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China-U.S. Aircraft Collision Incident of April 2001: Assessments and Policy Implications

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Summary

The serious incident of April 2001 between the United States and the People's Republic of China (PRC) involved a collision over the South China Sea between a U.S. Navy EP-3 reconnaissance plane and a People's Liberation Army (PLA) naval F-8 fighter that crashed. After surviving the near-fatal accident, the U.S. crew made an emergency landing of their damaged plane onto the PLA's Lingshui airfield on Hainan Island, and the PRC detained the 24 crew members for 11 days. Washington and Beijing disagreed over the cause of the accident, the release of the crew and plane, whether Washington would "apologize," and the PRC's right to inspect the EP-3. In the longer term, the incident has implications for the right of U.S. and other nations' aircraft to fly in international airspace near China. (This CRS Report, first issued on April 20, 2001, includes an update on the later EP-3 recovery.)

The incident prompted assessments about PRC leaders, their hardline position, and their claims. While some speculated about PLA dominance, President and Central Military Commission Chairman Jiang Zemin and his diplomats were in the lead, while PLA leaders followed in stance with no more inflammatory rhetoric. Still, the PLA is likely to benefit from this incident. Despite PRC claims that the EP-3 plane caused the accident, it appears that the PLA pilot, executing a close pass in an apparent attempt to impress or intimidate the EP-3 crew, made a fatal error in judgment. International law is clear that all aircraft have a right of overflight with respect to ocean areas beyond the territorial sea (past 12 miles out).

There are implications for U.S. policy toward the PRC and Taiwan, and defense policy. This incident of April 2001 is the third in a series of major troubling difficulties since the mid-1990s that could have serious implications for U.S.-PRC relations. The standoff raised questions about whether the issues of the incident and arms sales to Taiwan should be linked and whether to change the process of annual arms sales talks with Taipei. A further worsening of political ties could negatively affect the business climate in China for U.S. firms and disrupt negotiations over China's WTO accession. Airborne reconnaissance remains a vital component of intelligence collection for military and other national security purposes. Observers speculate that the chief benefit to the PRC from inspecting the EP-3 would be to gather information about U.S. targets and degree of success that could enable them to prepare countermeasures to hinder future U.S. surveillance efforts. The incident has potential implications for U.S. military surveillance operations in at least four areas: operational strain on the EP-3 fleet, conditions for conducting airborne surveillance missions in the future, the need for escorts or other protective forces, and using unmanned air vehicles (UAVs) for airborne surveillance missions.

There are also implications for U.S. relations with allies and others. Japan seems increasingly concerned about PRC assertiveness. South Korea is concerned that a major deterioration in U.S.-China relations could undermine its "sunshine policy" of engaging North Korea. The incident may add to Manila's desire to revive its security ties with Washington. Australia has concerns. Moscow's relatively restrained public response to the incident is surprising and noteworthy.

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The EP-3 Incident and U.S. Interests[1]

The serious incident of April 2001 between the United States and the People's Republic of China (PRC) involved a collision over the South China Sea between a U.S. plane on a routine, overt reconnaissance mission and a People's Liberation Army (PLA)[2] fighter conducting what is usually a normal interception. The U.S. aircraft flew out of Kadena Air Base in Okinawa, Japan. Its crew of 24 military service men and women (with 22 from the Navy, 1 from the Marines, and 1 from the Air Force) are based at Whidbey Island Naval Air Station in Washington State and Misawa Naval Air Station in Japan. Shortly after 9:00 am on April 1, 2001 (shortly after 8:00 pm on March 31, 2001 in Washington), a U.S. Navy EP-3E (Aries II) turboprop reconnaissance aircraft and a People's Liberation Army Navy (PLAN) F-8II jet fighter[3] accidentally collided in international airspace about 70 miles off the PRC's Hainan island. After surviving the near-fatal accident, the U.S. crew made an emergency landing of their damaged plane onto the island at the PLAN's Lingshui airfield, and the PRC subsequently detained the 24 crew members for 11 days. The PLAN's F-8 fighter crashed into the sea and the pilot, Wang Wei, was lost.

Washington and Beijing disagreed over the cause of the accident, when and how to release the U.S. crew and plane, whether the U.S. government would "apologize," and the PRC's right to board the U.S. aircraft and learn about its equipment. Moreover, in the longer-term, the incident has implications for the right of U.S. and other nations' aircraft to fly in international airspace near China. The incident affected significant U.S. interests, prompted assessments of a number of questions about the PRC leadership and its claims, and raised implications for U.S. foreign and defense policies and intelligence operations, especially policy toward China.

The Collision and Detention of U.S. Crew

On the night of April 1, 2001, in Beijing (in the morning in Washington), the PRC's Ministry of Foreign Affairs and government-controlled media first publicly reported that there was a collision between U.S. and PRC military aircraft. The PRC said that the collision occurred at 0907 that morning (Beijing and local time), 104 km

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[1]Written by Shirley Kan, Specialist in National Security Policy.

[2]The PRC's military is collectively called the People's Liberation Army (PLA).

[3]*Wen Wei Po*, a PRC-controlled newspaper in Hong Kong, reported that the fighter was the upgraded F-8II version. In the late 1980s, until the Tiananmen Crackdown of 1989, the United States helped to improve the avionics of the F-8II under the "Peace Pearl" program.

(about 65 miles) southeast of the PRC's Hainan island over the South China Sea. The PRC issued the announcement about 13 hours after the collision. From the beginning, the PRC's statements blamed the U.S. side for the collision. The PRC Foreign Ministry claimed that the EP-3 "suddenly turned" toward the PLA fighters and that the EP-3's nose and left wing collided with the PLA fighter, causing it to crash. The PRC also accused the EP-3 of entering "China's territorial airspace" without permission and landing at Lingshui airport on Hainan island at 0933 (26 minutes later), when the U.S. plane made its emergency landing. While detaining the 24 U.S. crew members on the island, the PRC declared that it made "appropriate arrangements" for them.[4]

The new George W. Bush Administration faced its first major foreign policy crisis, and U.S. interests focused on the return of the crew. In Hawaii, on the morning of April 1, 2001, about 18 hours after the collision, Admiral Dennis Blair, Commander-in-Chief, U.S. Pacific Command (CINCPAC), in Hawaii issued a press statement and held a press conference.[5] He reported that the EP-3 surveillance aircraft was on a "routine operation" in international airspace over the South China Sea about 70 miles off Hainan island, when it was intercepted by PLA fighters, and one of them "bumped into the wing of the EP-3E aircraft." The EP-3's pilot declared a Mayday and safely made an emergency landing at Lingshui on Hainan island. Admiral Blair declared that the plane has "sovereign immunity," and the PRC may not board it or keep it. He expressed frustration at the lack of cooperation from the PRC in returning the crew and the plane, and at the PRC's denial to the crew of phone calls to U.S. officials or families. The crew's last message from the plane to the Pacific Command simply said "we've landed, and we're okay." Blair said that the PRC did not notify the American side, but that U.S. representatives contacted PRC officials, who then reported that the crew members were safe.

While saying that U.S. reconnaissance operations and the PLA's interceptions are "routine," Adm. Blair revealed that the PLA fighters engaged in a pattern of "increasingly unsafe behavior." He disclosed that U.S. officials had already protested to the PRC that PLA pilots, "starting several months ago," displayed flying professionalism that was dangerous to them and to U.S. planes.

Moreover, Adm. Blair responded to and disputed the PRC's version of events that the U.S. aircraft abruptly turned into the PLA fighter and caused the collision. He stressed that "an EP-3E is about the size of, say, a 737. It flies generally about 300 knots. The Chinese aircraft is about like an F-16. It's a fighter aircraft. It flies at about twice that speed. Big airplanes like this fly straight and level on their path." The EP-3E, according to Blair, was "just chugging along in broad daylight."

As Deputy Secretary of State Richard Armitage later explained, the PRC initially failed to communicate with the United States and allow contact with the crew despite

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[4] "CCTV Carries FM Spokesman's Comments on U.S. Military Plane Incident," *Beijing CCTV*, in FBIS, April 1, 2001; "PRC FM Spokesman Zhu Bangzao Comments on Aircraft Collision Incident," *Zhongguo Xinwen She* [China News Agency], in FBIS, April 1, 2001.

[5] U.S. Pacific Command, press statement and press conference of Adm. Dennis Blair, Camp Smith, Hawaii, April 1, 2001.

U.S. attempts to contact the PRC at a high level.[6] So, in the late morning of April 2, 2001, the President appealed to PRC leaders from the White House, saying that "our priorities are the prompt and safe return of the crew, and the return of the aircraft without further damaging or tampering. The first step should be immediate access by our embassy personnel to our crew members. I am troubled by the lack of a timely Chinese response to our request for this access." Bush also expressed concern about the PLA's pilot, offering to assist in search and rescue.[7]

In his first public statements on April 3, PRC President Jiang Zemin expressed concerns about the PLAN pilot. Jiang then demanded that the United States bear full responsibility and stop reconnaissance flights in the airspace along China's coast.[8] Also that day, the Foreign Ministry spokesman said that the collision occurred above China's "exclusive economic zone" (EEZ), claiming that the U.S. plane "threatened China's security," and called for the United States to apologize ("*daoqian*").[9]

At around midnight on the night of April 3 (about noon in Washington), the U.S. Defense Attache in Beijing, Brigadier General Neal Sealock, finally gained access to the detained crew members on Hainan island, but he was unable to secure their release.[10] After hearing from General Sealock, President Bush issued a second statement in the afternoon that day, saying that "now it is time for our servicemen and women to return home. And it is time for the Chinese government to return our plane. This accident has the potential of undermining our hopes for a fruitful and productive relationship between our two countries."[11] Later, Secretary of State Colin Powell explicitly expressed "regret" for the loss of the PLA pilot.[12]

In the morning of April 4, however, the Beijing leadership issued further demands. Upon departure for planned visits to six Latin American countries, President Jiang called for the United States to "apologize" for the incident.[13] (He was not scheduled to return to Beijing until April 17.) Later that day, Secretary Powell

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[6]Interview with Jim Lehrer, April 13, 2001.

[7]White House, "Statement by the President on American Plane and Crew in China," April 2, 2001.

[8]As reported by *Xinhua*, April 3, 2001, in FBIS.

[9]PRC, Ministry of Foreign Affairs, statement of spokesman Zhu Bangzao (in Chinese), April 3, 2001; "PRC FM Spokesman Says U.S. Should Bear Full Responsibility for Plane," *Xinhua*, April 3, 2001, in FBIS. Under the United Nations Convention on the Law of the Sea, the EEZ is an area extending up to 200 nautical miles from the coastline, beyond and adjacent to the "territorial sea" (extending 12 nautical miles from the coastline), over which a state has "sovereign rights for the purpose of exploring and exploiting, conserving, and managing the natural resources, whether living or non-living."

[10]*Reuters*, April 3, 2001; Craig Smith, "U.S. Officials Meet With 24 Still Detained With Aircraft," *New York Times*, April 4, 2001.

[11]White House, "Statement by the President," Rose Garden, April 3, 2001.

[12]Department of State, "Briefing for the Press Aboard Aircraft En Route to Andrews Air Force Base," April 3, 2001.

[13]*Xinhua*, April 4, 2001, in FBIS.

did not apologize, but said that "we regret that the Chinese plane did not get down safely, and we regret the loss of the life of that Chinese pilot. But now we need to move on, and we need to bring this to a resolution."[14]

Later that evening, however, a turning point apparently came when Secretary Powell expressed his views in a letter to PRC Vice Premier Qian Qichen, sent through PRC Ambassador Yang Jiechi.[15] Qian was traveling with President Jiang and had just met Powell and other U.S. officials in Washington, including President Bush on March 22.

Still, on April 5, the PRC Foreign Ministry insisted on an official apology.[16] While not apologizing, President Bush sent a third message to Beijing that afternoon, saying "I regret that a Chinese pilot is missing, and I regret one of their airplanes is lost. And our prayers go out to the pilot, his family. Our prayers are also with our own servicemen and women. And they need to come home. The message to the Chinese is, we should not let this incident destabilize relations."[17] Meanwhile, the Pentagon indicated that the 1998 Military Maritime Consultative Agreement (not a commission) between U.S.-PRC militaries (a loose framework to talk about how to avoid incidents at sea and in the air) might provide a basis for discussing the collision, and Administration officials hinted at progress through intensive diplomacy in both capitals.[18] Moreover, U.S. officials began to provide information and photographs showing that the PLAN pilot who was lost had flown risky interceptions close to U.S. aircraft before (as close as 10 feet away), including one encounter where he held up a piece of paper with his e-mail address on it.[19] In a positive response that day, President Jiang emphasized "bilateral relations."[20]

On the night of April 6 on Hainan, the PRC allowed General Sealock a second meeting with the crew, and Sealock briefed the President afterwards (10:25 am in Washington).[21] That day, Vice Premier Qian sent a letter of reply to Secretary Powell reportedly again asking for an "apology," and officials working closely with the two

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[14]Department of State, Secretary Colin L. Powell, "Remarks Following Meeting with King Abdullah of Jordan," April 4, 2001.

