

XIANGSHAN FORUM 2016**Wednesday, October 12th****0900-1030***[Maritime Crisis management and regional Stability]**Toshimichi Nagaiwa (Lt.Gen. JASDF Ret.)*

Good morning ladies and gentlemen,

Today, please allow me to focus mostly the Air Domain issues.

First of all, I am going to say a very important thing . . .

Chinese wise philosopher, “Lao Tzu” quart as follows.

“The big countries must be humble.”

[A big country is, so to speak, lower reaches of a large river. All things flow into it and it accept them like a female.

A female stays calm and beats a male. It is because a female stays calm and is humble to a male.

(...)

At all events, a big country should be the first to be humble.]

「老子いわく、大国というのは、言わば大河の下流の様なものだ。天下のあらゆる物が流れ込んで来る所であり、天下の全てを受け入れる牝(メス)である。牝は常に静かにじっとしていながら牡(オス)に勝つ。それは静けさを保ちながら、牡に対してへりくだっているからなのだ。

(中略)

つまるところ、お互いに望みを叶えようとするならば、まず力のある大国の側が遜るべきである。」

The free and open sky is now turning into a dangerous and lawless sky.

On July 17, 2014, Malaysia Airline Flight 17 (MH17), a scheduled international passenger flight from Amsterdam to Kuala Lumpur, was shot down near the Ukraine–Russia border.

On November 24, 2015, a Russian Sukhoi Su-24M fighter bomber aircraft was shot down by a Turkish Air Force F-16 fighter jet in the Turkish air territorial space.

There have been many similar incidents since the end of Cold War.

To make matters worse, such incidents have not always been fully investigated.

The causes of the incidents have not been clearly identified. And most of incidents remain in the realm of obscurity and guesswork.

Such incidents could also take place in the skies over the western Pacific and surrounding waters.

Dark clouds are hanging over the South and East China sea.

With regard to control of the air zones over the Seas is in dispute, countries with direct territorial interest and those more with wider interested have strong concerned.

Unfortunately, there has been little progress in finding political agreements to settle these territorial disputes and air space management.

In the ensuing tension, the value of effective communication between those who are actually engaged in search, rescue, and military operations in this area is of ever greater importance.

Such two-way communication can be extremely effective in preventing unintentional incidents and limit the potential for politico-military escalation.

Establishing appropriate crisis management mechanisms is only one step amongst many.

Even with long established exchange programs and accident prevention mechanisms, such as the one between Japan and Russia, the potential for unintended or accidental collisions remains.

The current perilous situation needs to be fully discussed.

Looking to the long-term future, Japan and China should urgently initiate and continue constructive dialogue to set up concrete crisis management mechanisms.

Both Japan and China need to deepen this dialogue calmly with a view to enhancing mutual understanding between their armed forces.

On November 23, 2013, China abruptly announced the creation of an air defense identification zone (ADIZ) (防空识别区) in the East China Sea, which includes the air above the Senkaku Islands (尖閣諸島; 尖阁列岛). China's legal concept of this ADIZ is not in accordance with the universal principles of ADIZ *per se*; China claims selective administration rights within the Zone, going against freedom of navigation (FON) (航行自由) principles.¹

We can assume that there is a big difference between the concept of territorial waters of the international point of view and of that of China's.

Sure enough, in the morning of May 24, 2014, in the air above the international waters of the East China Sea (the area in which the Japanese ADIZ and the Chinese East China Sea ADIZ overlaps), a JMSDF OP-3C and a JASDF YS-11EB that were on

¹ As for an argument of this view, see for example, Su Jinyuan (苏金远), "The East China Sea Air Defense Identification Zone and International Law," *Chinese Journal of International Law*, Vol. 14, No. 2 (June 2015), pp. 271-303.

a surveillance mission, were approached by two Su-27 Chinese air fighters.

This sudden unexpected approach from behind, this blind approach to the Japanese aircrafts, this preposterous flight of the Chinese air fighters, is a very lethal (dangerous) action that can end in an accident, and this we cannot accept.

China is stressing their jurisdiction by force, not only over the East China Sea, but over the international waters of the surrounding seas and the air above it.

However, the basic rule should be; “to make the correct statement under International Law, without relying on power or coercion, avoiding disputes, in order to come to peaceful terms,” and one must not change the present situation by force.

The final Arbitration of south China sea is anything but “wasting papers”.

Recent Chinese behaviors have brought into question the image of China’s “peaceful rise”. It has been gradually replaced by a growing concern about a “China threat”.

Here, I would like to quote Sunzi:

Sunzi’s tenets says “The next best is to disrupt alliances, or make him(her) isolate.”

I think real application of his tenets to today’s situation is:

“China, today, looks isolated to other people’s eyes

Sino-Japan communications have long been swinging between the extremes of trust and distrust, without producing any viable crisis management mechanism.

Nonetheless, Japan and China have to convince themselves that Confidence-building measures such as dialogues at all levels including high-level talks, hotline contacts, and crisis management between the two countries should be taken so as to avoid misjudgment or accidents, which may lead to military conflict neither side wants

The reason the discussions (dialogues) between the Japanese and Chinese Defense Authorities regarding the prevention of accidental collisions, does not move forward, is because the Chinese side brings to that discussion their territorial claims. We think that the Chinese, by bringing in a different topic, causes confusion, and prevents meeting halfway to reach an agreement.

Actually, Japan and China have worked bilaterally on the several levels.

For example, on the 2nd track, Japan’s Sasakawa Peace Foundation (笹川平和財団; 日本笹川和平財団) and the China Center for Collaborative Studies of the South China Sea at Nanjing University (南京大学中国南海研究协同创新中心) issued the “Report on the Japan-China Dialogue on the Safety of

Airspace in the East China Sea” in December 2015, in which a code of conduct between Japan and China on the safety of Airspace in the East China Sea was proposed and CBMs in the East China Sea Airspace were also suggested.²

The Sasakawa Peace Foundation and the China Center for Collaborative Studies continue to deepen mutual understanding and trust in an effort to engender a robust mechanism to avoid unintended and accidental collisions.³

Japan and Russia started their CBMs talks as far back as a quarter of century ago, 1993, and have been continued annual dialogues every year.

Japan and Korea started their CBMs talk at 1995 and built very effective hot lines in between their air defense commands.

Japan, along with the United States and China, should contribute to collaborative leadership to establish a robust and reliable crisis management by continued military-to-military CBMs.

Indeed, any institutional arrangement regarding crisis management cannot completely remove the possibility of unintended or accidental collisions. Nevertheless, the three countries should work together to address the current tense situation in the East and South China Seas.

² Sasakawa Peace Foundation and China Center for Collaborative Studies of the South China Sea at Nanjing University, “Report on the Japan-China Dialogue on the Safety of Airspace in the East China Sea [「日中東シナ海空域安全対話報告書」; «中日东海空域安全对话报告»],” (written in Chinese, Japanese, and English), December 2015.

³ See, for example, *Huanqiu Shibao* [Global Times; «环球时报» (环球网)], “ZhōngRì Zhuānjiā Duitán Shuāngbiān Guānxi: Wù Ràng Qíngkuàng Jìnyíbù Èhuà [Expert Dialogue on the Sino-Japanese Relationship: Do Not Make the Situation Further Aggravated/中日专家对话双边关系: 勿让情况进一步恶化],” March 11, 2016.

From a sustainable long-term perspective, we should waste no time in initiating and continuing constructive dialogue to set up concrete crisis management mechanisms.

Both Japan and China should deepen the dialogue between their armed forces. In this context, in spite of myself being only one individual, I would like to contribute a bit to build the credible CBMs as a retired officer with humble manner.

Thank you for your attention.