

# The Xinjiang Problem: What Can American Policy Do?

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## Introduction

In the Summer of 2019, twenty-two countries, including eighteen European nations joined by Japan, Canada, Australia and New Zealand, sent a letter to the United Nations Human Rights Council demanding that China end its use of arbitrary mass detentions, mass surveillance, and restrictions to the freedom of movement of the Uighur (also spelled Uyghur) people in Xinjiang. In response, thirty-seven other countries, including Russia, Saudi Arabia, Nigeria, Algeria, and more, countered with their own letter in defense of the Chinese government supporting its “counter-terrorism, deradicalization and vocational training” policies.<sup>1</sup> These diametrically opposing positions demonstrate an international battle to more clearly define what constitutes human rights abuses and violations. Due to the magnitude of the situation and the influence that America wields, it is essential that it takes a firm stance and sets an example for other countries to follow. As a leader of the free world, America has a moral obligation to defend vulnerable and helpless populations across the globe.

For this paper, the issue of Xinjiang will be analyzed through a progressive lens. Progressives are primarily concerned with America’s history of destructive and imperialist actions abroad (largely fueled by economic interests) and therefore prioritize the matter of human lives over economic interests. In that regard, Xinjiang is an example of a pattern of behavior by the Chinese government of infringing on people’s basic rights and violating human rights. Despite multiple occurrences in which China has disregarded the value of human life in general, and that of the Uighur people in particular, America continues to compromise with Beijing in order to reap economic benefits. Time and time again our presidents have passively penalized China in a way that sends the message that the U.S. is willing to continue allowing human rights

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<sup>1</sup> Sheena C. Greitens, Myunghye Lee, and Emir Yazici, “Counterterrorism and Preventative Repression: China’s Changing Strategy in Xinjiang,” *International Security* 44, no. 3 (Winter 2019/20): 10. [https://doi.org/10.1162/isec\\_a\\_00368](https://doi.org/10.1162/isec_a_00368)

abuses for its own gain. By doing so, America has failed to live up to its own Declaration of Independence and failed in strongly promoting the ideals of democracy and freedom abroad. By not supporting the Uighurs and taking a firm stand against their oppression, America continues to fail in doing what is right in favor of its own economic interests. Consequently, the policy suggested at the end of this paper will involve the U.S. setting an example to the rest of the world that these abuses will no longer go unaddressed in the international arena. As a country that prides itself on “Life, Liberty, and the Pursuit of Happiness,” it is Washington’s duty to stand by those values at home and abroad. This paper will first give historical context to the situation occurring in Xinjiang before further illuminating China’s history of human rights abuses similar to those being inflicted on the Muslim Uighur population today. Afterward, policy recommendations as to how America can address this issue domestically and in the international sphere will be proposed.

### **The Issue at Hand: History and Current Situation**

#### **History**

Xinjiang, the far northwestern province of China, is an area that has historically been occupied by nomadic pastoralists with a culture unique to that of the Han Chinese. Despite its recognition as a province of China, the region is geographically, ethnically, culturally, and historically most similar to its neighboring countries Afghanistan, Tajikistan, Uzbekistan, Kyrgyzstan, Kazakhstan, and Mongolia.<sup>2</sup> The nomadic pastoralists were viewed as aggressive and ferocious in nature by the Chinese, and the containment of the movement of these peoples has been a political focus for quite some time. Among the most notable characteristics of the

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<sup>2</sup> Colin Mackerras and Michael Clarke, *China, Xinjiang, and Central Asia: History, Transition, and Crossboarder Interaction Into the 21st Century* (United Kingdom: Taylor & Francis Group, 2009), 56.

region is the prevalence of Islam which was both practiced by the people and enmeshed in governmental institutions. During the Qing Dynasty's rule, with the help of the Russians, a legal system based on Islamic law was preserved and local administration was left to the native peoples with supervision.<sup>3</sup> Xinjiang, and Central Asia in general, has seen a constant cycle of military domination primarily by the Chinese and Russians. The period between 1700-1900 can be perceived as the gradual apportionment of the entire region to either Russia or China. Both nations have historically generated strategic, political, and economic factors that compelled them to assert their control in the area. As a result, tensions between the Chinese government and native peoples have always been present. Ironically, the practice of Islam was encouraged in the Kazak steppe in order to "de-nomadize" the people; however it has now become the primary reason behind the oppression of the Uighur people.<sup>4</sup> Despite efforts by the Qing government to retain cultural practices, such as allowing the area to be run by the existing Turkic-Muslim elites, the fall of the dynasty and decline of Russian power threw the area into disarray. Rather than this being the catalyst for the independence of native peoples, the coming of power of the Chinese Communist Party (CCP) in 1949 saw a tightening of control in the area. From 1949-1991, the CCP's policies in the region "were framed by the twin imperatives of internally consolidating and accelerating the region's integration with China and isolating it from social influence."<sup>5</sup> Furthermore, the spread of Islamic organizations compelled the CCP to seek a broader role in the area, and the September 11, 2001 terror attacks in America only further solidified the Chinese government's fear of religious secession.

