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**Air Defense Identification Zone Intended to Provide China Greater
Flexibility to Enforce East China Sea Claims**

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On November 23, 2013, China established an Air Defense Identification Zone (ADIZ) over a significant portion of the East China Sea (ECS). The ADIZ includes the airspace over disputed areas, including the Senkaku Islands contested by China and Japan.[§] The declared zone also overlaps much of Japan's established ADIZ in the ECS. Beijing stated the ADIZ is necessary to "[protect] state sovereignty and territorial and airspace security" in the ECS,¹ suggesting the move is designed to strengthen China's maritime and island claims in the region as well as justify air activity intended to defend these claims. China's ADIZ announcement almost certainly will harden negotiating positions on both sides. The move also could lead to increased Chinese and Japanese air patrols in the region, further fueling the potential for sudden escalation given an accident or miscalculation.

ADIZs: Background and Purpose

An ADIZ is a publicly-declared area established in international airspace adjacent to a state's national airspace, in which civil aircraft must be prepared to submit to local air traffic control and provide aircraft identifiers and location. Its purpose is to allow a state the time and space to identify the nature of approaching aircraft prior to entering national airspace in order to prepare defensive measures if necessary.²

- ADIZs are not prohibited under international law, nor are they explicitly addressed in international conventions as are their rough equivalents in the maritime realm, exclusive economic zones (EEZ).^{*} Based on a self-defense rationale, states draw and define ADIZs for the purposes of their own security. The United States established the first ADIZ during the Cold War to manage the air threat from the Soviet Union. Today, several other states worldwide, such as Japan, South Korea, Canada, and the United Kingdom, continue to maintain ADIZs due to ongoing security concerns.³
- ADIZs generally apply to civil rather than state aircraft (such as military, police, and customs aircraft). International regulation of civil aircraft has been well established since the 1944 Convention on International Civil Aviation, which also established the International Civil Aviation Organization (ICAO), a specialized United Nations agency. However, the wide acceptance of regulation for civil aircraft does not hold true for state aircraft, which "remain nearly unfettered by international regulations when flying outside the national airspace of another sovereign," according to Peter Dutton, professor and director of the U.S. Naval War College's China Maritime Studies Institute.⁴

China's ADIZ: Another Legal Basis for Asserting ECS Sovereignty

An ADIZ allows China greater flexibility in asserting sovereignty over its ECS claims in a manner that does not controvert international conventions.[†]

- The ADIZ is an expansion of China's attempt to exert legal and administrative control over the Senkaku Islands. Having issued a number of measures to assert de jure governance over disputed

[§] The Senkaku Islands, known as the Diaoyu Islands in China and the Diaoyutai Islands in Taiwan, are composed of eight small uninhabited islets and rocks in the ECS administered by Japan.

^{*} According to the United Nations Convention on the Law of the Sea (UNCLOS), a coastal state is entitled to an EEZ, a 200 nautical mile zone extending from its coastal baselines within which that state can exercise jurisdiction to explore and exploit natural resources, but not full sovereignty.

[†] While the international regime on coastal state maritime entitlements is codified in the UNCLOS, matters of coastal state airspace regulation are less developed due largely to the limited number of states capable of enforcing such regulations beyond national airspace. Because it is relatively less constrained by existing norms in establishing an ADIZ, Beijing could have more freedom to define its own ADIZ in pursuit of its strategic objectives in its maritime periphery.

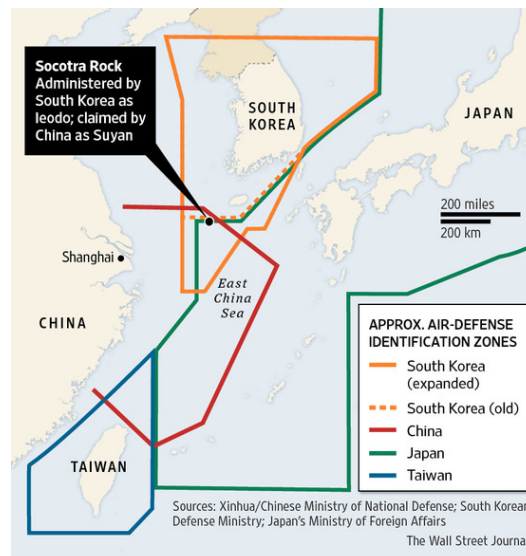
maritime regions, China now has laid an additional legal foundation intended to justify control of contested airspace.

