, "Cold War in the Pacific: China Escalates Tensions with Neighbours," *Spiegel Online*, 2 December 2013. Available at: <http://www.spiegel.de/international/world/tensions-in-east-china-sea-threaten-to-create-regional-conflict-a-936618.html>.

The authors emphasise the extent to which Beijing rattled its neighbours with the sudden unilateral action that, as perceived by those neighbours, carried with it a relatively high risk of regional instability. The authors also thought it was convenient to remind everyone of the lessons that should have been learnt from 20th century European history:

After all, Europeans know all too well how quickly even rational foreign policy actors can find themselves enmeshed in irrational chain reactions. Historians and politicians are already comparing the current situation in East Asia with that of the international stage prior to the outbreak of World War I. In his bestseller "The Sleepwalkers," which describes how Europe entered the bloody catastrophe of World War I, historian Christopher Clark comments on today's global order: "Since the end of the Cold War, a system of *bipolar stability* has made way for a more complex and unpredictable array of forces, including declining empires and rising powers -- a state of affairs that invites comparison with the Europe of 1914," he writes.

Their point deserves to be taken, and we could add here that perhaps China failed to understand how much weight its neighbours place on the need to resist strategic obsessions that begin to spiral out of control, as this one seems to be.

John Zerby
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j.zerby@bigpond.com

Michael D Swaine, "Chinese Views and Commentary on the East China Sea Air Defence Identification Zone (ECS ADIZ)" *China Leadership Monitor*, 14 March 2014. Available at: <http://www.hoover.org/research/chinese-views-and-commentary-east-china-sea-air-defense-identification-zone>.

Although the matter remains as a strategic obsession, it has not spiralled out of control. The reasons for this are presented by Michael D Swaine in one of the Hoover Institute's series of essays known as *China Leadership Monitor* (cited in the box immediately above). Swaine noted that the initial announcement establishing China's East China Sea Air Defence Identification zone was made on 23 November 2013 by the Ministry of National Defence:

In this case, the issuance of such a statement by the Defence Ministry also indicates that coordination and approval by both the civilian and military arms of the government almost certainly occurred. [Nevertheless] knowledgeable Chinese sources with whom the author has spoken suggest that [the military authorities] did not thoroughly consult with officials in the diplomatic and foreign policy apparatus before issuing the statement (page 3).

This helps to explain why the timing of the announcement was "exceedingly poor", why Beijing failed "to adequately consult or even inform other nations well before action was

taken” and why the demand that any foreign aircraft entering China’s ADIZ must file a flight plan with the Chinese authorities, even if they have no intention of entering Chinese territorial airspace, was interpreted by much of the global community as sabre rattling.¹⁴

The adverse reactions of other governments and commentators was immediate and, apparently, much stronger than the Chinese expected. Swaine describes various statements issued by Chinese authorities to explain that the aim was to safeguard state sovereignty, to ensure territorial land and air security and to maintain orderly flight practices, all of which fell within China’s self-defence responsibilities. These statements did not agree fully with those of other Chinese officials that were made at that time.

Cooler heads eventually prevailed and the game of complaint-and-counter-complaint ended. Swaine’s assessment is expressed in his final paragraph:

Overall, our examination of Chinese views toward the ECS ADIZ indicates that while both authoritative and non-authoritative Chinese sources argue consistently and often emphatically that the zone is intended to strengthen safety and preserve stability and is not directed at any particular country or target, in fact the vague language used to describe the zone as well as the extensive (and often hostile) attention to Japan paid by many Chinese sources suggests that such assertions are incorrect and disingenuous at best. While Beijing has every right to establish an ADIZ in the East China Sea and elsewhere along its territorial borders, it also has the responsibility to define as clearly and honestly as possible the operation and intended impact of any such zone. In this instance, the timing of China’s announcement, during a period of already high tensions with Tokyo, along with the failure to clearly reassure other nations regarding the manner in which Beijing will enforce the zone, have undoubtedly undermined the purported intention of the zone and arguably damaged Beijing’s larger strategic interests in improving its relationship with other nations in the Asia-Pacific region. This entire episode suggests that Beijing’s management of at least some highly sensitive foreign national security issues is dangerously unsophisticated.

Hopefully this represents a one-off slippage of the Chinese learning-curve and a lesson to others that a sudden surge of righteous indignation may do no more than inspire a similar response with Chinese characteristics.

John Zerby
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¹⁴ The global standard that notification of foreign aircraft passing into air identification defence zones is not required for aircraft that have no intention of passing also into the recognised national airspace of the nation establishing the AIDZ was apparently set by the US. *The Commanders Handbook on the Law of Naval Operations* (available at: <https://www.usnwc.edu/getattachment/a9b8e92d-2c8d-4779-9925-0defea93325c/>) specifically states that “the Unites States does not recognise the right of a coastal nation to apply its ADIZ procedures to foreign aircraft not intending to enter national airspace nor does the United States apply its ADIZ procedures to foreign aircraft not intending to enter US airspace. Accordingly, US military aircraft not intending to enter national airspace should not identify themselves or otherwise comply with ADIZ procedures established by other nations, unless the Unites States has specifically agreed to do so” (page 2-13 of the handbook cited above). Chinese military authorities may not have realised that their announcement substantially changed this established norm, and therefore did not understand why all the fuss was being made about the announcement.