



# In Line or Out of Order?

China's Approach to ADIZ in Theory  
and Practice

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## Preface

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This report is based on RAND Project AIR FORCE Strategy and Doctrine Program research that was presented at the second China Aerospace Studies Institute conference, sponsored by Headquarters, U.S. Air Force. It was held at the RAND Corporation's Arlington, Va., office on May 2, 2016. Experts on airpower, military operations, and Chinese military modernization participated in the conference and provided valuable feedback to authors. The resulting reports assess notable developments and implications of China's emerging aerospace expeditionary and power projection capabilities. As China's economic, diplomatic and security interests continue to expand, the People's Liberation Army (PLA), particularly its aerospace forces—including air force, naval aviation, and space capabilities—will require more robust power projection and expeditionary capabilities on par with China's increasingly global footprint. In addition to traditional security concerns like Taiwan and maritime territorial disputes, such issues as countering global terrorism, humanitarian assistance/disaster relief, and sea-lane protection have now become factors in the PLA's training, doctrine, and modernization efforts. In addition, command of space, including military use of outer space, is of increasing interest to the PLA as it seeks to develop new capabilities and operating concepts to support its growing range of military missions. This report focuses on China's approach to the establishment and enforcement of its air defense identification zone (ADIZ) in the East China Sea and the possibility that Beijing may establish an ADIZ in the South China Sea in the future—topics with important implications for the United States and its allies and partners in the region.

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## Summary

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In November 2013, the People’s Republic of China (PRC) declared an air defense identification zone (ADIZ) in the East China Sea (ECS). Even after the immediate backlash from the United States and Japan, the zone’s legitimacy, legality, implementation, and purpose have remained the subjects of debate.

Although ADIZs are not governed by international law, differences in U.S. and Chinese regulations with respect to the inclusion of contested territory within the ADIZ and the identification of foreign aircraft traveling through the ADIZ but not entering territorial airspace are points of contention that have the potential to destabilize the region. In particular, the PRC interprets the United Nations Convention on the Law of the Sea as permitting coastal states to restrict foreign military activities within and above their Exclusive Economic Zone has created cause for concern, and PRC ADIZ regulations appear to reinforce this interpretation.

While the PRC has not done much to publicize whatever measures it may have undertaken to enforce its ADIZ as of early 2017, it may never have intended to do so with much vigor, which reinforces that its establishment was largely political—a strategic surprise, but what it may perceive as a proportional response in a region filled with ADIZs.

U.S. observers appear particularly concerned about the implications of the PRC’s ECS ADIZ for a potential PRC ADIZ in the South China Sea (SCS), where China is entangled in numerous maritime territorial disputes in a small space and where civil air travel is increasing dramatically, creating a complex air environment for U.S. pilots. Responding to foreign aircraft, practicing real-time hand-off by air defense entities, and interacting with airborne command and control aircraft all have the potential to enhance the capabilities of Chinese aviators.

This report explores the legal and administrative groundwork China has laid for its ADIZ in the ECS and assesses the PRC’s potential to establish an ADIZ in the SCS as part of its ongoing efforts to bolster territorial claims there. The PRC’s reclamation and militarization of its claims in the SCS have created new “facts on the ground” and represent the availability of a much broader range of policy options and responses there as compared to the ECS. The other claimants have responded to China’s actions with political and military responses of their own, which further complicate the operational environment. This report contrasts the considerations that drove the decision to declare an ADIZ in the ECS with the political conditions in the SCS and explores the options for declaring an ADIZ there from China’s perspective.



## Abbreviations

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ADIZ	air defense identification zone
ECS	East China Sea
EDCA	Enhanced Defense Cooperation Agreement
EEZ	Exclusive Economic Zone
FIR	Flight Information Region
FONOPS	freedom of navigation operations
ICAO	International Civil Aviation Organization
PCA	Permanent Court of Arbitration
PLA	People's Liberation Army
PLAAF	People's Liberation Army Air Force
PLAN	People's Liberation Army Navy
PRC	People's Republic of China
SCS	South China Sea
UNCLOS	United Nations Convention on the Law of the Sea



# 1. Introduction

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On November 23, 2013, the Ministry of National Defense of the People’s Republic of China (PRC) declared the establishment of its first air defense identification zone (ADIZ)—an area of international airspace bordering a state’s territorial airspace in which a state specifies additional aircraft identification requirements, presumably to prepare to defend territory from surprise aerial attack—in the East China Sea (ECS). The ADIZ included the area over the Senkaku (Diaoyu) Islands, territory that Japan administers but whose ownership the PRC disputes. Backlash was swift: That same day, then–Secretary of State John Kerry called the declaration a “unilateral action” and “an attempt to change the status quo” in the region,<sup>1</sup> and the following week, the United States flew two B-52 bombers through the designated airspace without complying with the PRC’s identification procedures.<sup>2</sup>

Controversy has surrounded the PRC’s ADIZ in the ECS ever since. Questions about the zone’s legitimacy, legality, ambiguity, implementation, and purpose have generated significant debate. U.S. observers appear particularly concerned about the implications for a potential PRC ADIZ in the South China Sea (SCS), the location of several important sea lanes and an area in which China is entangled in numerous maritime territorial disputes.

This report builds on existing reports and Chinese-language open sources to explore these questions about the PRC’s ECS ADIZ and evaluate the prospects for a possible SCS ADIZ. Interestingly, some U.S. accounts suggest that Beijing “miscalculated” in declaring an ADIZ in the ECS, given the backlash it provoked; at the same time, many U.S. observers fear that China is preparing to declare an ADIZ in the SCS. Our account suggests that Beijing anticipated the backlash to its ECS ADIZ reaction and nevertheless calculated that declaring it would help Beijing pursue its strategic interests. However, we assess that the different situation facing Beijing in the SCS means that the PRC will not necessarily declare an ADIZ in the SCS. While Beijing’s recent statements imply that it is keeping its options open—and, given the PRC government’s penchant for “reactive assertiveness,”<sup>3</sup> it would be most likely to declare an ADIZ in the SCS after another state takes an action it perceives as provocative—China’s leaders already have a stronger political and military position in the SCS because of their well-documented reclamation and construction of military facilities there. They have used other tools

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<sup>1</sup> John Kerry, “Statement on the East China Sea Air Defense Identification Zone,” U.S. Department of State, November 23, 2013.

<sup>2</sup> Jane Perlez, “After Challenges, China Appears to Backpedal on Airzone,” *New York Times*, November 27, 2013. The B-52 overflights were not challenged or intercepted by China.

<sup>3</sup> International Crisis Group, “Dangerous Waters: China-Japan Relations on the Rocks,” *Asia Report*, No. 245, April 8, 2013.

in the SCS, including deploying combat aircraft and air defense missiles, which are arguably more effective in achieving their objectives than an ADIZ would be. Open sources suggest that Chinese aviators have stepped up their overwater training and exercise activity since the July 2016 Permanent Court of Arbitration (PCA) ruling in favor of the Philippines over China's "nine-dash" demarcation line.<sup>4</sup>

Regardless of whether China declares an ADIZ in the SCS, the area presents a much more challenging and complex operating environment for the U.S. Air Force than the ECS because of China's actions, as well as those of other claimants. In addition, the growth of commercial flight in the region has strained civil aviation authorities.

## Report Organization

This report assesses the legal and practical implications of China's ECS ADIZ for a potential ADIZ in the SCS. Chapter Two highlights differences in U.S. and Chinese ADIZ regulations with respect to the inclusion of contested territory within an ADIZ and the identification of foreign aircraft traveling through the ADIZ but not entering territorial airspace; these points of contention could contribute to regional instability. PRC ADIZ regulations, which appear to reinforce the PRC's problematic interpretation of the United Nations Convention on the Law of the Sea (UNCLOS) as permitting coastal states to restrict foreign military activities within and above their Exclusive Economic Zone (EEZ), are a particular cause for concern. Chapter Three explores the legal and administrative groundwork that China has laid in the SCS and assesses the PRC's potential to establish an ADIZ in the SCS as part of ongoing efforts to bolster its territorial claims there. The PRC's reclamation and militarization of its claims in the SCS have created new "facts on the ground" and represent the availability of a much broader range of policy options and responses there as compared to the ECS; since July 2016, the responses appear to have included more frequent and assertive patrolling and training flights. The other claimants have responded to China's actions with political and military responses of their own, which further complicate the operational environment. Finally, this report concludes by contrasting the considerations that drove the decision to declare an ADIZ in the ECS with the political conditions in the SCS and exploring the options for declaring an SCS ADIZ from China's perspective.

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<sup>4</sup> Permanent Court of Arbitration, "Press Release: The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)," July 12, 2016.

## 2. ECS ADIZ

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In general, the ECS ADIZ debate revolves around two main poles of contention. The first involves the legality of specific characteristics or regulations of the zone, while the second focuses more on the practical aspects of the ADIZ—its enforcement (or lack thereof) and its utility as a justification for increasing overwater patrols or other training for the People’s Liberation Army Air Force (PLAAF). Both of these debates are deeply intertwined with questions and concerns about the purposes—both strategic and operational—of the ADIZ. This chapter provides an overview of these poles of the debate with an eye toward illuminating PRC objectives in declaring and enforcing an ADIZ.

### Legal Issues: Differences in Interpretation Potentially Destabilizing

Day-to-day flight operations in international airspace are managed by the International Civil Aviation Organization (ICAO), a United Nations agency established in 1944 to manage the administration and governance of the Convention on International Civil Aviation, also known as the Chicago Convention. ICAO oversees Flight Information Regions (FIRs), which have existed since the end of World War II and the advent of commercial flight. A FIR is a defined airspace assigned to a civil government authority; this authority provides a flight information service and an alerting service to aircrews in transit. Although the Chicago Convention lays out clear rules for international airspace and FIRs, it does not address ADIZs. In fact, there is no established legal framework governing the establishment or enforcement of ADIZs.<sup>1</sup> As a result, it is perhaps unsurprising that states differ in their interpretations of ADIZ rules.

As the first state to establish an ADIZ in the 1940s—and as the state responsible for establishing more ADIZs, including the ADIZs of Japan and South Korea, than any other—the United States has created the model upon which most ADIZs operate. In the 1950s, the United States institutionalized monitoring of international airspace adjacent to U.S. airspace with ADIZs to assist in early identification of aircraft entering U.S. territorial airspace.<sup>2</sup> Along with the Canadian ADIZ, this approach to airspace management evolved into a series of North American

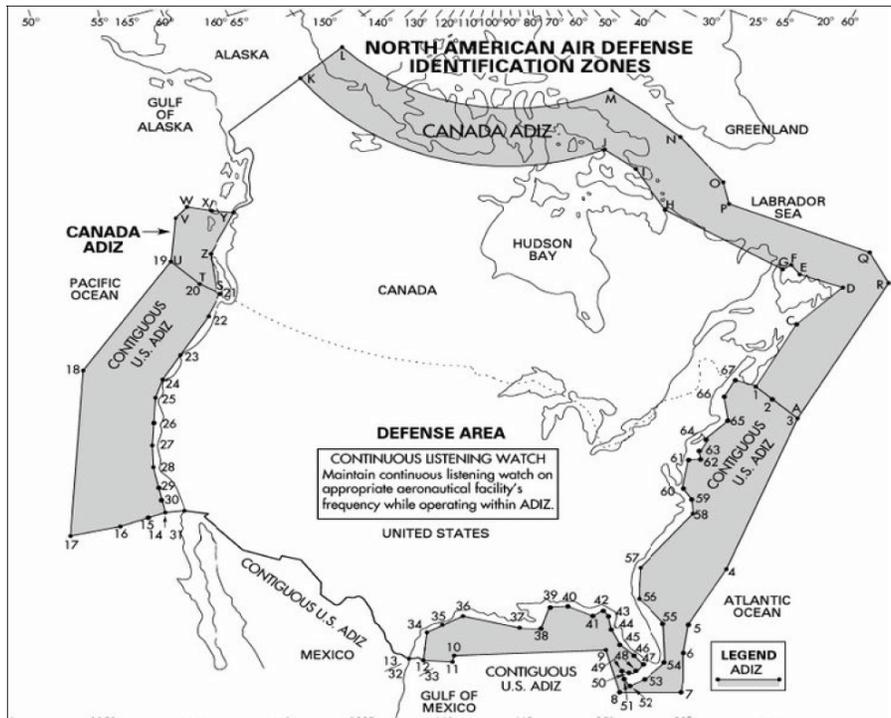
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<sup>1</sup> David A. Welch, “What’s an ADIZ? Why the United States, Japan, and China Get It Wrong,” *Foreign Affairs*, December 9, 2013.

<sup>2</sup> Federal Aviation Administration, “Entering, Exiting and Flying in United States Airspace,” web page, October 23, 2015.

ADIZs (see Figure 2.1). Besides the ADIZ near the contiguous states, the United States also administers ADIZs Alaska, Hawaii, and Guam.<sup>3</sup>

**Figure 2.1. North American Air Defense Identification Zones**



SOURCE: Ian Rinehart and Bart Elias, "China's Air Defense Identification Zone," *Congressional Research Service*, January 30, 2015.

An ADIZ exists in international airspace but does not grant the declaring state sovereignty over that airspace, which is governed by international law. What gives a state the right to require foreign aircraft to comply with identification procedures in international airspace? According to the Judge Advocate General's School:

ADIZs are legally justified on the basis that *a nation has the right to establish reasonable conditions of entry into its national airspace*. Accordingly, an aircraft approaching national airspace may be required to identify itself while in international airspace *as a condition of entry approval*.<sup>4</sup>

<sup>3</sup> U.S. Government Publishing Office, Electronic Code of Federal Regulations, Title 14: Aeronautics and Space, Part 99: Security Control of Air Traffic, Subpart B: Designated Air Defense Identification Zones, current as of July 6, 2017.

<sup>4</sup> Kirk L. Davies, Eric M. Johnson, Laura C. Desio, Sam C. Kidd, and Thomasa T. Paul, *Air Force Operations and the Law*, 3rd ed., Maxwell Air Force Base, Ala.: Judge Advocate General's School, 2014, p. 78.

Accordingly, among other requirements, U.S. regulations call for civil aircraft originating outside of the United States to give position reports at least one hour prior to ADIZ penetration if they are not more than two hours average cruising speed from the United States, and Defense Visual Flight Rules dictate that flights must file the estimated time of ADIZ penetration at least 15 minutes prior to penetration (except in the Alaskan ADIZ, where they must report any time prior to penetration).<sup>5</sup> Importantly, foreign military aircraft can operate freely and without regard for the identification requirements in the U.S. ADIZ as long as they do not intend to operate to or from sovereign U.S. airspace; if they do intend to enter U.S. national airspace, then they are generally expected to follow all ADIZ regulations and procedures.<sup>6</sup>

One of the main reasons that China's ADIZ has aroused so much discussion and suspicion is that its declared ADIZ deviates in a few subtle but important ways from U.S. ADIZ law and practice. While the extent and import of some of these deviations remain unclear because of China's limited enforcement of the ADIZ to date (as discussed in further detail later in this chapter), we analyze the two primary legal points of contention between the United States and China with respect to the ADIZ.

### *Including Contested Territory in the ADIZ*

The first point of contention relates to the legality of including disputed territory in an ADIZ. In general, ADIZs have not included contested territory. Japan's ADIZ, for example, does not include the airspace over the disputed Kuril Islands, which are under Russia's administrative control.<sup>7</sup> Yet both Japan's ADIZ and China's ADIZ include the Senkaku (Diaoyu) Islands.<sup>8</sup> Many observers suggest that China's primary purpose in declaring an ADIZ was to advance and

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<sup>5</sup> Federal Aviation Administration, 2015.

<sup>6</sup> Rinehart and Elias, 2015.

<sup>7</sup> Raul (Pete) Pedrozo, "The Bull in the China Shop: Raising Tensions in the Asia-Pacific Region," *International Law Studies*, Vol. 90, No. 1, 2014, p. 74.

<sup>8</sup> In January 2013, then-Secretary of State Hillary Clinton clarified the U.S. stance on the islands' sovereignty and the dispute, stating,

With regard to regional security, I reiterated longstanding American policy on the Senkaku Islands and our treaty obligations. As I've said many times before, although the United States *does not take a position on the ultimate sovereignty of the islands, we acknowledge they are under the administration of Japan and we oppose any unilateral actions that would seek to undermine Japanese administration* and we urge all parties to take steps to prevent incidents and manage disagreements through peaceful means" (emphasis added). (Hillary Rodham Clinton, "Remarks with Japanese Foreign Minister Fumio Kishida After Their Meeting," U.S. Department of State, January 18, 2013.)

