

# CRS Report for Congress

## U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy

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Shirley A. Kan  
Specialist in Asian Security Affairs  
Foreign Affairs, Defense, and Trade Division



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# U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy

## Summary

After the terrorist attacks on September 11, 2001, the United States faced a challenge in enlisting the full support of the People's Republic of China (PRC) in counterterrorism. This effort raised short-term policy issues about how to elicit cooperation and how to address China's concerns about military action (Operation Enduring Freedom). Longer-term issues have concerned whether counterterrorism has strategically transformed bilateral relations and whether China's support has been valuable and not obtained at the expense of other U.S. interests.

The extent of U.S.-China counterterrorism cooperation has been limited, but the tone and context of counterterrorism helped to stabilize — even if it did not transform — the closer bilateral relationship pursued by President George Bush since late 2001. China's military, the People's Liberation Army (PLA), has not participated in the counterterrorism coalition. Still, for almost four years after the attacks on September 11, 2001, President Bush and other administration officials tended to praise the PRC's diplomatic and other support for the war against terrorism.

Since 2005, however, U.S. concerns about China's extent of cooperation in counterterrorism have increased. In September 2005, Deputy Secretary of State Robert Zoellick acknowledged that “China and the United States can do more together in the global fight against terrorism” after “a good start,” in his policy speech that called on China to be a “responsible stakeholder” in the world. The summits of the Shanghai Cooperation Organization (SCO) in 2005 and 2006 raised U.S. concerns. Since the summer of 2007, U.S. officials have expressed more concern about China-origin arms that have been found in the conflict involving U.S. forces in Afghanistan, as part of the broader threat posed by Iran and its arms transfers.

Congress has oversight over the closer ties with China as well as a range of policy options. U.S. policy has addressed law-enforcement; oppressed Uighur (Uyghur) groups that China claims to be “terrorist organizations”; detained Uighurs at Guantanamo Bay prison; weapons nonproliferation; port security; security for the Olympics in Beijing in August 2008, including oversight of sanctions that ban exports of security equipment; military-to-military contacts; China's influence in Central Asia through the SCO; and China's arms transfers to Iran.

In the 110<sup>th</sup> Congress, the House passed on September 17, 2007, **H.Res. 497**, noting that the PRC has manipulated the campaign against terrorists to increase cultural and religious oppression of the Uighur people, and has detained and beaten Rebiya Kadeer's children and imprisoned an ethnic Uighur Canadian. On May 22, 2008, Senator Sherrod Brown introduced the similar bill, **S.Res. 574**. Also, on July 30, the House passed **H.Res. 1370** (Berman), calling on the PRC to stop repression of the Tibetan and Uighur peoples, among other steps. In June, Representatives Delahunt and Rohrabacher called for the Uighurs held at Guantanamo to be given U.S. parole. There are concerns about possible violent threats to the Olympic Games in August in Beijing. However, there is no clarity or confirmation about the PRC's claims of terrorist threats. This report will be updated as warranted.

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# U.S.-China Counterterrorism Cooperation: Issues for U.S. Policy

## Aftermath of the 9/11 Attacks

China has seen itself as a victim of terrorist attacks in the 1990s, thought to be committed by some Muslim extremists (ethnic Uighur separatists) in the northwestern Xinjiang region. Some Uighur activists reportedly received training in Afghanistan. China's concerns appeared to place it in a position to support Washington and share intelligence after the attacks of September 11, 2001.<sup>1</sup> In a message to President Bush on September 11, PRC ruler Jiang Zemin condemned the terrorist attacks and offered condolences. In a phone call with the President on September 12, Jiang reportedly promised to cooperate with the United States to combat terrorism. At the U.N. Security Council (UNSC) on the same day, the PRC (a permanent member) voted with the others for Resolution 1368 (to combat terrorism). On September 20, Beijing said that it offered "unconditional support" in fighting terrorism. On September 20-21, visiting Foreign Minister Tang Jiaxuan promised cooperation, and Secretary of State Colin Powell indicated that discussions covered intelligence-sharing but not military cooperation. PRC counterterrorism experts attended a "productive" initial meeting on September 25, 2001, in Washington, DC. On September 28, 2001, China voted with all others in the UNSC for Resolution 1373, reaffirming the need to combat terrorism.

PRC promises of support for the U.S. fight against terrorism, however, were qualified by other initial statements expressing concerns about U.S. military action. China also favored exercising its decision-making authority at the UNSC, where it has veto power. Initial commentary in official PRC media faulted U.S. intelligence and U.S. defense and foreign policies (including that on missile defense) for the attacks. On September 18, 2001, in a phone call with British Prime Minister Tony Blair, China reported Jiang as saying that war against terrorism required conclusive evidence, specific targets to avoid hurting innocent people, compliance with the U.N. Charter, and a role for the Security Council. Also, observers were appalled at the reported gleeful anti-U.S. reactions in the PRC's online chat rooms after the attacks.

In Tokyo, on January 21, 2002, at a conference on reconstruction aid to Afghanistan, China pledged \$1 million, in addition to humanitarian goods worth \$3.6 million. But three days later, Jiang promised to visiting Afghan interim leader Hamid Karzai additional reconstruction aid of \$150 million spread over four to five years.

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<sup>1</sup> See also CRS Report RL31213, *China's Relations with Central Asian States and Problems with Terrorism*, by Dewardric McNeal and Kerry Dumbaugh.

Of this \$150 million, China offered \$47 million by 2003 and offered \$15 million in 2004.<sup>2</sup>

## Policy Analysis

The extent of U.S.-China counterterrorism cooperation has been limited, but the tone and context of counterterrorism helped to stabilize — even if it did not transform — the closer bilateral relationship pursued by President Bush since late 2001. In the short-term, U.S. security policy toward Beijing sought counterterrorism cooperation, shifting from issues about weapons proliferation and military maritime safety (in the wake of the EP-3/F-8 aircraft collision crisis of April 2001).<sup>3</sup> Given the mixed state of bilateral ties after the collision crisis, Beijing's support met much of initial U.S. expectations. Testifying to Congress in February 2002, Secretary of State Colin Powell praised Beijing's diplomatic support, saying "China has helped in the war against terrorism."<sup>4</sup>

Concerning other support, including any cooperation by the People's Liberation Army (PLA), the commanders of the Central and Pacific Commands, Gen. Tommy Franks and Adm. Dennis Blair, separately confirmed in April 2002 that China did not provide military cooperation (nor was it requested) in Operation Enduring Freedom in Afghanistan (e.g., basing, staging, or overflight) and that its shared intelligence was not specific enough, particularly as compared to cooperation from the Philippines, Singapore, and Malaysia.<sup>5</sup> The Pentagon's June 2002 report on foreign contributions in the counterterrorism war did not include China among the 50 countries in the coalition.<sup>6</sup> In December 2002, Assistant Secretary of State James Kelly confirmed intelligence-sharing, saying "we are sharing [counterterrorism] information to an unprecedented extent but making judgments independently."<sup>7</sup>

China's long-standing relationship with nuclear-armed Pakistan was an important factor in considering the significance of Beijing's support, especially with concerns about the viability of Pakistani President Pervez Musharraf's government. Some said that Pakistan's cooperation with the United States must come with PRC acquiescence, pointing to a PRC envoy's meeting with Musharraf on September 18,

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<sup>2</sup> "China to Offer \$15m for Afghan Reconstruction," *Xinhua*, April 1, 2004.