[15]Sanger, David and Jane Perlez, "Powell Offers China Aides Outline for Standoff's End," *New York Times*, April 5, 2001.

[16]"PRC FM Spokesman Demands Official U.S. Apology on Plane Incident," *Xinhua*, April 5, 2001, in FBIS. The Chinese word for "apology" demanded by Beijing was "*daoqian*."

[17]White House, "Remarks by the President at American Society of Newspaper Editors Annual Convention," April 5, 2001.

[18]Department of Defense, news briefing, April 5, 2001. Jane Perlez and David Sanger, "Bush Aides Saying Some Hope Is Seen to End Standoff," *New York Times*, April 6, 2001.

[19]Myers, Steven Lee and Christopher Drew, "U.S. Aides Say Chinese Pilot Reveled in Risk," *New York Times*, April 6, 2001.

[20]"China Daily Cites Jiang Zemin in Chile on Aircraft Incident, Status of U.S. Crew," *China Daily*, April 6, 2001, in FBIS.

[21]Greenberg, Jonah, *Reuters*, April 6, 2001. Secretary of State Colin Powell, "On-the-record Press Briefing (China)," April 6, 2001.

presidents exchanged drafts of a U.S. letter to be signed by U.S. Ambassador Joseph Prueher in Beijing.[22]

On the morning of April 8 in Hainan (local time), the PRC allowed General Sealock to have a third meeting with 8 of the detained crew. On a Sunday morning talk show, Secretary Powell declared that "we have nothing to apologize for at this point," but he also said, "there is a widow out there. And we regret that. We're sorry that her husband was lost no matter what the fault was." Powell added that "we do acknowledge that we violated their airspace, but look at the emergency circumstances that that pilot was facing. And we regret that. We've expressed sorrow for it, and we're sorry that that happened, but it can't be seen as an apology, accepting responsibility."[23]

Then, on April 9, the PRC allowed General Sealock a fourth meeting with the crew who remained captive, this time with all 24 members.[24] That morning in Washington, after talking with Sealock, President Bush issued his fourth message calling for the crew's release. He warned of "damage" to U.S.-China relations.[25] On April 10, General Sealock met with the crew detained on Hainan for a fifth time.[26]

Finally, in Beijing on April 11, Ambassador Prueher sent a letter of regret, with agreed wording in English to show regret and sorrow without an apology. The letter expressed "sincere regret" over the missing PLA pilot and plane, and that the United States is "very sorry" for the loss of the pilot, Wang Wei. Also, while noting that the U.S. aircraft had to make an emergency landing for the safety of the crew, the letter expressed that the United States is "very sorry" the EP-3 entered China's airspace without verbal clearance. The letter included the expectation that the crew would be allowed to leave China "as soon as possible." The U.S. side agreed to hold one meeting starting on April 18 "to discuss the incident," including the cause of the accident, how to avoid future collisions, and the prompt return of the EP-3E aircraft. Finally, the letter "acknowledged" the PRC government's "intention to raise U.S. reconnaissance missions near China in the meeting."[27] While saying that PRC Foreign Minister Tang Jiaxuan accepted the letter, the PRC announced that it would permit the U.S. crew to leave China, "out of humanitarian considerations." However, Tang continued to demand that the United States stop reconnaissance flights near China's

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[22]"PRC's Qian: U.S. Attitude 'Still Unacceptable'; Apology 'Extremely Important'," *Xinhua*, April 7, 2001; David Sanger and Craig Smith, "Bush and Jiang Exchange Drafts of a Letter Stating U.S. Regrets," *New York Times*, April 7, 2001; John Pomfret and Philip Pan, "China Insists on U.S. Apology," *Washington Post*, April 8, 2001.

[23]CBS, "Face the Nation" program, April 8, 2001.

[24]Bodeen, Christopher, *AP*, April 9, 2001.

[25]White House, "Remarks by the President in Photo Opportunity with the Cabinet," April 9, 2001.

[26]"U.S. Crew Getting Exercise, News – Diplomat Says," *Reuters*, April 10, 2001.

[27]White House, "Letter from Ambassador Prueher to Chinese Minister of Foreign Affairs Tang," April 11, 2001.

coast and inaccurately implied that the two sides would hold "negotiations" over the issue.[28]

That morning in Washington, President Bush confirmed the agreement for the detained crew to leave "promptly" and expressed sorrow for the loss of life of the PLA pilot. Later that day, Bush visited the family of one of the 24 detained crew members in North Carolina.[29]

On the morning of April 12, the 24 U.S. crew members finally flew out of Hainan for the U.S. territory of Guam on a chartered U.S. airliner. The crew then flew on a U.S. Air Force C-17 aircraft to Hawaii to be debriefed at the U.S. Pacific Command before returning to their families for Easter Sunday. Aboard the C-17, the EP-3's pilot, Navy Lieutenant Shane Osborn, spoke on the phone with Secretary of Defense Donald Rumsfeld. The next day, Secretary Rumsfeld held a news conference and reported that the EP-3 was on autopilot and flying straight and level, when the F-8 fighter hit the U.S. plane, and it plunged 5,000 to 8,000 feet before the crew got it under control. The 24 crew members almost died. The EP-3 suffered damage to a propeller, nose cone, and an engine, one engine was out, and an antenna was wrapped around the tail. He also reported that the crew issued numerous Mayday calls about the emergency landing, while the second F-8 fighter was close enough to know a collision occurred and report to the PLAN unit on Hainan island, whose armed troops met the U.S. plane after it safely landed.[30] Finally, on April 14, the crew returned to Whidbey Island Naval Air Station to a joyous homecoming full of yellow ribbons and red-white-and-blue flags.

As noted in the U.S. letter, on April 18-19, 2001, the United States and the PRC held a meeting to discuss the incident and return of the U.S. plane. However, the PRC decided against using the Military Maritime Consultative Agreement as the basis for the talks and ruled out a military-to-military meeting, with the Ministry of Foreign Affairs leading the talks instead.[31] The U.S. side was represented by the Pentagon, with a delegation to Beijing led by Deputy Under Secretary of Defense for Policy Support Peter Verga. The PRC did not agree to return the EP-3 at that time.[32]

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[28]"FM Tang Jiaxuan Receives U.S. Letter; PRC Decides to Allow Crew to Leave," *Xinhua*, April 11, 2001, in FBIS. PRC Ministry of Foreign Affairs, statement on Ambassador Prueher's letter in Chinese, April 11, 2001. *China Daily* printed the full letter in English.

[29]White House, "Remarks by President on Release of American Servicemen and Women in China" and "Remarks by the President When Meeting the Parents of Petty Officer Third Class Steven Blocher," April 11, 2001.

[30]Department of Defense, Secretary Rumsfeld Briefs on EP-3E Collision," April 13, 2001.

[31]Robbins, Carla Anne and Greg Jaffe, "Its Fliers Safe on U.S. Soil, Washington To Get Tough with China in Meeting," *Wall Street Journal*, April 13, 2001. Lu Shumin, head of the Ministry of Foreign Affairs' Department of American and Oceanic Affairs, represented the PRC (*Xinhua*, April 18, 2001, in FBIS).

[32]Chandler, Clay, "No Deal Reached on Plane," *Washington Post*, April 20, 2001.

U.S. Interests After the Return of the Crew

After the return of the crew, the United States focused on maintaining the interest of all countries to fly in international airspace, including near China. Bush Administration officials say that the EP-3 was not "spying" on China; it was on an overt reconnaissance mission, and the plane was unarmed, without fighter escorts. They point out that aircraft of all countries have the right to fly in international airspace, commonly recognized as 12 miles beyond the coast, a point obscured by the PRC. They also say that the PRC itself has flown reconnaissance missions in international airspace. China has at least one Yun-8 reconnaissance plane.[33] Speaking after the crew's release from China and ahead of the April 18th meeting, Deputy Secretary of State Richard Armitage listed the first U.S. priority as asserting to the PRC the right of countries to fly in international airspace. Armitage stressed that "we have a right. Six other countries in Asia, including [the PRC], fly reconnaissance flights in international airspace." Second, Armitage stressed that the United States seeks the return of its EP-3 plane. "Our point of view is that it is an $80 million aircraft, it's ours, and that the Chinese have a responsibility to return it to us." Third, Armitage noted that the United States has an interest in a productive, positive relationship with the PRC. He said, "I think we will want to see if there is a way we can talk about the recent problems we have had in a non-polemical setting, to try to make sure we don't conflict in the future."[34]

Update on the EP-3's Recovery and Payment Issue

After the EP-3 crew's safe return, the United States and China negotiated the return of the U.S. plane. With PRC cooperation, U.S. technicians from Lockheed Martin, manufacturer of EP-3Es, arrived on Hainan to assess the damaged aircraft on May 1. After the U.S. military on May 7 resumed reconnaissance flights off China's coast (with an Air Force RC-135), the PRC declared that it would not allow the EP-3 to fly home on its own. However, the Pentagon said on May 15 that the EP-3 is "definitely repairable to be flown" and that would be the United States' preferred option as the "simplest, fastest, and least expensive way" to recover the plane. Still, on May 29, the U.S. Embassy in Beijing announced an agreement whereby the EP-3 would be disassembled and transported back to the United States on a large Russian AN-124 cargo plane.[35]

On June 13, the U.S. Pacific Command announced that it began operations to recover the damaged EP-3 aircraft from Hainan Island. Lockheed Martin Aeronautics Company had the contract to disassemble and ship the plane, having chartered an AN-124 from a Russian air cargo company, Polyot Air Cargo, through a Texas company, Tailwind International. (A Pentagon spokesman said on July 3 that the cost of Lockheed Martin's contract to disassemble and recover the EP-3 was up to $5.8

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[33]Karniol, Robert, "China's Sigint Capabilities Exposed," *Jane's Defense Weekly*, April 11, 2001.

[34]Interview on the "News Hour" with Jim Lehrer, April 13, 2001.

[35]Eckholm, Erik, "Spy Plane Will Return to U.S. in Pieces as Cargo," *New York Times*, May 29, 2001.

million, with additional costs to reassemble and repair the plane.) U.S. technicians on Hainan cut off the EP-3's tail section from the fuselage, four engines, wings, and other parts, and the Russian crew flew several flights with salvaged parts to Kadena Air Force Base in Japan. Ahead of the scheduled completion date of July 11, the AN-124 transported the EP-3's fuselage out of China on July 3, stopped in Manila, Philippines, Hickam Air Force Base, Hawaii, and arrived at Dobbins Air Force Base, Georgia, on July 5, according to a briefing by the Pacific Air Forces of the U.S. Pacific Command.[36] Also, U.S. officials reported that they dealt with PLA officers from Beijing, not local officers at Lingshui on Hainan, showing the centralized nature of critical decision-making in China.

There was a remaining issue over payment for costs involved in the incident. Vice President Cheney had told Fox News Sunday on April 29 that the United States was prepared to pay only for legitimate costs associated with recovering the EP-3, such as transportation costs. According to the Pacific Air Forces briefing, the PRC tried but could not run up the bill, and the runway at Lingshui airfield "already had existing defects." On June 30, the PRC billed the United States about $1 million for what U.S. officials called "highly exaggerated" charges, including expenses associated with the detention of the U.S. crew.[37] (On July 17, Congressman Lantos introduced H.R. 2507 to prohibit payment to the PRC for costs for the crew's detention or the aircraft's return, until the PRC first reimburses the United States for our costs. On July 18, Representative DeLay offered an amendment to the FY2002 Commerce, Justice, and State Appropriations Act (H.R. 2500), prohibiting the use of funds to negotiate or pay the PRC for costs associated with the crew's detention or the EP-3's return.) While confirming that the PRC had asked for about $1 million, on August 9, the Department of Defense announced that it "independently" arrived at a "fair figure for services rendered and assistance in taking care of the aircrew and some of the materials and contracts, and whatnot, to remove the EP-3 itself" and was sending the "non-negotiable" amount to the U.S. Embassy in Beijing. The amount of $34,567, fell far short of China's demands, and the country rejected the money as "unacceptable."[38]

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[36]U.S. Pacific Command. See also: [http://www.pacom.mil/ep3.htm]; Pacific Air Forces, briefing slides by Ross Higa, "EP-3 Recovery," July/August 2001.

[37]Sipress, Alan and Thomas Ricks, "China Bills U.S. Over Collision," *Washington Post*, July 7, 2001.

[38]Mufson, Steven, "U.S. to Pay China $34,567 For Costs of Downed Plane," *Washington Post*, August 10, 2001; *Xinhua*, August 11, 2001.

Assessments of the Collision Incident

The incident prompted a number of assessments about the PRC leadership and its various claims about the aircraft involved and the collision.

