

## Addressing the Treatment of Uyghurs in China's Xinjiang Province

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### Introduction

Discrimination is one of the most important yet controversial words in the English language. It compels us to reflect on the historical instances of horrendous persecutions against those simply because of their ethnicity, gender, religion, or any other characteristic. No one is born on this Earth harboring prejudices: it is a learned behavior. How should the international community respond when it sees this happening?

Among the largest groups that appear to be targeted today are Uyghur Muslims, mostly in China's Xinjiang Province. Many reports by international organizations, states and non-

government organizations agree the Uyghur have been targeted by the Chinese government for extraordinary discrimination and isolation. Uyghur activists fear that their culture is under threat of erasure.

China insists that Uyghur militants are waging a violent campaign for an independent state by plotting bombings, sabotage and civic unrest, but it is accused of exaggerating the threat in order to justify repression of the Uyghurs. China has dismissed claims it is trying to reduce the Uyghur population through mass sterilizations as 'baseless' and says allegations of forced labor are 'completely fabricated.'<sup>1</sup>



<sup>1</sup> Who are the Uyghurs and why is China being accused of genocide?' *BBC News*, 21 July 2021,

<https://www.bbc.com/news/world-asia-china-22278037>

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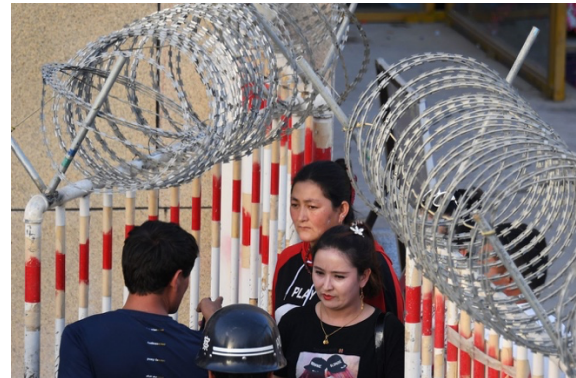
Protecting the rights and welfare of any minority group is a serious challenge for the international community. Seven decades of UN efforts to alleviate the conditions of Palestinian refugees and residents of the Occupied Palestinian Territories (OPT) show that time does not guarantee of success. The powerlessness of the international community when faced with Myanmar's forcible removal of 2 million Rohingya Muslims in 2017-19 shows it is no easier confronting more contemporary problems.

Addressing the needs of the Uyghurs is especially fraught. The UN charter and international law protect the power of each Member State to run their domestic affairs. But sovereignty is not absolute. Under international human rights law and international humanitarian law (IHR/IHL), states are expected to uphold basic rights. China denies any discrimination is happening. It insists the Uyghurs enjoy all the rights of any other residents of China. With its veto in the UN Security Council, China can stop the more obvious reactions outright. Many UN Member States do not want to confront China, fearful of the consequences.

## The Uyghur situation

Treated since the 1990s as a second-class residents, ruled by the majority ethnic Han, the Uyghurs came under special scrutiny after the 11 September 2001 attacks in the United States. The attacks did not directly affect China, but alarmed the leadership in Beijing and Xinjiang. The discovery of small numbers of Uyghurs fighting with the Taliban, seeking autonomy and sharia rule had a great effect on Chinese leaders. In 2009 about 200 people died in clashes in Xinjiang, which the Chinese blamed on Uyghurs

who wanted their own state. Discrimination against the Uyghurs rapidly turned into intrusive police monitoring of all 12 million.<sup>2</sup>



Uyghur women entering a bazaar in Hotan. Photo: Greg Baker/AFP/Getty Images

The 12 million Uyghurs mostly living in the China's Xinjiang Uyghur Autonomous Region (XUAR, or simply Xinjiang). The Uyghurs' language is similar to Turkish. They see themselves as culturally and ethnically closer to Turkey and Central Asian nations. Today they make up less than half of Xinjiang's population. In recent decades the Beijing government encouraged mass migration of Han Chinese to Xinjiang, diluting the minority population there.