- Rather than relying solely on the EEZ regime as a means of justifying air activity in the ECS, Beijing now can also use the ADIZ concept, which aligns more closely to China's view of coastal state security, to do so. Whereas a majority of states reserve only economic rights in their EEZs, China is among a minority of states maintaining the right to protect and regulate security interests, including foreign military activity, in its EEZ.⁵ However, China's stated purpose for its ECS ADIZ – "to guard against potential air threats, [...] to [set] aside time for early warning and [help] defend the country's airspace" – generally aligns with the predominant rationale for ADIZs in customary international law.⁵

Beijing's initial announcement establishing the ADIZ indicates the regulations will apply to all "air threats and unidentified flying objects from the sea," but does not detail how, if at all, China plans to treat civil and state flights differently.⁶ Subsequent official Chinese statements suggest that while the ADIZ "is not targeted at civilian passenger airliners that fly normally in that airspace," China will respond to both civil and state aircraft in its ADIZ based on its perception of threat.⁷ China's regulations specify that aircraft within the zone must provide flight plan, radio, transponder, and logo identification to Chinese authorities or face "defensive emergency measures" by China's military.⁸

China has stated it will apply its regulations not only to aircraft intending to enter its sovereign airspace but also those not intending to enter sovereign airspace. The United States took issue with this aspect of Beijing's announcement in particular, stating: "We don't support efforts by any State to apply its ADIZ procedures to foreign aircraft not intending to enter its national airspace...We urge China not to implement its threat to take action against aircraft that do not identify themselves or obey orders from Beijing."⁹

Figure 1: ADIZs in the ECS



Source: Wall Street Journal, "South Korea Expands Air-Defense Zone: Move Unlikely to Cause Tension as China Has Accepted Plans," *Wall Street Journal*, December 8, 2013. <http://online.wsj.com/news/articles/SB10001424052702303722104579245253671874542>

⁵ For more information see Kimberly Hsu and Craig Murray, *China's Expanding Military Operations in Foreign Exclusive Economic Zones* (U.S.-China Economic and Security Review Commission, June 19, 2013), http://origin.www.uscc.gov/sites/default/files/Research/Staff%20Backgrounder_China%20in%20Foreign%20EEZs.pdf.

Seeking Parity with Japan and South Korea

In establishing an ADIZ, China likely intended to seek equivalent regulatory measures in the ECS vis-à-vis Japan, and to a lesser extent, South Korea. Both Japan and South Korea have decades-old ADIZs and view entry of their respective zones as triggering mechanisms for military responses.¹⁰ Since the central Japanese government's purchase of three of the Senkaku Islands from a private Japanese owner in September 2012, China has increased military and law enforcement operations in and above disputed ECS waters in an effort to bolster its claim to the islands. However, until November 2013, China had no equivalent measure in the airspace above the ECS.

Japan: Japanese defense doctrine calls for the employment of “airspace anti-intrusion measures,” against “foreign aircraft that [pose] a risk of invading Japan’s territorial airspace or that has actually invaded it.”¹¹ In Japan’s Fiscal Year 2012 ending March 2013, the Ministry of Defense reported a steady quarterly increase from 15 Japan Self-Defense Force (JSDF) scrambles against Chinese aircraft in the first quarter to 146 scrambles in the final quarter.¹² Japan’s management of and public reporting on its own ADIZ likely further motivated China to seek similar measures justifying air operations over the disputed Senkaku Islands.

The United States first established the Japanese ADIZ during its post-World War II administration of Japan. Since management of the airspace transferred to Japan in 1969, Tokyo has expanded the ADIZ twice – first incorporating its Senkaku Islands claim and then incorporating all of Yonaguni Island, Japan’s westernmost inhabited point, roughly 110 km (68 miles) from Taiwan.¹³

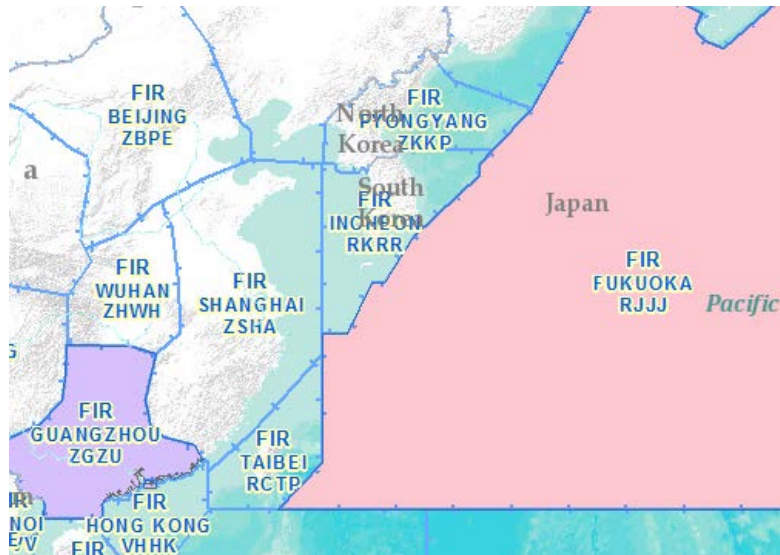
- The first ADIZ expansion took place in 1972 – the same year the U.S.-Japan Okinawa Reversion Treaty provided for the return to Japan of “the Ryuku and the Daito Islands.” Tokyo interpreted this phrase to include the Senkaku Islands.^{14,*}
- The second ADIZ expansion was a small westward shift over Yonaguni Island in June 2010. The U.S.-drawn Japanese ADIZ at 123°E divided the airspace administration of the island in two – roughly two-thirds of the eastern portion of the island to Japan, and the rest to Taiwan.¹⁵ Increasing traffic on a cross-Strait commercial air route through the area, as well as Japan’s interests in bolstering defense of its southwestern islands against China, likely prompted Japan to redraw its ADIZ to cover the entirety of Yonaguni.¹⁶ Because this change led to an overlap with Taiwan’s flight information region (FIR), an ICAO-defined region of airspace delineating air traffic control responsibilities, Taiwan expressed its opposition to Japan’s ADIZ expansion.¹⁷ China did not make a similar public protest at the time.