Note also that China does not recognize Japan's ADIZ—see "Background: Air Defense Identification Zones," *Global Times*, November 24, 2013.

strengthen its claim to the islands, most likely as a reaction to the Japanese government's purchase of three of the five islands from private Japanese citizens in late 2012.<sup>9</sup>

According to Naval War College law professor and former U.S. Navy judge advocate Peter Dutton, the Japanese government “has a duty [as the administrator of the islands] to exercise its sovereign authority over the islands, including in the national airspace above the islands and the territorial sea around them.”<sup>10</sup> The PRC government, however, has included the Senkaku (Diaoyu) Islands within its ADIZ and declared a right to “adopt defensive emergency measures to respond to aircraft that do not cooperate in identification,”<sup>11</sup> ignoring Japan's administrative control over the islands and the airspace above them.<sup>12</sup> Indeed, Ministry of Foreign Affairs spokesman Qin Gang defended the inclusion of the Senkaku (Diaoyu) Islands, noting that the ADIZ boundaries and regulations “are totally in line with the U.N. Charter and other international practices” and arguing that “China is firm in its resolve and will to safeguard [the] sovereignty” of the islands, which “are integral parts of China's territory.”<sup>13</sup> This statement reinforces the political and strategic motivation behind China's establishment of an ADIZ in the ECS.

### *Requiring Aircraft Not Entering Territorial Airspace to Identify*

The second major issue with the ECS ADIZ involves the legality of requiring any aircraft traversing an ADIZ but not entering national airspace to comply with identification procedures. As previously mentioned, foreign aircraft are not expected to comply with U.S. ADIZ identification requirements if they do not intend to enter sovereign U.S. airspace. In contrast, China's ECS ADIZ declaration requires all aircraft flying in the ADIZ—whether or not they intend to enter China's territorial airspace—to follow identification rules, including filing a flight plan with the PRC's Ministry of Foreign Affairs or Civil Aviation Administration; maintaining two-way radio communications and responding promptly to identification requests from the

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<sup>9</sup> Jane Perlez, “China Accuses Japan of Stealing After Purchase of Group of Disputed Islands,” *New York Times*, September 11, 2012; “Islands Apart,” *The Economist*, September 15, 2012. The Japanese government already owned the other two islands.

<sup>10</sup> U.S. House of Representatives, *China's Maritime Disputes in the East and South China Seas*, Washington, D.C., U.S. Government Printing Office, 2014.

<sup>11</sup> Xinhua, “Announcement of the Aircraft Identification Rules for the East China Sea Air Defense Identification Zone of the P.R.C.,” November 23, 2013a.

<sup>12</sup> For a thorough and nuanced overview of the Senkaku (Diaoyu) Islands claims and dispute, see Gavan McCormack, “Troubled Seas: Japan's Pacific and East China Sea Domains (and Claims),” *Asia-Pacific Journal: Japan Focus*, Vol. 10, Issue 36, No. 4, August 2012; and Gavan McCormack, “Much Ado over Small Islands: The Sino-Japanese Confrontation over Senkaku/Diaoyu,” *The Asia-Pacific Journal: Japan Focus*, Vol. 11, Issue 21, No. 3, May 2013.

<sup>13</sup> Ministry of Foreign Affairs of the People's Republic of China, “Foreign Ministry Spokesperson Qin Gang's Remarks on Japan's Representations About China's Establishment of an Air Defense Identification Zone in the East China Sea,” November 25, 2013.

Ministry of National Defense; operating a secondary radar responder (if equipped); and marking nationalities and logos clearly. Again, the rules also state that noncompliant aircraft may provoke China's military to carry out "defensive emergency measures," though China's officials have neither explained what these measures might entail nor executed such measures as of July 2017.<sup>14</sup> This ambiguity in enforcement reinforces the political and strategic nature of the PRC's decision to establish an ADIZ.

Dutton emphasizes that an ADIZ does not grant the state that declares it "jurisdictional authority"<sup>15</sup> over the involved airspace. According to international law, a state's sovereign territorial waters—and thus its sovereign territorial airspace—end 12 nautical miles from the coastline, and all states have the right to operate civil or military aircraft "without the coastal state's permission"<sup>16</sup> in international airspace. As a result, he writes, the state can only require aircraft flying in the ADIZ that are "intending to leave international airspace and enter the coastal state's fully sovereign national airspace"<sup>17</sup> to follow identification procedures. This interpretation conforms to U.S. policy and practice on ADIZs in international airspace:

ADIZ regulations published by the United States apply to aircraft bound for U.S. territorial airspace and require the filing of flight plans and periodic position reports. Some nations, however, purport to require all aircraft penetrating an ADIZ to comply with ADIZ procedures, whether or not they intend to enter national airspace. The United States does not recognize the right of a coastal or island nation to apply its ADIZ procedures to foreign aircraft in such circumstances.<sup>18</sup>

Former Naval War College law professor and former U.S. Navy judge advocate Raul Pedrozo agrees that "China's application of its ADIZ regulations to transiting aircraft that do not intend to enter Chinese national airspace violates international law."<sup>19</sup>

In a statement clarifying the establishment of the ECS ADIZ, PRC Ministry of Defense spokesperson Geng Yansheng acknowledged that an ADIZ

is not a country's territorial airspace, but an international airspace demarcated outside the territorial airspace for the purpose of identification and early warning; it is not a no-fly zone, and will not affect the freedom of overflight, based on international laws, of other countries' aircraft.<sup>20</sup>

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<sup>14</sup> Xinhua, 2013a.

<sup>15</sup> U.S. House of Representatives, 2014.

<sup>16</sup> U.S. House of Representatives, 2014.

<sup>17</sup> U.S. House of Representatives, 2014.

<sup>18</sup> Davies et al., 2014, p. 78.

<sup>19</sup> Pedrozo, 2014, p. 76.

<sup>20</sup> Xinhua, "Defense Ministry Spokesman on China's Air Defense Identification Zone," December 3, 2013b.

On the requirement that all aircraft flying through the ADIZ, including those not intending to enter PRC territorial airspace, file flight plans, Geng argued that

there is no unified international rule as to how to ask other countries to report flight plans to the ADIZ demarcators. Many countries require aircraft flying over their air defense identification zones to report flight plans beforehand. China is not special in doing so.<sup>21</sup>

Indeed, several others in the region—including Australia, the Philippines, Myanmar, Japan, and Taiwan—similarly do not make a clear distinction in their published identification procedure rules between aircraft entering their territorial airspace and aircraft merely passing through their ADIZ.<sup>22</sup>

Most of the frustration over requiring aircraft to abide by the ADIZ identification procedures even when they do not intend to enter China’s territorial airspace arises specifically from concerns about freedom of overflight for foreign military aircraft operating in the ADIZ.<sup>23</sup> U.S. policy explicitly dictates that “U.S. military aircraft not intending to enter national airspace need not identify themselves or otherwise comply with ADIZ procedures established by other nations, unless the United States has specifically agreed to do so.”<sup>24</sup> Dutton agrees that “military aircraft are . . . immune from the imposition of jurisdiction of other states when they are operating in international airspace.”<sup>25</sup>

Following the ECS ADIZ declaration, however, a deputy chief and staff officer of the International Publicity Bureau of the PRC Ministry of National Defense published an editorial suggesting that certain foreign military activities would *not* be permitted in the international airspace within the ADIZ. Specifically, they wrote that “freedom of flight in accordance with international laws is [sic] not affected, therefore the zone will not affect any normal flight. However, this will not apply to *provocative flyover and surveillance activities*” (emphasis added).<sup>26</sup> China likely believes that this formulation preserves maximum latitude, as it can dictate what is and is not provocative.

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<sup>21</sup> Xinhua, 2013b.

<sup>22</sup> Michael D. Swaine, “Chinese Views and Commentary on the East China Sea Air Defense Identification Zone (ECS ADIZ),” *China Leadership Monitor*, No. 43, 2014, p. 5.

<sup>23</sup> Su Jinyuan, “The East China Sea Air Defense Identification Zone and International Law,” *Chinese Journal of International Law*, Vol. 14, No. 2, 2015, p. 289.

<sup>24</sup> Davies et al., 2014, p. 78.

<sup>25</sup> U.S. House of Representatives, 2014.

<sup>26</sup> Meng Yan and Zhou Yong, “Air Defense ID Zone to Deter Those with Designs on China’s Territory,” *People’s Daily Online*, November 26, 2013.