PRC Leadership and Decision-making[39]

The incident raised questions about the hardline, non-cooperative approach of the PRC leadership from the beginning of the standoff, including the unreasonable detention of the U.S. crew for 11 days and the EP-3 for longer. Some say that China took positions in an expected way for countries to react, taking advantage of a situation to further its national interest. Still, the incident prompted a range of assessments of Beijing's decision-making and calculations, including the following interpretations. Of course, PRC leaders faced complicated decisions, likely affected by more than one consideration, and their interactions remain largely secret.

Strategy to Push Back U.S. Presence. One explanation stresses that the PRC position was based on its national security strategy, including uniting Taiwan with the mainland and asserting its role in the region to counter U.S. influence.[40] This strategy seeks to push the PLA's defensive line further out to sea while pushing back the U.S. military presence in Asia, complicate U.S. calculations (particularly in a Taiwan scenario), weaken U.S.-led alliances (especially that with Japan), and assert Beijing as a "big country" with a say in the region. In this school of thought, the fact that the EP-3 flew out of the Kadena Air Base in Okinawa, Japan, on an intelligence mission makes the incident particularly objectionable to PRC leaders, who also feel strong historical hostility to Japan.[41] Washington and Beijing also have very different world views, especially with China's claims to "historical territory," like the South China Sea. Beijing's strategy is to try to gain some greater measure of control in the region, and this incident presented an opportunity to try to set rules favorable to China. Still, many doubt that the PLAN pilot deliberately caused the collision.

Best Defense Is a Good Offense. Another explanation emphasizes that PRC leaders may well have known that the collision was precipitated by PLA actions over several months leading up to the incident. Wang Wei, the PLA pilot whose fighter collided into the EP-3 was already known to U.S. pilots as a risk-taking pilot.[42] At his April 13 news conference, Secretary Rumsfeld showed a video from a January 24 interception by the same F-8 fighter that later hit the EP-3 on April 1. In the video, the fighter is shown flying as close as 20 feet away and having difficulty

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[39]Written by Shirley Kan, Specialist in National Security Policy.

[40]Pomfret, John, "In Beijing's Moves, A Strategy on Taiwan," *Washington Post*, April 6, 2001; Bruce Gilley and David Murphy, "Power Play in Hainan," *Far Eastern Economic Review*, April 19, 2001.

[41]The *Jiefangjun Bao (Liberation Army Daily)* noted the "strategic significance" of Kadena in a April 11, 2001 article: "PRC: Strategic Significance of U.S. Kadena Air Base in Okinawa Viewed," in FBIS.

[42]Myers, Steven Lee and Christopher Drew, "U.S. Aides Say Chinese Pilot Reveled in Risk," *New York Times*, April 6, 2001.

maintaining airspeed. Even if they did not direct the aggressive intercepts, Beijing leaders knew about them from the formal U.S. protest of December 28, 2000, confirmed by Rumsfeld. Moreover, the Pentagon reported that aggressive interceptions of U.S. aircraft occurred to the south of China, but not to the east of China, specifying the problem as involving the PLAN unit on Hainan.[43]

The second PLA pilot who witnessed the collision may have reported it as caused by Wang Wei's flying too close, as an accident, or as caused by the EP-3. Nonetheless, his PLAN unit, the PLA command, and PRC leaders may have feared an American backlash for almost killing 24 U.S. crew members and downing the U.S. plane. In its first official statement of April 4 about the incident, the Ministry of National Defense (MND) – only a shell for dealing with foreigners while the Central Military Commission (CMC) commands the PLA – sought to defend the actions of the F-8 fighters, saying that "it is entirely justified and in line with international law for Chinese fighter jets to track and monitor" U.S. reconnaissance aircraft. Thus, in this view, the PRC, faced with a mishap about which the United States had warned, seemed intent on defending the PLA's interceptions with an accusation against the Americans.

PLA in Command. There are those who point to power struggles and policy differences between military and civilian leaders. One line of reasoning in this school believes that the PLA tried to cover up its own mistakes (including dangerous maneuvers by its pilot who caused the accident, damaged a U.S. aircraft, and almost killed 24 U.S. personnel) and deliberately provided false information to the civilian leaders, including President Jiang.[44] Based on this view, Jiang and other top leaders were muddled and confused, and may have miscalculated in making accusations against the Americans and holding the 24 crew members for 11 days on Hainan.

A second line of reasoning in this school views the PLA as increasingly influential in pressuring civilian leaders, such as Jiang, into more hardline approaches toward the United States and even playing a "pivotal" role in the PRC's foreign policy, particularly on questions like Taiwan and national security. According to this view, the PLA presented an obstacle to a smoother and speedier diplomatic resolution in this incident, as shown by some harsh articles appearing in the *Liberation Army Daily* during the crisis.[45]

However, available indications are that, throughout the incident, President Jiang (who is also CMC Chairman), Vice Premier Qian, and the Ministry of Foreign Affairs were in the lead, while top PLA officers followed in stance with no more inflammatory rhetoric and were slow in making appearances. Still, the PLA is likely to benefit from the incident, with the chance to inspect the EP-3 and another anti-

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[43]Department of Defense, news briefing, April 17, 2001.

[44]Lilley, James and Arthur Waldron, "The U.S. Owes No Apology to the Chinese," *Wall Street Journal*, April 5, 2001.

[45]Hutzler, Charles, "China's Slimmed-Down Military Takes the Lead in Foreign Affairs," *Wall Street Journal*, April 9, 2001; "China's Generals" (editorial), *New York Times*, April 11, 2001.

American rallying point. This incident and other international tensions may well show that the Beijing leadership is more generally united with hardline views on issues of national security and sovereignty, especially on Taiwan.

One early indicator was that Jiang felt sufficiently secure in his standing and ability to made critical decisions that he departed Beijing as scheduled for Latin America on April 4 for a 13-day trip. Second, as Secretary of State Powell revealed, the PRC government wanted to handle the incident through the Ministry of Foreign Affairs.[46] Moreover, the follow-up meeting in Beijing on April 18-19 to discuss the incident was ultimately not handled on the basis of the 1998 PLA-Pentagon Military Maritime Consultative Agreement, and the PRC side was led by the MFA, not the PLA, even as the Department of Defense represented the United States.

Third, although it was a military incident, the PRC's MND first issued a statement on April 4 (to condemn the incident and express concern for the lost PLAN pilot, identified as Wang Wei), well after the Ministry of Foreign Affairs and President Jiang presented the official PRC positions.[47] Moreover, the MND's statement did not demand that the United States apologize or stop the reconnaissance flights.[48] The MND did not directly challenge the right of the U.S. aircraft to fly where it was intercepted, noting that "U.S. military surveillance planes have made frequent spy flights in the sea areas close to China for many years" and the two F-8s took off to conduct "routine" tracking of the U.S. plane. The MND also charged the U.S. aircraft as entering "Chinese territorial airspace without approval" only when it made its landing on Hainan Island.

Finally, it was not until the morning of April 7 that a top PLA leader took a public position on the incident. PRC media reported that Central Military Commission (CMC) Vice Chairman and Minister of National Defense, General Chi Haotian, visited the lost PLAN pilot's wife and the second pilot in the incident, as "commissioned" by Jiang. While also blaming the United States, Chi did not demand that the United States apologize and stop the reconnaissance flights. Moreover, PRC television news that day reported Chi's visit to Wang Wei's wife and Vice Premier Qian's letter of reply to Secretary Powell at the same time.[49] Later, on April 8, General Chi stated his position, calling for the United States to "apologize" and "take effective measures to prevent similar incidents," without explicitly demanding a stop to those flights.[50]

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[46]CBS, "Face the Nation," April 8, 2001.

[47]In contrast, it was Admiral Dennis Blair, CINCPAC, who made the first public statements for the United States from Hawaii on April 1, 2001.

[48]"PRC Defense Ministry Spokesman Condemns US Over Plane Collision" and "Chinese Defense Ministry Spokesman Provides Details of Plane Collision," *Xinhua*, April 4, 2001, in FBIS.

[49]"Chi Haotian Meets Wang Wei's Wife, Blames U.S. for Collision," *Xinhua*, April 7, 2001, in FBIS. "Beijing CCTV-1 Coverage of Plane Incident in 2200-2400 GMT Programs on April 7," FBIS.

[50] "Chi Haotian Says 'U.S. Should Apologize For Plane Incident' When Meeting Brazil's (continued...)

Meanwhile, General Zhang Wannian, another CMC vice chairman, went on a visit to Australia and New Zealand that started on March 29. During a meeting in Canberra on April 3, in response to Australian Foreign Minister Alexander Downer's calls for a quick resolution to the "tragic accident," General Zhang reportedly assured him that the PRC would grant consular access to the detained U.S. crew and that the matter would be resolved diplomatically.[51] However, PRC media reports on Zhang's visit did not mention those assurances. PRC media did not report General Zhang as making remarks on the incident until April 9, from Wellington, and Zhang just reiterated Jiang's views, including the call for an apology.[52]

Premier Zhu Rongji, often cited as an accommodating leader favoring ties to the West, apparently did not feel the need to make a public statement until April 12, after the United States sent its letter, and the PRC agreed to release the crew.[53]

Domestic Politics. Some stress that internal power struggles shape the decisions of leaders, especially Jiang Zemin as he tries to elevate his proteges ahead of the 16th Chinese Communist Party Congress in late 2002 and hold onto power (perhaps by remaining as CMC Chairman past 2002). One observer stressed, "internationalist" leaders in Beijing struggled against those with "reflexive nationalist instincts."[54] PRC politics today also result in relatively weak, insecure leaders (unlike Mao Zedong or Deng Xiaoping) and a Communist system seeking shields against charges of ineptness. This school of thought asserts that U.S. policy has an interest in supporting "moderate" leaders, such as President Jiang and Premier Zhu, who favor better relations with the United States, even as they are forced to take hardline positions for domestic reasons.[55]

Nationalistic Public Opinion. Another school of thought believes that stronger nationalism has narrowed the maneuvering room of PRC leaders.[56] Anti-American nationalism – genuine sentiments that are not simply manipulated by the government – has increased among PRC citizens since the early 1990s. But the PRC

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[50](...continued)
Counterpart," *Xinhua*, April 8, 2001, in FBIS. *Jiefangjun Bao [Liberation Army Daily]*, April 9, 2001, also carried a Xinhua report. Chi used the word "*daoqian*" for "apology."

[51]"Downer's Diplomatic Effort to Help Resolve the Crisis," *Australian Financial Review*, April 4, 2001; "Australia's Downer Says Chinese General Promising Consular Access to U.S. Air Crew," Melbourne Radio Australia, April 3, 2001, in FBIS.

[52]"PRC General Zhang Wannian Says U.S. Should Apologize to China," *Xinhua*, April 9, 2001, in FBIS.

[53]"Zhu Rongji Meets UN General Assembly President, Says Plane Case 'Not Concluded'," *Xinhua*, April 12, 2001.

[54]Samuel Berger (President Clinton's national security adviser), "Lessons from a Standoff," *Washington Post*, April 13, 2001.

[55]Pomfret, John, "Jiang Caught in Middle of Standoff," *Washington Post*, April 8, 2001.

[56]Rosenthal, Elisabeth, "News Analysis: Many Voices for Beijing," *New York Times*, April 10, 2001; Gerritt Gong, "Lessons from the China Standoff," *Christian Science Monitor*, April 13, 2001.

leadership decided on the hardline stance at the beginning of this incident and presented its version to its citizens, not in response to citizens. In contrast to the incident in May 1999 (after NATO forces mistakenly bombed the PRC embassy in Belgrade, Yugoslavia), when the PRC Government condoned, if not fueled, violent attacks against U.S. diplomatic facilities in China, the leadership this time censored inflammatory condemnations from discussions on the Internet and controlled the government-owned media, and there were no fierce demonstrations.[57]

Political Culture. Some theorize that differences in political cultures explained the standoff.[58] While the United States sought business-like interaction and quick resolution, the PRC reacted with a victim mentality, moral indignation, and accusations to extract an apology, using the formal word "*daoqian*." (Beijing also demands apologies from Japan for suffering during World War II.) The PRC leadership tried to preserve "face" and cannot be seen as wrong by its people. According to this school of thought, leaders in Beijing take international disagreements as personal affronts, prefer private, personal deals, and seek to set principles before practical diplomacy. However, it was notable that throughout this incident, the PRC government preferred to work with the Americans through normal diplomatic channels – although not as promptly as Washington and other countries wanted – and both sides tried to buttress their positions with respective legal arguments. Also, Deputy Secretary of State Armitage disclosed that early U.S. efforts to resolve the incident quickly through behind-the-scenes phone calls at a high level were unsuccessful. Armitage said, "it seems to be the case that when very, very difficult issues arise, it is sometimes hard to get the Chinese to answer the phone." He added that "we worked it out over time."[59]

Reactions to U.S. Positions. Some say that, early in this incident, Admiral Blair's press conference and President Bush's use of public, formal statements from the White House shaped the PRC's firm stance, including a response from President Jiang's level and escalations in rhetoric. Nonetheless, Admiral Blair was responding to the PRC's first assertions about the collision. Some speculate that, alternatively, more private, personal communication, perhaps with the "hotline" set up by the Clinton White House, may have allowed a quiet deal sooner.[60]

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[57]Pomfret, John, "New Nationalism Drives Beijing," *Washington Post*, April 4, 2001.

