



LUND UNIVERSITY

European Master's Degree in Human Rights and Democratisation  
A.Y. 2018/2019

# Trading on Values

A Critical Assessment of the European Union as a 'Normative' Power  
in its Current Foreign Policy Towards China

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## ABSTRACT

The notion of the EU as a ‘normative’ power has become a popular way for explaining the EU’s role in foreign policy. At the same time, the EU portrays itself as being a promoter of values in the world and lists the promotion of human rights as one of its top foreign policy objectives. However, in the context of the large scale human rights violations being committed by Chinese authorities in Xinjiang, any significant reaction on behalf of the EU has largely held off. This study provides a critical assessment of the EU as a human rights actor and ‘normative’ power in its current foreign policy towards China. It gives an overview of the ongoing human rights violations in Xinjiang, arguing that they may constitute crimes against humanity. Drawing from critical theory, the gaps between the EU’s internal and external policies as well as rhetoric and action are examined. This research further analyzes the complicity of EU policies and business practices with the human rights violations in Xinjiang. To that effect, the growing involvement of EU member states’ in China’s Belt Road Initiative and Xinjiang’s key role therein is juxtaposed with the EU’s weak efforts to engage with China on human rights. Ultimately, this research highlights the need for the EU to take a strong stance and to uphold the values it has pledged to safeguard and in that respect makes recommendations for immediate EU action.

## ACKNOWLEDGMENTS

*I would like to thank my supervisor, Göran Melander, for his friendly support and feedback.*

*Special thanks to Alvaro for the innumerable conversations about China during our second semester, to Rakan and JuanJo for your unwavering friendship and to Ana for keeping track of my word count with me.*

*All my love goes out to my friends from the “Same Old Group” – you have so greatly enriched my life with all the laughter and joy you have brought into it. I cannot wait to see what more beauty you will bring into this world!*

*Thank you to my dear friends, Kai, who picked me up when I was quite literally on the ground, and Alex, for once more being my trusted study partner.*

*Thank you to my mother, Luise, for your love and care, particularly in the days leading up to the deadline. My infinite gratitude goes to my father, Fritz. Thank you for your patience while proofreading and for passing on your love of China to me.*

## TERMS AND ABBREVIATIONS

I would like to make note that term East Turkestan is used predominantly by groups such as the World Uyghur Congress, which seek autonomy for Xinjiang and its peoples. Simultaneously I acknowledge the fact that the “autonomy” of the Xinjiang Uyghur Autonomous Region is contested. I therefore resort to using the term Xinjiang as a compromise. For better readability the term People’s Republic of China is replaced by China.

AIIB	Asian Infrastructure Investment Bank
BRI	Belt Road Initiative
BRF	Belt and Road Forum
CSR	Corporate Social Responsibility
EEAS	European External Action Service
EC	European Commission
ECHR	European Convention on Human Rights and Fundamental Freedoms
EP	European Parliament
EU	European Union
HRD	Human Rights Dialogue
NGO	Non-Governmental Organization
R2P	Responsibility to Protect
TEU	Treaty on European Union
UN	United Nations
UDHR	Universal Declaration of Human Rights
US	United States
XUAR	Xinjiang Uyghur Autonomous Region

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“No doubt that it’s our business that the situation in Persia, Vietnam and Brazil is horrible, but it’s really not our fault. This, it seems to me, is some sort of reversed megalomania [...] You can’t change *the* world because you can’t be a world citizen; and most people who lean toward world responsibility do so because they fear, for understandable reasons, taking responsibility of what happens in their own world.”<sup>1</sup>

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<sup>1</sup> Arendt, "Revolution, Violence, and Power," 304.

# 1. INTRODUCTION

The starting point for this thesis is the notion that there has been, and there continues to be, a great discrepancy in how human rights are perceived and applied around the world and the fact that at the same time human rights have become a major factor in the sphere of international politics, and as such have often been instrumentalized for political purposes. It is therefore no surprise that they play a key role in the relations between Western countries and China and that any human rights discourse in the context of China allows insights into a much wider set of political interests. This has recently become evident in the international community's failure to adequately respond to reported human rights violations in Xinjiang.

While reports by Non-Governmental Organizations (NGOs) and prominent scholars on the large-scale atrocities in Xinjiang started to increase around the summer of 2018 – when the number and size of detention facilities was expanding and an increasing number of people were affected by the internment campaign<sup>2</sup> – actions by the international community largely held off. What is currently happening in Xinjiang does not stand as an isolated incident, but seems to be symptomatic of the widespread disregard for human rights around the world, which is deeply ingrained in the way politics are conducted and in the way political power is utilized. This in turn raises the questions of responsibility and accountability. In an increasingly globalized world, there can be no doubt that as one of the major international actors and as the second largest economy in the world, which continually places strong emphasis on human rights and democracy in its foreign policy, the European Union (EU) *somehow* shares responsibility for what is happening in Xinjiang. And even if it is not directly responsible, perhaps it is complicit through its trading practices and policies. This holds all the more true when one considers that China is the EU's second largest trading partner after the United States (US).

Any action by the United Nations (UN), let alone a resolution against China within the UN, can be considered close to impossible, given China's status as one of the permanent members of the UN Security Council and China's continuous undermining of UN mechanisms.<sup>3</sup> On top of this, even though China's bad human rights record is widely recognized, its increasing self-confidence and assertiveness as a global actor make it more and more difficult to challenge it on this subject. This prompts the question, whether the EU, as a vital trading partner of China,

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<sup>2</sup> Ryan, Cave and Ruser, "Mapping Xinjiang's 'Re-Education' Camps."

<sup>3</sup> Human Rights Watch, "The Costs of International Advocacy."

would be in a better position than the UN to take actions which could deter China from continuing the large scale human rights violations in Xinjiang. Furthermore, if we do support the idea that there is in fact a responsibility of the international community to take action when crimes of this nature are committed by a government against a civilian population, what would the results of such an inquiry tell us about the EU and its purported set of values and principles, of which human rights are a key element?

In considering the notion of the EU as a ‘normative’ power, which is as widespread as it is contested, the overall purpose of this thesis is to analyze whether or not the EU lives up to its stated commitment to human rights and whether it can even be said, as some have argued, that the EU in its foreign policy assumes the function of a ‘normative’ power. To this end, this study will look at current EU foreign policy towards China in the context of the ongoing human rights violations in Xinjiang. While some of the most systematic and large scale human rights violations are currently being committed in Xinjiang, China is simultaneously undertaking its “project of the century”, the Belt Road Initiative (BRI). Towards this goal, China is conducting negotiations with individual EU member states, while at the same time downplaying the human rights violations in Xinjiang. Despite the EU’s longstanding tradition of pursuing a Human Rights Dialogue (HRD) with China, it also needs to weigh its commitment to promoting human rights against its economic interests, against maintenance of good relations and its current demands for fairer trading conditions from China. The EU’s need to balance its interests with China is particularly evident in a time in which the EU’s role as a global actor is in many ways being challenged by China.

Things have come to the point where we cannot continue to ignore the dire state of human rights and the uncertainty of the future not only of our society but ultimately our entire planet. While trying to avoid the pitfall of the somewhat simplistic conclusion that neoliberalism and capitalism lie at the core of the issue, and thereby succumbing to a general sentiment that economic interests trump human rights, it is the aim of this research to examine in which way the EU (member states’) acquiescence to human rights violations in Xinjiang might be connected with their interests in reconciling close economic ties with China with the commitment of the EU to promote human rights in its foreign policy.

In view of this predicament, the core question of this thesis on the one hand is a descriptive one: what role *do* human rights play in the current EU foreign policy with regard to China (in the case of Xinjiang)? And on the other hand, it is ultimately a normative one: what role *should* human rights play in the current EU foreign policy with regard to China (in the case of Xinjiang)?



My research will attempt to give an overview of the ongoing human rights violations in Xinjiang and define what may constitute crimes against humanity being committed by the Chinese authorities. It will further explain the significance of Xinjiang as a hub in the BRI and in what way the EU is participating in this project. Subsequently, it will address in what way human rights are factored into the EU's foreign policy towards China and examine more specifically how the human rights violations in Xinjiang are addressed within this context. At the same time, systemic shortcomings in the EU's foreign policy, consisting of internal factors and individual member states' interests, will be addressed.

In the context of what can be argued to constitute atrocity crimes being committed in Xinjiang and the collective international vow after World War II to "never again" let such acts transpire, the lead questions of this thesis are: *Is the EU a credible human rights actor? And can the EU be considered as a 'normative' power when it comes to the promotion of human rights?*

One might ask what measure of intensity human rights violations have to reach in order to bring about a purposeful response by the international community. One might further ask, on account of China's increasing influence in shaping the international human rights discourse, at what point it will be too late for the international community to intervene. If we believe that at least in theory the EU possesses the potential to be a 'normative' power, we must also acknowledge the fact that China itself can be considered as such – albeit with an entirely different set of values, which are directly opposed to the one's the EU has committed itself to uphold.

For this reason, we can expect valuable insights if we examine the case of China and study how the EU is engaging with China and whether or not the theory of the EU as a 'normative' power holds up in this particular case, especially since this notion has already become part of the EU's own discourse and self-identification<sup>4</sup> and the concept has been embraced by it.<sup>5</sup> This will also offer a better understanding of how the EU engages with major global actors when balancing its interests and strategic considerations against its ethical principles and provide insights into how to move forward. For if there is any time to reconsider the notion of 'normative' power and consider the reconcilability of potential crimes against humanity with the EU's practices, it should be in times like this.

## 1.1. METHODOLOGICAL APPROACH

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<sup>4</sup> Nouredine, "Normative Power Europe," 113.

<sup>5</sup> Delegation of the European Union to the International Organisations in Vienna, "Critically Assess and Analyse."

The methodology applied in this thesis is based on qualitative research. Given the topicality of the issue, this study mainly draws from newspaper articles, NGO reports and relevant EU documents, press statements and, to some extent, legislature. Documents from a number of different EU institutions are consulted, mainly from amongst those issued by the European External Action Service (EEAS), the European Parliament (EP), the European Commission (EC) as well as the European Council and the Council of the European Union, notably from the period of October 2018 until June 2019. These are examined in the context of academic research, with a focus on the EU as a normative actor in the field of human rights. In addition, academic literature on the topic of the BRI is investigated. In this context, statements by different EU institutions are considered as representing one entity. Where there is a lack of coherent actions or legally binding commitments on behalf of the EU, the study looks at the current EU discourse with regard to China and the ongoing human rights violations in Xinjiang as it is reflected in the media.

In view of the topical nature of the issue, facts surrounding the situation in Xinjiang, the BRI and the actors involved will continue to come to light. This means that a large part of the sources referred to in this paper are newspaper articles rather than academic articles. Additionally, the EU is not sufficiently transparent in its publications and one can only draw from what its official statements, while only little can be gleaned about what is being said in negotiations behind closed doors and what individual member states negotiate with China on their own.

The examination of the specific situation in Xinjiang is chosen due to the fact that the crimes being committed there are of such an alarming and pervasive nature, that *how* the EU deals with them will allow important insights into understanding underlying motives of the EU institutions when engaging with China as one of the most dominant global powers. It is true, of course, that the EU does not solely engage in a HRD with China and takes up a stance on the human rights violations of some countries, while remaining silent those of others, for instance those of the US. However, as an essential trading partner and newly framed “systemic rival”, the EU’s relationship with China is undoubtedly of great importance and the way in which the EU now engages with China will set the tone for years to come.

There are a number of issues which are closely related to the questions raised in this thesis, which deserve more attention but which would simply go beyond its scope. These are sometimes mentioned in passing, such as the topic of business and human rights, the European Peace and Security Policy, 5G, Huawei, Xi Jinping’s national politics, the US-China trade war and Russia as well as similarities of the situation in Xinjiang with Tibet and Mongolia and issues related to human rights advocacy. Apart from this, the way in which China is currently

reshaping the concept of human rights to fit its own political purpose and agenda, the complex history of Xinjiang and terrorism in Xinjiang are issues which, although closely linked, are not examined in depth.

This thesis focuses mainly on one of the EU's foreign policy objectives, namely the promotion of human rights, and whether or not this stated objective is fulfilled in the specific case of China with regard to the ongoing human rights violations in Xinjiang.

## 1.2. THEORETICAL FRAMEWORK

The theoretical framework for this paper draws inspiration from critical theory, which continues to be applied and developed in the field of human rights and international relations. Drawing from the work of Karl Marx, critical theory originates from the thinkers of the Frankfurt School within the context of the rise of nationalism. As the study of ideology, it originally focused on capitalism and on exposing power structures, but ultimately it is a critique of society, with the set aim of bringing about change. As such it is highly political and acknowledges the position of the researcher within society. It rejects the claim that academia "should and can be value-free", since a researcher's interest in a topic is defined by a wide variety of factors and thus scholarly writing in our societies in their current shape and form is considered a "form of political communication".<sup>6</sup>

In contrast to traditional theory, the aim of critical theory is not merely to explain social processes but "to liberate human beings from the circumstances that enslave them,"<sup>7</sup> that is to say to emancipate them. Many of the things that were of concern to the critical theorists of the Frankfurt School are still valid to this day, which is why valuable insights are to be gained in applying critical theory in the field of human rights, considering that they are surrounded by political and structural tensions, which are at the core of what critical theory seeks to resolve.<sup>8</sup> As such "Critical Theory helps illuminate how human rights claims, laws, and institutions may either help advance struggles for justice and freedom, or conceal sociopolitical domination and injustice, and inhibit freedom under formal claims to universal rights."<sup>9</sup> Instead of rejecting the Frankfurt School's critique of human rights as an outright renunciation of human rights

"Holding on to the idea of right as a critical model and imaginary emanating from political modernity, even if restricted or deeply problematic in existing world society, the Frankfurt School urges us to reject on the

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<sup>6</sup> Fuchs, "Critical Theory," 8.

<sup>7</sup> Horkheimer, *Critical Theory*, 244 quoted in Bohman, "Critical Theory."

<sup>8</sup> Rensmann, "Critical Theory of Human Rights," 632.

<sup>9</sup> *Ibid.*, 633.

conditionality and aporiae of human rights in a world that continues to constantly violate them.”<sup>10</sup>

Moving beyond this more negative attitude towards human rights, more recent “efforts focus on the progressive potential of human rights and their role in generating conditions of freedom. They point to the critical task of reinforcing and enforcing universal human rights.”<sup>11</sup>

On the basis of the above, the present paper’s aim is not to merely add to the canon of criticism of our economic practices and of capitalism as a whole, which are widely understood to be major causes for the injustices in today’s world. Its aim is rather to place emphasis on the fundamental value in human rights, a value which compels us to highlight when institutions committed to human rights – in this case the EU – fail to fulfil those obligations and to call out bias and hypocrisy when we are confronted with it.

“[...] [Critical Theory] must explain what is wrong with current social reality, identify the actors to change it, and provide both clear norms for criticism and achievable practical goals for social transformation”<sup>12</sup>

We have seen further development in the way in which critical theory has been applied in the practice and theory of international relations. In espousing the view that international relations have “an unavoidable ethical dimension”,<sup>13</sup> has succeeded in keeping alive the question of human freedom in the study of international politics and seeks to identify prospects “to construct new global institutions and practices capable of realizing higher levels of community and solidarity” and for higher levels of freedom across the world community.<sup>14</sup> This freedom not only includes freedom from unnecessary suffering, but also the freedom to be included in moral and political life, as part of the cosmopolitan project.<sup>15</sup>

### 1.3. OUTLINE

The study is divided into six main chapters. Following the introduction, the objective of chapter two is to give an overview of the concept of the EU as a ‘normative’ power, as developed by Ian Manners, which constitutes the conceptual framework for this thesis. Moreover, this chapter will provide for the critique of this contested concept, one of the most important of which is that economic interests regularly trump human rights in EU foreign policy.

Chapter three provides a summary of the human rights violations committed by the Chinese authorities in Xinjiang and examines in which way they may constitute crimes against humanity.

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<sup>10</sup> Ibid., 649.

<sup>11</sup> Ibid., 650.

<sup>12</sup> Bohman, "Critical Theory."

<sup>13</sup> Erskine, "Normative International Relations Theory," 36.

<sup>14</sup> Linklater, "The Problem of Community," 137.

<sup>15</sup> Shapcott, "Critical Theory," 328.

In this context, this paper will attempt to outline the obligation of the international community, and in particular the EU, to take action within the framework of responsibility to protect when atrocity crimes are being committed.

Given the strategical importance of Xinjiang for China's BRI and its correlation with the human rights violations in the region, chapter four will begin with an overview of what the BRI entails, before moving on to explain in detail Xinjiang's position within its framework. Finally, chapter four will examine the EU's position regarding the BRI, therein highlighting that thus far there has been a lack of a cohesive EU approach and instead, more and more individual member states are starting to participate in the Initiative, despite major critique being leveled, not only by the EU institutions, but also scholars, not least with regard to its negative human rights impact.

Chapter five will set out the EU's human rights approach in its foreign relations with China. Keeping in mind the notion of 'normative' power, the EU's current foreign policy approach towards China is analyzed, illustrating the instances in which the EU has been vocal about the human rights violations in Xinjiang.

The final chapter recapitulates the previous chapters and analyzes whether in the particular case of the EU's foreign policy with regard to China, in view of what may constitute crimes against humanity, the position that the EU is a 'normative' power remains tenable.

## 2. THE EU AS A 'NORMATIVE' POWER

The EU is widely acknowledged as a unique international actor and, along with China and the US, could be considered to be one of the three major world powers. There has been and continues to be a vigorous debate on what the role of the EU in foreign policy is. It has been described in various ways as a more or less positive force, for instance as a 'civilian power,' 'military power', 'soft power' and notably as a 'normative' and 'ethical'<sup>16</sup> power. At the same time there have been a number of criticisms of this 'normative' dimension, aimed at the practice of double standards and gaps between internal and external policy as well as between rhetoric and reality. Even more, the perception of the EU as a unique international actor does not remain uncontested and criticism has been voiced, accusing it of hiding neoliberal agendas behind the promotion of human rights.

In developing the concept of the EU as a 'normative' power, Ian Manners – without fully discarding them – moves away from previous held notions, which conceive of the EU as a 'civilian' or 'military power'. This relatively new concept rests on the assumption that it is the values and principles on which the EU is based, which are shaping its role and power in international relations.<sup>17</sup> Manners argues that due to "its particular historical evolution, its hybrid polity, and its constitutional configuration, the EU has a normatively different basis for its relations with the world."<sup>18</sup> He perceives the EU's uniqueness and distinction from previous political entities as a defining factor for its external politics, which "predisposes it to act in a normative way."<sup>19</sup> This in turn, distinguishes the EU as an "international entity [with the ability] to exert its ideological influence on other members in international relations"<sup>20</sup>.

The principles of democracy, rule of law, social justice and respect for human rights, according to Manners, guide the EU in its actions, which highlights the normative difference of the EU vis-à-vis other international actors, exactly to the extent to which the EU commits itself to upholding the principles laid down in the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the Universal Declaration of Human Rights (UDHR). The EU diffuses its norms, and thereby manifests its 'normative' power, through contagion,

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<sup>16</sup> Aggestam, "Ethical Power Europe?"

<sup>17</sup> Manners, "Normative Power Europe," 239.

<sup>18</sup> *Ibid.*, 252.

<sup>19</sup> *Ibid.*, 242.

<sup>20</sup> Skolimowska, "The European Union as a 'Normative Power', 117.

informational diffusion, procedural diffusion, transference, overt diffusion and the cultural filter.<sup>21</sup>

He identifies five 'core' norms which jointly comprise the EU's normative basis: peace, liberty, democracy, rule of law and the respect for human rights and fundamental freedoms.<sup>22</sup> These norms have been expressed in the Charter of Fundamental Rights of the European Union and are continuously communicated through "declarations, treaties, policies, criteria and conditions."<sup>23</sup> In sum, the EU's 'normative' power derives from its integration of ethical values into its legal foundation and its everyday actions. Human rights, as one of the key principles in the EU's policy, are linked to conflict prevention as well as conditionality clauses and human rights clauses with its trade partners.<sup>24</sup>

These normative principles can be said to be mirrored in Article 10 A of Chapter 1 of the Treaty on European Union (TEU), which reads as follows:

"The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."<sup>25</sup>

The EU, in the context of protection and promotion of human rights, even goes so far as to say that "human rights are at the heart of EU relations with other countries and regions,"<sup>26</sup> all of which is to say that the EU certainly portrays itself as a 'normative' power and makes the promotion and respect for human rights a legal commitment. The proximity of the 'normative' power concept with the EU's own rhetoric in itself can be considered as a cause for concern. While the EU construes itself as a value-based community which supports human rights in its foreign policy, the overall assessment of the effectiveness of the EU as a 'normative' power has been overwhelmingly pessimistic, except perhaps for the relative success of its influence on the abolition of the death penalty.

Nonetheless, it would be overly simplistic to dismiss the concept of the EU as a 'normative' power, or even the reality of the EU as a 'normative' power a priori, based solely on the grounds, for instance, that neo-liberalism and economic interests persistently trump norms, in particular human rights. This argument, if carried through to the end, would of course not only hold true in the particular case of the EU but for the state of human rights as a whole.

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<sup>21</sup> Manners, "Normative Power Europe," 241, 245.

<sup>22</sup> Ibid., 242.

<sup>23</sup> Ibid., 242.

<sup>24</sup> Ibid., 245.

<sup>25</sup> European Union, Lisbon Treaty.

<sup>26</sup> European Union, "Human Rights and Democracy."

The EU *does*, at least in its discourse, stress the importance of human rights and undoubtedly a lot of resources are allocated for this purpose. Instead of outright dismissing the notion of the EU as a ‘normative’ power, Helene Sjursen therefore argues that it is not that simple and that the meaning of “normative power” needs to be substantiated in order to be able to adequately assess whether or not the EU constitutes such a power: “it is only by presenting clear definitions of what ‘normative power’ is, and consequently what it is not, that we can realistically hope to say something empirical about the argument”<sup>27</sup> The question she raises in this context is whether or not the EU, in the absence of a commitment to the use of military force as a default, automatically makes it a benign, ‘normative’ power promoting norms out of sheer goodness – as opposed to merely pursuing its own interests in the global sphere. Moreover, it is disputable whether or not the EU is capable, without the use of coercive means – be they in the form of military force or economic sanctions – to shape, as Manners put it, “conceptions of “normal” in international affairs.”<sup>28</sup> Sjursen further asks: “What if important norms are clearly and systematically broken? Would this not provoke a responsibility to react rather than to look the other way?”<sup>29</sup>

In considering the critique of the idea that the EU is a ‘normative’ power, Sjursen highlights that more often than not, when normative arguments are made by international actors, these are dismissed as a strategic tool and here notes that there is a high risk of this interpretation to become a “self-fulfilling prophecy,” whereby international actors which reference norms are considered hypocritical or are viewed as carrying a hidden agenda from the outset,<sup>30</sup> as well as being inconsistent in the application of those norms.<sup>31</sup>

Sjursen challenges Manners’ assumption that the EU is predisposed to act in a normative way distinct from other political powers, in that it “is not simply promoting its own norms”,<sup>32</sup> and that this is necessarily something good.<sup>33</sup> Additionally, the mere fact that the EU promotes certain norms, which it considers to be universal, says nothing about the inherent value of said norms, nor does it say anything about whether this kind of behavior is right as a matter of principle or in a specific situation. Hence,

“In order to identify the EU as a ‘normative’ or ‘civilizing’ power, the question would then be whether or not its external action relies on norms that may be tested and found to be in accordance with this principle: does the EU, in its external action, refer to reasons that can be expected to gain approval in a free and open debate in which all those affected are heard?”<sup>34</sup>

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<sup>27</sup> Sjursen, "The EU as a ‘Normative’ Power," 236.

<sup>28</sup> *Ibid.*, " 239.

<sup>29</sup> Manners, "Normative Power Europe," 239.

<sup>30</sup> Sjursen, "The EU as a ‘Normative’ Power," 240.

<sup>31</sup> *Ibid.*, 244.

<sup>32</sup> Manners, "Normative Power Europe," 240.

<sup>33</sup> Sjursen, "The EU as a ‘Normative’ Power," 242.

<sup>34</sup> *Ibid.*, 243.



One way to resolve the concerns raised, would be for the EU, in its external actions, to bind itself to act according to law. This would be in line with the EU's theoretical emphasis on international law and multilateralism, which is often emphasized in policy documents alongside human rights.

The 2016 Global Strategy for the European Union's Foreign and Security Policy, which replaces the European Security Strategy of 2003, for instance, restates the EU's commitment to human rights in a "multilateral rules-based order" and states that:

"For the EU the stakes are sky high. Being itself the most advanced multilateral project in history [...] our Union has a vital interest in being the centre of gravity of the work to promote and protect multilateralism globally."<sup>35</sup>

On a more general level,

"multilateralism is an institutional form which coordinates relations among three or more states on the basis of 'generalized' principles of conduct [...] without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence."<sup>36</sup>

However, this creates contradictions in that the principle of state sovereignty is a defining element of multilateralism and that the norms which the EU promotes, particularly human rights, are not compatible with this principle. In this sense, the idea of the promotion of human rights as a legitimate aim for foreign policy clashes with "fundamental norms of international society."<sup>37</sup>

In order to solve this dilemma and to truly make human rights a universally accepted norm, the entire international legal order would need to be reformed, by legally and effectively binding states and thus guaranteeing their protection. This also means that states would have to be willing to give up part of their sovereignty within a multilateral framework and instead place individual rights – human rights – at the core of a cosmopolitan order. Additionally, the lack of sanctions in multilateral institutions means that their member states can transgress norms without facing any consequences.<sup>38</sup>

According to Sjursen, the more positive evaluation of the EU as a "force for good" in its role as 'normative' power, prompts the question: "[H]ow do we know if it is only because the EU is less powerful than the US that the scepticism towards its 'normative' power so far is less strong?"<sup>39</sup> It is undeniable that as global powers not only the EU but also the US – and by extension China – can be considered 'normative' powers. Furthermore, the mere fact that the

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<sup>35</sup> European External Action Service, "A Global Strategy," 39.

<sup>36</sup> Ruggie, "Multilateralism," 571.

<sup>37</sup> Smith, "Human Rights," 111-12.

<sup>38</sup> Sjursen, "The EU as a 'Normative' Power," 245-46.

<sup>39</sup> *Ibid.*, 242.

EU promotes norms and values alongside its strategic interests does not mean that it is a benign actor and consequently “the conceptions of the EU as a ‘normative’, ‘civilian’ or ‘civilizing’ power are normatively biased.”<sup>40</sup> Furthermore, one could easily challenge the norms the EU promotes as a mere demonstration of the EU’s cultural imperialism and the EU would have to demonstrate its commitment to international legal standards as opposed to participating in power politics.<sup>41</sup>

This holds all the more true, given the fact that the EU itself is not party to any international human rights treaties (although it could at any time accede to the ECHR). Lacking a comprehensive policy, the EU promotes human rights, but fails to submit itself to international review in this regard.<sup>42</sup> The strong rhetoric stands in contrast to the relatively weak actions the EU takes in its approach, favoring positive measures over negative measures such as sanctions and resulting in the problem that this sort of approach “can often mean substituting accountability with assistance” and “allows business to continue as usual, while human rights violations are dealt with through quiet diplomacy, friendly advice and technical cooperation.”<sup>43</sup>

At this point it is necessary to highlight that much has been written about what human rights are – or are not – and that many a critique has been raised in particular with regard to claims to their universality, their legitimacy and effectiveness. One major point of criticism is that human rights in terms of their history and genesis are merely products of Western cultural imperialism and ideology, Western style liberal democracy. As a consequence, their promotion, as Sjursen mentions in her evaluation of the concept of the EU as a ‘normative’ power, is widely considered to be power politics at play. More pessimistic assessments of human rights as a mere ideological tool and policy instrument which is applied, when necessary, to further a specific agenda go so far as to consider that “it would be wrong to see the abuse or misuse of power as being an exception rather than the rule.”<sup>44</sup>

It is clear that there may be many different reasons for the promotion of human rights. The more altruistic approach, as supported by Manners, in which human rights promotion in a global cosmopolitan order has a value in and of itself, raises a number of problems. Firstly, it creates expectations and underlines the gaps between the EU’s actions and rhetoric, which ultimately results in a loss of legitimacy. The lack of tangible results and effectiveness further contribute

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<sup>40</sup> Sjursen, "The EU as a ‘Normative’ Power," 241.

<sup>41</sup> Ibid., 248.

<sup>42</sup> Smith, "Human Rights," 116.

<sup>43</sup> Picken, "Ethical Foreign Policies and Human Rights," 100.

<sup>44</sup> Chandler, "Ideological (Mis)Use of Human Rights," 127.

to this perception. Second, the fact that the EU requests of third countries what it often fails to do itself, contributes to this outcome.<sup>45</sup>

Another point of contention on the notion of the EU as a ‘normative’ power is that it does not sufficiently account for the internal complexity of the EU and individual member states’ political agendas and that what the EU promotes externally is linked to its internal dynamics.<sup>46</sup> It presupposes the EU as a single actor, with a distinct identity, whose member states are alike in their interests and identity.<sup>47</sup> Therefore, it is necessary to look at individual member states’ foreign policy in addition to that of the main institutions of the EU and to judge the EU based on its actions rather than its supposed uniqueness.<sup>48</sup> Moreover, the claim of a uniquely European quality can also be questioned on the grounds that what the EU promotes and which by some is considered unique is actually fairly universal, but perhaps it is the *way* in which norms are promoted – based on legal texts and human rights clauses – that create a sense of uniqueness.<sup>49</sup>

In applying a liberal constructivist approach to the concept in the particular case of human rights in China, Balducci ultimately finds that member states and EU institutions do in fact share the same interests when it comes to promoting human rights. However, in practice this means that economic interests outweigh ideational motives and in conclusion EU policy, when it comes to human rights in China, does not have a normative character and as such is not in line with EU principles.<sup>50</sup> This criticism is mirrored, for instance by Smith, who finds that “economic interests tend to trump human rights where there is a clash.”<sup>51</sup> Hyde-Price similarly finds that European member states will continue to pursue their own objectives by guarding their sovereignty but sees an opportunity for a more cohesive EU “with a sharper and more effective international role” in light of deteriorating relations with the US.<sup>52</sup> Though Balducci does not perceive any normative impact when it comes to human rights, he concedes that the EU may be more successful in other regards, for instance when it comes to multilateralism and environmental sustainability.<sup>53</sup>

Keeping the concept of the EU as a ‘normative’ power in mind, the following sections of the thesis will look first at the human rights violations in Xinjiang and how they might constitute

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<sup>45</sup> Smith, "Human Rights," 115, 123.

<sup>46</sup> Smith, "Introduction," 19.

<sup>47</sup> Balducci, "The Limits of Normative Power Europe in Asia," 40.

<sup>48</sup> *Ibid.*, 38, 40.

<sup>49</sup> Smith, "Human Rights," 141.

<sup>50</sup> