How to Privatize Airspace: the Example of KADIZ

Chinese military aircraft entering what is referred to as South Korea’s Air Defense Identification Zone (KADIZ) is something that constantly comes up when we discuss the problems affecting relations between China and South Korea, but this problem has recently started becoming even more serious.

From South Korea’s perspective, 23 July 2019 was the turning point, when Russian and Chinese warplanes repeatedly violated South Korea’s Air Defense Identification Zone over the East Sea, and only left after receiving a warning from South Korean fighter jets. Moreover, according to South Korea’s version (Russia refuted those allegations), a Russian A-50 early warning and control aircraft entered South Korea’s airspace over the Dokdo Islands twice. South Korea deployed 18 F-15K and KF-16 Slam Eagle fighters to intercept the intruders, firing 20 flares and 360 warning shots. Two Chinese H-6 bombers and two Russian TU-95 strategic bombers also received about 30 warnings, but did not respond to them.

The aircraft spent a total of seven hours in South Korean airspace, and at one stage there were 30 military aircraft belonging to four countries in the air at the same time, as Japan also deployed its fighters in response to other countries violating what it considers to be Japanese airspace over Dokdo (these are disputed Islands, known as Takeshima in Japan, which Tokyo also claims).
South Korea’s presidential office expressed deep regret over the incident with Russia and China. The Russian Defense Ministry clarified that the Russian and Chinese air forces were carrying out their first long-range joint air patrol in the Asia Pacific region. The statement confirmed that Russia and China had acted in accordance with international law. Moreover, Moscow has said that South Korean fighter jets prevented the Russian aircraft from moving, and created a dangerous situation by doing so. Beijing has supported their partners in Moscow with their own statement, saying that the planes were in a neutral zone.

According to reports in the South Korean media, Chinese aircraft had already violated South Korea’s Air Defense Identification Zone 25 times before this incident took place in 2019, and the Russians had done so 13 times before.

According to Joint Chiefs of Staff (JCS) of South Korea’s Armed Forces, six military planes “believed to be from Russia” re-entered KADIZ without giving any prior notice on 1 October 2019. The Russian Defense Ministry has denied these allegations made by South Korea.

What exactly is an Air Defense Identification Zone (ADIZ)? They are zones that have been established unilaterally by some countries, and they are not regulated by any international body. The zones are used to detect aircraft approaching the country’s airspace early on, and are supposed to give them enough time to prevent foreign aircraft from infiltrating it, as well as accidental collisions. South Korea operates its own one of these zones, and requires pilots flying aircraft from other countries to send notification upon entry to the zone and provide a flight plan in advance. If no notification is received, Seoul perceives this as an act of an intruding aircraft, and views entering this zone without having sent notification as a hostile act.

KADIZ was established by the United States Air Force in 1951 during the Korean War (1950-53), to prevent air clashes between aircraft from countries around the Korean Peninsula. In 2018 however, Seoul expanded its air defense identification zone to encompass the disputed territory of the Socotra Rock (known as Ieodo in South Korean and the Suyan Rock in Chinese), as well as other islands off the country’s southern coast to “counter China’s unilateral decision to expand its identification zone.”

Those who have supported South Korea’s move to expand its airspace point out that the existing length of territorial waters of 12 nautical miles is equal to the maximum range of the gun in the late 19th century. Back then, there was no point for the boundaries to extend any further, but jets can cover 12 miles in a matter of minutes, if not seconds, so the Republic of Korea Air Force has to do something about that.

However, these types of zones have not been mentioned in any international law or treaty yet. International law only recognizes a state’s airspace within 12 nautical miles of the coast, any further out is deemed to be international airspace, and anyone can fly there. In fact, KADIZ is arbitrary decision-making and the interception of made-up intruders. The South Korean media are honest about this, when they write that “the air zone is not part of a country’s air space and not bound by international law.”

They are of course trying to resolve the problem. At a South Korean parliamentary inspection of the Army on 8 October 2019, the Joint Chiefs of Staff (JCS) of South Korea’s Armed Forces reported that South Korea and Russia intend to sign a memorandum of understanding in order to set up a military hotline for the air forces of both countries to be able to communicate. To be more precise, the discussion on setting up a hotline began in 2004, and agreement was reached on 16 November last year on a draft for the proposed memorandum of understanding.

On 23-24 October in Seoul, representatives of the South Korean and Russian military held talks on setting up this hotline, but no fixed date was set to sign the document.

Although both sides agreed that there is a need to prevent accidental skirmishes and agreed to “make joint efforts to this end,” Seoul urged Moscow to prevent Russian aircraft from entering KADIZ without sending prior notice.

Work is also underway on a hotline with China. On the morning of 29 October, two Chinese aircraft entered KADIZ. The South Korean Air Force deployed fighter jets to escort them out of the zone, but the Chinese side reported their route and the purpose of the aircraft’s flight via military hotline. According to military sources, these changes are taking place in light of 21 October, when South Korea and China resumed their strategic dialog on defense-related issues after a five-year break.

It is worth highlighting that this topic is being discussed on a far more frequent basis since Moon Jae-in came to office. This may well be a reflection of the South Korean President’s fairly targeted approach to international law and related documents. After all, although the South Korean media has periodically flagged up the validity of this zone, this does not prevent Seoul from making so much noise about every incident that takes place there that you would be
led to believe the country’s own airspace was being invaded and fighter jets need to be deployed to escort the intruders out of there.

In fact, South Korea is thus attempting to “privatize” the airspace adjacent to the country’s borders. Seoul has decided where to draw the lines around this zone by itself, and unlike the air defense identification zones of other countries, South Korea is demanding that no flights be made there without asking permission first, as if it were the country sovereign airspace. Although China and Japan have similar zones, they do not kick up such a fuss when foreign aircraft enter them.

Russia’s view of the problem is simple. Russia does not recognize any unauthorized zones, whether it be South Korea’s KADIZ, or the North Korean “maritime security zone” in waters where North Korean warships periodically inspect foreign vessels that sail too close to their coastal military facilities.

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