While Xinjiang has always been an important region of the world due to its facilitation of trade, it has only grown in importance to the U.S. since the country established military bases in

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<sup>3</sup> Mackerras and Clarke, *China, Xinjiang*, 32.

<sup>4</sup> *Ibid*, 31.

<sup>5</sup> *Ibid*, 35-36.

Central Asia after September 2001. Furthermore, the province is an integral part of the CCP's Belt and Road Initiative, an ambitious global infrastructure project that would stretch from East Asia to Europe and involve cooperation with over sixty countries. The CCP has explicitly staked its claim to the region and wishes to "stress Chinese cultural and commercial exports and Chinese uniqueness over bilateral exchanges and long-term Pan-Eurasian integration" with its influence in the area.<sup>6</sup> Due to this, more and more eyes have been drawn to Xinjiang and this has generated questions regarding the alleged human rights abuses against the Uighur population by the CCP.

### **Current Situation**

Now that a historical foundation has been established—one of conflict between the Chinese government and Xinjiang's native people—the current dispute between the Uighurs and the CCP can be more clearly understood. The CCP has claimed that the "three evil forces" of terrorism, separatism, and extremism have mired Xinjiang in violence, instability, and poverty since the early 1990s.<sup>7</sup> In 2014, President Xi Jinping outlined a vision of "social stability and enduring peace" in Xinjiang which would be achieved through poverty alleviation and ethnic unity.<sup>8</sup> Since the CCP gained power, Xinjiang has been a particular area of interest both for its natural resources—it is home to China's largest coal and natural gas reserves—and trade benefits, as well as its possibility for terrorism given its close proximity to the rest of Central Asia. The spread of the CCP'S influence in the area, as well as its economic goals, came with an influx of Han Chinese migration, which was encouraged and incentivized by the government. As a result Uighur people are now forced to compete with Han people for jobs, schools, and state

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<sup>6</sup> Mackerras and Clarke, *China, Xinjiang*, 55.

<sup>7</sup> Greitens et al., "Counterterrorism and Preventative Repression," 14.

<sup>8</sup> *Ibid*, 15.

services. Furthermore, “the Han dominate commerce in Xinjiang's urban areas and are frequently seen by the locals as having the region's best jobs in the government, the Communist Party, and the military.”<sup>9</sup> The Han also generally live in areas separate from the Uighur people and their children attend segregated schools, a move reminiscent of America’s own dark past. This current reality, as well as a history already fraught with tension, has radicalized parts of the Uighur population.

In 2008 and 2009, a series of terrorist attacks, including one in Urumqi which killed 31 people, occurred in Xinjiang and were perpetrated by those the government suspected had ties to the Uighur separatist movement. While the CCP claimed that “more than a thousand” Uighur separatists had been trained in Afghanistan, it was only conclusively found that the Eastern Turkestan Islamic Party of Allah had operated in the neighboring country.<sup>10</sup> However, there was a growing fear within the CCP that Uighur separatists were going abroad to train and bring terrorism back home. Consequently, Beijing’s perspective towards the Uighurs shifted to regard them as a much more imminent threat, causing it to aggressively step up surveillance and containment measures, such as placing the area under a sophisticated grid management system. For example, cities and villages are split into squares that hold around 500 people and within each of these squares there is a police station that regularly asks residents to scan their ID cards, takes photos and fingerprints, and searches their cell phones.<sup>11</sup> In the city of Kashgar, there are police checkpoints around every 100 feet and facial recognition cameras are everywhere.<sup>12</sup>

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<sup>9</sup> Chien-peng Cheng, “China’s ‘War on Terror,’” *Foreign Affairs*, July/August 2002. <https://www.foreignaffairs.com/articles/asia/2002-07-01/chinas-war-terror-september-11-and-uighur-separatism>

<sup>10</sup> Ibid.

<sup>11</sup> Lindsay Maizland, “China’s Repression of Uyghurs in Xinjiang,” Council on Foreign Relations, March 1, 2021. <https://www.cfr.org/background/chinas-repression-uyghurs-xinjiang>

<sup>12</sup> Ibid.

However, this was only the first stage in the oppression of the Uighur population, and it would only continue to get worse in the coming years.

Some experts estimate that in 2014 the Chinese government began to institute its re-education efforts of the Uighurs.<sup>13</sup> In May of that year, the government launched the “Strike Hard Campaign Against Violent Terrorism” (严厉打击暴力恐怖活动专项行动) and has justified its controversial strategies as necessary for the protection and stability of the region.<sup>14</sup> During this time, the government’s strategy largely targeted specific individuals that they deemed to be a threat. However, the arrival of the current Committee Secretary of Xinjiang, Chen Quanguo, who held a leadership position in Tibet before moving to Xinjiang, saw a rapid ramping up of arbitrary detentions and a harsh crackdown on the Uighurs. In December 2015, the Xinjiang government passed a new national counterterrorism law, resulting in a shift from individual to collective repression.<sup>15</sup> Although the law claims to conform to international legal standards, it allows the government major discretionary powers including the ability to “define terrorism and terrorist activities so broadly as to easily include peaceful dissent or criticism of the government or the Communist Party’s ethnic and religious policies, and set up a total digital surveillance architecture subject to no legal or legislative control.”<sup>16</sup> At this point, there was the “establishment of a wide-scale extrajudicial detention and internment system, aimed at mass indoctrination and political-ideological re-education.”<sup>17</sup> Since April 2017, it is estimated that between 800,000 and 2,000,000 Uighur people have been detained and sent to re-education

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<sup>13</sup> Maizland, “China’s Repression.”

<sup>14</sup> Human Rights Watch, “Eradicating Ideological Viruses” China’s Campaign of Repression Against Xinjiang’s Muslims,” September, 2018.  
<https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiang>

<sup>15</sup> Greitens et al., *Counterterrorism and Preventative Repression*, 16.

<sup>16</sup> Human Rights Watch, “China: Draft Counterterrorism Law a Recipe for Abuses,” January 20, 2015.  
<https://www.hrw.org/news/2015/01/20/china-draft-counterterrorism-law-recipe-abuses>

<sup>17</sup> Greitens et al., *Counterterrorism and Preventative Repression*, 17.

camps, with the majority not being given a sentence.<sup>18</sup> Within these camps, there have been numerous accounts of human rights violations. For example, detainees are forced to renounce Islam and pledge their loyalty to the CCP, learn Mandarin, and work in places like cotton factories; this forced labor has been linked to over eighty-three global brands.<sup>19</sup> Furthermore, the children of detainees are forced to stay in state-run orphanages where indoctrination is undoubtedly occurring.

Along with arbitrary detentions and re-education, the Chinese government has targeted the movement of Uighur people, both domestically and internationally, and pressured the Uighur diaspora to voluntarily return to Xinjiang. To restrict movement, the government requires Uighurs to turn in their passports and, if they wish to travel, to submit documentation informing the government of their plans and to obtain approval prior to travel. Phone calls made to Uighurs living abroad are closely monitored and have also been used as a reason to detain people and send them to re-education camps. The government has been aided in these efforts by foreign countries as the CCP has pressured others to repatriate Uighurs who have fled the country. For example, in 2015 Thailand repatriated more than 100 Uighurs which drew the attention of international organizations as pictures of detainees with black hoods over their heads were leaked.<sup>20</sup> Other countries in the Middle East and Southeast Asia have also been complicit in repatriating Uighurs. Currently, despite numerous declarations condemning China's actions and sanctions being placed on high-ranking party members, the government has not experienced any concrete ramifications to its actions and will continue to operate according to its own discretion. Despite the obvious abuses occurring, China's global influence and its permanent seat on the UN Human Rights Council has managed to deflect any concrete international action. Its permanent

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<sup>18</sup> Maizland, "China's Repression."

<sup>19</sup> Ibid.

<sup>20</sup> Greitens et al., *Counterterrorism and Preventative Repression*, 20.

seat means that China has the ability to veto sanctions imposed by the Council or criminal prosecutions brought to the International Criminal Court, making joint action all the more difficult. However, 2021 has seen recent movements by corporations such as Calvin Klein, Nike, H&M, and others to enact a boycott of cotton and other materials sourced from Xinjiang due to its connections to forced labor. The results of such a move remains to be seen, but given that China is one of the largest markets in the world it is questionable how big of an impact this will have on the country.

### **America's Response to the Situation**

The American response to Xinjiang has been relatively weak and lackluster so far. In June 2020, the Uighur Human Rights Policy Act was signed by President Donald Trump which laid out a plan for the president to compile a list of individuals and entities connected to the human rights abuses in Xinjiang and called for financial and travel sanctions to be imposed on CCP officials.<sup>21</sup> Since then, in 2021 the U.S. has joined Canada and the EU in joint sanctions against particular CCP officials like Chen Mingguo, the director of the Xinjiang Public Security Bureau. These sanctions were imposed under the Global Magnitsky Act which “allows the executive branch to use economic penalties to punish officials of other nations for human rights violations. The action will freeze any assets these officials hold in the United States.”<sup>22</sup> However, it is unlikely that these officials would hold many assets in the U.S., so the success of the sanctions in compelling a specific behavior is uncertain. In September 2020, legislation was drafted and passed with an overwhelming majority that aimed to prevent items that may have been produced with forced labor from entering the U.S. The bill now remains with the Senate

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<sup>21</sup> Priyanka Boghani, “How the U.S. Has Reacted to China’s Treatment of Uyghurs,” *Frontline*, November 10, 2020. <https://www.pbs.org/wgbh/frontline/article/us-reacted-china-treatment-uyghurs/>

<sup>22</sup> Pranshu Verma, “U.S. Joins Allies to Punish Chinese Officials for Human Rights Abuses,” *New York Times*, March 22, 2021. <https://www.nytimes.com/2021/03/22/us/politics/sanctions-china-uyghurs.html>

Committee on Foreign Relations.<sup>23</sup> A second bill would require public American companies to report to the Securities and Exchange Commission on goods or materials that originated in Xinjiang. The bill remains with the Committee on Banking, Housing, and Urban Affairs. In October 2020, a bipartisan group of senators introduced a resolution that labeled the “atrocities” being committed against the Uighur people as genocide.<sup>24</sup> It called on the Chinese government to release those in the detention camps and cease its use of forced labor. It also called on other countries to join the U.S. in its quest to stop China. Furthermore, the Trump administration made public statements denouncing the CCP’s actions in early 2021. In a press statement, Secretary of State Mike Pompeo had this to say about the Chinese government:

Their morally repugnant, wholesale policies, practices, and abuses are designed systematically to discriminate against and surveil ethnic Uyghurs as a unique demographic and ethnic group, restrict their freedom to travel, emigrate, and attend schools, and deny other basic human rights of assembly, speech, and worship.<sup>25</sup>

However, as with the sanctions, without strong collective action there is no power behind these words, and their ability to compel change is weak. As of now, the Biden administration looks to follow in the Trump administration’s footsteps and use sanctions to punish the human rights abuses.

### **How We Have Failed Historically and Continue to Fail Economic Interests Over Human Lives**

Before discussing possible policy proposals, it is pertinent to elucidate the ways in which America has failed in its response to China’s human rights abuses in the past. To do so, the events in Hong Kong, Tiananmen Square, and Tibet will be referred to. Due to the scope of this

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<sup>23</sup> Boghani, “How the U.S. Reacted.”

<sup>24</sup> Ibid.

<sup>25</sup> Michael R. Pompeo, “Determination of the Secretary of State on Atrocities in Xinjiang Press Statement,” U.S. Department of State, January 19, 2021.

<https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html>

paper, these events unfortunately can only be briefly mentioned, however, the history behind them is deep and complex.

Historically, America has always valued economic interests over human lives, and prioritized a strong trade relationship with China rather than taking a stand against human rights abuses. For example, when the Tiananmen Square protests occurred in 1989, a bill was passed that “banned or restricted arms sales, crime control equipment, and technology transfers, and shifted the U.S. government’s stance to restrict loans to China by international financial institutions.”<sup>26</sup> Additionally, President Bush issued an executive order that allowed Chinese students to extend their visas to stay in America once they expired. However, when a coalition of Democrats and Republicans drafted a bill to link China’s human rights, economic, and proliferation policies to the extension of its Most Favored Nation (MFN) status, President Bush vetoed it due to the deepening of economic interdependence between the U.S. and China (Bush, 2019).<sup>27</sup> In a news conference after Tiananmen Square, President Bush acknowledged the situation but also stated that “there is enormous geopolitical reasons for us to have relations with the People’s Republic of China” and that he would like to find steps to “see this relation move back towards more normalization.”<sup>28</sup> China’s MFN status was renewed in 1990 and made permanent in 2001. Clearly, this move has sent the message that America is willing to overlook blatant human rights abuses and the execution of civilians for economic interests.

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<sup>26</sup> Richard C. Bush, “30 years after Tiananmen Square, a look back on Congress’ forceful response,” Brookings Institution, May 29, 2019. <https://www.brookings.edu/blog/order-from-chaos/2019/05/29/30-years-after-tiananmen-square-a-look-back-on-congress-forceful-response/>

<sup>27</sup> Ibid.

<sup>28</sup> George H. W. Bush, “Transcript of President Bush’ News Conference,” *Washington Post*. <https://www.washingtonpost.com/archive/politics/1989/11/08/transcript-of-president-bush-news-conference/5f98db22-5d17-4a68-abb0-456e3b435c50/>

Another more recent example of this same sentiment comes from the 2020 Hong Kong protests. While the Trump administration acknowledged the overreach of power by the CCP, it avoided a strong response because President Trump had been in the midst of signing a large trade deal with President Xi. President Trump claimed that he was concerned that the collapse of the trade deal would hurt U.S. farmers as well as his chances at reelection, and so he chose not to prioritize a response to the protestors' requests for U.S. aid and intervention.<sup>29</sup> In a May 2020 speech, President Trump stated that China's actions in Hong Kong "extends the reach of China's invasive state security apparatus into what was formerly a bastion of Liberty."<sup>30</sup> However, he also stated in a Fox News segment that he stood with Hong Kong but that "we're also in the process of making the largest trade deal in history," indicating the contradictory nature of the Trump Administration's approach to these events.<sup>31</sup> Despite the statements denouncing the Chinese government and The Hong Kong Human Rights and Democracy Act of 2019 (which allows the U.S. to apply sanctions on individuals connected to human rights abuses in Hong Kong), the overall response by the U.S. to this situation was once again relatively weak and in favor of its economy.<sup>32</sup> Moreover, while there is generally a consensus in Congress and the Senate that the U.S. needs to enforce harsher punishments against the CCP (the differences lie in what those punishments should be), the presidential office has considered the trade relationship of utmost

