



National Borders in an Uproar (I): Three-Four-Two Formula Engineered by Chinese Government Vessels

Issues in the South China Sea Explain the Disturbance around the Senkaku Islands

Leadership in the Chinese Communist Party (CCP) is trying to direct domestic criticism toward Japan ahead of the Party Congress scheduled for this year. Japan must prepare legal grounds in addition to defense equipment to protect its territories.

Kotani Tetsuo, Senior Research Fellow, the Japan Institute of International Affairs (JIIA)

Fishing boats and one public vessel from China entered Japanese territorial waters around the Senkaku Islands on August 5, 2016. The number of Chinese public vessels that subsequently navigated the contiguous zone reached 15 at one point. A total of 26 public ships from China entered Japanese territorial waters on this occasion. The incident raised concerns in Japan.

It was within the scope of reason for about 200 fishing boats from China to flood Japan's territorial waters around the Senkaku Islands because the ban on fishing in the East China Sea had lifted on August 1, 2016. However, it was the first time for as many as 15 Chinese government vessels to accompany those fishing boats and repeatedly invade Japanese territorial waters in the name of providing them with security. There had been a total of 26 Chinese government vessels confirmed to have been dispatched to the waters around the Senkaku Islands prior to this incident. The 15 vessels dispatched on the occasion included several not on this list. The majority of newly confirmed Chinese public vessels were small ships normally assigned to guard coastal waters in China. However, the ships were armed.

The collision of a Chinese fishing boat with a freighter registered in Greece and the fishing boat's subsequent sinking near the Senkaku Islands on August 11, 2016 was a major blow to China. It was not a Chinese government vessel that happened to be in the waters, but a vessel belonging to the Japan Coast Guard that rescued six of the 14 crew members on the Chinese fishing boat that went down. Chinese government vessels were in the waters in the name of protecting the fishing boats from their country. However, they were unable to rescue the crew members on the sinking boat. Effective Japanese control of waters around the Senkaku Islands was demonstrated as a result.



Kotani Tetsuo, Senior Research Fellow, the Japan Institute of International Affairs (JIIA)

Why did China try to strengthen its territorial claim over the Senkaku Islands at that particular point? In the author's view, issues in the South China Sea and domestic conditions in China were probably part of the trespassing.

The Japanese government headed by Prime Minister Abe Shinzo is increasingly irritating China by repeatedly taking up issues in the South China Sea at international conferences and similar occasions. In July 2016, the Arbitral Tribunal denied China's claims based on the so-called Nine-Dash Line and handed down a ruling that could be deemed an overwhelming victory for the Philippines in a case of arbitration instituted by the Philippines against China over issues in the South China Sea.

China has claimed that this arbitration is invalid. The country is also ignoring its award, calling it a scrap of paper. However, criticism against the diplomatic blunder is mounting within China. For the CCP leadership, the Abe administration's criticism of China over issues in the South China Sea based on the rule of law must feel like salt poured into an open wound.

Early August 2016 was also a time for leaders and senior members of the CCP to gather for the Beidaihe meeting. This informal meeting is a place for advanced preparations to prevent internal confrontations from becoming public at a party convention. Five standing committee members of the CCP, excluding General Secretary Xi Jinping and Prime Minister Li Keqiang, will be replaced at the CCP Congress in 2017. Leadership changes and the details of key agenda items are said to be nearly fixed in the wake of the Beidaihe meeting.

In my opinion, China gathered its government vessels around the Senkaku Islands in early August 2016 to temporarily show the effective control of the islands to Chinese general public so that the leadership could avoid pressure at the Beidaihe meeting. The CCP leadership headed by Xi Jinping had run an anticorruption campaign and had removed his political opponents, such as Zhou Yongkang, a former member of the Standing Committee of the Central Political Bureau of the Party. However, the leadership needed to increasingly solidify its foothold ahead of the party congress next year. Under these conditions, China has grown sensitive to its relationships, particularly with Japan.

As if to cover the points China attributed to its opponent in the South China Sea, a critically argumentative tone about Japan is gathering momentum in China, similar to the tone towards the Philippines, which instituted the arbitration. In other words, to avoid domestic criticism of the leadership, the Xi leadership is trying to create a fictional narrative that China did not make a diplomatic mistake and it is Japan, an outsider, which is creating issues in the South China Sea.