## *A Controversial Interpretation of International Law: ADIZ and EEZ*

How do PRC analysts justify forbidding foreign military aircraft from engaging in certain behaviors in international airspace within the ADIZ? One explanation is the PRC government's interpretation of its sovereign rights within its EEZ, as established under UNCLOS. Under UNCLOS, coastal states are granted an EEZ that includes and can extend up to 200 nautical miles seaward from their 12 nautical miles of territorial seas.<sup>27</sup>

While a coastal state has sovereign rights for exploring or economically exploiting natural resources within its EEZ, Article 58 of UNCLOS indicates that other states retain high seas freedoms of navigation and overflight within a coastal state's EEZ:

In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.<sup>28</sup>

The United States and most other states interpret the paragraph above as stating that coastal states have the right to regulate economic activity—but not foreign military activity—within their EEZs. For years, however, PRC officials and analysts have argued that foreign military activity—particularly surveillance-related activity—is not permitted in the international airspace above China's EEZ. In 2005, analysts from the China Institute for International and Strategic Studies were already arguing that “aerial military activities that are directed at the coastal State, such as reconnaissance,”<sup>29</sup> were not granted freedom of overflight in or above the EEZ because “such activities encroach or infringe on the national security interest of the coastal State, and can be considered a use of force or a threat to use force against that State.”<sup>30</sup> They continued:

The term “other internationally lawful uses of the sea” does not include the freedom to conduct military activities in the EEZ of another State. Viewed either from the perspective of the EEZ regime or from the coastal State's right to protect its own national security interests, coastal States have the right to restrict or even prohibit the activities of foreign military vessels and aircraft in and over its EEZ.<sup>31</sup>

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<sup>27</sup> If two coastal nations are less than 400 nautical miles apart (i.e., their EEZs would overlap), the two states delineate their EEZs. The East China Sea is 360 nautical miles at its widest point, and both China and Japan claim 200-nautical mile EEZs, meaning that their claimed EEZs overlap and remain in dispute. Countries often decide on a dividing line that is equidistant from their respective territories.

<sup>28</sup> United Nations Convention on the Law of the Sea, Part V: Exclusive Economic Zone, Article 58, 1982, p. 40.

<sup>29</sup> Su, 2015, p. 290.

<sup>30</sup> Ren Xiaofeng and Cheng Xizhong, “A Chinese Perspective,” *Marine Policy*, Vol. 29, No. 2, 2005, p. 142.

<sup>31</sup> Ren and Cheng, p. 142.

Although they are not as explicit about the legal justifications and ramifications of foreign military overflight in or above China's EEZ, PRC officials do emphasize the operational dangers and potential political costs of "provocative" military surveillance near China's coast. In a May 2015 press conference, People's Liberation Army (PLA) spokesperson Hua Chunying elaborated on these ideas, saying:

China always values and safeguards the freedom and safety of navigation and overflight in the South China Sea. The freedom of navigation and overflight, however, is not tantamount to the violation of international law by foreign military vessels and aircraft in defiance of the legitimate rights and interests as well as the safety of overflight and navigation of other countries. The close reconnaissance conducted by the U.S. military aircraft of China's maritime features is highly likely to cause miscalculation and untoward incidents in the waters and airspace, and is utterly dangerous and irresponsible. China firmly opposes America's provocation . . . .<sup>32</sup>

At a November 2015 press conference, Hua Chunying echoed the implication that foreign military surveillance activities constitute political and security threats to the PRC, stating that the PRC "respects and safeguards the freedom of navigation and overflight in the South China Sea all countries enjoy under international law, but firmly opposes undermining China's sovereignty and security interests under the pretext of navigation and overflight freedom."<sup>33</sup>

Importantly, the PRC is not the only country that claims such a right to regulate foreign military activity within its EEZ. According to the U.S. Navy, 26 other countries—including Bangladesh, Brazil, Cambodia, India, Iran, Myanmar, North Korea, Pakistan, Sri Lanka, Thailand, and Vietnam—also have "restrictions inconsistent with the Law of the Sea Convention [i.e., UNCLOS] that would limit the exercise of high seas freedoms by foreign navies beyond 12 nautical miles from the coast."<sup>34</sup>

Pedrozo contests the Chinese argument in support of restricting high seas freedoms in its EEZ, noting that UNCLOS explicitly forbids foreign navies from conducting military intelligence collection activities within a coastal state's territorial sea but does not explicitly prohibit such activities in the EEZ or the high seas.<sup>35</sup> He also describes the "clear distinction" that UNCLOS and the U.N. Charter make "between 'threat or use of force' on the one hand, and

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<sup>32</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on May 25, 2015," May 25, 2015.

<sup>33</sup> Ministry of Foreign Affairs of the People's Republic of China, May 2015.

<sup>34</sup> Navy Office of Legislative Affairs email to Congressional Research Service, June 15, 2012, quoted in Ronald O'Rourke, "Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress," *Congressional Research Service*, April 1, 2016, p. 11.

<sup>35</sup> Pedrozo, 2014, p. 83.

other military activities (including intelligence collection) on the other,” indicating that the two categories of activity should not be conflated.<sup>36</sup>

Dutton agrees with Pedrozo’s analysis and similarly rejects the claim that UNCLOS grants a coastal state special rights or additional security protection in or above the EEZ. More importantly, though, he weaves these differences in the PRC’s interpretation of international maritime law and the regulations guiding its ECS ADIZ together into a disconcerting narrative: The PRC is engaging in a gradual and subtle—yet coherent and deliberate—effort to alter normative behaviors in the region to bolster its territorial claims. Dutton argues:

When lined up together, China’s overbroad claim to regulate the activities of all aircraft in its ADIZ, *China’s assertion that UNCLOS protects its security interests in and above its jurisdictional waters*, and China’s decision to align the limits of its ADIZ with the limits of its continental shelf claim, suggest that *China’s ADIZ is part of a coordinated legal campaign to extend maximal security jurisdiction over the East China Sea and the international airspace above it, beyond those authorities currently allowed by international law, in support of its objectives related to security, resource control, and regional order.*<sup>37</sup>

Others have similarly portrayed the ECS ADIZ as part of a coherent strategy, comparing it to the “salami slicing”<sup>38</sup> many perceive China to be pursuing in the SCS and framing it in the context of “lawfare”<sup>39</sup> and “coercive diplomacy.”<sup>40</sup>

What is clear is this: Since at least the 2001 collision between a U.S. Navy EP-3 surveillance aircraft and a PLA Navy (PLAN) J-8 fighter jet that intercepted it while flying within China’s EEZ (but not its territorial waters), PRC officials have objected to U.S. reconnaissance activities within and above China’s EEZ. Perhaps, seeing that their interpretation of the permissions granted to foreign militaries within the EEZ was not affecting U.S. or other foreign militaries’ behavior, PRC officials declared the ECS ADIZ as another means to legitimize and promote this interpretation and limit U.S. and other foreign military surveillance activities above the EEZ

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<sup>36</sup> Pedrozo, 2014, p. 83.

<sup>37</sup> U.S. House of Representatives, 2014, emphasis added.

<sup>38</sup> Pedrozo, 2014, p. 67.

<sup>39</sup> Zachary Keck, “With Air Defense Zone, China is Waging Lawfare,” *The Diplomat*, November 30, 2013. Based on these sources, we take “lawfare”—a term originally coined by former deputy judge advocate general of the U.S. Air Force Charles Dunlap—to mean creating and enforcing laws to achieve military goals (for example, greater control over disputed territory).

<sup>40</sup> Daniel Byman, “The Foreign Policy Essay: Oriana Skylar Mastro on ‘China’s ADIZ—A Successful Test of U.S. Resolve?’” *Lawfare*, December 15, 2013.

## Practical Issues: Operational Value of Patrolling the ADIZ Is Questionable

Outside of legal issues, observers debate whether China created its ECS ADIZ as a justification for increasing overwater patrols or other training. From an operational standpoint, patrolling the ECS ADIZ presents trade-offs for Chinese aviation forces. Responding to foreign military aircraft in the ADIZ is arguably a training opportunity, especially for a force that has identified training realism as a distinct shortfall for at least a decade. Pilots who otherwise have never been directed by ground or air controllers to shadow foreign aircraft can gain unique experience. Patrols are also a real-world use of military air power, albeit in a strictly controlled, nonhostile sense. The cohort of aircrews assigned patrol duties therefore likely gain some benefit from the experience.

On the other hand, ADIZ patrols also have a number of negative consequences for pilot and aircrew training. First, this task has the potential to consume an inordinate percentage of what has historically been a relatively fixed, minimal number of training hours per pilot. Specific, detailed reports on PLAAF pilot training are not comprehensive; we typically infer training hours from reports profiling individual pilots in the official press. The general consensus is that PLAAF pilots get approximately 120 hours per year, or ten hours per month, of flight time.<sup>41</sup> Chinese officials have indicated that all pilots are college graduates, that 96 percent are capable of handling “complex air operations,” and that most of their training centered on “tactical considerations.”<sup>42</sup> For front-line flying units assigned ADIZ duties, defensive patrols might comprise about two hours of flight time for each response; as a result, without added training time, dedicated training hours would be consumed fairly quickly by regular ADIZ patrols. While these operations could plausibly be defined as “tactical considerations,” it would be difficult to argue that they are the sort of challenging pilot training one would find in the United States or other Western aviation communities—training that is much more likely to have been enriched with tactics and lessons learned in combat during the past 15 years. The PLAAF has no such comparable experience to draw from, and dedicating training hours to routine ADIZ patrol adds to the limitations imposed by aircraft maintenance intervals and pilot training time.