<sup>3</sup> See CRS Report RL30946, *China-U.S. Aircraft Collision Incident of April 2001: Assessments and Policy Implications*, coordinated by Shirley Kan.

<sup>4</sup> Senate Foreign Relations Committee, hearing, *Fiscal Year 2003 Foreign Affairs Budget*, February 5, 2002.

<sup>5</sup> Foreign Press Center Briefing, General Tommy Franks, Commander, U.S. Central Command, Washington, April 11, 2002; Press Roundtable with Adm. Dennis Blair, Commander, U.S. Pacific Command, Hong Kong, April 18, 2002.

<sup>6</sup> Department of Defense, "Fact Sheet: International Contributions to the War Against Terrorism," June 14, 2002.

<sup>7</sup> Assistant Secretary of State for East Asian and Pacific Affairs, "U.S.-East Asia Policy: Three Aspects," Woodrow Wilson Center, Washington, December 11, 2002.

2001. However, on September 13, 2001, Musharraf already had agreed to fight with the United States against bin Laden.<sup>8</sup> The PRC has reportedly provided Pakistan with nuclear and missile technology. China could provide intelligence about Pakistan's nuclear weapons and any suspected technology transfers out of Pakistan to countries like North Korea, Iran, and Libya.

In the long term, counterterrorism was initially thought by some to hold strategic implications for the U.S.-PRC relationship. However, it has remained debatable as to whether such cooperation has fundamentally transformed the bilateral relationship. Policymakers watched to see whether Beijing's leaders used the opportunity to improve bilateral ties, especially on weapons nonproliferation problems. In his State of the Union speech on January 29, 2002, President Bush expressed his expectation that "in this moment of opportunity, a common danger is erasing old rivalries. America is working with Russia and China and India, in ways we have never before, to achieve peace and prosperity." Nonetheless, Director of Central Intelligence George Tenet testified to Congress in February 2002, that the 9/11 attacks did not change "the fundamentals" of China's approach to us.<sup>9</sup>

The PRC's concerns about domestic attacks and any links to foreign terrorist groups, U.S.-PRC relations, China's international standing in a world dominated by U.S. power (particularly after the terrorist attacks), and its image as a responsible world power helped explain China's supportive stance. However, Beijing also worried about U.S. military action near China, U.S.-led alliances, Japan's active role in the war on terrorism, greater U.S. influence in Central and South Asia, and U.S. support for Taiwan — all exacerbating long-standing fears of "encirclement."

China issued a Defense White Paper in December 2002, stating that major powers remained in competition but that since the September 2001 attacks against the United States, countries have increased cooperation. Although this policy paper contained veiled criticisms of the United States for its military buildup, stronger alliances in Asia, and increased arms sales to Taiwan, it did not criticize the United States by name as in the Defense White Paper of 2000. However, the Defense White Papers of 2004 and 2006 again criticized the United States by name.

Since 2005, U.S. concerns about China's extent of cooperation in counterterrorism have increased. In September 2005, Deputy Secretary of State Robert Zoellick acknowledged that "China and the United States can do more together in the global fight against terrorism" after "a good start," in his policy speech that called on China to be a "responsible stakeholder" in the world. The summits of the Shanghai Cooperation Organization (SCO) in 2005 and 2006 raised U.S. concerns. Since the summer of 2007, U.S. officials have expressed more concern

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<sup>8</sup> First reported by Dan Balz, Bob Woodward, and Jeff Himmelman, "Thursday, September 13," *Washington Post*, January 29, 2002; and confirmed in the 9/11 Commission's report, *Final Report of the National Commission on Terrorist Attacks Upon the United States*, July 22, 2004.

<sup>9</sup> Senate Select Committee on Intelligence, hearing, *Worldwide Threats: Converging Dangers in a Post-9/11 World*, February 6, 2002.

about China-origin arms that have been found in the conflict involving U.S. forces in Afghanistan, as part of the broader threat posed by Iran and its arms transfers.

## Options and Implications for U.S. Policy

### Summits and “Strategic” Ties

The counterterrorism campaign helped to stabilize U.S.-PRC relations up to the highest level, which faced tensions early in the Bush Administration in April 2001 with the EP-3 aircraft collision crisis and U.S. approvals of arms sales to Taiwan. According to the Final Report of the 9/11 Commission issued in July 2004, President Bush chaired a National Security Council meeting on the night of September 11, 2001, in which he contended that the attacks provided a “great opportunity” to engage Russia and China. President Bush traveled to Shanghai in October 2001 for his first meeting with then PRC President Jiang Zemin at the Leaders’ Meeting of the Asia Pacific Economic Cooperation (APEC) forum. Bush called the PRC an important partner in the global coalition against terrorists but also warned Jiang that the “war on terrorism must never be an excuse to persecute minorities.”<sup>10</sup> On February 21-22, 2002, the President visited Beijing (a trip postponed in October), after Tokyo and Seoul. The President then hosted Jiang at Bush’s ranch in Crawford, TX, on October 25, 2002, and Bush said that the two countries were “allies” in fighting terrorism.<sup>11</sup> By the fall of 2005, Deputy Secretary of State Robert Zoellick acknowledged that “China and the United States can do more together in the global fight against terrorism” after “a good start,” in his policy speech calling on China to be a “responsible stakeholder.”<sup>12</sup>

### Law-Enforcement Cooperation

On December 6, 2001, Francis Taylor, the State Department’s Coordinator for Counter-Terrorism, ended talks in Beijing that reciprocated the September 25 meeting in Washington, DC. He announced that the PRC agreed to give “positive consideration” to a long-sought U.S. request for the FBI to set up a Legal Attaché office at the U.S. Embassy, that counterterrorism consultations would occur semi-annually, and that the two sides would set up a Financial Counter-Terrorism Working Group. He reported that Beijing’s cooperation has entailed coordination at the U.N., intelligence-sharing, law enforcement liaison, and monitoring of financial networks.<sup>13</sup> The PRC approved the FBI office in February 2002, and the first semi-annual meeting on terrorist financing was held at the Treasury Department in late May. The FBI attaché arrived at the U.S. Embassy in Beijing in September 2002. In November

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<sup>10</sup> White House, “U.S., China Stand Against Terrorism,” Shanghai, China, October 19, 2001.

<sup>11</sup> White House, “President Bush, Chinese President Jiang Zemin Discuss Iraq, N. Korea,” Crawford, Texas, October 25, 2002.

<sup>12</sup> Robert Zoellick, “Whither China: From Membership to Responsibility,” September 21, 2005.

<sup>13</sup> Department of State, press conference, Beijing, December 6, 2001.

2005, U.S. Attorney General Alberto Gonzales met with PRC Minister of Public Security Zhou Yongkang in Beijing. Visiting Beijing in June 2007, FBI Assistant Director for International Operations Thomas Fuentes said that he seeks “more information” from the PRC on terrorism.<sup>14</sup>

## Uighur People and “Terrorist” Organizations

Further questions concern the U.S. stance on the PRC’s policy toward about 10 million ethnic Turkish Uighur (Uyghur) people in northwestern Xinjiang (what Uighurs call East Turkestan) and what the PRC calls their “terrorist” organizations. The Uyghur Human Rights Project has warned that the PRC shifted to use “counter-terrorism” to justify the targeting of Uighurs both in and outside of the PRC.<sup>15</sup> China has compelled extraditions of Uighurs from countries such as Uzbekistan, Kazakhstan, and Pakistan.