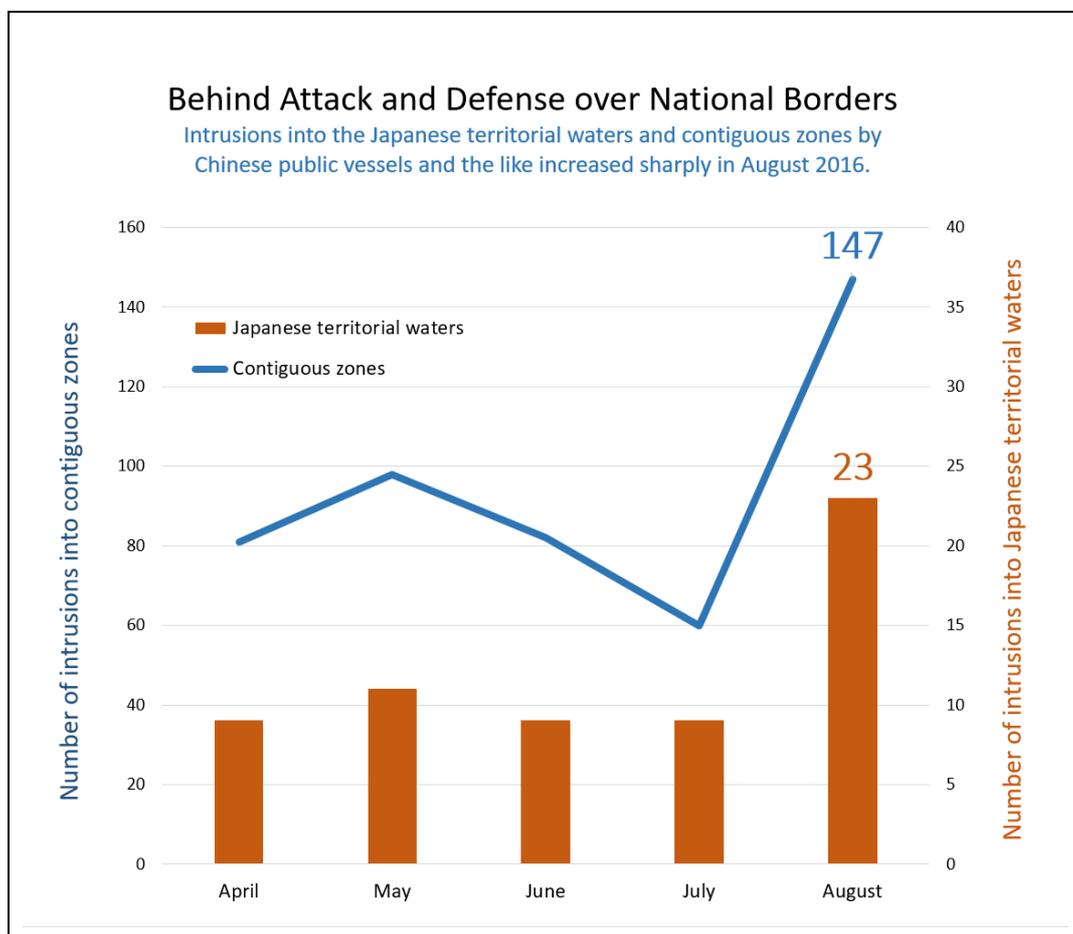
In the arbitration between China and the Philippines based on the United Nations Convention on the Law of the Sea, the presiding judge of the International Tribunal for the Law of the Sea selected a judge for the arbitration. By chance the judge selected for the case was Yanai Shunji from Japan. China is also using the selection of Yanai to criticize Japan.

It is believed that China needed to demonstrate its firm position before Foreign Minister Wang Yi's planned trip to Japan in late August 2016 for a conference with his counterparts from Japan and South Korea to prevent critics from denouncing his weak attitude toward Japan. The

number of Chinese government vessels in the waters around the Senkaku Islands decreased after a week or so, possibly for that reason.