South Korea: China’s ADIZ incorporated the airspace above Socotra Rock (known as Ieodo in South Korea), a submerged reef within overlapping South Korean- and Chinese-claimed EEZs. In response to China’s move, South Korea on December 8, 2013 announced a 66,480 km² (25,668 mi²) expansion of its own ADIZ, which the United States had originally established in 1951 during the Korean War. As a result, Seoul’s ADIZ now coincides with its FIR at its southernmost points.¹⁸ Although it also overlaps the ADIZs of both China and Japan, South Korea’s newly-drawn ADIZ has been more broadly accepted internationally. South Korea’s consultations with the United States, China, and Japan prior to the instatement of the expansion may have helped to mitigate a negative regional response.¹⁹ Furthermore,

* This view is based largely upon the Agreed Minutes to the Okinawa Reversion Treaty, which appear to contain map coordinates that include the Senkaku Islands. Mark E. Manyin, *Senkaku (Diaoyu/Diaoyutai) Islands Dispute: U.S. Treaty Obligations* (Washington, DC: Congressional Research Service, January 22, 2013), p. 4; Ministry of Foreign Affairs (Japan), *The Senkaku Islands*, March 2013. http://www.mofa.go.jp/region/asia-paci/senkaku/pdfs/senkaku_en.pdf, p. 3.

Beijing likely sought to downplay the expansion in order to maintain stability in its relations with Seoul and to avoid undermining its own justification for China's new ADIZ.²⁰

Figure 2: FIRs in the ECS



Source: ArcGIS, (Optimized) ICAO 2013 FIR WORLD.
<http://www.arcgis.com/home/webmap/viewer.html?webmap=724dfc8916604483a0ab06b4f3cbe57f>.

Operational Outlook Following ADIZ Establishment

In the days and weeks following the establishment of the ADIZ, Beijing's official statements on the matter stressed China's ability to enforce the entirety of the zone. For example, China's Ministry of National Defense released a statement stating in part: "The Chinese military's determination and volition to safeguard the security of national territory and territorial airspace are unwavering, and the military is fully capable of exercising effective control over the East China Sea ADIZ."²¹

China's announcement includes geographic coordinates and rules for foreign aircraft operating in the ADIZ, but the specifics of its "defensive emergency measures" remain unarticulated.[†] This lack of clarity over rules of engagement combined with existing geopolitical friction related to China's maritime disputes elevates the risk of operational miscalculation among coast guard, naval, and air forces operating in the region, including those of the United States.

- Given China's inconsistent adherence to internationally-accepted norms of air and maritime operations, China could employ tactical methods to enforce the ADIZ that foreign pilots could interpret as hostile, exacerbating the risk for tactical miscalculation in the ECS region.
- A particularly high risk of escalation exists if China intercepts JSDF aircraft in its ADIZ with military aircraft, rather than civilian law enforcement aircraft. Although constitutional provisions limit the JSDF's ability to engage aircraft or ships from foreign civilian law enforcement agencies, they theoretically allow for a defensive response to military threats.

[†] As a contrasting example, U.S. government publications provide detailed information on interception procedures. U.S. Federal Aviation Administration, "Chapter 5, Section 6: National Security and Interception Procedures," in *Aeronautical Information Manual*, August 22, 2013. http://www.faa.gov/air_traffic/publications/atpubs/aim/aim0506.html#skC334ROBE.