Although Francis Taylor, the State Department’s Coordinator for Counter-Terrorism, confirmed that there are “people from western China that are involved in terrorist activities in Afghanistan,” he rejected the view that “all of the people of western China are indeed terrorists” and urged Beijing to deal politically with their “legitimate” social and economic challenges and not through counterterrorism means. Taylor also stated that the United States did not agree that “East Turkestan” forces are terrorists. He confirmed that the U.S. military captured PRC citizens from western China who were involved with Al Qaeda in Afghanistan.

Nonetheless, while in Beijing on August 26, 2002, Deputy Secretary of State Richard Armitage announced that, after months of bilateral discussions, he designated (on August 19) the East Turkistan Islamic Movement (ETIM) as a “terrorist” group that committed acts of violence against unarmed civilians. China had issued a report on January 21, 2002, saying that East Turkistan “terrorist” groups launched attacks with bin Laden’s support since the 1990s, and ETIM was one of the groups in the report. The U.S. Embassy in Beijing suggested that ETIM planned to attack the U.S. Embassy in Kyrgyzstan.<sup>16</sup> The State Department designated ETIM as a terrorist organization under Executive Order 13224 (to freeze assets) but not as a Foreign Terrorist Organization (under the Immigration and Nationality Act). E.O. 13224 defined “terrorism” as “activity that (1) involves a violent act or an act dangerous to human life, property, or infrastructure; *and* (2) appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.” At the same time, the United States, PRC, Afghanistan, and Kyrgyzstan asked the United Nations to designate ETIM under U.N. Security Council Resolutions 1267 and 1390 (to freeze assets of this group). Later, in 2004, the Secretary of State also designated ETIM

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<sup>14</sup> Daniel Schearf, “U.S. Federal Bureau of Investigations Seeks Further Cooperation with China,” *VOA News*, June 13, 2007.

<sup>15</sup> UHRP, “Persecution of Uyghurs in the Era of the ‘War on Terror’,” October 16, 2007.

<sup>16</sup> Philip Pan, “U.S. Warns of Plot by Group in W. China,” *Washington Post*, August 29, 2002.



among organizations in the “Terrorist Exclusion List (TEL)” (to exclude certain foreign aliens from entering the United States), under Section 411 of the USA PATRIOT Act of 2001 (P.L. 107-56). The leader of ETIM, Hasan Mahsum (killed in 2003) said that it had no organizational links with the Taliban or Al Qaeda and that the ETIM did not receive any financial assistance from Osama Bin Laden or Al Qaeda, although certain Uighur individuals were involved with the Taliban in Afghanistan.<sup>17</sup> The deputy leader of ETIM, Abudula Kariaji, said in 2004 that ETIM sent militants trained in small arms and explosives to China and was in contact with Bin Laden before 2001.<sup>18</sup>

Critics, including the Uighurs who said that the designation helped China to further justify persecution and violent repression against the people in Xinjiang, note distinctions between military training and terrorism, and point out that Uighurs have not targeted the United States. Their concern is China. In December 2002, Assistant Secretary of State James Kelly defended the action taken against ETIM as a step based on U.S. evidence that ETIM had links to Al Qaeda and committed violence against civilians, “not as a concession to the PRC.” Moreover, Lorne Craner, Assistant Secretary of State for Democracy, Human Rights, and Labor, specifically traveled to Urumqi to give a speech at Xinjiang University as part of a visit for the U.S.-PRC Human Rights Dialogue. He said that “both President Bush and Secretary Powell have made very clear publicly and privately that the U.S. does not and will not condone governments using counterterrorism as an excuse to silence peaceful expressions of political or religious views.” He added that the United States condemned the “Al Qaeda-linked” ETIM, but he was there to “reaffirm our friendship for the peaceful people of Xinjiang.”<sup>19</sup>

The Congress and President Bush have expressed concerns about the relatives of Rebiya Kadeer, a Uighur woman who was detained in the PRC in 1999-2005 and was nominated for the Nobel Peace Prize in 2006, after she gained freedom in the United States. In October 2006, a staff delegation of the House International Relations Committee reported heightened congressional concerns about the Administration’s designation of ETIM as a terrorist organization and the PRC authorities’ beatings and detentions of Kadeer’s relatives, even during the staff delegation’s visit in Urumqi.<sup>20</sup> In the 110<sup>th</sup> Congress, the House passed **H.Res. 497** (Ros-Lehtinen), noting that the PRC has manipulated the campaign against terrorists to increase cultural and religious oppression of the Muslim Uighur people and has detained and beaten Rebiya Kadeer’s children. Passed on September 17, 2007, the

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<sup>17</sup> “Uyghur Separatist Denies Links to Taliban,” *Radio Free Asia*, January 27, 2002.

<sup>18</sup> David Cloud and Ian Johnson, “Uighur Nationalism Tests the Boundaries of Security, Tolerance,” *Asian Wall Street Journal*, August 3, 2004.

<sup>19</sup> James Kelly, Assistant Secretary of State for East Asian and Pacific Affairs, “U.S.-East Asia Policy: Three Aspects,” Woodrow Wilson Center, Washington, December 11, 2002; Lorne Craner, Assistant Secretary of State for Democracy, Human Rights, and Labor, “The War Against Terrorism and Human Rights,” speech in Urumqi, December 19, 2002.

<sup>20</sup> Dennis Halpin and Hans Hogrefe, “Findings of Staff Delegation Visit to Urumqi, PRC, May 30-June 2, 2006,” Memorandum to Chairman Henry Hyde and Ranking Member Tom Lantos, October 30, 2006.

resolution urged the PRC to protect the rights of the Uighurs, release Kadeer's children, and release a Canadian of Uighur descent, Huseyin Celil, who was denied access to Canadian consular officials. On May 22, 2008, Senator Sherrod Brown introduced the similar bill in the Senate, **S.Res. 574**. On July 11, Representatives Jim McGovern and Frank Wolf, Co-Chairs of the Congressional Human Rights Caucus, "strongly condemned" China's pre-Olympic crackdown on Uighurs, with the convictions two days earlier of 15 Uighurs (and immediate executions for two, suspended death sentences for three, and life imprisonment for the remaining 10).

In June 2007, President Bush met with Kadeer in Prague and criticized the PRC's detention of her sons.<sup>21</sup> In July 2008, before going to the Olympic Games in Beijing in August, Bush addressed religious freedom and specifically honored Uighur Muslims, Christians, and Tibetan Buddhists seeking religious freedom in China. He also met with five advocates for freedoms in China, including Rebiya Kadeer. Bush told Kadeer that he would ask the PRC to release her two imprisoned sons.<sup>22</sup>

## **Detained Uighurs at Guantanamo**

A related question pertains to the fate of Uighurs captured during U.S. fighting with Al Qaeda in Afghanistan, but who are claimed by the PRC as its citizens for legal action in China and whom PRC authorities might have sought to interrogate. In May 2004, Amnesty International said that, in 2002, the United States allowed PRC officials to participate in interrogations and mistreatment of ethnic Uighurs held at the prison at Guantanamo Bay, Cuba. Then, in July 2004, Amnesty International urged the United States not to turn the 22 detained Uighurs over to China, where they would face torture and execution in China's campaign to repress the Uighur people in the name of "counterterrorism."<sup>23</sup> Other options include sending them to a third country and resettling them in the United States.

