

## **US Spy Planes Monitoring China at Close Range: Legal, But Unwise**

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Recent incidents in which Chinese fighter aircraft challenged U.S. surveillance planes have added a new level of tension to an already frayed bilateral relationship. It is fairly certain that the encounters took place in international airspace, although they were in the vicinity of China's Hainan Island. From a purely legal standpoint, Washington's surveillance flights are justified, but from a policy standpoint, they are needlessly provocative.

There are contentious underlying issues to the latest aerial spat between Beijing and Washington. Because the United States sees itself as a global power with important interests throughout the Western Pacific and East Asia, U.S. officials are uneasy about China's increased flexing of its geostrategic muscles. In particular, as a leading air and maritime power, Washington opposes Beijing's attempts to establish special rights for itself in that region. Consequently, the Obama administration openly defied China's announcement last year of an Air Defense Identification Zone in the airspace over the East China Sea. Similarly, U.S. officials staunchly oppose Beijing's ongoing territorial claims in the South China Sea, including an apparent bid to establish a vast exclusive economic zone. From Washington's perspective, Beijing's moves indicate a strategy to make regions that are now considered international airspace and international waters into de facto Chinese territory. That ploy, the United States and its East Asian allies all agree, is utterly unacceptable.

The recent incidents involving U.S. surveillance aircraft must be viewed within that larger context. U.S. officials are adamant that the United States has a legal right to conduct such flights in all international airspace—even in areas close to the Chinese coast. Harassment of those flights by PLA fighter planes is seen as more evidence of Beijing's belligerent campaign to narrow the rights that other countries possess under international law. The point is a valid one,

and the United States understandably resists China's attempts to refashion longstanding aspects of international law to its advantage.

Washington's legal position on the matter of surveillance flights also is unassailable. But what is legal is not always prudent. It is probably not a coincidence that the latest confrontations have taken place in the airspace near Hainan Island. There is strong evidence that China maintains a vital submarine base in that area and, therefore, does not welcome U.S. snooping in the vicinity of such a sensitive installation. That is the same area in which a nasty incident took place in the spring of 2001, when a Chinese fighter jet collided with a U.S. spy plane, killing the Chinese pilot and forcing the U.S. aircraft to make an emergency landing on Hainan. That episode produced angry posturing in both countries, with American hawks pressing George W. Bush's administration to adopt a harsh, demanding stance to get the plane and crew returned. Fortunately, cooler heads on both sides eventually prevailed, and a delicate diplomatic compromise prevented the crisis from spiraling out of control, but it was a tense, frightening period.

Even though Washington is legally in the right regarding the latest situation, U.S. officials should adopt a more restrained posture. It would be a useful exercise for them to ask how the United States would react if the positions were reversed. Would U.S. policymakers really respond with casual indifference if Chinese military aircraft repeatedly skirted the coast of Hawaii near Pearl Harbor? Or if they constantly monitored at close range the major U.S. naval bases at San Diego, California, and Norfolk, Virginia? Even if the Chinese carefully stayed within international airspace, it is difficult to imagine U.S. officials viewing such behavior as anything other than unfriendly and provocative.

Unfortunately, those same officials seem to be unable or unwilling to engage in the intellectual exercise of viewing a situation from another country's perspective. That is a defect in so many aspects of U.S. foreign policy. For example, policymakers in the Clinton, Bush and Obama administrations blindly failed to understand how Moscow would react to the expansion of NATO to the border of the Russian Federation. Yet they could have asked how the United States would have behaved if a competing great power had incorporated Mexico and the Central American countries into a transparently anti-U.S. alliance, and then flirted with making Canada a member. If they had engaged in that thought process, they might better understand Russia's current angry behavior with respect to the attempt by the United States and the European Union to draw Ukraine into the West's strategic orbit.

A wise great power does not needlessly antagonize other major countries—even when its behavior is technically within the bounds of international law. A wise great power especially does not crowd other nations in sensitive matters that they consider vital to their security. Washington needs to internalize that lesson before its spy flights lead to further deterioration in America's relations with China—and perhaps to a dangerous military clash.

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