[58]Mufson, Steven and Mike Allen, "U.S. Seeks to Avoid a Test of Wills," *Washington Post*, April 4, 2001; Steven Mufson, "Apology or Regret: Not Just Wordplay," *Washington Post*, April 6, 2001; Fox Butterfield, "China's Demand for Apology Is Rooted in Tradition," *New York Times*, April 7, 2001; Robin Wright, "For U.S. and China, The Looking Glass Yields Disparate Views of Accident," *Los Angeles Times*, April 8, 2001.

[59]Interview with Jim Lehrer, April 13, 2001.

[60]Sanger, David, "Powell Sees No Need for Apology; Bush Again Urges Return of Crew," *New York Times*, April 4, 2001.

The PLA's Pattern of Aggressive Interceptions[61]

U.S. officials believe that while the immediate cause of the collision was an accidental contact made by the F-8 fighter, the collision was also precipitated by increased aggressiveness in the PLA's interceptions of U.S. aircraft in international airspace. According to the Pentagon, the PLA began its recent pattern of aggressive interceptions of U.S. reconnaissance flights in December 2000. At his news conference on April 13, 2001, Secretary Rumsfeld revealed that, since December, there were 44 PLA interceptions of U.S. reconnaissance flights off the coast of China, with six coming within 30 feet, and two within 10 feet, occurring on December 17 and 19, 2000, January 24 and 30, 2001, March 21 and April 1. He also reported that the United States lodged a formal protest about the aggressive and dangerous interceptions on December 28, 2000. He showed a video taken aboard one of the U.S. reconnaissance planes on January 24 showing a F-8 flying very close.

Before that time, there were interceptions that the Pentagon characterized as common and numerous. The U.S. military has flown reconnaissance missions around the world, including along China's coast for the past five decades, and has expected interceptions in international airspace.[62] About one year before this incident, on April 27, 2000, the Pentagon confirmed that two PLA F-8 fighters approached a U.S. Air Force RC-135 reconnaissance aircraft in international airspace over the South China Sea. The Pentagon's spokesperson said that the interception was "not at all unusual" and non-threatening toward the U.S. plane, with the F-8 fighters at a "considerable distance" ("several kilometers") away. He also reported that the PLA "often" flew aircraft out to look at U.S. aircraft carriers or other ships passing through international waters near China, including the South China Sea.[63] There have also been encounters at sea, reportedly including an incident on March 24, 2001, in the Yellow Sea near South Korea, in which a PLAN Jianghu III-class frigate passed as close as 100 yards to the U.S. surveillance ship, USS Bowditch, and a PLA reconnaissance plane shadowed it.[64]

The problem raises the question of why the PRC stepped up interceptions of U.S. reconnaissance aircraft. One possible explanation is that the PRC retaliated for the defection to the United States of PLA Senior Colonel Xu Junping, who closely handled Sino-U.S. military relations and apparently presented a major intelligence loss for the PLA.[65] However, the pattern of aggressive interceptions of U.S. aircraft began

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[61]Written by Shirley Kan, Specialist in National Security Policy.

[62]Mann, Jim, "Encounters Routine for U.S. Patrol Missions," *Los Angeles Times*, April 2, 2001.

[63]Department of Defense, news briefing, April 27, 2000.

[64]Gertz, Bill, "U.S. Spy Plane Lands in China After Collision," *Washington Times*, April 2, 2001.

[65]Xu's defection was first publicly reported by Taiwan's *United Daily News* on March 20, 2001. See FBIS, "Taiwan Paper Reports PLA Defector's Secrets Cause US' Harder China Policy," *Hong Kong iMail*, March 21, 2001.

in mid-December 2000, before Xu's defection, which reportedly occurred in New York at the end of that month.[66]

Another explanation is that the PLA flew close interceptions in response to increases in U.S. reconnaissance flights. One report said that tensions had been building for almost a year before the collision, when the U.S. military increased flights in the second half of 2000, with flights 4-5 times a week about 50 miles off China's coast.[67] Kurt Campbell, Deputy Assistant Secretary of Defense for Asia and the Pacific from 1995 to 2000, wrote that "the United States has stepped up reconnaissance flights along China's coast."[68] Still, the Pentagon stressed that the EP-3 involved in the collision was on a routine mission, missions that U.S. planes have flown for decades.

A third explanation is that individual PLAN units, like the one on Hainan, or pilots, like Wang Wei, took risks on their own in "Top Gun" style. Wang was already known to U.S. pilots as a reckless fighter pilot, there are pictures of previous close intercepts by the same F-8 fighter that crashed, and the Pentagon reported that aggressive interceptions of U.S. aircraft occurred to the south of China, but not to the east of China.[69] It is clear, however, that leaders in Beijing at least knew about the problem, certainly through the U.S. protest in December 2000, if not before.

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[66]Lawrence, Susan V. and David Murphy, "China-U.S. Ties: War By Other Means," *Far Eastern Economic Review*, April 5, 2001.

[67]Ricks, Thomas, "Anger Over Flights Grew in Past Year," *Washington Post*, April 7, 2001.

[68]Campbell, Kurt M., "Old Game, New Risks," *Washington Post*, April 8, 2001.

[69]Secretary of Defense news briefing, April 13, 2001; Department of Defense, news briefing, April 17, 2001.

U.S. and PRC Military Aircraft[70]

Pictures of EP-3E and F-8II Aircraft
(not to scale)

EP-3 Maritime Reconnaissance Plane. The EP-3E Aries is a maritime reconnaissance and signals intelligence (SIGINT) aircraft derived from P-3 Orion aircraft. The P-3 Orion is a long range, land-based anti-submarine warfare (ASW) patrol aircraft. The P-3 airframe is designed primarily for range and endurance. The EP-3E is equipped with sensitive receivers and antennas to capture a wide range of electronic emissions. The plane has a maximum speed of about 400 mph. An EP-3E mission flight profile would by typified by slow, level speed to maximize fuel. The EP-3E crew includes up to 24 pilots, linguists, cryptographers, and technicians.

F-8 Fighter. The F-8 "Finback" is a two engine, single seat air superiority fighter with a secondary ground attack role. The F-8 was designed in the 1960s and built in the late 1970s. An improved version, the F-8II, was introduced in 1996 with more powerful engines, improved avionics, and a modernized cockpit. The F-8II airframe is designed primarily for speed (maximum speed of Mach 2.2), and displays modest maneuverability for fighter aircraft.[71] It has been compared in appearance and aeronautical performance to the U.S. F-4 Phantom, a 1960s era aircraft.

Y-8 Airborne Surveillance Capabilities. Bush Administration officials have pointed out that the PRC is one of the countries that conducts reconnaissance flights in Asia. China is developing its own maritime surveillance aircraft, the Y-8X, which is based on the Russian An-12B transport aircraft. The Y-8X/An-12 is a

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[70]Written by (name redacted), Analyst in National Defense.

[71]For instance, the F-16 Falcon can sustain 9 +G turns compared to the F-8II's 6.9 +G limit.

medium range aircraft powered by four turboprop engines. The Y-8X has been under development since 1984. It is designed to carry communications, navigation, radar, surveillance and search equipment in a large radome located on the aircraft's chin.

Comparison of Selected Capabilities of EP-3E and F-8[72]

	EP-3E	**F-8II**
First Flight	April 1961 (P-3 variant)	July 1969 (F-8) March 31, 1996 (F-8II)
Crew	22+	1
Wing Span	99 feet, 6 inches	30 feet
Length	105 feet, 11 inches	70 feet, 10 inches
Height	34 feet, 3 inches	17 feet, 9 inches
Engines	4 Turboprop engines	2 Turbojets
Max. Speed	<350 nmi (402 mph, 648 kmph)	Mach 2.2 (approximately 1,450 mph, 2,340 kmph)
Maneuverability	2.5 +G limit	6.9 +G limit
Range	<2,380 nmi (2,738.9 mi) max range	432 nmi (800 km, 497 mi) combat radius
Ceiling	28,300 feet (8,625.8 meters)	59,060 feet (18,000 meters)
Armament	None	- Internal cannon - 6 under wing hard points for Fuel tanks, bombs, rockets or missiles - Typically armed with AA-12 Adder and AA-10 Alamo AAMs
Mission	Signals intelligence and reconnaissance	Interceptor

[72]Sources: U.S. Navy Fact File, *EP-3E Aries*; *Jane's All the World's Aircraft, 1997-1998 and 2000-2001*; Federation of American Scientists; *World Military and Civil Aircraft Briefing*, Teal Group Inc., Forecast International/DMS *Military Aircraft Forecast*; USN Office of Legislative Affairs; International Institute for Strategic Studies, *The Military Balance*, 1999-2000.

Cause of the Collision and Flying Maneuvers[73]

The PRC government has asserted that blame for the accident lies solely with the American pilot whom it claims initiated an aggressive turn into the intercepting fighter. According to the statement of the surviving PLA pilot, Zhao Yu, he and the mishap pilot, Wang Wei, were flying "in parallel" and "about 400 meters away from" the EP-3 "at the same speed" when the EP-3 "abruptly veered" toward the mishap PLA fighter "making it impossible for Wang to avoid the collision." The surviving pilot alleges the EP-3's nose and left wing "bumped into Wang's jet, and the propeller on the EP-3's left wing smashed the jet's vertical tail into pieces."[74]

The U.S. account of the accident places blame squarely on the PLA pilot. Based on reports from the mishap EP-3 crew, the PLA pilot collided with the EP-3 as it was lumbering along on autopilot at 207 miles an hour on a straight and level path. The collision occurred on the third pass by the PLA fighter. On a previous pass, the PLA fighter passed within an estimated three to five feet of the aircraft. According to one crewman, Lt. Patrick C. Honeck, the PLA pilot saluted the American crew on his first pass, and "mouthed something to us" on the second.[75] On the third pass, the PLA F-8 fighter struck the EP-3's left outboard propeller as it flew by and subsequently impacted the EP-3's radome, shattering it. Debris from this contact was then blown into the propellers of two more engines, severely damaging them and sending shards of metal through the fuselage.[76] The F-8 sustained catastrophic damage, reportedly broke in half, and crashed into the sea, presumably killing the pilot.

By U.S. accounts, the PLA pilots violated standard intercept conventions and the longstanding principle that collision avoidance responsibility lies with the more maneuverable intercepting aircraft. Intercept provisions outlined in the *International Flight Information Manual* call for intercepting aircraft to maintain at least 500 feet while exchanging signals with their targets.[77] Moreover, the manual cautions that a fighter pair must use "every precaution to avoid startling intercepted aircrew or passengers, constantly keeping in mind that maneuvers considered normal to a fighter aircraft may be considered hazardous to passengers and crews of non-fighter aircraft." Finally, the manual directs fighter-interceptors to cautiously withdraw from the aircraft's vicinity. "The element leader breaks gently away from the intercepted aircraft in shallow dive to pick up speed. The wingman stays well clear of the intercepted aircraft and joins the leader."[78]

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[73]Written by Robert Chapman, National Defense Fellow (U.S. Air Force).

[74]"2d Pilot Discusses Collision of US, Chinese Planes," FBIS Transcribed Text of *Xinhua* news release, April 6, 2001.

[75]Janofsky, Michael, "Navy Crew's Ordeal Of Terror And Tedium," *New York Times*, April 16, 2001.

[76]Department of Defense, "Secretary Rumsfeld Briefs on EP-3 Collision," April 13, 2001.

[77]Federal Aviation Administration (FAA), *International Flight Information Manual*, General Information, Section 5, International Interception Procedures.

[78]FAA, *International Flight Information Manual*, General Information, Section 6, Intercept

(continued...)

The PRC's account of the incident seems implausible for a number of reasons. First, PLA pilots have a history of harassing EP-3 crews with high-speed fly-bys at close range. According to Secretary of Defense Donald Rumsfeld, "in recent months there have been 44 PLA interceptions of U.S. surveillance and reconnaissance flights off the coast of China. Six of these were within 30 feet; two were within 10 feet."[79] Photographs taken by other EP-3 crews indicate that the PLA mishap pilot, Wang Wei, had closed to within 10 feet of American EP-3s on previously intercepts. In one photo, he was seen displaying his e-mail address to the American crew. In December and again in January, the American government lodged formal protests with the PRC citing safety concerns regarding actions taken by PLA pilots. On several occasions, PLA pilots had overtaken EP-3 aircraft from the stern at high speed, passing underneath and abruptly pulling up in front of the American aircraft at close range.[80] The practice, known in some pilot circles as "thumping" is essentially an aerial tweak, intended to cause consternation to the victim as he is suddenly confronted with the noise, jet wash, and the jet in unexpectedly close proximity. Second, a jet fighter, even one of limited maneuverability, shadowing a slow, propeller driven aircraft 400 meters (1300 feet) away should have easily been able to avoid a conflict with it. Finally, given recent U.S. concerns over previous close intercepts by PLA fighters, it is highly unlikely that the EP-3 pilot would risked his life and that of his crew by aggressively maneuvering his unarmed plane into the flight path of an intercepting fighter.