In violating to established human rights law, China has targeted Muslim religious figures and banning religious practices in the region, destroying mosques and tombs. Over a million are alleged to be kept against their will in re-education camps. The Australian Strategic Policy Institute found evidence in 2020 of more than 380 of these "re-education camps" in Xinjiang, an increase of 40% on previous estimates. There is evidence that new factories have been built within the grounds of the re-education camps.

<sup>2</sup> 'Who are the Uyghurs and why is China being accused of genocide?' *BBC News*, 21 July 2021,

<https://www.bbc.com/news/world-asia-china-22278037>

Xinjiang is a mostly desert region and produces most of China's cotton. Human rights groups have voiced concerns that much of that cotton export is picked by forced labor. In December 2020, research seen by the BBC showed that up to half a million people were being forced to pick cotton in Xinjiang. In 2021 some Western brands removed Xinjiang cotton from their supply chains, leading to a backlash against the brands from Chinese celebrities and influencers.<sup>3</sup>

The region is also rich in oil and natural gas. Because of its proximity to Central Asia and Europe is seen by Beijing as an important trade link.

In the early 20th Century, the Uyghurs briefly declared independence for the region but it was brought under the complete control of China's new Communist government in 1949.



China has created a sprawling network of detention camps in Xinjiang. Photo: Reuters

China is accused of forcibly sterilizing Uyghur women to suppress the population, separating children from their families, and

attempting to break the cultural traditions of the group.

The US Secretary of State, Antony Blinken, said China is committing 'genocide and crimes against humanity'. British Foreign Secretary, Dominic Raab, said the treatment of Uyghurs amounts to 'appalling violations of the most basic human rights', and the UK parliament declared in April 2021 that China was committing a genocide in Xinjiang.

## The international reaction

Among the slowest to react to the Uyghur situation have been predominantly Muslim countries. Pakistan, is a prominent example of an officially Islamic country, with an aggressive international human rights policy. But it makes an exception for China, which it relies on for trade and crucial military assistance that it relies on in its confrontation with India. Pakistan supports the interests of Muslims everywhere, but allows China to manage its own domestic politics.<sup>4</sup> Indonesia, another Muslim majority country, also has been measured in its criticism. Indonesian leaders insist that quiet, private diplomacy is the best way to achieve goals with China and refuse to engage in public criticism.<sup>5</sup>

African and Southeast Asian countries also have been unwilling to directly criticize China. Many depend on Chinese financing of their major infrastructure projects, such as electrification and highway construction, and rely on China as their dominant trade partner. They also are cautious of international action

<sup>3</sup> Ibid.

<sup>4</sup> Al Jazeera, 2021. 'Pakistan's Khan backs China on Uighurs, praises one-party system', *Al Jazeera*, 2 July 2021, <https://www.aljazeera.com/news/2021/7/2/pakistan-imran-khan-china-uighurs>

<sup>5</sup> Wang, Maya, and Andreas Harsono, 2020. 'Indonesia's Silence over Xinjiang', *Human Rights Watch*, 31 January 2020,

<https://www.hrw.org/news/2020/01/31/indonesias-silence-over-xinjiang> ; and Yasmin, Nur, 2019. 'Indonesia Is Not Silent on Uighur: Foreign Minister', *Jakarta Globe*, 27 December 2019. <https://jakartaglobe.id/news/indonesia-is-not-silent-on-uighur-foreign-minister>

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that would create an international precedent for weakening their own domestic sovereignty.<sup>6</sup>



The Uyghurs are the largest minority ethnic group in China's north-western province of Xinjiang. BBC/Getty Images

In March 2021, 32 Western Countries, the 27 Member States of the European Union, Australia, Canada, New Zealand, the United Kingdom and United States imposed sanctions on China to punish its acts against Uyghurs. The sanctions do not prohibit trade. Rather they are targeted, smart sanctions, directed at specific Chinese officials. They included travel bans and asset freezes against senior officials in Xinjiang accused of serious human rights violations against Uyghurs. The EU had not imposed new sanctions on China over human rights abuses since the 1989 Tiananmen Square crackdown, when troops in Beijing opened fire on pro-democracy protesters.<sup>7</sup>

British Foreign Minister Dominic Raab called the abuse of Uighur Muslims in Xinjiang 'one of the worst human rights crises of our time... I think it's clear that by acting with our partners - 30 of us in total - we are sending the

clearest message to the Chinese government, that the international community will not turn a blind eye to such serious and systematic violations of basic human rights and that we will act in concert to hold those responsible to account', he told fellow parliamentarians.<sup>8</sup>

In a statement, US Secretary of State Antony Blinken said China was committing "genocide and crimes against humanity". The US said it sanctioned Wang Junzheng and Chen Mingguo for their connection to 'arbitrary detention and severe physical abuse, among other serious human rights abuses'. The United States went beyond sanctions on officials to ban trade on goods and services that exploit Uyghurs.<sup>9</sup> Canada's foreign ministry said: "Mounting evidence points to systemic, state-led human rights violations by Chinese authorities."<sup>10</sup>

Chinese spokesman said the charges and sanctions were 'based on nothing but lies and disinformation.' Regarding the EU-US sanctions initiative, 'a foreign ministry spokesperson said This move, based on nothing but lies and disinformation, disregards and distorts facts, grossly interferes in China's internal affairs, flagrantly breaches international law and basic norms governing international relations, and severely undermines China-EU relations.'<sup>11</sup>

The Chinese government said it would sanction 10 people and four entities in Europe 'that severely harm China's sovereignty and interests and maliciously spread lies and disinformation' in response. Those affected by China's sanctions are barred from entering the country or doing business with it.

A major debate among Western countries is whether to follow the United States with trade

<sup>6</sup> Frost, Max. 2019. 'The developing world is silent on Chinese human rights abuses', *American Enterprise Institute*, 16 July 2019, <https://www.aei.org/foreign-and-defense-policy/asia/the-developing-world-is-silent-on-chinese-human-rights-abuses/>

<sup>7</sup> 'Uighurs: Western countries sanction China over rights abuses', *BBC News*, 22 March 2021, <https://www.bbc.com/news/world-europe-56487162>

<sup>8</sup> Ibid.

<sup>9</sup> Muhammad, Jeannette, 2021. 'U.S. Joins EU In Sanctions Against China Over Treatment Of Uyghur Muslims', *NPR*, 22 March 2021, <https://www.npr.org/2021/03/22/980090541/u-s-joins-eu-in-sanctions-against-china-over-treatment-of-uyghur-muslims>

<sup>10</sup> *BBC News*, 2021, op.cit.

<sup>11</sup> Muhammad, 2021, op.cit.



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sanctions. The debate mostly pits left against right. European and Latin American Socialist and Green parties tend to favor trade sanctions on China. Leaders of conservative parties worry that Chinese retaliation will cripple their national economies. For example, China could retaliate by stopping imports of German cars and machinery, or French and Italian luxury goods, just as it already stopped importing coal and agricultural products from Australia.

European Commission President Ursula von der Leyen promised a ban on goods made with forced labor, which would target products made by persecuted Uyghur. Her top officials are divided this explosive issue and incur the wrath of Chinese President Xi Jinping. The core issue is whether the EU will legislate on a full-blown trade ban. This would bring the EU in step with the U.S., which has already barred goods from the western Chinese region of Xinjiang, where Beijing has launched a crackdown against its Muslim minority.<sup>12</sup>



## Previous UN initiatives and action in the UN

The UN has not been able to act directly on behalf of the Uyghurs, due to the strength of Chinese influence and support for its positions, and the more general hesitancy of UN Member States to criticize the domestic policies of their fellow Member States. Specific Member States have produced statements critical of China, but there has not been enough support to pass resolutions. Some UN bodies also have published experts' reports that are more critical.

In the Security Council, China is one of five Permanent veto powers (the P5; China, France, Russia, the UK and US). With its veto, China can block resolution any resolution it opposes. The UN can act, but it will need to find formulas that are very general, focused on broad principles that China accepts. Alternatively, it might avoid specifically picking on China, but include obligations on all countries, in a way that China finds acceptable.