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<sup>29</sup> Mikio Sugeno, "US response on Hong Kong was too little, too late: ex-official," *Nikkei Asia*, July 3, 2020.  
<https://asia.nikkei.com/Spotlight/Hong-Kong-protests/US-response-on-Hong-Kong-was-too-little-too-late-ex-official>

<sup>30</sup> Donald Trump, "Donald Trump Press Conference Transcript on China, Hong Kong, and the WHO," *Rev.com*, May 29, 2020.  
<https://www.rev.com/blog/transcripts/donald-trump-press-conference-transcript-on-china-hong-kong-and-the-who>

<sup>31</sup> Alex Leff and Emily Feng, "Trump Angers China By Signing Law Backing Hong Kong Protestors," *NPR*, November 28, 2019.  
<https://www.npr.org/2019/11/28/783529916/trump-angers-china-by-signing-law-backing-hong-kong-protesters>

<sup>32</sup> *Ibid.*

importance and blocked numerous bills that would hold China accountable. This disagreement between governmental institutions has contributed to the somewhat erratic American foreign policy towards China. These are simply two instances in a long history of the U.S. overlooking the violent oppression of citizens for its own economic gain. For Xinjiang, it has so far likely not proven to be a large enough issue to the American government to risk muddying the relationship with the CCP again. It is plausible that the recent trade war, and its detrimental effects on the American economy, has had a large influence in how the American government is approaching the Xinjiang problem.

### **A Different Face in Public than in Private**

To speak on the contradictory way in which America has approached human rights abuses, there is more to be said about the face that is shown in public versus the one shown in private. While the U.S. government may make bold statements about being firmly against abuse, behind closed doors presidents have had the tendency to renege on those words in order to placate the Chinese government. For example, Tibet has long been a contentious issue for U.S.-China relations as the U.S. attempts to both support the Tibetan people's calls for autonomy while also not angering the CCP. However, this again has led to instances where the American president made promises behind closed doors that he did not intend to keep. For example, the Clinton administration took a position that mirrored its predecessors regarding Tibet which was to acknowledge Chinese sovereignty while raising concerns about the human rights abuses. After a meeting between President Clinton and the Dalai Lama, a spokesperson for the Dalai Lama said that President Clinton had promised to help the people of Tibet. The White House, however, wanted to downplay the meeting and stated that President Clinton had only expressed support for the Chinese government showing a greater respect for human rights, which merely echoed the

government's original stance.<sup>33</sup> While the general public may never know if Clinton promised to directly provide aid to the Dalai Lama, it is clear that what is being said without the eyes and ears of the public present may not match official statements.

Another example of this comes from statements made by the Trump administration about Xinjiang. While the administration had been making strong claims denouncing the CCP and its abuses, such as Secretary of State Pompeo's previously mentioned statement, President Trump was allegedly not upholding these sentiments face-to-face with President Xi. According to John R. Bolton, a former national security advisor, as well as accounts from other private officials, President Trump told President Xi that he should continue to build the internment camps used to detain the Uighurs and that it was "exactly the right thing to do."<sup>34</sup> While the Trump administration has denied these claims, it again demonstrates that there is validity in questioning if the official statements being made by the American government are statements that they plan to uphold in practice. This also shows the extent to which America has internationally failed, both in the past and present, to live up to its own values about democracy and freedom. As a hegemonic country, and therefore a symbol of leadership, it does not reflect well on the U.S. when it is contradicting its beliefs and values behind closed doors.

### **Policy Proposal: How Should America Proceed?**

#### **UN Council of Foreign Relations**

While the case of human rights abuses is incredibly important, it must still be approached in the most diplomatic way to avoid military conflict. For one, despite having the largest military force in the world, it would be difficult for the U.S. to sustain a fight internationally (the Vietnam War is just one example of how draining it can be both in resources and human lives). Secondly,

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<sup>33</sup> Guangqiu Xu, "The United States and Tibet Issue," *Asian Survey* 37, no. 11 (1997): 1073.

<sup>34</sup> Pranshu Verma and Edward Wong, "U.S. Imposes Sanctions on Chinese Officials Over Mass Detention of Muslims," *New York Times*, July 9, 2020.  
<https://www.nytimes.com/2020/07/09/world/asia/trump-china-sanctions-uighurs.html>

even if the U.S. were to win a military conflict with the CCP, it would likely be the demise of any kind of working diplomatic relationship between the two countries, and this is also not the best route to follow. Consequently, the most plausible and effective plan would be to utilize the UN Council of Foreign Relations, and create a group of nations willing to collectively pressure China to stop its human rights abuses. It is only through collective action that China will be forced to reassess its position.