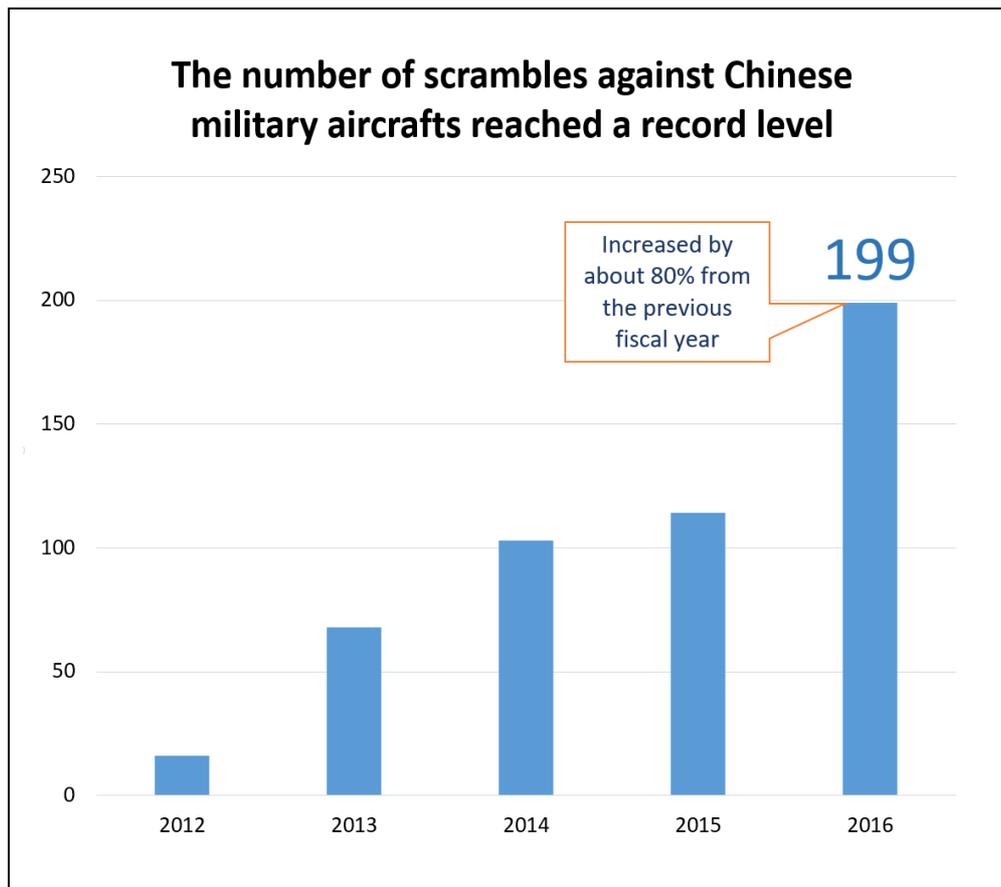
From the Three-Three-Two Formula to the Three-Four-Two Formula

However, subsequent intrusions into territorial waters showed a different pattern. China sharply increased the dispatches of its government vessels to waters around the Senkaku Islands for some time after the Japanese government bought three of the islands from a private landowner in September 2012. However, the number of Chinese public vessels and the frequency of their intrusions gradually stabilized to a pattern known as the three-three-two formula. In this method, three times every month, three Chinese public vessels enter Japanese territorial waters around the Senkaku Islands for two hours. The formula was considered to be a sustainable pattern that enables China to show defiance to Japan’s effective control of the islands intermittently with a fleet consisting of 26 vessels.



Note: The left and right axes show the number of intrusions into contiguous zones and the number of intrusions into Japanese territorial waters, respectively. (Figures presented below are the numbers in 2016).

Source: Wedge produced from data published by the Japan Coast Guard



Note: Scrambles by Air Self-Defense Force fighters in the first quarter of the respective fiscal years are compared.

Source: *Wedge* produced from data published by the Ministry of Defense

However, four vessels began entering the Japanese territorial waters for two hours in September 2016. China seems to be attempting a shift to a pattern that can tentatively be called the three-four-two formula. This means China stepped up its normal defiance toward Japan regarding sovereignty over the Senkaku Islands to the higher level. Depending on the case, China might also raise the frequency of intrusions to a pattern called the four-four-two. China is trying to divert Japan's greater interventions in the South China Sea by raising the level of its defiance in the East China Sea.

However, the South China Sea is a sea-lane for Japan. It is also an extremely important area for Japan from the viewpoint of maintaining order based on the law of the sea. Maritime legal order will collapse and the situation in the East China Sea will deteriorate as a result if Japan accepts the unilateral change of the status quo in the South China Sea by China. I think Japan should resolutely insist on the rule of law for issues in the South China Sea for that reason. To do so, Japan must effectively deal with China's defiance in the waters around the Senkaku Island and the East China Sea.