It appears that on the mishap occasion, the PLA pilot, executing a close pass in an apparent attempt to impress or intimidate the EP-3 crew, made a fatal error in judgment. Several factors may have contributed to the collision. First, since the stall speed of the PLA fighter is much higher than the EP-3, the PLA fighter pilot would have experienced significantly reduced control authority operating at or near the relatively slow speed of an EP-3. Second, it is possible the mishap fighter encountered air flow disturbances caused by his wingman's jetwash or boundary layer airflow of the EP-3. Flying imprudently close to the EP-3, the PLA fighter may not have had the control authority to avert collision. Weather does not appear to have been a factor; according to the surviving PLA pilot, "There were few clouds in the sky, and visibility was over ten kilometers."[81]

Selected Issues Under International Law[82]

The collision of a U.S. Navy surveillance aircraft with a PLA jet fighter over the South China Sea, the subsequent landing of the U.S. plane in PRC territory, and the detention of the crew have raised a number of legal questions. Among the questions

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[78](...continued)
Pattern for Identification of Transport Aircraft.

[79]Department of Defense, "Secretary Rumsfeld Briefs on EP-3 Collision," April 13, 2001.

[80]Myers, Steven Lee and Christopher Drew, "U.S. Aides Say Chinese Pilot Reveled in Risk," *New York Times*, April 6, 2001.

[81]"2nd Pilot Discusses Collision of U.S., Chinese Planes," *Xinhua*, April 6, 2001, FBIS.

[82]Written by David Ackerman, Legislative Attorney.

are whether the U.S. aircraft had a right under international law to be where it was when the collision occurred, whether it had a legal right to enter China's airspace and land on Hainan Island after the collision, whether the U.S. aircraft is immune under international law from entry and examination by PRC officials, and the nature of China's obligation to allow U.S. officials access to the crew.[83]

International conventions concerning aviation and the law of the sea make clear that all nations have full sovereignty over their airspace, including the airspace over their territorial seas (a belt of sea that can extend up to 12 miles from the coast), and that government aircraft of foreign states generally have no right to enter that airspace without permission. International law also is clear, however, that all aircraft have a right of overflight with respect to ocean areas beyond the territorial sea. That includes a right of overflight in another nation's exclusive economic zone (EEZ) (a belt of sea that can extend up to 200 miles from the coast). Given that the United States and China seem to agree that the collision took place about 70 miles away from China's coast, the right of the U.S. aircraft to be flying in that area does not appear to be in serious doubt. China contends, however, that the performance of reconnaissance in its EEZ constitutes an abuse of the right of overflight.

Moreover, notwithstanding China's sovereignty over its airspace and the general principle that foreign state aircraft cannot enter such airspace without its authorization, international law appears to give aircraft in distress a right to enter another nation's airspace and to land on its territory. This right does not appear specifically to be set forth in any international treaty but exists by analogy to the right of ships in distress to enter national waters and the duty of states to render assistance to such ships. It also derives from what have been termed "elementary considerations of humanity."

Whether state aircraft in distress are immune from entry and examination upon landing in a foreign state appears uncertain, however. Under the law of the sea, warships on the high seas are completely immune from the jurisdiction of any state other than their own. Even if a warship is involved in a collision on the high seas (as opposed to a collision while in port or a territorial sea), it is not subject to arrest or detention even for purposes of investigation except by its flag state. Moreover, while ships generally do not have any right of access to a state's ports or internal waters, a ship in distress, including a warship, is generally entitled to enter foreign ports; and it does not ordinarily lose its immunity by doing so. The argument by analogy, thus, is that a state aircraft involved in a collision over the high seas retains its immunity from the jurisdiction of the foreign state in which it lands for reasons of distress, even for purposes of investigation. That this principle may not be firmly established in international law, however, is suggested by the conclusion of one respected commentator that in such circumstances "the territorial sovereign ... is entitled to conduct a full investigation into the circumstances of the intrusion, to inspect and search the aircraft and its contents, and to search and question its occupants."

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[83]For a more thorough treatment of these issues, *see* CRS, *Collision of U.S. and Chinese Aircraft: Selected Legal Considerations* (RS 20876).

The right of U.S. officials to have access to the crew of the surveillance aircraft seems guaranteed by two conventions on consular relations. The multilateral Vienna Convention on Consular Relations, to which both the U.S. and China are Parties, mandates that a Party inform consular officials "without delay" if a national of their state "is arrested or committed to prison or to custody pending trial or is detained in any other manner." It further requires that such officials be allowed to visit the detained national.[84] But these obligations are triggered only if the detained national requests that his or her consular officials be so informed. The bilateral Convention on Consular Relations between the U.S. and China is more specific and does not depend upon a request by the detained national. Under the terms of that Convention, China is obligated to give notice to U.S. consular authorities of the arrest or detention of any U.S. national no later than four days from the date of the arrest or detention. The Convention further gives consular authorities the right to visit arrested or detained nationals no later than two days after official notice of the arrest or detention and at least monthly thereafter. Neither convention, of course, prevents notice from being given more quickly or access from being given more frequently.

Implications for U.S. Policy

The incident raises short- and long-term implications for policy regarding China, arms sales to Taiwan, trade with the PRC, intelligence, maritime surveillance, and relations with some allies in Asia as well as Russia.

Policy toward Beijing[85]

This incident is the third in a series of major troubling difficulties in recent years that could have serious implications for U.S.-China relations. The first was the 1995-96 Taiwan Strait crisis, when China conducted live-fire missile exercises off the coast of Taiwan to which the United States responded by dispatching two carrier battle groups. The second was the accidental NATO bombing and destruction of the PRC Embassy in Belgrade in 1999, killing three PRC journalists and inflaming anti-American passions. These three incidents also have occurred against a steady drumbeat of other security-related issues in recent years that have helped raise mutual tensions. Amid allegations of PRC nuclear espionage in the United States and evidence of a substantial military build-up on the southern coast opposite Taiwan, both sides in recent years have released military assessment reports on each other's capabilities and intentions that reflect increased mutual suspicion.[86]

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[84]Vienna Convention on Consular Relations, *supra*, Art. 36(1)(b).

[85]Written by (name redacted), Specialist in Asian Affairs.

[86] In February 1999, the Pentagon issued a congressionally mandated report describing the military balance in the Taiwan Strait as tipping away from Taiwan and decidedly in China's favor by the year 2005; in October 2000, China published a national security white paper declaring there are "new negative developments in the security situation" in Asia, attributing these developments to the U.S. presence in Asia and to "encroachments on China's sovereignty" in the South China Sea.

The nature of the incident has prompted widespread speculation about its longer-term implications for U.S.-China relations and for the U.S. view of China. Many observers believe that the heart of the tensions ultimately concerns the status of the island of Taiwan, which Beijing claims as part of China. PRC officials in recent years have been increasingly critical of U.S. policy toward Taiwan, as well as increasingly vocal in insisting on China's right to use force against Taiwan. PRC military officials also have begun to object more strongly to routine U.S. navy reconnaissance flights over the South China Sea, since they presume that a primary function of those flights is to monitor China's systematic military build-up along its southern coast. But U.S. policymakers, particularly some Members of Congress, likewise have grown increasingly more assertive in defending Taiwan's interests against what they see as a newly hostile China.

Meanwhile, most U.S. observers believe that U.S.-China relations, already in trouble because of past crises, will suffer further as a result of the events of April 2001. China's refusal to assume responsibility for the aggressive actions of its pilot and its reluctance to return the U.S. reconnaissance plane puts extra pressure on U.S. policymakers who have argued that the "engagement" policy of the past ten years is a productive and appropriate approach toward China. Instead, some believe that the Hainan confrontation bolsters the arguments of those in Congress and elsewhere who for years have encouraged U.S. leaders to be less accommodating to Beijing. Rather than trying to persuade Beijing of the advantages of international cooperation, this group argues, the United States should keep military forces as a counterweight to rising PRC power in Asia; remain firm in dealing with economic, arms proliferation, and other disputes with China; and work closely with U.S. allies and friends along China's periphery in order to deal with future assertiveness or disruption from Beijing. What is needed now, according to this group, is a reassessment of past U.S. policy toward China in light of recent trends. At a minimum, the policy trends of the past few years mean that China is likely to continue to challenge the U.S. presence and U.S. interests in Asia. U.S. policy-makers will likely continue to face difficult choices as they seek to balance U.S. prerogatives and priorities in Asia with China's rising military power and growing assertiveness.

China's actions during the incident also are likely to reinforce broader congressional concerns over the trends in China's domestic and international behavior. Members of Congress have been especially concerned in recent months over the arrest and imprisonment of a number of ethnic Chinese scholars who were visiting China but living and working in other countries. In the case of Ms. Gao Zhan, a permanent U.S. resident and researcher at American University who has been publicly accused of spying by Chinese officials, Congress is now considering legislation which would make her a U.S. citizen.[87] Congress also has passed resolutions calling for the United States to introduce a resolution at the annual meeting of the U.N. Commission on Human Rights to condemn China's human rights practices (H. Res. 56 and S. Res. 22, respectively),[88] and is considering several "sense-of-Congress" resolutions that China

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[87]Private relief bills have been introduced for Gao Zhan in both the House (H.R. 1385) and Senate (S. 702).

[88]According to a press release of April 19, 2001, from TibetNet, the U.S.-sponsored U.N. (continued...)

should be denied its bid to host the 2008 Olympic Games, unless it makes substantial human rights improvements.

Finally, the incident may affect congressional sentiments on other issues known to be extremely sensitive to China. For instance, Taiwan requested that the United States permit two imminent and high-profile visits: a May 21-22 stopover in New York by Taiwan's current President, Chen Shui-bian, on his way to visit South America; and a May 2-4 trip to New York State by Taiwan's former President, Lee Teng-hui, to visit his alma mater, Cornell University.[89] (Although the latter is now a private citizen, it was the U.S. decision to allow Lee to visit Cornell in 1995 that led ultimately to the 1995-96 crisis in the Taiwan Strait.) In another sensitive visit, the Dalai Lama is scheduled to visit the United States from May 8-27, 2001.

Arms Sales to Taiwan[90]

After the U.S. Defense Attache first gained access to the crew on April 3, 2001, Secretary of State Powell stated that the two issues of the incident and arms sales to Taiwan would not be linked.[91] Nonetheless, the detention of the U.S. crew for 11 days on Hainan could have affected the political climate in Washington as top officials and the President decided on the list of arms sales to Taiwan (to be announced at annual talks later in the same month on April 24).[92] While some believe that the United States should respond to the PRC's actions by approving a robust package of arms that includes Aegis-equipped destroyers, others said that U.S.-PRC tensions need not be exacerbated unnecessarily. Still, the incident may not have major impact on the Bush White House in ultimately deciding on the course it would have taken regardless of the incident based on the Taiwan Relations Act and ongoing studies of Taiwan's military strengths and weaknesses. A longer-term question is whether the process of deciding arms sales to Taiwan should deviate from intensive decision-making only once a year (usually in April).[93]

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[88](...continued)
resolution failed when the Commission supported a "no action" motion by China, passing it 23-17.

[89]The Bush Administration announced that it would issue a visa to Lee (*Washington Post*, April 20, 2001).

[90]Written by Shirley Kan, Specialist in National Security Policy.

[91]Department of State, "Press Conference at Truman Little White House," April 3, 2001.

[92]The date of April 24 was disclosed at a Pentagon news briefing on April 17, 2001.

[93]See: CRS Reports RS20365, *Taiwan: Annual Arms Sales Process*, and RL30957, *Taiwan: Major U.S. Arms Sales Since 1990*, by Shirley Kan.

Accession to the WTO and Normal Trade Relations[94]

This incident may have economic implications as well. China is currently negotiating to become a member of the World Trade Organization (WTO), the international agency that sets rules for most trade. Negotiations on China's WTO membership are being held on two fronts: multilateral negotiations in a Working Party composed of all interested WTO members and bilateral negotiations between China and individual WTO members. Currently at issue are the specific steps China would be required to take to gain accession to the WTO.[95] The United States and China reached a bilateral WTO agreement on November 15, 1999, that would require China, upon its accession to the WTO, to remove a wide variety of tariff and non-tariff barriers on goods and services as well as restrictions on foreign direct investment (FDI).