As a world hegemon, the U.S. has historically occupied a position of leadership and been an example to others of what is and is not accepted in the international sphere. However, the Trump administration's inconsistent policy regarding China has left this position of leadership empty. Additionally, the "America first" strategy adopted by the Trump administration did not work in favor of uniting the international community; in fact it drove America further from its place at the top by favoring isolationist policies and alienating its allies. China has been well aware of this and is currently attempting to take as much ground as possible while America wavers. For example, when China enacted the new national security law in Hong Kong it knew that the American response would be negative, but it was willing to take any punishment that the U.S. might administer. While China is not in favor of a military conflict with the U.S. (for reasons similar to America), it is obvious the country sees America faltering, and that must first be addressed.

The UN security council is the primary crisis-management body of the UN which can impose binding obligations on its 193 member states to maintain peace.<sup>35</sup> The council meets regularly and addresses problems like international security, civil wars, natural disasters, arms control, and terrorism. The most glaring problem with trying to utilize UN mechanisms is that

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<sup>35</sup> CPR Staff, "The UN Security Council," Council on Foreign Relations, September 16, 2020. <https://www.cfr.org/backgrounder/un-security-council>

China has a permanent seat which means that it has the power to veto any resolution proposed by other nations to address its human rights abuses. For example, in 2015 Russia used its power as a permanent member to veto a resolution that would have created an international tribunal to prosecute the pro-Russian separatists in eastern Ukraine that shot down a Malaysian Airlines passenger jet.<sup>36</sup> Although China's permanent seat does pose a problem, it is actually possible to remove the nation from its position of power. Chapter 2, Article 6 of the UN Charter states: "A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."<sup>37</sup> Based on Article 6, it would theoretically be possible to create a case for punitive action against the CCP during its Universal Periodic Review, a process that reviews the human rights record of member states. World powers before this point have not considered this option, but the COVID-19 pandemic has made countries consider it more carefully. Leadership of numerous UN Security Council members, including the U.S. and UK, have said on record that it is important to address China's accountability for the loss of lives during the pandemic, and therefore believe a strong case could be made against the country.<sup>38</sup> While this reason may not be specifically related to the Uighur population, removing China's powerful position would still be a heavy blow. For the UN, claiming Article 6 is the strongest option available as other avenues, like amending the UN Charter itself or passing a resolution, such as the one that removed Taiwan from its permanent seat in 1971, require the approval of the five permanent member states.

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<sup>36</sup> CPR Staff, "The UN Security Council."

<sup>37</sup> United Nations, "United Nations Charter (full text)," <https://www.un.org/en/about-us/un-charter/full-text>

<sup>38</sup> Prabhas K. Dutta, "Can China be removed from UN Security Council?" *India Today*, June 27, 2020. <https://www.indiatoday.in/world/story/can-china-be-removed-from-un-security-council-1693174-2020-06-27>

The biggest impediment to utilizing Article 6 is simply the collective action part of the equation. Despite the theoretical probability of it working, it has still never been attempted for any permanent member. Although there are many nations who have long been wanting to punish China for its human rights abuses and its encroachment on other's territorial sovereignty, there are equally just as many nations who support China. For example, as stated in the introduction, while twenty-two countries sent a letter to the UN denouncing China, thirty-seven other countries countered that claim in support of the nation. Just as the U.S. has consistently done, many countries still value the economic prospects that come with a positive relationship with China. This presents the U.S. with the opportunity to once again take a leadership role on an international scale and prove that it stands by its values. There are still many countries who continue to support and look to the U.S. to take the lead on matters like this. Therefore, it is up to the new Biden administration to fill the void that the Trump administration left in the international arena and garner collective support. However, while this option exists, ultimately China need not be removed from its permanent seat for this strategy to work. Despite its tendency to use aggressive language publically, China mirrors the U.S. in that it wants to avoid conflict as much as possible. It has only been able to do what it has because the country saw no serious ramifications, but the prospect of having its seat removed would force the nation to take the demands of the international community more seriously. Despite the social and financial power behind China, it would still face limitations in combating a large collective of nations united in their efforts to punish it.

### **Corporations**

Another solution, which would likely need to be a part of a bigger strategy, would be to ask a coalition of corporations and international brands to pledge to stop sourcing materials from

Xinjiang. While China is one of the largest markets in the world, and is also one of the largest manufacturers, this status is not guaranteed in an ever-changing economy. As stated previously, a number of major brands like H&M, Nike, and Adidas have made the decision to stop sourcing from Xinjiang. However, other massive companies like Costco, Gap, Patagonia, Zara, and many more, continue to source materials from the region, touting claims that their investigations found no link between forced labor and their purchased materials. The biggest question surrounding this plan would be how plausible it is for companies. After all, what is important for them is to maximize revenue and minimize cost. The answer is that the initial move of the global supply chain away from China would be expensive but in the long run could be lucrative.