Starting in late 2003, the Defense Department reportedly has determined without public announcement that 15 Uighurs at Guantanamo could be released, including five who were picked up because they were in the wrong place at the wrong time and 10 who were considered low-risk detainees whose enemy was the PRC government. Seven others were determined to be "enemy combatants."<sup>24</sup> By 2004, U.S. officials told reporters that Uighurs detained at Guantanamo Bay had no more intelligence value, but the United States could not find a third country to accept them, while

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<sup>21</sup> White House, "President Bush Visits Prague, Czech Republic, Discusses Freedom," June 5, 2007. Also: Rebiya Kadeer, "My Chinese Jailers," *Wall Street Journal*, May 30, 2007.

<sup>22</sup> White House, "President Bush Honors the 10<sup>th</sup> Anniversary of the International Religious Freedom Act," July 14, 2008; and "Statement by the Press Secretary on President Bush's Meeting with Chinese Freedom Activists," July 29, 2008. Uyghur American Association, "Rebiya Kadeer Meets with President Bush at the White House," July 30, 2008.

<sup>23</sup> "Group Says Chinese Saw Detainees," *Washington Post*, May 26, 2004; Amnesty International, "China: Fleeing Uighurs Forced Back to "Anti-Terror" Torture and Execution," July 7, 2004.

<sup>24</sup> Robin Wright, "Chinese Detainees are Men Without a Country," *Washington Post*, August 24, 2005; and *Asian Wall Street Journal*, August 25, 2005.

ruling out their return to China.<sup>25</sup> In August 2004, Secretary of State Colin Powell confirmed the dilemma and assured that “the Uighurs are not going back to China, but finding places for them is not a simple matter, but we are trying to find places for them.”<sup>26</sup> The United States has approached over 100 countries to accept the Uighurs, and the State Department reportedly had considered sending the Uighurs back to China instead of allowing them be resettled in the United States.<sup>27</sup>

On April 20, 2006, the Defense Department released a list of 558 people detained at Guantanamo, in response to a Freedom of Information Act lawsuit brought by the Associated Press. The list confirmed that there were 22 Uighurs with PRC citizenship being held. On May 5, 2006, the Pentagon announced the transfer from the Guantanamo Bay prison to Albania of five Uighurs, all of whom had been determined to be “no longer enemy combatants” during reviews in 2004-2005. The PRC then demanded that Albania extradite those Uighurs as “terrorists,” but Albania refused. Their plight continues to raise a question of whether they should be resettled in the United States rather than stay confined in a camp in Albania.<sup>28</sup> Defense lawyers for Uighurs still held at Guantanamo Bay have complained and testified that the Uighurs suffer in captivity of nearly total isolation at Camp Six.<sup>29</sup>

On June 4, 2008, at a hearing of the House Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight, the Department of Justice’s Inspector General, Glenn Fine, testified that U.S. military interrogators not only collaborated with PRC government agents to interrogate Uighurs at the prison, but that they also deprived them of sleep the night before by waking them up every 15 minutes in a treatment called the “frequent flyer program.”<sup>30</sup> The Chairman and Ranking Member, Representatives Bill Delahunt and Dana Rohrabacher, then wrote a letter to Defense Secretary Robert Gates to request that the detained Uighurs

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<sup>25</sup> Guy Dinmore and James Kynge, “China Torture Fears Curb Guantanamo Releases,” *Financial Times*, June 23, 2004; and David Cloud and Ian Johnson, “In Post-9/11 World, Chinese Dissidents Pose U.S. Dilemma,” *Wall Street Journal*, August 3, 2004.

<sup>26</sup> Secretary Colin Powell, “Roundtable with Japanese Journalists,” August 12, 2004.

<sup>27</sup> Demetri Sevastopulo, “U.S. Fails to Find Countries to Take Uighurs,” *Financial Times*, October 28, 2004; “Uighurs Face Return to China from Guantanamo,” *Financial Times*, March 16, 2005; “Detention Dilemma,” *Washington Post* (editorial), May 3, 2005; Josh White and Robin Wright, “Detainee Cleared for Release is in Limbo at Guantanamo,” *Washington Post*, December 15, 2005; Neil Lewis, “Freed From Guantanamo but Stranded Far From Home,” *New York Times*, August 15, 2006; Josh White, “Lawyers Demand Release of Chinese Muslims,” *Washington Post*, December 5, 2006.

<sup>28</sup> Tim Golden, “Chinese Leave Guantanamo for Albanian Limbo,” *New York Times*, June 10, 2007; Jonathan Finer, “After Guantanamo, An Empty Freedom,” *Washington Post*, October 17, 2007.

<sup>29</sup> R. Jeffrey Smith and Julie Tate, “Uighurs’ Detention Conditions Condemned,” *Washington Post*, January 30, 2007; Sabin Willett (lawyer for a detainee, Huzaifa Parhat), testimony before the House Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight, May 20, 2008.

<sup>30</sup> House Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight, hearing on the FBI’s role at Guantanamo Bay prison, June 4, 2008.

promptly be transferred and paroled into the United States. The Members noted that the transfer would not automatically grant asylum, another option for policymakers.<sup>31</sup>

U.S. policymakers are grappling more urgently with whether and how to release the detained Uighurs. On June 20, 2008, the U.S. Court of Appeals for the District of Columbia decided that in the case of a Uighur detainee, Huzaifa Parhat, the Combatant Status Review Tribunal's determination of him as an "enemy combatant" was not valid.

## Weapons Nonproliferation

In his 2002 State of the Union speech, President Bush stressed the twin threats of terrorism and weapons proliferation, indicating a strong stance on proliferation problems with the PRC and others. PRC entities have reportedly transferred missile and/or chemical weapons technology to countries that the State Department says support terrorism, like Iran and North Korea. On numerous occasions, the Administration has imposed sanctions for weapons proliferation by PRC entities. However, the Administration has stressed China's cooperation at the Six-Party Talks on North Korea's nuclear weapons and at the U.N. Security Council on sanctions against Iran, rather than China's transfers.<sup>32</sup> China has not joined the Proliferation Security Initiative (PSI) announced by President Bush on May 31, 2003. In its Final Report issued on July 22, 2004, the 9/11 Commission urged that the United States encourage China (and Russia) to join the PSI, among many recommendations. The 110<sup>th</sup> Congress considered **H.R. 1**, the Implementing Recommendations of the 9/11 Commission Act of 2007. The House-passed bill of January 9, 2007, noted that the Commission called on China to participate in PSI. The Senate passed its bill on July 9 without such language. The Conference Report of July 25 adopted the House provisions on the commission's recommendations and on the sense of Congress that the President should expand and strengthen the PSI. The bill became **P.L. 110-53** on August 3, 2007.

## Port Security

The Bush Administration also sought China's cooperation in the Container Security Initiative (CSI) of U.S. Customs and Border Protection. Launched in January 2002, CSI looked at PRC ports (Shanghai and Shenzhen) among the top 20 foreign ports proposed for U.S. screening of manifests and inspections of containers before U.S.-bound shipping. On July 29, 2003, China agreed to join CSI. However, only after this U.S.-PRC agreement did the Bush Administration discuss an agreement with Taiwan to cover the last of the 20 ports: Kaohsiung. The U.S. CSI team became operational in Shanghai in April 2005, and that CSI program underwent its first six-month review by late summer. That CSI program has been compared to the CSI experience with more cooperative and efficient customs authorities in Hong

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<sup>31</sup> Bill Delahunt and Dana Rohrabacher, letter to Robert Gates, June 19, 2008.