If China is routinely patrolling its ADIZ, then even a few such patrols would dramatically cut down on pilot flight time apart from these patrols, thereby minimizing the opportunity for more demanding training. Moreover, if experienced pilots are drawing these assignments—a reasonable assumption, given the costs of a mistake—then some of China’s most capable pilots could be spending an entire month’s training time on three relatively predictable sorties.

However, routinely patrolling its ADIZ may not have been China’s plan. China may have decided to stop routine patrols by 2015; a Bloomberg news account suggested that the apparent

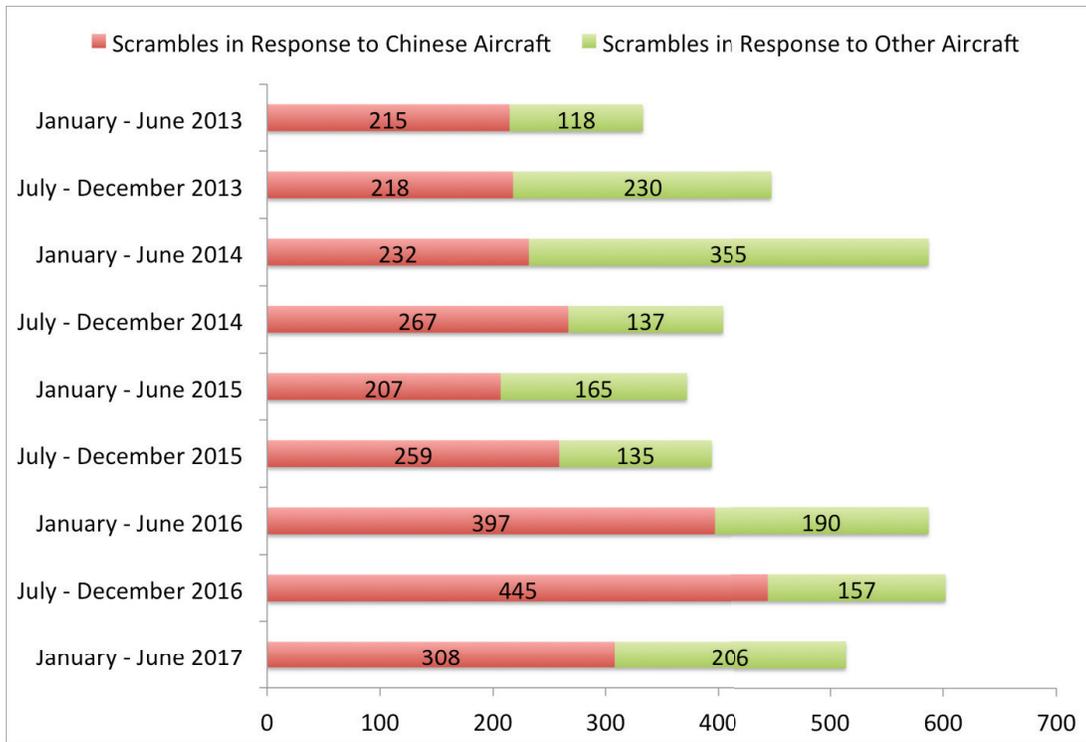
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<sup>41</sup> Jim Garamone, “Pace Visits Chinese Air Base, Checks Out Su-27 Fighter-Bomber,” *American Forces Press Service*, March 24, 2007.

<sup>42</sup> Garamone, 2007.

lack of patrols was the result of China’s inability to enforce the zone’s regulations.<sup>43</sup> Whether the lack of enforcement is an operational choice or the result of insufficient capabilities is an open question, but there has been a notable increase in the number of Japanese responses to Chinese aircraft since 2013 (see Figure 2.2), suggesting that Chinese pilots are certainly venturing overwater into international airspace in locations that provoke a response from Japan much more frequently, even if those sorties are not explicitly related to ADIZ enforcement.

**Figure 2.2. Japanese Scrambles in Response to Foreign Aircraft**



SOURCES: Ministry of Defense Joint Staff Japan, “Joint Staff Press Release: Statistics on Scrambles Through Fiscal Year 2014,” May 22, 2015, p. 4; Ministry of Defense Joint Staff Japan, “Joint Staff Press Release: Statistics on Scrambles Through Fiscal Year 2015,” April 22, 2016, p. 4; Ministry of Defense Joint Staff Japan, “Joint Staff Press Release: Statistics on Scrambles up to the Third Quarter of FY 2016,” January 20, 2017, p. 3; Ministry of Defense Joint Staff Japan, “Joint Staff Press Release: Statistics on Scrambles Through Fiscal Year 2016,” April 13, 2017, p. 4; Ministry of Defense Joint Staff Japan, “Joint Staff Press Release: Statistics on Scrambles Through the First Quarter of Fiscal Year 2017,” July 14, 2017, p. 3; Ministry of Defense Joint Staff Japan, “Joint Staff Press Release: Statistics on Scrambles During the First Half of FY 2016,” October 14, 2016, p. 3.

While we cannot determine the nature of these flights from open sources, it seems clear that the PLAAF is taking advantage of tactical training and flights that might otherwise be described as demonstrations by portraying them as having an ADIZ patrol dimension. Perhaps the most notable example was in November 2015, when the PLAAF publicized that a group of dissimilar

<sup>43</sup> Ting Shi, “Quiet Air Zone Shows China’s Struggle to Control Contested Seas,” *Bloomberg*, October 28, 2015.

aircraft, including H-6K bombers, flew over the Miyako Strait into the western Pacific for blue-water training some 1,000 kilometers beyond the First Island Chain.<sup>44</sup> Simultaneously, a separate package of aircraft comprised of H-6Ks and “fighter planes of several models, and early warning planes of several models” reportedly patrolled the East China Sea ADIZ.<sup>45</sup> The ADIZ patrol apparently was routine and scheduled and was not in response to any kind of perceived threat from military aircraft. This type of tactical training has the potential to hone PLAAF pilot skills in a way that more routine ADIZ patrols cannot provide, but only if pilots are practicing more advanced tasks, like interacting with early warning aircraft and fighters of dissimilar types.

Publicizing this kind of training serves China’s “three warfares”<sup>46</sup> goals: It has a psychological impact on the intended audiences by signaling PLAAF willingness and capability to operate in the western Pacific; frames ADIZ patrolling in a positive, nonthreatening context for its domestic audience (a key tenet of public opinion warfare); and reinforces China’s legal position by promoting and publicizing China’s definition of its sovereign territory and rights.

However, judging from the extensive press coverage given to such venues and exercises, the PLAAF would presumably prefer that its aviators hone and extend their skill sets by getting as much time as possible at its most advanced training bases, rather than by patrolling the ADIZ. In particular, the PLAAF training base in western China’s Gobi Desert seems a more worthwhile setting for precious training hours. In an inspection visit in July 2015, Vice Chairman of the Central Military Commission Fan Changlong visited the base, accompanied by PLAAF Commander Ma Xiaotian. In a speech, Fan highlighted the important role the base plays for PLAAF training and exercises, including hosting the Blue Shield, Red Sword, and Golden Darts training exercises; serving as a testing ground for new weapons and equipment; generating new operational capabilities; and establishing the combat effectiveness of units.<sup>47</sup>

In summary, patrolling the ADIZ offers little in the way of training that PLAAF and other PLA aviators could not get elsewhere, and costs them precious training and equipment time that could be better used elsewhere—in more-sophisticated training and at venues that offer much greater training variety and support. Therefore, while the ADIZ gives Chinese aviators a reason for conducting routine patrols, the primary purpose of the ADIZ seems more likely to be to fulfill political and strategic purposes, not to increase the realism of training.

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<sup>44</sup> Zhang Yuqing and Yi Wu, “Chinese Air Force Planes of Several Models Including H-6K Go to Western Pacific Ocean for Blue Water Training; H-6K, Fighter Planes and Early Warning Planes of Several Models Simultaneously Dispatched to Conduct Policing Patrols in East China Sea Air Defense Identification Zone,” *Xinhua Domestic Service in Chinese*, November 27, 2015.

<sup>45</sup> Zhang and Yi, 2015.

<sup>46</sup> For an excellent discussion of the “three warfares,” see Dean Cheng, *Winning Without Fighting: Chinese Legal Warfare*, Heritage Foundation, May 21, 2012.

<sup>47</sup> Yang Qingchun, “Fan Changlong Emphasizes During His Inspection and Study Tour to PLA Air Force (PLAAF) Testing and Training Base and Lanzhou Military Region Unit: Further Study ‘Four Comprehensives’ Important Strategic Thinking; Train Troops with Energy, Warmth, and Integrity,” *Air Force Daily*, July 15, 2015, p. 1.