When Member States agree on a mandate, expert studies can be commissioned for fact finding. In a major example, a dozen experts commissioned by the Human Right Council, a major UN body, concluded that China's counterterrorism law is being used to justify gross violations of basic rights and freedoms in Xinjiang. Chinese authorities have used the law to justify arbitrarily detaining over one million Uyghur and other Turkic Muslims on vague national security grounds.<sup>13</sup>

An example of what Member States can do is the letter presented by twenty-two states in 2019 to the United Nations High Commissioner for Human Rights, then Michelle Bachelet. This called on China to uphold its own laws and international obligations. Above all, the letter

<sup>12</sup> Aarup, Sarah Anne, 2021. 'Ban on Uyghur imports becomes EU's hot potato', *Politico*, 15 October 2021, <https://www.politico.eu/article/uyghur-china-europe-ban-imports-europe-trade-hot-potato-forced-labor/>

<sup>13</sup> Richardson, Sophie, 2019. 'Unprecedented UN Critique of China's Xinjiang Policies', *Human Rights Watch*, 14 November 2019, <https://www.hrw.org/news/2019/11/14/unprecedented-un-critique-chinas-xinjiang-policies>

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called on China to stop arbitrary incarceration of Uyghurs and other Muslim and minority communities, and permit freedom of religion. The letter was strongly denounced by China and incorrect, untruthful and provocative. Chinese spokesmen also noted that most of the signing countries ignore serious human rights problems of their own.<sup>14</sup>

The number of signatories continues to grow, with response letters, a process called *dueling letters*. In 2021, forty-three countries signed a similar letter, saying 'We call on China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the UN High Commissioner for Human Rights and her office.' In response, Cuba immediately issued a rival statement on behalf of 62 other countries saying that Xinjiang is China's internal affair. The rival statement dismissed all allegations of abuse there as based on 'political motivation' and 'disinformation.'<sup>15</sup>

- **The Universal Declaration of Human Rights (UDoHR, 1948)** is considered one of the biggest milestones in the history of the United Nations. The document calls for all human rights to be protected and laid the foundation for future generations to preserve the basic liberties of every person.<sup>16</sup> A major problem with the UDoHR is enforcement, which it leaves to each State Party alone. As sovereign states,

they have unique authority over their domestic affairs.

- **The Declaration of the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (1992)** carries over much of the initiatives made by Universal Declaration of Human Rights. This resolution draws on several key issues previously named in the first document.<sup>17</sup> The Declarations, is unambiguous:

Article 2: Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

## Country and Block Positions

**China** consistently supports universal international law, including human rights law. But it has little tolerance of enforcement that affects China disproportionately. Beijing rejects measures that would weaken its national sovereignty. It denies mistreatment of Uyghurs and notes that its accusers like France and the United States stand out for their hypocrisy,

<sup>14</sup> Cumming-Bruce, Nick, 2019. 'China Rebuked by 22 Nations Over Xinjiang Repression', *New York Times*, 10 July 2019, <https://www.nytimes.com/2019/07/10/world/asia/china-xinjiang-rights.html>

<sup>15</sup> Al Jazeera, 2021. 'More countries criticise China at UN for repression of Uyghurs', *Al Jazeera*, 22 October 2021, <https://www.aljazeera.com/news/2021/10/22/43-countries-criticize-china-at-un-for-repression-of-uyghurs>

<sup>16</sup> "Universal Declaration of Human Rights." *un.org*. n.d., <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>17</sup> "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities." *Office of the Higher Commissioner for Human Rights*, n.d.; and 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' A/RES/47/135. United Nations: General Assembly, 18 December 1992, <https://research.un.org/en/docs/ga/quick/regular/47>

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ignoring the slaughter of American Indians and colonial subjects.

**France and the United Kingdom:** lead criticism of China for atrocities against the Uyghurs.<sup>18</sup> They demand that China respect the UDoHR and treat minorities with the respect and support they deserve. They are especially opposed to measures that punish entire minority groups for actions of individuals, such as punishing all Uyghurs for the actions of a few a decade ago. They view this as a gross injustice upon the vast innocent majority and demand they be treated with the human rights they deserve.

