



Airspace Violations Near LAC

For Prelims: Confidence Building Measures, Outer Space Treaty 1967, LAC, Eastern Ladakh, Air sovereignty, 1944 Chicago Convention, Air Traffic Control

For Mains: Airspace Violations and Related Laws, India China Conflicts

Why in News?

Recently, India and China held a special round of military talks on **Air space Violations** at the **Chushul-Moldo border meeting point in Eastern Ladakh**.

- The talks were held against the backdrop of the "**provocative behaviour**" by Chinese fighters flying close to the [Line of Actual Control \(LAC\)](#) often violating the 10-km no-fly zone Confidence Building Measure (CBM).

Why do Such Incidents Keep Happening?

- The LAC is **not fully demarcated** and there are **differences of perception on the alignment** due to which such incidents keep happening.
- To maintain peace and tranquillity along the LAC, the **two sides regularly hold talks at various levels on the ground**.
- Since the [stand-off began](#) in eastern Ladakh in May 2020, both sides have forward deployed air assets along the LAC and also augmented bases and air defences.

What is the Picture of India China Recent Conflicts?

- The **June 2020** clash in the Galwan Valley - fought with sticks and clubs, not guns - **was the first fatal confrontation between the two sides since 1975**.
 - The most recent conflict was - in **January 2021** - left troops on both sides injured. It took place along the border in India's Sikkim state, which is **sandwiched between Bhutan and Nepal**.
- Lately, the Chinese have been **complaining about the IAF upgrading its capability to detect Chinese Air Force aircraft operating within the territory** controlled by them in the Tibet region.
- The two sides have been **able to resolve three friction points in eastern Ladakh** and are holding discussions to find solutions for the [Hot Springs](#) area also.
 - The two have conducted 16 rounds of Corps commander-level talks to de-escalate the situation and tensions which began after the Chinese tried to alter the status quo on the LAC in 2020.

What is Line of Actual Control?

- **About:** The Line of Actual Control (LAC) is **the demarcation that separates Indian-controlled territory from Chinese-controlled territory**.

- LAC is different from the **Line of Control (LoC) with Pakistan**:
 - The LoC was designated so in 1972, following the **Shimla Agreement** between the two countries. **It is delineated on a map.**
 - The **LAC, in contrast, is only a concept - it is not agreed upon by the two countries**, neither delineated on a map or demarcated on the ground.
- **Length of the LAC:** India considers the LAC to be 3,488 km long, while the Chinese consider it to be only around 2,000 km.
- **Sectors Across the LAC:**
 - **It is divided into three sectors:** the eastern sector which spans Arunachal Pradesh and Sikkim (1346 km), the middle sector in Uttarakhand and Himachal Pradesh (545 km), and the western sector in Ladakh (1597 km).
 - The alignment of the LAC in the eastern sector is along the 1914 McMahon Line.
 - The McMahon line marked out previously unclaimed/undefined borders between Britain and Tibet.
 - The middle sector is the least disputed sector, while the western sector witnesses the highest transgressions between the two sides.

What are the Agreements Between India-China on Air Space?

- As per the existing agreements between India and China, **operation of fighter aircraft and armed helicopters is restricted to a distance from the LAC.**
- According to the '**Agreement on Maintenance of Peace and Tranquillity along the LAC in India-China Border Area**' of 1996, "combat aircraft (to include fighter, bomber, reconnaissance, military trainer, armed helicopter and other armed aircraft) **shall not fly within 10 km of the LAC.**
- **Between 1993 and 2012**, a set of **Confidence Building Measures (CBMs)** were agreed upon by India and China to **maintain peace between the two countries.**

What is the Confidence Building Measures (CMB)?

- In a face-off situation **neither side shall use force or threaten to use force** against the other,
- Both sides **shall treat each other with courtesy** and refrain from any provocative actions,
- If the border personnel of the two sides come to a face-to-face situation due to differences on the alignment of the LAC, they shall exercise self-restraint and take all necessary steps to avoid an escalation of the situation.
- **No military aircraft of either side shall fly across the LAC**, except by prior permission.
- Neither side shall **open fire, cause biodegradation, use hazardous chemicals**, conduct blast operations or hunt with guns or explosives within two kilometres from the LAC

What was the Response after this Incident?

- The Indian side has strongly raised objections over the same.
- More recently, India and China have discussed the "**proposal for direct contact**" between two **air forces during** the special military talks.
- The direct contact mechanism could be through **a separate hotline or by using the existing hotline between the two armies.**
 - The **Indian and Chinese armies currently have six hotlines** - two each in eastern Ladakh, Arunachal Pradesh and Sikkim - between their ground commanders.
 - The sixth one was set up between Kongra La in north Sikkim and Khamba Dzong in the [Tibetan Autonomous Region](#) in August 2021.

What do We know about Air Space and Related Laws?

- **About:**
 - Air space, in international law, is the **space above a particular national territory**, treated as belonging to the **government controlling the territory**.
 - It **does not include outer space**, which, under the [Outer Space Treaty of 1967](#) is declared to be free and not subject to national appropriation.
 - The treaty, however, **did not define the altitude at which outer space begins and air space ends**.
- **Air Sovereignty:**
 - It is the fundamental right of a sovereign state **to regulate the use of its air space and enforce its own aviation law**.
 - State controls the **entry of foreign aircraft into its territory** and that persons within its territory are subject to its laws.
 - The principle of air space sovereignty is **established through the Paris Convention on the Regulation of Aerial Navigation (1919)** and subsequently by other multilateral treaties.
 - Under the [1944 Chicago Convention](#), contracting states **agree to permit aircraft registered in the other contracting states and engaged in commercial non-scheduled flights** to fly into their territory without prior **diplomatic permission** and, moreover, to pick up and discharge passengers, cargo, and mail.
 - This provisions, in practice, has become a dead letter.
- **Prohibited Air Space:**
 - It refers to an area of air space within which flight of aircraft is not allowed, usually due to security concerns. It is one of many types of special use airspace designations and is depicted on aeronautical charts with the letter "P" followed by a serial number.
- **Restricted Air Space:**
 - Different from prohibited air space, in this space, the entry is **typically forbidden for all aircrafts and is not subjected to clearance from ATC (Air Traffic Control)** or the air space's controlling body.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains

Q. "The USA is facing an existential threat in the form of China, that is much more challenging than the erstwhile Soviet Union." Explain. **(2021)**

Q. "China is using its economic relations and positive trade surplus as tools to develop potential military power status in Asia". In the light of this statement, discuss its impact on India as her neighbour. **(2017)**

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