### 3. A Future SCS ADIZ?

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#### Context and Complexity: Multiple Claims and Claimants in a Small Space

The situation in the SCS, in both the Paracel and Spratly Islands, is much more politically complex than that in the ECS, largely because of competing territorial claims by numerous claimants. While multiple ADIZs in the ECS require close administrative attention and coordination among civil authorities—as well as professional conduct by respective military aviators and aircrews when patrolling—China has only one primary contested claim in the ECS, the Senkaku (Diaoyu) Islands.<sup>1</sup> In contrast, in the SCS, six nations—China, the Philippines, Brunei, Vietnam, Taiwan and Malaysia—lay claim to at least one feature. The claims (and claimants) are primarily clustered in the Paracel and Spratly islands, but prominent contested features are also outside of the two chains, such as Scarborough Shoal (claimed by China and the Philippines) and Pratas Islands (claimed by China and administered by Taiwan.) In the Spratly Islands, the claims are clustered so closely together that a 12–nautical mile radius around many of the features would overlap among as many as three claimants. Regardless of which claims and/or claimants one recognizes or respects, the claimants’ respective norms and expectations of military flight rules and conduct create uncertainty for U.S. pilots.

In addition, tremendous growth in commercial air travel and transport is straining civil air traffic networks, which are being upgraded—but only on a case-by-case basis.<sup>2</sup> ICAO has convened a SCS Major Traffic Flow working group to address the increase in traffic between the Kuala Lumpur and Kota Kinabalu FIRs across the SCS, where two trunk routes—major routes where air traffic is particularly heavy—now carry 742 flights per week. The working group is considering adding room for more flights by increasing the number of flight levels available for each route and reducing the required horizontal separation between flights.<sup>3</sup>

Furthermore, civil air traffic control and civil air transport operating procedures can vary among these claimants, and are certainly colored by their boundary and political disputes. Operations that fall short of or are contrary to ICAO regulations are not unknown: The Civil Aviation Authority of Vietnam in January 2016 filed a complaint with ICAO accusing China of

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<sup>1</sup> China and the Republic of Korea both claim Socotra Rock (also called Ieodo Reef, Parangdo, or Suyan Reef/Islet), which lies in the area of the Yellow Sea where both countries’ EEZs overlap. The PRC protested when the Republic of Korea built a research station on the reef in 2012. For more on this dispute, see Jeremy Page, “China, South Korea in Row Over Submerged Rock,” *Wall Street Journal*, March 13, 2012; and Stratfor, “Why China Would Compromise in the Yellow Sea,” December 10, 2015.

<sup>2</sup> ICAO, “The Second Meeting of South China Sea Major Traffic Flow Review Group,” July 22–24, 2015.

<sup>3</sup> ICAO, 2015. The proposal would make changes to the Flight Level Allocation Scheme, reduce required horizontal separation distance to 50 nautical miles, and add a new route.

making 46 unannounced flights to its claims in the SCS, including Fiery Cross Reef, passing through the Ho Chi Minh City FIR. Vietnamese authorities said that the flights “threaten the safety of all flights in the region” in its filing, and Vietnam sent China a letter of protest.<sup>4</sup> Finally and most ominously, the deployment of advanced military systems, such as surface-to-air missiles, advanced combat aircraft, and military radars, by any and all claimants compresses the decision space to minutes and seconds for U.S. military flight crews.

### *Attempts to Cope with Increasing Potential for Dangerous Aerial Encounters in the SCS*

From a U.S. Air Force perspective, the operating environment in the SCS is much more complex than in the ECS, even if China does not declare an ADIZ. If the PRC defines its interests and conflates an ADIZ and its EEZ (real or imagined) in the SCS in the same way as it has in the ECS, then these encounters could be even more dangerous. While it is difficult to precisely gauge the conditions during encounters with Chinese forces, PRC forces appear to have been instructed to attempt to dissuade U.S. military reconnaissance flights with at least verbal challenges since the militarization of its claims accelerated. The Chinese consternation with these flights is longstanding and predates the rising tensions since China’s dramatic reclamation activities. For example, PLA naval personnel on the ground at Woody Island repeatedly warned away a U.S. P-8 reconnaissance flight with media aboard in May 2015.<sup>5</sup> This approach is more professional than PRC conduct in August 2014, when a Chinese fighter came within 20 feet of a U.S. reconnaissance flight about 135 nautical miles east of Hainan Island in what U.S. officials termed an “unprofessional” approach, while the Chinese then demanded that the United States cease its flights.<sup>6</sup>

To manage the increasing risk of dangerous encounters, the two sides sought to specify and agree upon safety rules during encounters for their respective air and naval operational and tactical forces with a memorandum of understanding signed by then-Secretary of Defense Chuck Hagel and his Chinese counterpart in November 2014.<sup>7</sup> This memorandum of understanding essentially codified best practices as agreed to in a variety of international and bilateral agreements, including the bilateral *Agreement on Establishing a Consultation Mechanism to Strengthen Military Maritime Safety*, which called for “the need to promote common

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<sup>4</sup> Vu Trong Khanh, “Vietnam Says China’s Flights to South China Sea a Threat to Air Safety,” *Wall Street Journal*, January 9, 2016.

<sup>5</sup> Jim Sciutto, “Exclusive: China Warns US Reconnaissance Plane,” *CNN*, May 20, 2015.

<sup>6</sup> Sophie Brown, “Stop Spy Flights, China Warns the U.S.,” *CNN*, August 29, 2014.

<sup>7</sup> U.S. Department of Defense, “Memorandum of Understanding Between the Department of Defense of the United States of America and the Ministry of Defense of the People’s Republic of China Regarding the Rules of Behavior for Safety of Air and Maritime Encounters,” November 9, 2014.

understandings regarding activities undertaken by the respective maritime and air forces when operating in accordance with international law.”<sup>8</sup>

This series of agreements and addenda appear to clarify specific actions and requirements of airmen and operators when they encounter the other side. But they still preserve maneuver space for both sides to interpret the law in accordance with their different national interests and perspectives on sovereignty and the rule of law. It is in this difference in perception—which legal agreements can do little to change—that the danger of miscalculation lies.

## PRC Pursues Other Policy Options: Reclamation and Militarization

### *Legal and Administrative Moves Lay the Political Groundwork for Expansion*

While its reclamation and militarization of claimed features in the SCS have drawn a great deal of attention since 2014, China laid the groundwork for these activities by making a number of administrative and bureaucratic moves that were essential to solidifying its claims from the perspective of China’s state and legal systems. First and foremost among these was elevating Sansha, the PRC administrative entity that encompasses China’s Spratly and Paracel claims, to a city-level administrative entity, which was announced on June 21, 2012. While reportedly under consideration since 2007, China made the move—in perhaps another example of “reactive assertiveness”—immediately following the passage of a Vietnamese law requiring foreign ships passing through the Spratly and Paracel chains to notify Vietnamese authorities.<sup>9</sup> Regardless of its timing, establishing Sansha as a city enabled the Central Military Commission to authorize the establishment of a Sansha military garrison to be headquartered on Woody Island in the Paracels.<sup>10</sup> The command is responsible for “managing the city’s national defense mobilization, military reserves and carrying out military operations,”<sup>11</sup> and it is “under the dual leadership of the Hainan provincial sub-command and the city’s civilian leaders.”<sup>12</sup> These changes gave China what it considers its legitimate legal and administrative framework for the dramatic expansion and militarization of its claims that followed.

### *Reclamation and Militarization Give PRC Stronger Footing Without ADIZ*

China’s dramatic expansion of its claims has been well documented, including adding thousands of acres of sand to expand what had been miniscule features often barely above water

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<sup>8</sup> U.S. Department of Defense, 2014.

<sup>9</sup> Teddy Ng, “Hanoi Hits Back Over New City,” *South China Morning Post Online*, June 23, 2012.

<sup>10</sup> BBC News, “China Approves Military Garrison for Disputed Islands,” July 23, 2012.

<sup>11</sup> Any military operations are theoretical, as the command currently has no subordinate military units.