<sup>32</sup> See CRS Report RL31555, *China and Proliferation of Weapons of Mass Destruction and Missiles: Policy Issues*, by Shirley Kan.

Kong, cooperation that became operational in 2002.<sup>33</sup> In November 2005, the United States and the PRC signed an agreement, as part of the Megaports Initiative of the Energy Department's National Nuclear Security Administration, to install equipment at China's ports to detect nuclear and other radioactive material that could be used for nuclear weapons and "dirty bombs."

## Olympic Security

There is congressional concern about whether China's tight security at the Olympic games in Beijing in August 2008 will result in internal repression (including ethnic Uighurs and Tibetans) or even harm to safety of American citizens (including those targeted by China for expressing concerns about Tibet, Darfur, Falungong, Taiwan, Burma, North Korean refugees, etc.). In 2007, the PRC government reportedly intensified intelligence gathering of foreigners whom it suspected as protesting its policies in a range of areas, including non-governmental organizations advocating for various causes.<sup>34</sup> Issues concern the U.S. role, including how the State Department should warn and protect U.S. citizens who travel to Beijing. On April 30, 2008, the State Department issued a general "travel alert" to advise U.S. citizens that "any large-scale public event such as the upcoming Olympic Games may present an attractive target for terrorists. There is a heightened risk that extremist groups will conduct terrorist acts within China in the near future." However, while U.S. intelligence is concerned about PRC compromise of electronic equipment, like computers and cellphones, that Americans bring to the Games or other times, the State and Commerce Department reportedly declined to issue a strong warning.<sup>35</sup>

U.S. officials and private firms (even Olympic sponsors) faced difficulty in getting information from the PRC government on its plans for Olympic security. There is no clarity or confirmation about the PRC's claims of terrorist threats in China. The PRC regime tends to selectively target violent incidents involving Tibetans and Uighurs as "terrorism" but not other violent attacks committed by Hans (ethnic Chinese people). (In April 2008, the PRC called the Tibetan Youth Congress "terrorist."<sup>36</sup>) In the lead-up to the Games with increasing voices opposing PRC policies, some were concerned that the PRC would not be able to effectively maintain control and security at the Olympic Games. Nevertheless, the PRC authorities have severely tightened security around China, and the regime may very well over-react to any disturbances, even peaceful protests, by foreigners or PRC citizens. The PRC is deploying immense security forces comprised of the military (PLA), paramilitary People's Armed Police (PAP), and civilian police and totaling 110,000. Those PLA forces include ground, air, and naval units.

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<sup>33</sup> Interviews with CSI teams in Shanghai and Hong Kong; CRS memo, "Congressional Staff Delegation's Visit to China, Hong Kong (August 2005), September 14, 2005, by Shirley Kan.

<sup>34</sup> Charles Hutzler, "China Gathering Intelligence on Activists It Thinks Might Disrupt 2008 Olympics," *Associated Press*, July 23, 2007.

<sup>35</sup> Siobhan Gorman, "U.S. Fears Threat of Cyberspying at Olympics," *Wall Street Journal*, July 17, 2008.

<sup>36</sup> *Xinhua*, April 27, 2008.

There is congressional oversight of sanctions banning the export of crime control equipment to China. The President has the options of selectively or permanently waiving sanctions imposed after the 1989 Tiananmen Crackdown (Section 902 of the Foreign Relations Authorization Act for FYs 1990 and 1991, P.L. 101-246), which deny exports of defense articles/services (including helicopters), crime control equipment, and satellites. President Bush issued a waiver of those sanctions on January 9, 2002 (to export a bomb containment and disposal unit for the Shanghai fire department to prevent terrorist bombings) and again on January 25, 2002 (to consider export licenses for equipment to clean up chemical weapons in China left by Japan in World War II). More presidential waivers could be considered for exports of equipment for security of the Olympic games in Beijing in August 2008, but there are concerns about China's internal repression. In May 2005, China held its first exhibition on counterterrorism equipment, and over 200 U.S. and other foreign companies displayed their arms and equipment.<sup>37</sup> At a hearing of the Congressional-Executive Commission on China (CECC) on February 27, 2008, its chairman, Representative Sander Levin, expressed concerns that "any high-technology surveillance equipment will be left in the hands of China's public security and state security organ, who may use them to monitor political activists, religious practitioners, and members of certain ethnic minority groups."<sup>38</sup> The Bush Administration reportedly approved the export of sensitive equipment and expertise, including that restricted under the Export Administration Act, to PRC security and PLA forces. The equipment included that used to detect explosives and radiation. Also, the Energy Department's National Nuclear Security Administration sent a Nuclear Emergency Support Team (NEST) to China to help in detection of a radiological bomb.<sup>39</sup> On June 30, 2008, President Bush notified Congress that he waived temporarily the sanction on munitions exports to allow athletes in shooting competitions to bring firearms and U.S. film crews to bring mobile high definition television camera systems with military gyroscopes to the Olympic Games in Beijing in August, after which the equipment will be returned to the United States.

Another question concerns President Bush's attendance at the games, including the message it will send and any pretext for China's claimed need to tighten internal security for Bush's presence. U.S. policymakers know about the PRC's record of rounding up dissidents, peaceful protestors, and other "undesirables" ahead of and during major international events, including presidential summits. When President Bush visited Beijing on November 20, 2005, accompanying Secretary of State Condoleezza Rice acknowledged reports about crackdowns by the PRC's security forces on religious figures (with house arrests and detentions) in the days ahead of Bush's visit. Rice said that the U.S. side would raise those concerns "vociferously"

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<sup>37</sup> China's official *Xinhua* news agency, May 10, 2005.

<sup>38</sup> Congressional-Executive Commission on China, hearing on the Impact of the 2008 Olympic Games on Human Rights and Rule of Law in China, February 27, 2008.

<sup>39</sup> Bill Gertz, "China Gets U.S. Olympics Help," *Washington Times*, June 5, 2008; Daniel Pepper, "High-noise Device for Olympics Reviewed," *Washington Times*, June 6, 2008. Also, Bill Gertz, "U.S. Nuke Spotters Sent to China Before Games," *Washington Times*, June 20, 2008.

with the PRC government.<sup>40</sup> On February 28, 2008, President Bush said he would raise concerns about human rights and religious freedom in China with its ruler Hu Jintao and at the same time “enjoy a great sporting event” simply as a “sports fan.”<sup>41</sup>

As preparations intensify for the summer Olympics in Beijing, another issue has concerned the extent to which the United States, including the military, should cooperate with the PLA or the paramilitary PAP, given concerns about China’s internal repression surrounding international events. In March 2007, the PRC Minister of Public Security called for striking hard at “hostile forces” of “ethnic separatism, religious extremism, and violent terrorism” and “evil cults” like the Falungong to have “stability” for the Olympic games. A precedent was set in 2004, when various U.S. departments, including the Department of Defense, provided security assistance for the Olympic games in Athens, Greece, in 2004.<sup>42</sup> On June 22, 2006, at a hearing of the House Armed Services Committee, Brigadier General John Allen, Principal Director for Asian and Pacific Affairs, told Congress that the Defense Department might work with China on security cooperation for the Olympics. However, a year later, Deputy Under Secretary of Defense Richard Lawless testified to the House Armed Services Committee on June 13, 2007, that China did not accept assistance from the Defense Department for Olympic security.