In order to ensure that the WTO agreements would apply between the United States and China, once China joined the WTO, Congress passed legislation (H.R. 4444) to extend permanent normal trade relations (PNTR) status to China.[96] Currently, China's normal trade relations (NTR) status must be renewed on an annual basis.[97] H.R. 4444 (signed into law on October 10, 2000, P.L. 106-286) would grant PNTR status to China upon its accession to the WTO as long as the President certified that the terms of its accession were at least equivalent to the November 1999 U.S.-China trade agreement.

China must still conclude a bilateral agreements with Mexico (the last of the 37 WTO members that originally requested bilateral trade negotiations with China), and must complete extensive talks with the WTO Working Party handling its application on how to bring its trade regime in compliance with WTO rules, before a vote on China's accession can be taken in the WTO. The WTO Working Party last met in January 2001, and reportedly made some progress, although a final agreement was not reached. A number of important issues must still be resolved, including certain non-tariff barriers, licensing procedures, transparency, industrial and agricultural subsidies, and trading rights

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[94]Written by Wayne Morrison, Specialist in International Trade and Finance.

[95]The Working Party focuses on the general rules and principles of the applicant's protocol: it seeks to ensure that the applicant will accept the normal obligations and responsibilities of WTO membership and sets schedules for complying with various WTO agreements. The bilateral meetings, on the other hand, focus on tariff concessions and other market access issues that will govern bilateral trade relations after the applicant becomes a member, and will apply on a most-favored-nation (MFN), or non-discriminatory basis to all other WTO members.

[96] The Clinton Administration and various legal experts argued that, without such a change in law, the United States would (prior to China's admission) be forced to invoke Article XIII in the WTO, the non-application clause. Article XIII can be invoked by either a current WTO member or an acceding WTO member if either member does not consent to the application of WTO agreements to each other (such as the granting of "unconditional" NTR status).

[97]By law, China is subject to the requirements of the the Jackson-Vanik Amendment (Section 402) to the Trade Act of 1974 (19 U.S.C. 2432), freedom-of-emigration requirements.

If China does not gain WTO accession by June 2001 (which seems highly unlikely), President Bush will need to issue a waiver (under the Jackson-Vanik amendment) in order to continue China's NTR status for an additional year. This action could be subject to a congressional vote to disapprove the waiver (which would, if enacted, terminate China's NTR status).[98] Alternatively, Congress might consider other legislative vehicles that would either terminate China's NTR status or add additional conditions to the continuation of that status.[99] Although past congressional efforts to terminate or add additional conditions to China's NTR status have failed, Congress has used the NTR renewal process as a focal point to debate (as well as influence) U.S. policy towards China.

It is unclear how the military aircraft collision incident will affect U.S.-China commercial ties. Certain incidents in the past led to short-term disruptions in U.S.-China economic relations, but appear to have had little impact on over the long run. For example, the PRC government's Tiananmen Square crackdown in June 1989 led the United States to impose limited economic sanctions against China, while Congress threatened to terminate China's most-favored-nation (MFN) status. Strained Sino-U.S. ties contributed to a decline in U.S. investment in, and exports to, China: the value of U.S. contracted FDI in China dropped from $641 million in 1989 to $358 million in 1991, while U.S. exports to China fell from $5.8 billion to $4.8 billion (U.S. imports from China appear to have been relatively unaffected).[100] However, in 1992, U.S. contracted FDI surged to $3.1 billion and exports grew to $6.3 billion. Similarly, following the accidental NATO bombing of the PRC embassy in Belgrade on May 7, 1999, China suspended negotiations with the United States relating to its application to join the WTO (as well as its implementation of an April 1999 U.S.-China bilateral agreement relating to the removal of PRC technical barriers on U.S. wheat, citrus, and beef exports to China). U.S.-China WTO negotiations were officially resumed on September 11, 1999, during a meeting between President

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[98]A withdrawal of China's NTR status would result in a substantial increase in the applicable rates and amounts of customs duties assessed on most U.S. imports from China. Imports from China would be assessed tariffs according to "Column 2" non-NTR rates of duty in the U.S. Harmonized Tariff Schedule (HTS), which are generally significantly higher (up to 10-fold in some instances) than those under "Column 1-General" NTR treatment. These higher tariffs would likely result in higher prices for U.S. consumers of the affected items and subsequently a decrease in U.S. imports of various PRC products and substitution of products from other countries. (See CRS report RL30225, *Most-Favored-Nation Status of the People's Republic of China*, by (name redacted)).

[99]For example, Representative Hunter has introduced a bill (H.R. 1467) that would terminate China's NTR status.

[100]Another major contributing factor to reduced U.S.-China investment and trade ties was a retrenchment by the PRC central government of economic reforms. For example, the government imposed a number of new restrictions on imports in order to improve its balance of trade. Government imposed austerity measures also diminished the demand for imports. In addition, the government and sought to limit domestic and foreign investment in order to ease inflationary pressures. These measures were largely removed by 1992 after the central government decided to resume economic reform policies.

Clinton and PRC President Jiang Zemin in New Zealand, and a bilateral WTO agreement was reached two months later.[101]

Despite ups and downs in U.S.-China political relations, many policymakers believe that economic ties have continued to expand, mainly because such ties serve the interests of both nations.[102] However, an escalation of tensions between China and the United States could damage bilateral economic ties. For example, a further worsening of political ties could negatively affect the business climate in China for U.S. firms, disrupt negotiations over China's WTO accession, and result in the imposition of economic sanctions by both nations against one another.

Intelligence Issues[103]

Implications. Behind the landing of the EP-3 on Hainan Island lies a long history of dangerous airborne surveillance missions. Since the mid-1940s, the United States has sent reconnaissance aircraft to gather intelligence on military and civilian activities relevant to the nation's security interests; during the Cold War, missions along the borders of communist-bloc countries provided intelligence long before satellites became available. A few missions even crossed over Soviet airspace to gather imagery of bomber and missile bases in striking range of the U.S. mainland.

According to a public statement of the Defense Department, during the years 1945-1977, a total of more than 40 reconnaissance aircraft were shot down. In addition to losses in the Vietnam War, U.S. planes were shot down by the Soviet Union, Communist China, North Korea, and Eastern European countries. In many cases, crew members died as a result of armed attack; some were rescued by friendly forces; some were actually returned to U.S. authorities by the attacking countries.[104] There were seaborne reconnaissance missions as well, two of which came under hostile fire; the USS Pueblo was captured by North Korea in January 1968, and the USS Liberty was attacked by Israeli forces in June 1967.

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[101]China also resumed its implementation of the April 1999 agriculture agreement, although the USTR's 2001 National Trade Estimate Report on Foreign Trade Barriers indicates that China has failed to fully comply with the agreement.

[102]There has been significant disagreement among U.S. policymakers over this issue, however. Some Members have called for the United States to use economic sanctions to punish China for human rights abuses, weapons proliferation, threats against Taiwan, unfair trade barriers, and other PRC policies of concern to Congress. Other Members have supported a policy of engagement with China, arguing that increased economic relations with China, including U.S. support of China's WTO accession, will promote the sort of structural political and economic reforms in China sought by the United States. Still other policymakers have sought to separate politics from business in U.S. international relations, arguing that political crises require political solutions.

[103]Written by Richard Best, Specialist in National Defense.

[104]See "Cold War Reconnaissance and Shootdown of Flight 60528," [http://www.nsa.gov/display/c130/cold_war.html]; (name redacted), *POWs and MIAs: Status and Accounting Issues*, CRS Issue Brief IB92101.

Attacks on U.S. military aircraft in international airspace or over foreign territory have affected relations between the United States and the other countries involved with the extent of damage usually dependent on the overall international atmosphere. The most sensational attack was that on a U-2 flown over Soviet territory by an employee of the Central Intelligence Agency, Francis Gary Powers, in May 1960. It resulted in the breakup of an important four-power summit and acute embarrassment to the Eisenhower Administration. Other losses of aircraft and personnel seem to have been accepted as the hard, but necessary, cost of gathering information and were not allowed to interfere with the pursuit of other foreign policy goals. With the establishment in 1997 of the National Vigilance Park at Fort Meade, Maryland next to the headquarters of the National Security Agency, the Federal Government has recognized that many citizens paid the ultimate price to acquire the intelligence deemed vital by Presidents.

Observers of the U.S. intelligence effort note that attacks by other countries have affected the manner in which collection operations have been carried out. After the capture of Powers, the United States did not send U-2 aircraft over the Soviet landmass, but intelligence collection on the Soviet Union was accomplished by the reconnaissance satellites that became available in the early 1960s. The capture of the Pueblo was undoubtedly a factor in a subsequent decision not to dedicate individual navy ships to SIGINT missions, relying instead on other approaches, including satellites.

Airborne reconnaissance remains, however, a vital component of intelligence collection for military and other national security purposes. U-2s and other surveillance aircraft such as the EP-3 are constantly deployed in areas of concern to policymakers, especially in critical areas such as the Korean peninsula, Iraq, the Balkans, the Middle East as well as the South China Sea. These aircraft obtain imagery and signals intelligence in areas that are not consistently covered by satellites whose orbits are generally fixed and whose time over any given point is limited. Observers suggest that the primary mission of EP-3 flights over the South China Sea is upgrading order-of-battle data about radars and communications links.

It has been widely noted that reconnaissance aircraft are “High Demand/Low Density” platforms; there are inadequate numbers for the heavy use that is being made of them. In recent years, considerable attention has been given to the development of unmanned aerial vehicles (UAVs) as reconnaissance platforms, but existing UAVs have relatively short ranges and limited loitering times. A more capable UAV, the Global Hawk, is undergoing tests and evaluation. In March 2001 testimony to the Senate Armed Services Committee, Admiral Dennis Blair, the Commander-in-Chief of the Pacific Command, noted shortages in intelligence, surveillance, and reconnaissance (ISR) platforms, including EP-3Es. Blair stated that although current ISR assets are “adequate for routine operations in the Pacific Theater, we do not have the surge capability to monitor crises or cyclical increases of potential adversary activities.”

Observers believe that technological innovations, including a new generation of reconnaissance satellites and the introduction of long-range, high altitude UAVs may reduce some of the requirements for manned surveillance aircraft. They note, however, that it will be a number of years before these systems are operational and

the number of expensive UAV platforms is likely to remain limited. Many observers believe that some types of data, especially from short-range transmitters, can be best collected by manned platforms. Manned aircraft may also have advantages over UAVs in maneuvering to obtain important data. Defense planners expect that surveillance by manned aircraft will remain a necessity given the widespread nature of U.S. national security interests.

Intelligence Loss. The need for emergency destruction procedures was dramatically underscored when the North Koreans captured the USS Pueblo in 1968 and acquired a large inventory of highly sensitive intelligence materials that the crew had not had time to destroy. Since that time, intelligence planners have been acutely aware of the need to limit the amount of classified information on ships and aircraft assigned missions that could lead to capture. There is also far less reliance on paper documents today than in 1968. Destruction devices have been installed and the crews have received extensive training in emergency destruction procedures.

Defense Department spokesmen have stated that the EP-3 crew had about 15 to 20 minutes from the time of the incident until they made an emergency landing on Hainan Island and some 20 minutes more on the ground before they left the aircraft. According to the pilot, Lt. Osborn, the emergency destruction plan was activated "well out, well offshore." In his April 13th press conference, Defense Secretary Rumsfeld noted that the crew "went through that [destruction] checklist and did an excellent job of doing everything that was, I believe, possible in the period of time they had." Rumsfeld did not indicate that destruction of classified documents and equipment was complete, noting only that the crew completed "a major portion" of their checklist. Other Pentagon spokesmen have declined to provide additional details of the extent of the destruction completed.

The PRC has investigated the EP-3 that landed on Hainan Island and may have removed some electronic surveillance equipment. Although EP-3 aircraft have been operational for many years, a recent major upgrade known as the Sensor System Improvement added an array of new hardware and software to track, monitor, and process targeted radar and communications signals. The new systems are designed to collect a wider range of signals and to move data faster to sites where more detailed analysis can be undertaken.[105] Equipment is designed, according to media accounts, with features by which software can be readily erased or "zeroized" in emergencies.

If the PRC obtained intact surveillance devices, attempts at "reverse engineering" could be made to create replicas for China's own reconnaissance effort. This would not be an easy or rapid process, however, even though much information about surveillance equipment has been discussed in electronics trade publications. Observers speculate that the chief benefit to the PRC from its inspection of the EP-3 would be to gather information about U.S. targets and degree of success that could enable the PRC to prepare countermeasures, hindering future U.S. surveillance.

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[105]See "EP-3E Communications, Automation Improved," *Aviation Week & Space Technology*, May 5, 1997, pp. 54-55.