<sup>12</sup> BBC News, 2012.

at high tide. Its reclamation efforts have enabled the construction of not just three airfields but also port facilities for coast guard and PLAN vessels, housing for additional troops, and facilities to support logistics stores. All of this construction has most likely come at great financial cost.<sup>13</sup>

China has justified the expansion of its SCS claims as its sovereign right and has argued that its militarization of these claims is purely defensive in nature. The PRC's representatives have been adamant regarding its claims since it began expanding them in earnest in 2014 and were no less resolute in early 2016 in defending the PRC's perspective on militarization, including the potential for declaring an ADIZ. After meeting then-U.S. Secretary of State John Kerry in January 2016, Chinese Foreign Minister Wang Yi said, "I pointed out to Secretary Kerry that the [SCS] Islands have historically been China's territory. China has a right to protect its maritime sovereign and legal rights and interests." Wang then justified the PRC's construction of military facilities as "some necessary facilities for self-defense."<sup>14</sup> In March 2016, then-Deputy Secretary of Defense Robert Work reiterated the United States' clear policy position that it would not recognize an ADIZ in the SCS and that it would view such a move as destabilizing. China's defense ministry spokesperson Yang Yujun in turn essentially restated China's position: that declaring an ADIZ is a sovereign right and that the decision to establish an ADIZ would be based on China's assessment of the existence and degree of aerial threats in a particular area.<sup>15</sup>

In this context, China may have deployed HQ-9 air defense missiles in February 2016 as what it views as the appropriate response to its threat perceptions; subsequent deployments of at least two J-11 fighter aircraft and a fire control radar (which means the HQ-9 system is fully operational) to the Paracel Islands in April 2016 could theoretically be justified on the same basis—and could even be an expression of Chinese distaste for the recently announced basing agreement between the Philippines and the United States. Regardless of its justification, China's extensive improvements and military deployments to its claims are part of a spiral of military responses by other parties that make operating in the region more complex and difficult for U.S. military aircrews. Vietnam, in particular, is acquiring the types of platforms that could challenge, or at least hold at risk, some key Chinese facilities on the newly expanded claims. The Vietnamese military has received advanced diesel submarines from Russia and an Israeli-manufactured system known as CIDS (Coastal and Island Defense System) that combines intelligence, surveillance, and reconnaissance systems and the Global Positioning System with a

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<sup>13</sup> Government of the Hong Kong Special Administrative Region, "Central and Wan Chai Reclamation," March 23, 2012; Shirley Zhao, "Government's Ambitious 2030 Land Reclamation Plan to Cost HK\$400 Billion, Group Says," *South China Morning Post*, December 4, 2016.

<sup>14</sup> Jonathan Kaiman, "U.S. and China Appear to Be at an Impasse over North Korea and the South China Sea," *LA Times*, January 27, 2016.

<sup>15</sup> Ministry of National Defense of the People's Republic of China, "Defense Ministry's Regular Press Conference on Mar. 31," March 31, 2016.

150-kilometer range missile. This system is accurate against naval vessels within 10 meters.<sup>16</sup> In April 2016, Indonesia announced that it will be deploying five F-16s to the Natuna Islands and refurbishing a runway and a port<sup>17</sup> following a confrontation between a Chinese fishing vessel, Chinese coast guard vessels, and an Indonesian fisheries department task force patrolling to locate illegal fishing boats.<sup>18</sup> This comes despite an unusually conciliatory statement in November 2015, in which Foreign Ministry spokesperson Hong Lei publicly announced that China did not have a claim to the Natuna Islands, which lie outside of China's ambiguous nine-dash line.<sup>19</sup>

## What If? A Potential SCS ADIZ

The arguments for establishing a SCS ADIZ are fairly straightforward: If Beijing perceives that the regional security situation and its position of relative strength in the region are eroding, it may decide that the benefits of declaring an ADIZ outweigh the costs. But those costs would be steep, not just in terms of China's short- and middle-term reputation and diplomatic standing but also because declaring an ADIZ in the SCS would deprive China of its ambiguity regarding its claims, which it has used to its advantage for years. Depending on what the ADIZ encompassed, declaring an ADIZ could be perceived as China making a definitive claim to either or both the Paracel and Spratly Islands.

If China did declare an ADIZ, one that encompassed the PRC's entire nine-dash line would be unwieldy. The PRC government could opt for an ADIZ in the SCS that does not overlap with any contested claims, but that naval aviation elements could patrol much more routinely than their ECS ADIZ from China's newly established airfields in the SCS. If PRC officials wanted to minimize political backlash, then they could create such an ADIZ to the north and east of the Spratly chain. Alternatively, they could select airspace for an ADIZ that acts as a buffer between the Philippines and the Paracels; it could be established in airspace to the west of the Bashi Channel and the Luzon Strait, overlapping both the Taiwan and the Philippine ADIZ. The PLAAF has made operating in this area a priority. In March 2015, China publicized its first-ever military drill beyond the Bashi Channel; spokesman Shen Jinke said this was "the first time that the PLA Air Force conducted such drills in an airspace far offshore from Chinese coastlines."<sup>20</sup>

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<sup>16</sup> Tamir Eshel, "Rocket Systems for Coastal Defense," *Defense Update*, February 10, 2016.

<sup>17</sup> "Indonesia to Deploy F-16 Fighter Jets to Guard South China Sea Territory: Defence Minister," *Straits Times*, April 1, 2016.

<sup>18</sup> Ankit Panda, "Indonesia Summons Chinese Ambassador After South China Sea Stand-Off Near Natuna Islands," *The Diplomat*, March 21, 2016.

<sup>19</sup> Ministry of Foreign Affairs of the People's Republic of China, "Foreign Ministry Spokesperson Hong Lei's Regular Press Conference on November 12, 2015," November 12, 2015.

<sup>20</sup> AFP, "First China Air Force Drills in 'Far Offshore' Pacific," March 31, 2015.

However, since the ECS ADIZ established the precedent of including disputed territory within ADIZ boundaries, China could act similarly in the SCS case—for instance, the PRC could establish an SCS ADIZ that encompasses a single feature of a single competing claimant to “set an example” for other claimants.<sup>21</sup> If China were to declare an ADIZ that encompassed contested claims, it might well opt for an elongated ADIZ that covers both Pratas in the north and Scarborough to the south (see Figure 3.1). An ADIZ here that did not completely cover the Paracel or Spratly Islands could sidestep the political fallout from some claimants while singling out Taiwan and the Philippines. China’s media coverage of such a move would no doubt cast it as a defensive measure in light of the Philippines’s agreement to allow the United States access to five Philippine bases—four of which are airfields—as part of the Enhanced Defense Cooperation Agreement (EDCA) between the two governments.<sup>22</sup> PRC officials could publicly justify such an ADIZ as covering the approaches to the SCS from the bases to which the Philippines granted access. The media campaign would likely emphasize that U.S. actions had been so provocative that they changed China’s air threat environment, compelling the PRC government to take measures to defend its interests. In addition, the perceived threat implied by freedom of navigation operations (FONOPs) by the U.S. Navy would likely be cited as evidence of intent to “meddle in its internal affairs.” This dynamic would play out much the same way that China justified its deployment of surface-to-air missiles to Woody Island in February 2016. At that time, the deployment was portrayed as a response to the U.S. Navy’s FONOP within 12 nautical miles of Triton Island by the guided-missile destroyer USS *Curtis Wilbur* in January 2016—the first such FONOP since the USS *Lassen* passed near Subi Reef in the Spratly Islands in October 2015.<sup>23</sup>

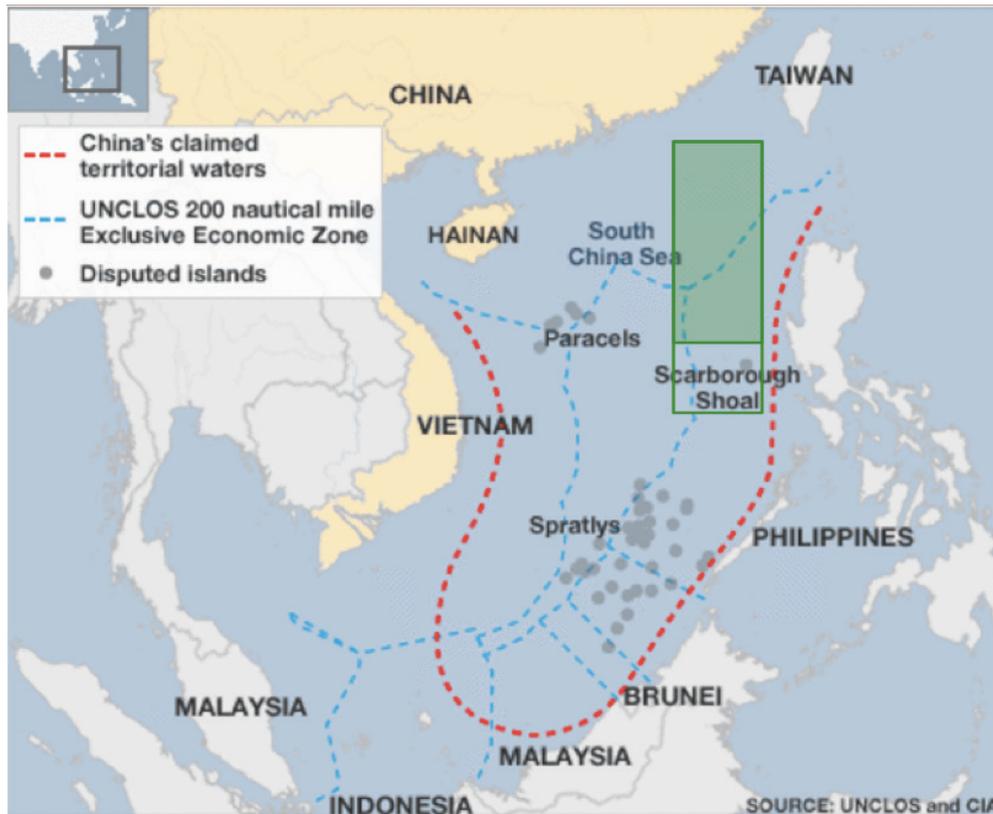
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<sup>21</sup> For a discussion of this tactic, sometimes called “killing a chicken to scare the monkey” (杀鸡给猴看), see Howard W. French, “China’s Dangerous Game,” *The Atlantic*, November 2014.