The State Department reported that there were no acts of international terrorism in China in 2002, 2003, 2004, 2005, 2006, or 2007. The National Counterterrorism Center under the Director of National Intelligence did not report any terrorist attacks in the PRC in 2007. “Terrorism” is defined as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.”<sup>43</sup>

However, as PRC preparations and propaganda for Olympic security intensified, PRC media claimed that on January 5, 2007, law enforcement authorities destroyed a “terrorist training camp” run by ETIM in Xinjiang, killed 18 “terrorists,” and captured 17 others (who were later sentenced to death, suspended death sentences, or life imprisonment). However, the civilian Public Security police carried out the action, not the paramilitary People’s Armed Police (PAP). Visiting Beijing in June

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<sup>40</sup> White House, Press Briefing by Secretary of State Condoleezza Rice on the President’s Visit to China, Beijing, November 20, 2005.

<sup>41</sup> President George Bush, press conference, February 28, 2008.

<sup>42</sup> Such assistance included an anti-terrorism exercise held by the European Command in March 2004; exercise scenarios created by the Defense Threat Reduction Agency to defend against weapons of mass destruction; imagery collected by the National Geospatial-Intelligence Agency; and defensive barriers and facilities set up by deployed U.S. naval forces. See GAO, “Olympic Security: U.S. Support to Athens Games Provides Lessons for Future Olympics,” May 2005.

<sup>43</sup> State Department, “Country Reports on Terrorism,” annual reports; and National Counterterrorism Center, “2007 Report on Terrorism,” April 30, 2008.

2007, FBI Assistant Director for International Operations Thomas Fuentes said that the FBI was still assessing the validity of the PRC's claims about the terrorist threat.<sup>44</sup>

The next year, the PRC claimed that police in January 2008 raided a house in Urumqi in northwestern Xinjiang, killing two people and capturing 15 others who were Uighur separatists carrying out "terrorist acts." Despite calling them "terrorists," the Xinjiang authorities found only knives, axes, and books.<sup>45</sup> Again, the PAP was not involved in this reported raid by the civilian police. The U.S.-based Uyghur American Association called for an independent investigation of those claims and defended efforts of the Uighur people as peaceful. A reporter who visited the site of the raid in April found residents of the apartment building who reported that nothing dramatically dangerous had happened.<sup>46</sup> Then, in March 2008, the PRC claimed that a Uighur woman was an "East Turkestan element" who tried to blow up a plane flying from Urumqi to Beijing. A news article in New Delhi reported that the incident had a connection to terrorists in Pakistan, while the sophistication of that attempt remained disputable.<sup>47</sup>

However, just the next month in April, the city of Urumqi (including the airport and railroad station) and flights between Urumqi and Beijing) were calm without extra tight security.<sup>48</sup> The Olympic torch relay went through Xinjiang in June without problems, although there were tight security lock-downs along the route in Xinjiang.

On July 9, 2008, official PRC media asserted in an English report that the police killed and arrested criminals in Xinjiang who were in a "holy war" training group. However, the original Chinese-language news article in Urumqi called them criminals and did not refer to any terrorist connections. On July 10, Urumqi's local Public Security officials claimed that they had cracked five "terrorist groups" and detained 82 "terrorists" in the first six months of 2008. On July 14, the local police in Kashi in Xinjiang claimed that they had eliminated 12 "terrorist" gangs.

Nevertheless, the PRC regime has downplayed ostensible terrorist threats posted on the Internet, citing Uighur grievances in China and targeting the Olympic Games. On June 26, 2008, a video was posted on YouTube with a message in Uighur threatening violence at the Olympic Games in Beijing issued under the name of the Turkistan Islamic Party (TIP), which could be ETIM, by a masked and armed man calling himself Seyfullah. However, instead of citing this to bolster its claims about the Uighurs, the PRC did not play up the development. Only a PRC official media

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<sup>44</sup> Daniel Schearf, "U.S. Federal Bureau of Investigations Seeks Further Cooperation with China," *VOA News*, June 13, 2007.

<sup>45</sup> *Xinhua* and *Huanqiu Shibao*, February 18, 2008; *China Daily*, February 19, 2008; "Terrorist Attack Prevented for Olympics: Official," *Xinhua*, March 9, 2008.

<sup>46</sup> Dan Martin, "Residents Dispute PRC Official Account of Raid on Xinjiang Terrorists in January," *AFP*, April 8, 2008.

<sup>47</sup> Xinjiang Communist Party Secretary Wang Lequan quoted by *Zhongguo Tongxun She*, March 20, 2008; and Praveen Swami, "China's Mid-Air Terror Trail Leads to Pakistan," *Hindu*, March 22, 2008.

<sup>48</sup> Author's visit to Urumqi in April 2008.



report on July 3 cited a Vice Minister of Public Security as mentioning a “East Turkistan” threat on the Internet. Uighur leader Rabiya Kadeer responded by supporting peaceful and successful Olympic Games in Beijing.<sup>49</sup> Again on July 25, TIP leader Seyfullah posted another video, claiming credit for bus bombings in cities in China from May to July and trying to stop the Olympic Games. Contrary to its usual hyping of an “East Turkestan” terrorist threat, the PRC government and its experts promptly denied the TIP leader’s claims.<sup>50</sup>

In those other bombings outside of Xinjiang, the PRC did not call them “terrorist” acts. On May 5, a bus exploded in Shanghai, killing three people. PRC authorities did not call the violent incident a “terrorist attack” and minimized the media’s reporting.<sup>51</sup> On July 21, bombs exploded in two buses in Kunming city in Yunnan province, killing two people. The PRC Public Security authorities promptly called the violent incident “sabotage,” not terrorism.<sup>52</sup>

Then, on August 4, in the western-most city of Kashgar (Kashi) in Xinjiang, two men drove a truck into a group of PAP Border Security Guards and threw two bombs, killing 16 of them. Immediately, PRC official media reported the violent incident as “suspected terrorism” and raised an alleged connection to “East Turkistan” terrorists. The police said they caught two Uighur men from Kashi, a vegetable vendor and taxi driver, who were found with “home-made” bombs, a handgun, and knives, and were waging a “holy war.” Kashi’s Communist Party Secretary said on August 5 that the incident was a premeditated “terrorist attack.” However, the director of Xinjiang’s Public Security Department said that the police did not have proof that a terrorist organization like ETIM was responsible for the incident. He also had to apologize to two Japanese journalists trying to cover the incident whom PAP guards detained and beat in a hotel, prompting Japan’s protest.<sup>53</sup>

## **Military-to-Military Contacts**

While there have been no counterterrorism operations conducted with the PLA, the Pentagon has cautiously resumed a military-to-military relationship with China. In 2001, the Bush Administration limited contacts with the PLA after a Pentagon review started and the EP-3 aircraft collision crisis occurred. Then, for the first time under the Bush Administration, the Pentagon and the PLA again held Defense Consultative Talks (DCT) on December 9, 2002. There were visits by China’s Defense Minister, General Cao Gangchuan, in October 2003 and the Chairman of the Joint Chiefs of Staff, General Richard Myers, in January 2004. Secretary of Defense Rumsfeld visited China in October 2005, the first visit by a defense secretary since

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<sup>49</sup> Uyghur American Association, “Rebiya Kadeer Expresses Her Wish for a Peaceful Beijing Olympics and Urges Beijing to Cease its Harsh Repression of Uyghurs,” July 18, 2008.