Japan has bolstered the defense of the Southwest Islands by the Ground Self-Defense Force, the Maritime Self-Defense Force, and the Air Self-Defense Force based on its Dynamic Joint Defense Force concept in order to cope with China's defiance in the East China Sea. Japan has

also stepped up the deterrence of the Japan-U.S. alliance through the enactment of peace and security acts and the revision of the Japan-U.S. defense cooperation guidelines. In spite of these steps, a Chinese war ship navigated the zone contiguous to the Senkaku Islands for the first time in June 2016. The Air Self-Defense Force measures taken against intrusions into Japanese airspace totaled 199 in the period from April to June 2016, a sharp increase from the same period in the previous fiscal year,

For such reasons, Japan needs to continue to improve its patrol, surveillance, and anti-ship and air defense capabilities in waters around its southwestern islands and the strengthening of its joint ground, maritime, and air transportation capacity through steps that should include the introduction of high-speed landing craft. The early implementation of a maritime-air communication mechanism to avoid contingency situations with the Chinese military is also indispensable. However, China insisted on applying this mechanism to territorial waters and the airspace around the Senkaku Islands when Japan proposed its application to international waters and the skies above them. There has been no agreement between the two nations on the implementation of the mechanism. Given these conditions, I believe a different idea, such as the separation of maritime and air and the preceding operation of a maritime communication mechanism is necessary.

Crisis management in gray zone is a more urgent issue. The military balance in the East China Sea remains favorable to Japan and the United States. For that reason, China is continuing to defy Japan in gray zone, using fishing boats, maritime militias, and government vessels, instead of military means.

The Japan Coast Guard began operating a fleet of 12 patrol boats assigned to the waters around the Senkaku Islands on a full-time basis. However, this is the number of boats for regularly monitoring three Chinese government vessels. The Japan Coast Guard must increase its monitoring capacity if China upgrades the three-three-two formula.

There are many obscure points about the actual state of maritime militias in China. However, Japan must pay attention to their movements, too. It is believed that the maritime militia was behind the fishing boats that entered Japanese territorial waters with Chinese public vessels on the most recent occasion. Many of the crew members of the fishing boats that flooded into the waters around the Senkaku Islands were farmers from inland provinces who had come to Zhejiang Province and Fujian Province for work. They were not accustomed to handling ships. There is a strong chance that those crew members could cause a crisis.

Maritime Security Operation Not Understood by China or the United States

The commitment of the Self-Defense Forces through its maritime patrol operation or public security operation is a point that should be carefully discussed with regard to the ways to deal with the developments in gray zone. The Japanese government issues a maritime security order and dispatches the Maritime Self-Defense Force when a situation exceeds the capacity of the Japan Coast Guard. The government became able to speedily issue the order after a Cabinet

meeting over the telephone last year.

However, this is not common international practice. It is merely a domestic procedure. Japan will give China the perfect excuse to send warships if it dispatches the Self-Defense Forces in the gray zone first. Understanding about maritime security operation has not spread in the United States. Opinions asking Japan to act cautiously remain dominant. For those reasons, the Japanese government should give priority to the responses by the Japan Coast Guard in dealing with the situations in gray zone. At the same time, the government should revise the Self Defense Forces Act and enable its ships with coast guard officers aboard to police the Japanese territorial waters during peacetime. For a start, it is advantageous for the government to produce a track record of Maritime Self-Defense Force in constant action behind the Japan Coast Guard ships in the waters away from the Senkaku Islands.

Note: This article was written for publication in *Wedge*, October 2016. The author has made minor alterations in view of circumstances since that time.

Translated from "Kokkyo sozen Part I: Chugoku kosen ga shikakeru '3-4-2 hoshiki' — Minamishinakai mondai ga hottan no Senkaku sodo, yoha wo ukeru Okinotorishima, Minamitorishima (National Borders in an Uproar (I): Three-Four-Two Formula Engineered by Chinese Government Vessels — Issues in the South China Sea Explain the Disturbance around the Senkaku Islands and its influence on Okinotorishima and Minamitorishima)," Wedge, October 2016, pp. 18-22. (Courtesy of WEDGE Inc.) [October 2016]

KOTANI Tetsuo

Born in 1973, Kotani is a Senior Research Fellow at the Japan Institute of International Affairs. Kotani left a doctoral course in political science at the Doshisha University Graduate School of Law after completing the course requirements. He took up his current position in 2014 after working as a researcher at Vanderbilt University's US-Japan Center in the United States, the Ocean Policy Research Foundation, and the Okazaki Institute. Kotani's fields of specialization are the Japan-U.S. alliance, geopolitics, and maritime security.