<sup>22</sup> Armando Heredia, “Analysis: New U.S.-Philippine Basing Deal Heavy on Air Power, Light on Naval Support,” *USNI News*, March 22, 2016. President Rodrigo Duterte, who was elected in May 2016, has introduced uncertainty into the U.S.-Philippines relationship, even declaring his “separation” from the United States and alignment with China during a speech in Beijing in October 2016. Although Duterte has opposed the return of U.S. troops to the Philippines and threatened to stop EDCA’s planned deployments of U.S. troops, U.S. and Philippines officials suggested that EDCA would continue to be implemented—though perhaps at a smaller scale—as of December 2016. See Yeganah Torbati and David Brunnstrom, “U.S. Has Few Good Options for Response to Philippines’ Duterte,” *Reuters*, October 21, 2016; and Reuters, “Philippines, U.S. Agree to Reduce Joint Military Drills—Philippine General,” November 23, 2016.

<sup>23</sup> Ankit Panda, “Return of the FONOP: US Navy Destroyer Asserts Freedom of Navigation in Paracel Islands,” *The Diplomat*, January 31, 2016.

Figure 3.1. A Potential ADIZ in the SCS



SOURCE: Adapted from BBC News, “Why Is the South China Sea Contentious?” July 12, 2016. Used with permission from the BBC.

From a practical perspective, unlike in the ECS, where China faces Japan’s more formidable military, China is far more capable of patrolling such an ADIZ than the Philippine Air Force; as a result, Beijing is likely quite confident of its ability to compete in the air over the SCS. Unlike in the ECS, China’s three airbases are capable of supporting both reconnaissance and fighter aircraft with a combat radius that puts all of the SCS within easy range. For its part, the Philippine Air Force admits that it is incapable of patrolling its own ADIZ: It strives to be able to do so by 2022 as part of an ambitious modernization initiative known as Flight Plan 2028.<sup>24</sup>

From a command and control perspective, SCS claim enforcement and militarization has been predominantly the purview of the PLAN and its aviation units, which simplifies the PRC’s lines of command and authority. While not necessarily complete or authoritative, open sources rarely report on PLAAF overwater operations by units based in the former Guangzhou Military Region (now part of the Southern Theater Command). This reporting typically highlights PLAN surface, air defense, and aviation units in the SCS. The units that have been responsible for these duties over the years—the PLAN’s South Sea Fleet and marines, as well as the PLAAF—are

<sup>24</sup> Philippine Air Force, *PAF Flight Plan 2028*, undated.

now all subordinate to the Southern Theater Command, which is responsible for planning for and managing operational tasks in its assigned region.<sup>25</sup>

How would other states respond to any Chinese ADIZ in the SCS? As in the ECS, China's competing regional claimants and the United States are likely to ignore any requirement that military aircraft file flight plans or notify PRC officials; other interested parties that do not have any claims in the region, such as Australia, might also see it in their interest to establish their right to operate freely in any new SCS ADIZ. Indeed, as of February 2016, nearly all Royal Australian Air Force patrols were being challenged by Chinese radio broadcasts in much the same manner as U.S. flights. Australian authorities pointed out that the challenge was not a change and was a normal practice among nations, but that with so many outposts now manned, "wherever we go on our normal Gateway patrol, we now find that there is an increasing number of locations where the challenge would occur."<sup>26</sup>

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<sup>25</sup> Guo Yuandan, Ren Zhong, and Lan Yage, "Focused on the Potential Strategic Threats of Surrounding Areas, the Reason for Establishing the Five Theater Commands Is Very Clear," *Global Times*, February 2, 2016.

<sup>26</sup> David Wroe, "RAAF Now Being Routinely Challenged by Beijing in South China Sea," *Sydney Morning Herald*, February 3, 2016.

## 4. Conclusion

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In response to what it viewed as a troublesome change by Japan to the status quo in the Senkaku (Diaoyu) Islands, China declared an ECS ADIZ in November 2013 to serve PRC political and strategic goals, particularly with respect to PRC territorial claims and rights within its EEZ. By including the Senkaku (Diaoyu) Islands within the ADIZ and requiring notification by traversing aircraft not planning to enter Chinese airspace, PRC leaders are arguably attempting to change behavioral norms to strengthen their claim to the Senkaku (Diaoyu) Islands. The U.S. policy response has been to clarify its stance on this territorial dispute, with then-President Barack Obama specifying that the United States considers the Senkaku (Diaoyu) Islands covered under Article 5 of the U.S.-Japan Security Treaty, which specifies that the two states would act to defend “territories under the administration of Japan.”<sup>1</sup> While it is unclear if this response was factored into China’s strategic calculus, including the Senkaku (Diaoyu) Islands in its ADIZ certainly has not created new normative behaviors that favor China and its claim there.

Similarly, declaring an ADIZ (or more than one) in the SCS could arguably work against PRC strategic goals. For one, it would force China to more clearly define its sovereign territory, instead of using its expansive, all-inclusive nine-dash line. Ambiguity in the SCS has served China’s interests for decades; clarifying these interests could effectively bound its claims. In addition, China would not have the advantage of surprise; while the ECS ADIZ declaration took many off guard, observers are watching the SCS space carefully in anticipation of an ADIZ declaration there.

Nonetheless, because it is far from certain that China will forgo an ADIZ in the SCS, it is worth considering why and under what conditions PRC leaders might establish an ADIZ there. The leadership could decide that U.S. FONOPS, other U.S. surface naval operations, or U.S. aerial reconnaissance activities had reached a point that necessitated an additional response from Beijing. Similarly, diplomatic or political-military developments, including changes to the U.S.-Philippines alliance or growing U.S. rapprochement with Hanoi, might be perceived as provocative enough to tip the scales in favor of a more robust PRC response. Finally, after rejecting the July 2016 PCA ruling declaring China’s “nine-dash line” invalid, China appears to have escalated its improvements to features in the SCS to redefine the “facts on the ground.”<sup>2</sup> By adding significant defensive capabilities, such as close-in weapon systems, to its reclaimed

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<sup>1</sup> Treaty of Mutual Cooperation and Security Between the United States of America and Japan, Washington, D.C., January 19, 1960.

<sup>2</sup> Permanent Court of Arbitration, 2016.

features in the Spratlys, China hopes to strengthen its sovereignty claims and push other claimants to accommodate Chinese power and authority.<sup>3</sup> This, then, is the environment ripe for an ADIZ declaration: One in which China feels compelled to establish an ADIZ to “respond” to what it terms aggressive or destabilizing actions by others—be it its neighbors, an international body like the PCA, or the United States.

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<sup>3</sup> Asia Maritime Transparency Initiative, “China’s New Spratly Island Defenses,” December 13, 2016.

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Controversy has surrounded China's Air Defense Identification Zone (ADIZ) in the East China Sea (ECS). Questions about the zone's legitimacy, legality, ambiguity, implementation, and purpose have generated significant debate. U.S. observers appear particularly concerned about the implications for a potential ADIZ in the South China Sea (SCS). This report builds on existing reports and Chinese-language open sources to explore questions about the ECS ADIZ and evaluate the prospects for a possible SCS ADIZ. We assess the different situation and context facing Beijing in the SCS and argue that the calculus there does not necessarily suggest that the Chinese government will declare an SCS ADIZ. While Beijing's recent statements imply that it is keeping its options open, China's leaders are dealing from a stronger political and military position in the SCS because of their well-documented reclamation and construction of military facilities there. They have already used other tools, including deploying combat aircraft and air defense missiles, in the SCS that are arguably more effective in achieving their objectives.



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