The U.S.-China trade war was what initially decreased the popularity of China as a sourcing market for Western buyers, both for it being a politically-convoluted situation and for the trading of tariffs between the two nations. Although China was able to make a relatively swift recovery from this, the outbreak of COVID-19 and the resulting supply chain disruptions once again had companies looking elsewhere to source materials. In fact, 80% of firms in sectors recalibrated their operations due to the pandemic's detrimental effects on the global supply chain.<sup>39</sup> However, while "long-term diversification trends in the global supply chain are continuing to shift away from the world's second-largest economy," China still remains the top sourcing destination for the majority of companies.<sup>40</sup> Despite this, it would not be impossible to shift the global supply chain away from being so entirely dependent on the country. Analysts at the Bank of America Global Research (BofA) estimated that it would cost around \$1 trillion

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<sup>39</sup> Rey Mashayekhi, "It would cost \$1 trillion to move global supply chains out of China—but the long-term gains could be worth it," *Fortune*, August 19, 2020.

<https://fortune.com/2020/08/19/china-us-trade-global-supply-chain-decoupling/>

<sup>40</sup> Cissy Zhou, "Global supply chain continues to shift away from China, but it remains the top sourcing location," *South China Morning Post*, April 30, 2021.

<https://www.scmp.com/economy/china-economy/article/3131785/global-supply-chain-continues-shift-away-china-it-remains-top>

dollars over a five-year period for all foreign, non-Chinese firms to repatriate their manufacturing operations from China.<sup>41</sup> While this number may seem daunting, BofA has also stated that although it is a significant amount, it would not prohibit companies' bottom lines. In fact, there could be positive effects on the broader economy including "new jobs and higher wages for domestic workers, greater spending on research and development, more tax revenues, and the development of new 'industrial clusters' within developed countries."<sup>42</sup> To achieve this, companies would likely need support from their governments with tax breaks, subsidies, or low-cost loans. Supporting these repatriation efforts would allow America to again take the lead and provide the supplemental help that would be needed for U.S. companies to make this switch. In fact, the world has already seen sourcing begin to shift to China's neighbors like India and Vietnam since before the onset of the pandemic. While it is difficult to change the status quo, if China's markets were threatened on a large scale, the CCP would undoubtedly need to change the way Chinese companies operate to more adequately conform to international standards of human rights.

### **Domestic Reform**

One other area that needs to be addressed in order for any of the other policy proposals to be logical is the reformation of America's domestic policy. First and foremost, it looks extremely hypocritical for the U.S. to make statements about valuing human lives and punishing China for human rights abuses when America also commits abuses against its own citizens and those who are not citizens (referring to asylum seekers and the situation occurring at the southern border). While it is not wrong for America to call China out and ask for accountability, the fact of the matter is that China will continue to point the finger back at the U.S. as it has always done

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<sup>41</sup> Mashayeki, "It would cost \$1 trillion."

<sup>42</sup> Ibid.

without taking responsibility for its own actions. For example, after the Trump administration scorned the Hong Kong police for its excessive use of force, Hong Kong Chief Executive Carrie Lam stated that Washington was hypocritical given its own handling of pro-democracy demonstrations, specifically referring to the George Floyd protests.<sup>43</sup> In order for America to have a stronger position to criticize China, it must address the brutality it inflicts on its own citizens and the way it oppresses specific groups of people. In 2021, thirty states introduced bills that would prevent transgender women and children from participating in sports, and in Mississippi and Arkansas this has already become a law. These discriminatory laws are only one of many that gained traction and were given a public platform during the Trump administration, and this trend continues today. Other examples include the Muslim ban (now retracted by Biden), banning transgender people from the military, the heartbeat bill (criminalizes abortions after a heartbeat can be detected which is usually around six weeks), the attack on voting rights in Georgia, banning the teaching of systemic racism and critical race theory in southern public schools, and more.

Additionally, America has committed a number of atrocities against its own people with its police force, and the country is often referred to as a police state (although not entirely correct). As a basic definition, a police state “is a country or political subdivision that adheres so much to governmental control of its population that law enforcement has unfettered power to arrest, detain, abuse, and even execute ‘criminals’ without due process of law,” and they are usually found in a totalitarian regime like Nazi Germany was.<sup>44</sup> Although America is commonly

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<sup>43</sup> Michelle Chan, “Hong Kong blasts Trump's 'double standards' on riot response,” *Nikkei Asia*, June 2, 2020.

<https://asia.nikkei.com/Spotlight/Hong-Kong-protests/Hong-Kong-blasts-Trump-s-double-standards-on-riot-response>

<sup>44</sup> Jason Swindle, “What is a Police State?” Swindle Law Group P.C., October 2, 2013.