- China's announcement provides a basis for other states to express their objections to China's publicized rules and enforcement methods for its ADIZ through diplomatic and military means. States operating aircraft in the region likely will continue normal flight operations in order to preserve rights to conduct state aircraft operations as conducted prior to the establishment of China's ADIZ, as the United States has done.²² Some states could find a more visible operational protest of China's announcement necessary to assert their rights to ECS airspace and increase aerial patrols, as in the case of South Korea.²³

Beijing's announced plans to establish additional ADIZs "at an appropriate time after completing preparations" have led some sources to speculate China will declare at least one additional ADIZ in the South China Sea (SCS), where China has maritime disputes with Brunei, Malaysia, the Philippines, Vietnam, and Taiwan.²⁴ Although such a move would almost certainly be met with regional opposition, it likely would yield lesser operational tensions than in the ECS due to the more limited range of state aircraft in the SCS region.

¹ “Xinhua: Defense Ministry Spokesman Responds to Air Defense Identification Zone Questions,” November 23, 2013. OSD ID: CHR2013112331229959. <http://www.opensource.gov>.

² U.S. Code of Federal Regulations, 14 C.F.R. §99.3 (2013); U.S. Department of Defense, “2.7.2.3 Air Defense Identification Zones in International Airspace,” in *The Commander’s Handbook on the Law of Naval Operations* (July 2007), p. 2-13; Ruwantissa Abeyratne, “In search of theoretical justification for air defence identification zones,” *Journal of Transportation Security* (September 2011).

³ Peter A. Dutton, “*Caelum Liberum*: Air Defense Identification Zones Outside Sovereign Airspace,” *American Journal of International Law* 103:4 (October 2009): 691; Xinhua, “Xinhua: Defense Ministry Spokesman Responds to Air Defense Identification Zone Questions,” November 23, 2013. OSC ID: CHR2013112331229959. <http://www.opensource.gov>; David A. Welch, “What’s an ADIZ? Why the United States, Japan, and China Get It Wrong,” *Foreign Affairs*, December 9, 2013. <http://www.foreignaffairs.com/articles/140367/david-a-welch/whats-an-adiz>; Elizabeth Cuadra, “Air Defense Identification Zone: Creeping Jurisdiction in the Airspace,” *Virginia Journal of International Law* 18 (1977-78): 485; Ruwantissa Abeyratne, “In search of theoretical justification for air defence identification zones,” *Journal of Transportation Security* (September 2011).

⁴ Peter A. Dutton, “*Caelum Liberum*: Air Defense Identification Zones Outside Sovereign Airspace,” *American Journal of International Law* 103:4 (October 2009): 693.

⁵ “Xinhua: Defense Ministry Spokesman Responds to Air Defense Identification Zone Questions,” November 23, 2013. OSD ID: CHR2013112331229959. <http://www.opensource.gov>.

⁶ Xinhua, “PRC Announces Aircraft Identification Rules for East China Sea Air Defense Identification Zone,” November 22, 2013. OSC ID: CHR2013112308286012. <http://www.opensource.gov>.

⁷ Ministry of Foreign Affairs (China), Transcript of PRC FM Spokesman News Conference 28 November 2013. OSC ID: CHO2013112845164682. <http://www.opensource.gov>; Xinhua, “Defense Ministry Spokesman on China’s Air Defense Identification Zone,” December 3, 2013. OSC ID: CHR2013120348500378. <http://www.opensource.gov>.

⁸ Xinhua, “PRC Announces Aircraft Identification Rules for East China Sea Air Defense Identification Zone,” November 22, 2013. OSC ID: CHR2013112308286012. <http://www.opensource.gov>.

⁹ John Kerry, Secretary of State Press Statement (Washington, DC, November 23, 2013). <http://www.state.gov/secretary/remarks/2013/11/218013.htm>.

¹⁰ Yonhap, “Russian aircraft intruded S. Korea’s air defense safety zone 11 times this year: lawmaker,” October 4, 2010. OSC ID: KPP2010100497. <http://www.opensource.gov>; Yonhap, “Japanese destroyer intruded on S. Korea’s air defense safety zone near Dokdo,” October 4, 2012. OSC ID: KPP 20121004971154. <http://www.opensource.gov>; Kang Seung-woo, “ROK Air Force Jets Chase Russian Bombers Over East Sea,” *Korea Times*, July 16, 2013. OSC ID: KPR2013071762137015 <http://www.opensource.gov>; Ministry of Defense (Japan), *Defense of Japan 2013* (Tokyo, Japan: July 2013), p. 176.

¹¹ Ministry of Defense (Japan), *Defense of Japan 2013* (Tokyo, Japan: July 2013), p. 176.

¹² Ministry of Defense (Japan), *Defense of Japan 2013* (Tokyo, Japan: July 2013), p. 176.

¹³ Kishore Mahbubani, “Who Owns the Skies?” *New York Times*, December 8, 2013.

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