Maritime Surveillance Operations[106]

The electronic surveillance mission being conducted by the Navy EP-3E Aries II aircraft off the coast of China on April 1, 2001 was one component of a global U.S. intelligence, surveillance, and reconnaissance (ISR) effort directed at potentially hostile military forces. This effort has been conducted by U.S. military forces on virtually a daily basis for more than 50 years. In addition to the EP-3E, it includes surveillance satellites, Air Force surveillance aircraft such as the RC-135 Rivet Joint airplane, Navy surface ships, U.S. land-based electronic listening posts, and Navy attack submarines. Although the existence of the U.S. electronic eavesdropping effort has become public knowledge in recent years, the scope of the operation and the number and variety of U.S. assets involved in it may be less widely known. One recent press report states that the collision involving the EP-3

> exposed more than the raw nerves of two wary giants. The drama of this aerial collision underscores an important and little-known post-Cold War reality: America's surveillance network has grown so vast and formidable that in some respects it is feared as much as U.S. weaponry itself. The EP-3E missions out of Kadena Air Base in Japan are an important piece of this worldwide network. The Kadena squadron has focused on China since 1993.... Like Air Force RC-135s and Army Predator drones in other regions, the EP-3Es capture military and government communications along the Chinese coastline and help assess the sophistication of radar used by Chinese missile units, ships, and warplanes. The EP-3E is only one small component of the U.S. intelligence effort.[107]

Electronic surveillance missions can be carried out to satisfy the intelligence needs of a particular military service (such as the Navy), a joint-service regional U.S. military command (such as the U.S. Pacific Command, or USPACOM), the Department of Defense (DoD) in general, or some combination. Thus, while the EP-3E is a Navy aircraft, EP-3Es do not collect intelligence solely (or even principally) for the Navy. If the EP-3E involved in the collision was conducting surveillance of one or more PLAN surface combatants or submarines, as some press reports have suggested, the primary intended user of the information being collected could have been the Navy. If, on the other hand, the EP-3 was conducting surveillance of land-based PLA air-defense systems, the primary intended user of the information being collected could be USPACOM or DoD in general. It is also possible that the EP-3 mission that day involved surveillance of a combination of PLA forces both at sea and on land.[108]

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[106]Written by Ronald O'Rourke, Specialist in National Defense.

[107]Moran, Michael. America's Global Embrace: G.I. Joe is now Big Brother, and his eyes and ears are everywhere. MSNBC.com electronic news story, April 6, 2001. Another press report states that when flights of EP-3Es, RC-135s, and U-2 surveillance aircraft are combined, "On any given day, there are more than a dozen 'strategic' reconnaissance flights, supplemented by dozens of shorter range missions by tactical listening aircraft and helicopters." (Arkin, William M. Spying 24/7 365. Washingtonpost.com electronic news story, April 9, 2001.)

[108]One recent press report states that a "Chinese military official and Americans familiar with

(continued...)

The primary objective of the U.S. electronic eavesdropping effort is to help maintain as detailed and up-to-date an understanding as possible of the existence, locations, numbers, and technical characteristics of radars and other electronically transmitting military systems of potential adversaries, and a complementary understanding of the operating patterns, doctrine, and tactics of these foreign military forces. In peacetime, this information is useful in detecting and tracking evolutionary changes in the capabilities of foreign military forces. In times of crisis, it can provide advanced notice – so-called indication and warning (I&W) – of an impending foreign military operation. And in times of conflict, it can be highly valuable in understanding how to counter and defeat foreign military systems quickly and effectively. Indeed, the success of U.S. military forces in combat operations can depend significantly on information painstakingly collected over preceding years during U.S. electronic surveillance operations.

The EP-3E Aries aircraft involved in the collision is one of 11 such aircraft in the U.S. inventory. (A twelfth such aircraft was lost in an accident in 1997.) According to one recent press report, U.S. regional military commanders value EP-3Es very highly and have been pressing the Defense Department to increase the size of the EP-3E fleet to 16 aircraft, apparently so that the EP-3E force can better meet the operational demands being placed on it.[109] On March 27, 2001, Admiral Dennis Blair, Commander-in-Chief of the U.S. Pacific Command (CINCPAC), in testifying before the Senate Armed Services Committee on the status of U.S. forces in the Pacific region, stated:

> Intelligence is essential to monitor potential adversary developments and preparations so that we can train our forces for the threats that they face and move them into a position in a timely fashion. Shortages of airborne intelligence, surveillance and reconnaissance (ISR) assets – U-2s, RC-135s, EP-3Es – significantly impact USPACOM's readiness ratings. These shortfalls diminish our situational awareness, early indications and warning (I&W), and deep knowledge of the capabilities, plans and intentions of key theaters in our area of responsibility. Although Joint Staff-planned allocation of airborne reconnaissance assets is adequate for routine operations in the Pacific Theater, we do not have the surge capability to monitor crises or cyclical increases in potential adversary activities. Other chronic shortfalls in high priority intelligence include linguists,

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[108](...continued)
U.S. military operations agreed that the U.S. plane involved in Sunday's collision was almost certainly on a routine intelligence-gathering mission near Hainan island, where it made an emergency landing. There might have been a small military exercise going on along the southern Chinese coast, they said, but certainly there was nothing major. Experts from both sides also dismissed news reports that the U.S. plane was focused on the operations of new ships that China has acquired from Russia..... all those ships are based well north of Hainan, the Chinese official said." (Ricks, Thomas E. Anger Over Flights Grew in Past Year. *Washington Post*, April 7, 2001: A1.)

[109]Gertz, Bill, and Rowan Scarborough. Inside the Ring. *Washington Times*, April 6, 2001. (Item entitled "Aries in demand.")

> tactical signals intelligence (SIGINT) systems, intelligence specialists, and intelligence interoperability.[110]

The incident involving the EP-3 and its aftermath has potential implications for U.S. military surveillance operations in at least four areas: operational strain on the EP-3E fleet, conditions for conducting airborne surveillance missions in the future, the need for escorts or other protective forces, and using UAVs for airborne surveillance missions.

EP-3E Fleet Operational Strain. The presence of the EP-3E on Hainan Island in China has at least temporarily reduced the number of EP-3E aircraft available to U.S. military commanders by 9 percent. As a result, the operational strain placed on the remaining EP-3E aircraft and their crews could increase, and the possibility that certain EP-3E surveillance missions will be "gapped" (i.e., not conducted) could increase. This situation will persist until the EP-3E in question is either returned and repaired or replaced by the acquisition of another EP-3E. A recent press report states that

> The loss of the EP-3E – which will be unavailable for operational use for the foreseeable future – puts a strain on the already thinly stretched signals intelligence community. Navy officials decided recently that they needed to replace an EP-3E lost in an accident in 1997, and began modifying a P-3C into the [EP-3E] intelligence configuration [of the aircraft]. But that aircraft won't be available until at least late 2002, forcing the small EP-3E community to absorb the additional operational pace. It would take almost three years to field another EP-3E if Navy officials determine they must replace the aircraft now in China.[111]

The United States can attempt to compensate for the reduction in the number of available EP-3Es by relying more on other electronic surveillance aircraft or on satellites, surface ships, or attack submarines. These assets, however, are also limited in number and heavily committed, so relying on them more may simply shift the operational strain from the EP-3E fleet to other U.S. surveillance forces. U.S. electronic surveillance assets, moreover, are to a large degree complementary rather than substitutable assets – they perform different aspects of the surveillance mission and therefore might not be able to completely replace the surveillance capability resident in the EP-3E. Satellites, for example, lack the EP-3E's ability to focus on a particular area continuously for several hours, while surface ships and attack submarines lack the EP-3E's ability to conduct surveillance at altitudes that permit

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[110]Statement of Admiral Dennis C. Blair, U.S. Navy, Commander in Chief, U.S. Pacific Command, Before the Senate Armed Services Committee, on [the] Fiscal Year 2002 Posture Statement, 27 March 2001, p. 53-54.

[111]Wall, Robert. New Intelligence Gear On China-Held EP-3E. *Aviation Week & Space Technology*, April 9, 2001. Another press report states that the EP-3Es are "so busy that, according to histories for the Fleet Air Reconnaissance Squadron 1 (the "World Watchers"), aircraft stay in overseas bases like Bahrain, Okinawa, and Misawa, Japan, and the crews come and go from their home base in Washington state.... In 1998, the latest year for which records are available, each plane in the squadron flew a mission on average every other day, 365 days a year. (Arkin, William M. Spying 24/7 365. Washingtonpost.com electronic news story, April 9, 2001.)

sensors to look longer distances over the horizon and deeper inland. One recent press report states:

> The basic role of the EP-3Es, said a retired Navy expert, is to "fill in the gaps" left by the constellation of U.S. spy satellites that specialize in eavesdropping on telephone and radio conversations and other electronic communications. Satellites cannot be overhead all the time, and planes are useful for catching electronic emissions from smaller military sites as well as from exercises timed to evade satellite surveillance.[112]

Another report states:

> What airplanes could and can do, and satellites can't, is monitor radio signals (such as high frequency military communications), remain on station longer, and get closer to allow better reception. But most important, what airplanes can do is stimulate [a reaction from the other side]. Whereas a ground station or satellite is a passive listener, aircraft create their own stimuli. The EP-3E flies a track south of Chinese airspace, and radars are turned on, interceptors are scrambled, communications networks are activated. Every flight is a potential intelligence bonanza. "There is nothing like being the diagnostic irritant to collect information," says a military officer who is a specialist in intelligence and operations."[113]

Conditions for Conducting Airborne Surveillance. If the resolution of the current dispute between the United States and China results in new agreed-upon procedures or understandings for how U.S. and PRC aircraft and ships should operate when in proximity with one another, or for how U.S. airborne surveillance operations are to be conducted in international airspace off China, the ability of the United States to conduct such operations in the future could be either enhanced or degraded. On the one hand, agreed-upon procedures or understandings that require PRC intercept aircraft to maintain greater distances from U.S. surveillance aircraft, or to avoid potentially dangerous maneuvers while in proximity to U.S. surveillance aircraft, could (other things held equal) enhance the U.S. ability to conduct surveillance of PLA forces.

On the other hand, agreed-upon procedures or understandings that place *de jure* or *de facto* restrictions or limits on the frequency, geographic areas, duration, or altitudes U.S. airborne surveillance missions (or the distances that U.S. aircraft must maintain from PRC ships) could degrade the U.S. ability to conduct airborne surveillance of PLA forces. Restrictions or limits on surveillance operations near China, moreover, could serve as a precedent for other countries to demand the same restrictions or limits on U.S. surveillance operations in other regions of the world.

To compensate for any new limits or restrictions on airborne surveillance operations, the United States could again attempt to compensate by relying more on

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[112]Ricks, Thomas E. Anger Over Flights Grew In Past Year. *Washington Post*, April 7, 2001: A1.

[113] Arkin, William M. Spying 24/7 365. Washingtonpost.com electronic news story, April 9, 2001.

satellites, surface ships, or attack submarines. This, however, would raise the same issues discussed earlier concerning the limited numbers of these other assets and their potential inability to perform, in all aspects, surveillance missions previously performed by EP-3Es.

Potential Need for Escorts. Another potential issue arising out of the collision is whether U.S. airborne surveillance aircraft operating in certain areas off China will in the future need to be escorted by U.S. fighters or protected in some other way by nearby U.S. military forces. If so, this could have potentially significant implications for the U.S. military: Given the frequency of these operations (the United States in recent years reportedly has conducted about 200 airborne electronic surveillance missions per year off the PRC coast)[114] and their duration (EP-3Es can remain airborne for more than 12 hours per mission), providing such escorts or other protection could require the repositioning of significant U.S. military forces, which could affect U.S. military deployment patterns, operational tempo, and force-structure requirements. It could also significantly increase the average number of U.S. military forces operating in or near sea areas off China's coast.

UAVs for Airborne Surveillance. A fourth potential issue for U.S. airborne surveillance operations arising out of the collision and the subsequent detention of the EP-3's crew is whether the United States should expand or accelerate current efforts to develop and procure long-range, long-duration UAVs such as the Global Hawk UAV as potential substitutes for EP-3Es or other manned surveillance aircraft. The Administration is reportedly already considering an expanded or accelerated UAV-based ISR effort as part of its current review of U.S. defense policy and programs;[115] the EP-3 incident might serve to underscore the potential advantages of UAVs as platforms that can perform ISR missions without putting an air crew at risk of being killed, injured, or taken into foreign custody. According to one press report, the shooting down of a U.S. EC-121 surveillance aircraft by North Korea in 1968

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[114]One recent press report states:

> In the second half of last year, the U.S. military stepped up its reconnaissance flights, sending planes four or five times a week about 50 miles off the Chinese coast, according to a Chinese military official. He maintained that this was an increase over the years 1997-1999, when the average had been about 200 flights annually. The Chinese response has been to scramble jet fighters to intercept and fly alongside about one of every three reconnaissance flights, a U.S. Navy official said.... According to people familiar with his thinking, Adm. Dennis Blair, the U.S. commander in the Pacific, has stepped up surveillance flights partly out of the belief that they have a deterrent value: The more the United States knows about how the Chinese military operates, the less likely the Chinese will be to think they can subdue Taiwan with a lightning strike.... Most of the 200 or so flights a year come out of the U.S. base at Kadena on the Japanese island of Okinawa, with about three-quarters being Navy aircraft and the remainder Air Force RC-135s, the Chinese official said. "Those are realistic figures," said Derek Mitchell, a former head of the Pentagon's China desk. (Ricks, Thomas E. Anger Over Flights Grew In past Year. *Washington Post*, April 7, 2001: A1.

[115]Butler, Amy. Rumsfeld's Advisors Ponder ISR Program Acceleration. *Inside the Air Force*, April 6, 2001.

prompted the development of UAVs that, for a time at least, performed at least some surveillance missions previously performed by manned aircraft.[116]

Relations with Selected Asian Allies and Russia

While directly involving the United States, the incident also had profound implications for U.S. allies in Asia and others, such as Russia, that may also fly reconnaissance flights close to China and have interests in the standoff's outcome.

Japan.[117] Out of concern for not aggravating its relations with China, which have been strained in recent years, and following long-standing practice, Japan has adopted a low-profile stance on the incident. The issue is especially sensitive for Japan since the EP-3E patrols originate at Kadena Air Base, on Okinawa, and because of strong PRC criticism of various moves in the past several years to deepen U.S.-Japan security cooperation. Generally speaking, official and unofficial Japanese governmental comments have been more supportive of the U.S. position than, for instance, the accidental bombing of China's embassy in Belgrade in May 1999 or the 1996 confrontation with China over its use of missile "tests" to seek to intimidate Taiwan. At an April 10 press conference, the official spokesman of the Ministry of Foreign Affairs (MOFA) expressed support for a peaceful diplomatic settlement of the situation. The spokesman refused to be drawn into a hypothetical discussion of whether Japan would support the United States if the confrontation escalated, but also

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[116]The report states:

> On April 18, 1968, North Korea shot down an EC-121 monitoring plane similar to the EP-3E, killing 31. President Nixon suspended manned flights and the military scrambled to develop an unmanned platform to operate in sensitive areas. The Combat Dawn intelligence drone was born flying a five-year stint of eight to 12 hour missions monitoring China and North Korea from 1970-1975. Combat Dawn followed on the smaller, lower flying "lightening bug" drones, which conducted overflights of China from 1964-1971. Even in those days of the real Cold War, the drones had a fundamental difference from manned flight. "Several [unmanned aerial vehicles] were shot down conducting actual overflights of China, and it was in the news one day and out of the news the next day," says a Pentagon expert who recently completed a study on the history of unmanned craft. The drone program ended, partly a result of lack of enthusiasm on the part of "manned" collectors, but mostly because newly emerging satellites supplanted them.
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> Unmanned vehicles are hot again, given that manpower is often the most valuable defense commodity, given miniaturization technologies and the continuing trend of having to swing intelligence assets and focus from China today to Iraq tomorrow to Yugoslavia or Indonesia or Sierra Leone the day after. "There are long range plans to provide relief including better use of space and unmanned vehicles," Air Force Secretary F. Whitten Peters assured reconnaissance crews when he visited Kadena Airbase in Okinawa last summer. (Arkin, William M. Spying 24/7 365. Washingtonpost.com electronic news story, April 9, 2001.)

[117]Written by Richard Cronin, Specialist in Asian Affairs.

said that the flight that departed from Okinawa was "within the framework of the U.S.-Japan Security Treaty."

Japan's response seems partly to have been influenced by timing, and partly by underlying negative trends in Japan-China relations. The incident hit Japan in the midst of a political crisis over intense competition within the ruling Liberal Democratic Party (LDP) to replace Prime Minister Yoshio Mori, Japan's most unpopular leader in recent memory, who has announced his resignation. As a consequence of the preoccupation of Diet (parliament) members with political jockeying and a sense of crisis over renewed indicators of financial and economic instability, policy appears to be emanating from the Ministry of Foreign Affairs and the Japan Defense Agency (JDA), which have a huge stake in the U.S.-Japan alliance. On April 6, the senior vice-minister of the JDA expressed "personal" view that because of his understanding that the incident took place in international airspace, he "[could not] fathom some aspects of China's assertions."[118]

The press also seems to view the situation less as a complication in Japan-China relations than as a sobering reminder that China does not play by international rules, and has greatly increased its military power and assertiveness in recent years. A major national daily, the *Sankei Shimbun*, editorialized that the collision was a "wake-up call for Japan," in that it underscored "what a harsh military reality exists in the areas near Japan." The editorial chided the Bush Administration mildly for creating uneasiness over its "untested approach to China," but also noted that despite the rhetoric both sides appeared "to be practicing self-control." [119]

The incident also has provoked some practical concerns. For instance, the JDA reportedly is highly concerned about the compromise of electronic equipment and coding systems that it shares with the U.S. Navy and is evaluating the situation to see if it needs to change both the codes and the equipment.[120]

This incident and other developments in regional relations suggest a number of implications for Japan's future security posture and U.S.-Japan alliance cooperation:

First, the Japanese government seems more concerned about PRC assertiveness than about the deterioration of U.S.-China relations, possibly because of confidence that the neither Washington nor China can allow the incident to irreparably damage relations. Japan itself has shown greater willingness to confront China diplomatically over issues such as PRC naval intrusions into waters claimed by Japan. Tokyo recently delayed for several months a decision to provide the customary large-scale loans to China, making clear its annoyance with the state of relations. The loan denial was championed by influential LDP politicians.

Second, the incident appears to be viewed as yet another reminder that Japan lives in a dangerous neighborhood and requires both the U.S. security umbrella and

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[118]*Nihon Keizai Shimbun*, April 6, 2001, p. 2.

[119]editorial, *Sankei Shimbun*, April 5, 2001, p. 2.

[120]BBC (London), April 6, 2001 (From *Kyodo* News Service, Tokyo, April 6, 2001)

greater efforts to strengthen its own defense capabilities. Numerous press commentators and editorialists have also called for drawing closer to the United States. China, meanwhile, finds few supporters in Japan.

Less encouraging, recent negative developments in Japan's relations with China and South Korea could prove detrimental to U.S. interests. Both South Korea and China have reacted strongly to the decision of the Education Ministry, which is commonly viewed as a bastion of ultra-nationalist sentiment, to approve a new public school textbook that glosses over atrocities committed by Japanese forces during World War II and appears to offer a justification for Japanese wartime aggression. South Korea has recalled its ambassador as a consequence. The stubborn refusal of nationalistic Japanese political leaders and cultural officials to acknowledge Japan's depredations in World War II tends to make U.S.-Japan security cooperation appear more threatening to China and tends to undercut U.S. efforts to promote closer security cooperation among Washington, Tokyo, and Seoul.

South Korea.[121] In public, South Korea assumed a low profile in the Hainan Island incident; the government made no official statements during the episode. In private, however, the South Korean ambassador to China conveyed to Beijing his government's desire that China return the EP-3 crew to the United States.[122] In general, Seoul has an ambivalent relationship with Beijing, anxious about the rise in China's military power, but also wary of aggravating tensions with Beijing, which were established in 1992. South Korean policymakers are particularly concerned that a major deterioration in U.S.-China relations could undermine President Kim Dae Jung's "sunshine policy" of engaging North Korea. Heightened U.S.-PRC tensions, for instance, could jeopardize President Kim's goal of restarting four party peace talks among the principal combatants in the Korean War – South Korea, North Korea, the U.S. and China. A decline in Washington-Beijing relations also could reduce the South Korea's flexibility in dealing with Pyongyang by reducing the likelihood of South Korea-PRC-American cooperation – whether it is tacit or coordinated – over policy toward North Korea. China is one of North Korea's few remaining allies and in recent years has encouraged North Korea to adopt many of the economic reforms favored by President Kim.

The Philippines.[123] Wary of antagonizing either side, the Philippines adopted a "neutral" stance in this incident, with President Gloria Macapagal Arroyo stating that "very seldom do other countries get involved when the elephants are pitted

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[121]Written by Mark Manyin, Analyst in Asian Affairs. For more on South Korean-U.S. relations, see *Korea: U.S.-South Korean Relations – Issues for Congress*, CRS Issue Brief IB98045, by Larry Niksch.

[122]April 2001 conversation with South Korean diplomatic official. After the crew had been released, South Korean Foreign Minister Han Seung-soo acknowledged that his government had played a behind-the-scenes role in defusing the crisis, though he declined to provide details, according to the *South China Morning Post* (Hong Kong), April 20, 2001.

[123]Written by Mark Manyin, Analyst in Asian Affairs. For more on Filipino-U.S. relations, see *Philippine-U.S. Security Relations*, CRS Report RS20697, by Larry Niksch.

against each other."[124] Since the mid-1990s, a Filipino-PRC dispute over islands in the South China Sea has intensified, prompting Manila to pursue a hedging strategy with China and the United States. On the one hand, the Philippines has tried to persuade China to agree to a multilateral code of conduct that would prohibit any claimant from seizing additional islands and atolls in the South China Sea. Manila has been frustrated by the United States' generally neutral stance in the dispute. On the other hand, Manila has cautiously begun to revive its security relationship with Washington, reversing a decline that had occurred since the United States withdrew from military bases in the Philippines in 1992.

Australia.[125] Worried about wider implications for other nations in the region, Australia expressed concerns about the incident publicly and also directly to PLA General Zhang Wannian who was on a visit to Canberra. Prime Minister John Howard said that "I can understand the Americans wanting their aircraft and personnel back without interference." On April 3, 2001, Foreign Minister Alexander Downer reportedly told General Zhang that Australia was concerned about the lost PLA pilot and hoped the "tragic accident" can be resolved quickly, diplomatically, and calmly. Australian leaders said that Zhang assured them about U.S. consular access to the detained crew.[126]

Russia.[127] The Russian Government and press maintained a relatively low-keyed approach toward this incident. By April 11, there was little public Russian government commentary on the incident. On April 4, Aleksandr Losyukov, the Russian Foreign Ministry official who oversees policy toward East Asia, described the aircraft collision as "regrettable" and an "accident" and expressed Moscow's confidence that the United States and China would find a way to resolve their differences over the affair.[128] An April 2 commentary on a Russian internet web site run by a Kremlin insider (*Strana.ru*) linked the aircraft collision to the sinking of a Japanese fishing ship by a U.S. nuclear submarine in February 2001 and blamed both on aggressive U.S. intelligence gathering activities in the Pacific.[129] A search of the Russian central press, however, found only one article on the subject. That article speculated that the pilot of the F-8 was probably at fault in the collision.[130] Russian

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[124] *Birmingham Post*, April 4, 2001.

[125]Written by Shirley Kan, Specialist in National Security Policy.

[126]Conversation with Australian diplomat, April 2001; "Australia Calls for Return of Spy Plane," *Courier Mail* (Brisbane), April 4, 2001; "Downer's Diplomatic Effort to Help Resolve the Crisis," *Australian Financial Review*, April 4, 2001.

[127]Written by Stuart Goldman, Specialist in Russian Affairs.

[128]*Jamestown Monitor*, April 11, 2001.

[129]*Ibid.*

[130]Ilya Kedrov, "Chinese Battering Ram. The Result – a Gift – an American Surveillance Aircraft," *Nezavisimoye Voyennoye Obozreniye* [Moscow], April 6, 2001. This article can be found translated in Foreign Broadcast Information Service (FBIS) document no. CEP20010406000384.

diplomats in Washington stated that Moscow officially treated this as a strictly bilateral U.S.-China issue, "although privately, we support China."[131]

Russia's relatively restrained public response to the incident is surprising and noteworthy for several reasons. U.S.-Russian relations have grown more strained in recent years and, if anything, tension has increased since the elections of Presidents Putin and Bush. In this atmosphere, Moscow regularly, and often sharply, criticizes U.S. foreign and defense policies. The April 1 collision of the U.S. and PRC military aircraft provided an easy target for anti-American propaganda – an opportunity that Moscow seems to have passed up. This apparent restraint is all the more surprising in view of the fact that one of Russia's main national security strategies is to forge a cooperative bond with China in opposition to alleged U.S. "global domination" and "hegemonism." Moscow and Beijing support one another's positions vis-a-vis Washington over such issues as Taiwan, Chechnya, Yugoslavia, NATO enlargement, national missile defense, sanctions against Iraq – and stepped-up U.S. intelligence gathering activities near their borders. Russian arms sales to China, including advanced military aircraft, missile systems, warships, and submarines, are a key element of their military cooperation. Russia and China are reportedly preparing to sign a ten-year strategic friendship treaty this summer,[132] which some observers warn could be the harbinger of a strategic alliance directed, at least implicitly, against the United States.

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[131]Discussion with Russian diplomats, April 10, 2001.

[132]Various Russian and PRC sources, including *Interfax*, April 4, 2001.