<https://www.swindlelaw.com/2013/10/what-is-a-police-state/>

described as being a police state, it is not currently one, although this is subject to change. The Posse Comitatus Act passed in 1878 restricted the use of the military in domestic law enforcement, however, this has eroded in recent years.<sup>45</sup> The “war on drugs” has seen the militarization of police and the expansion of police departments nationally, and this includes access to military-grade equipment from the Pentagon like aircrafts, M-16 rifles, grenade launchers, and night-vision goggles. This access and use of equipment used in war against civilians, police immunity, and the high number of civilians killed by police (a much higher rate than any other wealthy, industrial country at 33.5 people per 10 million according to 2019 data) demonstrates why America is viewed as a police state even if it does not fully fit the definition.<sup>46</sup> Another contributing factor to this perception is the nation’s incarceration rate. America imprisons more people per capita than any other country in the world with a rate of 698 people per 10,000.<sup>47</sup> Furthermore, within five years of release, the recidivism rate in the U.S. is more than 70%, displaying the poor ability of American prison systems to rehabilitate inmates.<sup>48</sup> Not only does this put a large strain on state budgets, but it reflects poorly on a country that is held up as a standard for freedom across the globe. Before the U.S. can hope to uphold the values of democracy and freedom abroad, it must first be held accountable for its own actions at home.

A second reason as to why domestic reform is necessary is because international policy is closely linked to domestic policy, and the domestic political environment always influences

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<sup>45</sup> ACLUM, “What is a ‘Police State’? Do We Live in One?” [https://privacysos.org/police\\_state/](https://privacysos.org/police_state/)

<sup>46</sup> Alexi Jones and Wendy Sawyer, “Not just ‘a few bad apples’: U.S. police kill civilians at much higher rates than other countries,” Prison Policy Initiative, June 5, 2020.

<https://www.prisonpolicy.org/blog/2020/06/05/policekillings/>

<sup>47</sup> Peter Wagner and Wanda Bertram, “What percent of the U.S. is incarcerated?” Prison Policy Initiative, January 16, 2020. <https://www.prisonpolicy.org/blog/2020/01/16/percent-incarcerated/>

<sup>48</sup> Christopher Zoukis, “Not the worst, but not Norway: US prisons vs. other models,” *Huffington Post*, September 6, 2017.

[https://www.huffpost.com/entry/not-the-worst-but-not-norway-us-prisons-vs-other\\_b\\_59b0772ae4b0c50640cd646d](https://www.huffpost.com/entry/not-the-worst-but-not-norway-us-prisons-vs-other_b_59b0772ae4b0c50640cd646d)

foreign policy. The political environment of a country “includes all laws, government agencies, and lobbying groups that influence or restrict individuals or organizations in the society,” and “foreign policies are in most cases designed through coalitions of domestic and international actors and groups.”<sup>49</sup> Consequently, the decisions that a president makes in regard to foreign policy will be strongly influenced by domestic interests. An example of this comes from the 2005 treaty between the U.S. and India over the Nuclear Non-Proliferation treaty (NPT). India had not signed the NPT and instead, the U.S. was willing to sign another treaty that allowed India to not sign the NPT in exchange for inspections of its nuclear facilities and validation of its position as a nuclear weapons power.<sup>50</sup> From India’s perspective, this was a win-win situation. However, there was conflict within the factions of the Indian government over the decision to sign, and ultimately Prime Minister Manmohan Singh was willing to sacrifice an important and beneficial treaty to placate domestic interests. This example (although not in America) demonstrates how domestic policy is closely tied to international policy. International policy cannot be made without taking into account domestic interests. Although domestic reform is yet another daunting task, it is a necessary step that must be taken before America can adequately become a leader in fighting for human rights around the globe.

## **Conclusion**

As this paper has detailed, China is undoubtedly committing human rights abuses against the Uighur population in Xinjiang. Its motivation to do so stems from mistrust about religious secessionism which has existed since the Qing dynasty. Despite the government having some valid claims about terrorism and security, restricting the movement of people, forcefully

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<sup>49</sup> Zaara Z. Hussain, “The effect of domestic policy on foreign policy decision making,” E-International Relations, February 7, 2011.

<https://www.e-ir.info/2011/02/07/the-effect-of-domestic-politics-on-foreign-policy-decision-making/>

<sup>50</sup> Ibid.

sterilizing their population, arbitrarily detaining millions, and quietly executing those who have not committed a crime should never be accepted or overlooked by those in democratic nations. America has too often prioritized its own economic interests over taking a bold stand to defend vulnerable populations from harm. For a country that proudly displays the Statue of Liberty as a national monument, it has failed to live up to the values the country was founded on. Despite this, the U.S. still has the opportunity to regain its leadership position in the world and restore the respect of other nations which has been on a steady decline since WWII. For many around the globe, America is still a beacon of democracy and freedom and represents the values of the free world, and as such it must live up to these expectations as a country that accepted this position. The policies proposed in this paper will not be easy to achieve, as America is a society where many voices are heard, but with the decisive action of President Biden, the U.S. can be the nation that it claims to be. Ultimately, as one of the wealthiest most developed states in the world (a status that was only achieved through the support of other nations), it is our duty and moral obligation to return that favor to those in need.