But there are limits to European aggressiveness. Unlike the United States, Britain, France and other European Member States are not enthusiastic about trade sanctions on China. They are skeptical of the power of trade sanctions to bring desired change, suspecting they will tend to increase Chinese resistance. They more readily accept targeted sanctions designed to hurt specific individuals.

**Non-Aligned Movement (NAM):** the 137 Member States of the UN's largest voting block tend to support China, partially for ideological reasons. Many NAM states fought against colonialism to gain independence. They were inspired by and sympathize with the revolutionary struggle of the Chinese Communist Party (CCP). They also respect China's commercial clout, its ability to invest in

their countries without preconditions like the European Union or United States insist.<sup>19</sup>

On the Uyghur issue, they also are affected by their own domestic weaknesses, their problems dealing with restive minorities. They tend to support strong national sovereignty and oppose any precedent that might endanger their control over their own people.

NAM Member States are willing to support universal principles, especially if they see equal effects for all countries. If China is singled out for criticism, they will tend to defend it. But if all minorities everywhere are treated equally—including minorities such as Muslims in Europe and racial minorities in the United States—they may be more sympathetic.

**Russia** fully supports the actions of the government of China. Russia accepts Chinese refutations that it assures the rights of the Uyghur and other minorities. It also is highly skeptical of any action by the UN that would weaken the sovereignty of individual Member States.<sup>20</sup>

**United States of America** generally leads international criticism of China on a wide variety of issues, including treatment of the Uyghurs. This skepticism of Chinese actions appears to have support across its political spectrum, spanning Presidents Obama, Trump and Biden. The United States does not always defend liberal values—it ceased to support the spread of democracy and universal liberal values

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<sup>18</sup> Richardson, Sophie, 2019. 'Unprecedented UN Critique of China's Xinjiang Policies', *Human Rights Watch*, 14 November 2019, <https://www.hrw.org/news/2019/11/14/unprecedented-un-critique-chinas-xinjiang-policies>

<sup>19</sup> Al Jazeera, 2021. 'More countries criticise China at UN for repression of Uyghurs', *Al Jazeera*, 22 October 2021, <https://www.aljazeera.com/news/2021/10/22/43->

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<sup>20</sup> 'Saudi Arabia, Russia Express Support for China's Treatment of Uyghur Muslims in Xinjiang.' *ABC*, 12 July 2019. <https://www.abc.net.au/news/2019-07-13/saudi-arabia-russia-support-china-treatment-uyghur-muslims/11306150>

during the Trump years. But on China there appears to be wide agreement within the United States on the need to promote individual human and political rights.

## Some Possible Proposals for Action

In the Security Council, China is one of five Permanent Veto powers (the P5). With its veto, China can block resolution any resolution it opposes. For a resolution to pass, it requires China's support or abstention. The UN can act even on issues affecting one of the P5, but it probably must find formulas that are very general, focused on broad principles that China accepts. Alternatively, it might avoid specifically picking on China, but include obligations on all countries, in a way that China finds acceptable.

- **Authorize a study of the issue.** The Security Council can authorize the Secretary-General to organize a study of the issues, to gather data, reports and impressions of Xinjiang, to visit suspected prison camps and interview

affected Uyghurs. But China is unlikely accept such a study unless it examines the conditions of minorities elsewhere, such as African-Americans, French Muslims, Muslims and Christians in India, etcetera. Another vital issue will be the conclusions of the study. Is it authorized only to examine and evaluate minority rights and welfare, or is it also to make recommendations for international and country action?

- **Support the rights and welfare of Uyghurs in China.** Although such a resolution will be opposed by China and its allies, supporters might believe that failure when advocating vital liberal principles is preferable to not insisting on them at all.
- **Support the rights and welfare of ethnic minorities everywhere.** Rather than isolate China for scrutiny and criticism, inviting its veto, the Security Council could emphasize measures to ensure the security and well-being of minorities elsewhere.





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