<sup>50</sup> *Xinhua*, July 26, 2008; *Zhongguo Xinwen She*, July 28, 2008.

<sup>51</sup> *Xinhua*, *AFP*, May 5, 2008; PRC Foreign Ministry news conference, May 6, 2008.

<sup>52</sup> *Xinhua*, July 21, 2008; *Zhongguo Xinwen She*, July 22, 2008.

<sup>53</sup> *Xinhua*, *AFP*, August 4, 2008; *Kyodo*, *Xinhua*, August 5, 2008.

William Cohen's visit in 2000 and long sought by the PLA for the resumption of a military relationship. Relevant legislation for congressional oversight includes the Foreign Relations Authorization Act for FYs 1990-1991 (P.L. 101-246); National Defense Authorization Act for FY2000 (P.L. 106-65); and National Defense Authorization Act for FY2006 (P.L. 109-163).<sup>54</sup>

However, there is a debate about the extent to which U.S. forces should help the PLA's modernization, including through combined exercises. Some have urged caution in military cooperation with China on this front of counterterrorism, while others see benefits for the relationship with China. Senator Bob Smith and Representative Dana Rohrabacher wrote Secretary of Defense Rumsfeld in late 2001, to express concerns about renewed military contacts with China. They argued that "China is not a good prospect for counter-terrorism cooperation," because of concerns that China has practiced internal repression in the name of counterterrorism and has supplied technology to rogue regimes and state sponsors of terrorism.<sup>55</sup> In contrast, a 2004 report by Rand urged a program of security management with China that includes counterterrorism as one of three components.<sup>56</sup>

## Shanghai Cooperation Organization (SCO)

The summits of the Shanghai Cooperation Organization (SCO) in 2005 and 2006 raised U.S. concerns. (The SCO was founded in Shanghai in June 2001 by China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan.) China's influence in the SCO increased after the 9/11 attacks raised attention to counterterrorism. The SCO issued a declaration on July 5, 2005, that called for a "deadline" for the counterterrorism coalition's "temporary" use of facilities and military presence in SCO countries, because major military operations against terrorists ended in Afghanistan, they claimed. U.S. armed forces were deployed at bases in Uzbekistan until 2005 and maintains an airbase in Kyrgyzstan, raising China's suspicions about U.S. military deployments in Central Asia and a perceived U.S. encirclement campaign. PRC ruler Hu Jintao also argued that Central Asian countries can handle their own internal and regional affairs. General Richard Myers, Chairman of the Joint Chiefs of Staff, responded on July 14, 2005, that China and Russia were "trying to bully" the Central Asian countries. A week later, China's official *People's Daily* accused General Myers of showing "arrogance" and U.S. intentions to "permanently meddle" and be "strategically dominant" in Central Asia.

During the 109<sup>th</sup> Congress, on July 19, 2005, the House passed (by voice vote) Representative Tom Lantos's amendment to the Foreign Relations Authorization Act for FYs 2006 and 2007 (**H.R. 2601**). The language expressed the congressional concern that the SCO's declaration called for a deadline for deployments in Central

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<sup>54</sup> For more discussion, see CRS Report RL32496, *U.S.-China Military Contacts: Issues for Congress*, by Shirley Kan.

<sup>55</sup> Senator Bob Smith and Representative Dana Rohrabacher, letter to Secretary of Defense Donald Rumsfeld, December 17, 2001.

<sup>56</sup> Rand, "U.S.-China Security Management: Assessing the Military-to-Military Relationship," July 2004.

Asia and called on the President and Secretaries of Defense and State to open a dialogue with SCO countries about the use of bases there. The House passed H.R. 2601 (by 351-78) on July 20, 2005, whereas the Senate did not vote on it.

China has worked to improve ties with Central Asian countries, including offering military assistance. The PRC hosted a summit of SCO members in Shanghai on June 15, 2006, that included Iran as an observer. The State Department criticized that inclusion of Iran, a state sponsor of terrorism, as running “counter” to the international fight against terrorism. Ahead of the SCO summit in Bishkek in August 2007, the PRC’s official newspaper published an article calling for the U.S. military to withdraw from the base in Kyrgyzstan. Also, the Deputy Speaker of the Kyrgyz parliament said he expected pressure from Russia and China on his government concerning the use of the Manas air base by the U.S. military.<sup>57</sup> In August 2007, the PLA and Russian forces held a combined counterterrorism exercise called “Peace Mission 2007” held under the SCO’s sponsorship in Chelyabinsk in Russia’s Ural Mountains and in Urumqi in Xinjiang. The exercise targeted what China combines into as the “three evil forces” of “terrorism, separatism, and extremism.”

## PRC-Origin Weapons and Iran

Since the summer of 2007, U.S. officials have expressed greater concern about China-origin weapons that have been found in the conflicts involving U.S. forces in Afghanistan (and Iraq), as part of the broader threat posed by Iran and its re-transfers to anti-U.S. fighters. PRC-made weapons found in Afghanistan, mainly small arms and ammunition, have included man-portable anti-aircraft missiles (such as the HN-5 missiles); armor-piercing ammunition; rocket propelled grenades; artillery rockets; sniper rifles; and components for weapons. In late 2001, PRC-origin (produced by the state-owned defense-industrial company, NORINCO) multiple rocket launchers (using 107 mm rockets) were found in Afghanistan. Also, in late 2001 to spring 2002, caches of PRC-origin HN-5 missiles, ammunition, and rocket propelled grenades were discovered. In June 2007, the Taliban used PRC-made HN-5 surface-to-air missiles in Afghanistan. In some cases, tracing to the producer of the arms is challenged by the intentional removal of serial numbers from the weapons or parts. Also adding to the challenge of identifying the source of weapons is the fact that Iran has manufactured an anti-aircraft missile, called the Misagh-1, that is similar to the QW-1 anti-air missile made by the PRC’s state-owned, defense industrial company: the China Precision Machinery Import and Export Corporation (CPMIEC).<sup>58</sup>

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<sup>57</sup> *Renmin Ribao [People’s Daily]*, June 15, 2007; *AKI Press*, July 10, 2007.

<sup>58</sup> Bill Gertz and Rowan Scarborough, “Inside the Ring: China-al Qaeda Nexus,” *Washington Times*, December 21, 2001; Bill Gertz, “China-made Artillery Seized in Afghanistan,” *Washington Times*, April 12, 2002; “China-trained Taliban,” *Washington Times*, June 21, 2002; Scott Baldauf, “Al Qaeda Massing for New Fight” and “How Al Qaeda Seeks to Buy Chinese Arms,” *Christian Science Monitor*, August 9 and 23, 2002; *Jane’s Land-based Air Defence 2003-2004*; Philip Smucker, “Taliban Uses Weapons Made in China, Iran,” *Washington Times*, June 5, 2007; “Chinese Arms in the Hands of Taleban,” editorial, *Kabul Times*, June 7, 2007; Bill Gertz, “China Arming Terrorists,” *Washington Times*, June 15, 2007; Demetri Sevastopuloin, “U.S. Takes China to Task Over Iraq and (continued...)”

Even while U.S. officials have pointed to China as the origin of some of the weaponry found in Afghanistan, another question concerns whether the supplies are new (since Operation Enduring Freedom began in 2001) or left over from the years when various countries transferred weapons to Mujahedin fighters in Afghanistan during its Soviet occupation in the 1980s or later in the 1990s. China's CPMIEC exported the HN-5 anti-aircraft missiles for years, and China previously supplied them to the Mujahedin in Afghanistan, Iran, and other countries.<sup>59</sup> Defense Secretary Donald Rumsfeld told reporters in August 2002 that Afghanistan is "filled with weapons" and that "you do find things from China, but you find them from country after country after country." He added, "a lot of it is quite old and probably not stable."<sup>60</sup> In September 2007, an Afghan Interior Ministry spokesman said that his government seized various types of arms, including PRC weapons, but did not have evidence of new PRC arms being transferred to the Taliban.<sup>61</sup> Aside from the explanation of left-over caches, PRC-made weapons are not the only type uncovered. In the same month, another Afghan official announced that arms made in China, Iran, and Russia were discovered in the city of Herat, near the western border with Iran.<sup>62</sup>

In its approach, the Bush Administration has focused concerns and questions on Iran, rather than China, and how the weapons ended up in Afghanistan (some through Iran), rather than where they were made (in China, Iran, or other countries). Focusing on Iran, Under Secretary of State for Political Affairs Nicholas Burns specifically said on June 13, 2007: "There's irrefutable evidence the Iranians are now [transferring arms to the Taliban in Afghanistan], and it's a pattern of activity." ... "It's coming from the Iranian Revolutionary Guard Corps command, which is a basic unit of the Iranian government." After just retiring as Deputy Under Secretary of Defense, Richard Lawless told reporters on July 6 that "Identifying how [the weapons] came through Iran [into Afghanistan] and who is facilitating that transit through Iran is the key issue for us right now. It is really not the issue of where they ultimately were manufactured." Nonetheless, despite the primary focus on Iran, the Administration sent demarches to Beijing. Lawless confirmed that the United States expressed concerns to China about exercising greater care in its arms sales to Iran. Deputy Assistant Secretary of Defense for East Asia David Sedney also said at a meeting of the U.S.-China Economic and Security Review Commission on July 12, that the United States has "repeatedly asked China to stop its transfers to Iran of conventional weapons and technologies," but Beijing's response has been "irresponsible." He also warned, "partners do not provide weapons to people who support those who kill our troops and those of our allies." While in Kabul on September 11, Deputy Secretary of State John Negroponte acknowledged that he raised concerns with China about its arms sales to Iran and requested that China

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<sup>58</sup> (...continued)

Afghan Arms," *Financial Times*, July 9, 2007; *Jane's Armor and Artillery 2007-2008*.

<sup>59</sup> *Jane's Land-Based Air Defence, 1996-1997, and 2003-2004*.

<sup>60</sup> Briefing by Defense Secretary Rumsfeld and General Myers, August 9, 2002.

<sup>61</sup> *Tolu Television*, Kabul, September 4, 2007.

<sup>62</sup> *Pajhwok Afghan News*, Kabul, September 6, 2007; *AFP*, September 22, 2007.

refrain from signing any new arms sales contracts with Iran.<sup>63</sup> The United Kingdom also asked Beijing about the Taliban's use of PRC weapons against U.K. troops in Afghanistan.<sup>64</sup>

It is uncertain as to whether China has stopped arms transfers to Iran or prevented any new arms sales contracts with Iran, as Negroponte urged. The PRC has not denied its arms sales to Iran and has conveyed a sense of "business as usual." In 2007, when questioned by reporters about PRC arms sales to Iran that have been found in Afghanistan (and Iraq), the PRC Foreign Ministry characterized its arms sales as "normal" military trade and cooperation with other countries. The ministry stated China's position that its arms sales are beyond reproach and responsible because China follows these "principles" for arms exports: they are for legitimate self-defense; they do not undermine international peace and stability; they do not interfere in the internal affairs of the recipients; and they are exported only to sovereign countries. In addition, the Foreign Ministry claimed that China has stipulated another condition: no re-transfer to a third party without PRC permission. The ministry also argued that China has complied with international laws and United Nations Security Council (UNSC) resolutions.<sup>65</sup>

However, China could contend compliance with the letter of UNSC resolutions because China (along with Russia) objected to UNSC sanctions targeting Iran's arms imports. Thus, only after diplomatic negotiations on additional sanctions against Iran for its nuclear enrichment program (during which China and Russia objected to banning Iran's arms imports and export credit guarantees for doing business in Iran),<sup>66</sup> China voted with all other UNSC members on March 24, 2007, for Resolution 1747, which included a ban on Iran's arms exports (not imports).

Aside from the issue of whether the PRC has been responsive to U.S. concerns, the complicity of China's government in allowing or acquiescing in the arms flow to Iran is another question. Part of that question concerns whether the PLA has been involved. The arms manufacturers were PRC state-owned defense-industrial plants, rather than the PLA itself, although the PLA might have a role in any vetting of the arms exports. Regardless of whether the PRC government did or did not know about these arms sales to Iran or PRC weapons found in Afghanistan and Iraq, U.S. demarches have now raised the problem with Beijing.

Continuing into 2008, the Director of National Intelligence (DNI) testified to Congress that the PRC's arms sales in the Middle East are "destabilizing" and "a

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<sup>63</sup> "Iran Arming Taliban, U.S. Claims," *CNN*, June 13, 2007; Richard Lawless, transcript of interview with Asahi Shimbun and other newspapers, July 6, 2007; Demetri Sevastopuloin, "U.S. Takes China to Task Over Iraq and Afghan Arms," *Financial Times*, July 9, 2007; Jim Wolf, "U.S. Faults China on Shipments to Iran," *Reuters*, July 12, 2007; John Negroponte, Press Roundtable in Afghanistan, Kabul, Afghanistan, September 11, 2007.

<sup>64</sup> Paul Danahar, "Taliban Getting Chinese Weapons," *BBC News*, September 3, 2007.

<sup>65</sup> PRC Foreign Ministry news conferences, July 10; July 26; September 4, 2007.

<sup>66</sup> "Nations Closer to Deal on Iran Sanctions," *AP*, March 13, 2007; and Colum Lynch, "6 Powers Agree on Sanctions for Iran," *Washington Post*, March 16, 2007.

threat” to U.S. forces, while missile sales to Iran pose a “threat to U.S. forces in the Persian Gulf.”<sup>67</sup> At a hearing in June 2008, Defense Department officials testified to Congress that although the United States demanded that the PRC stop transfers that violate U.N. sanctions, nonproliferation norms, and PRC law, U.S. efforts met with “mixed results.” China’s cooperation was “uneven” and it needs to act “responsibly.” The officials testified that there are particular concerns about PRC sales of conventional weapons to Iran, a “country that supports terrorism and groups in Iraq, Lebanon, and Afghanistan that target and kill Americans and our allies.”<sup>68</sup>

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<sup>67</sup> Senate Select Committee on Intelligence, hearing on the DNI’s annual threat assessment, testimony of J. Michael McConnell, February 5, 2008.

<sup>68</sup> House Armed Services Committee, hearing on recent security developments in China, prepared joint statement of James Shinn, Assistant Secretary of Defense for Asian and Pacific Security Affairs, and Major General Phillip Breedlove, USAF, Vice Director for Strategic Plans and Policy, Joint Chiefs of Staff, June 25, 2008.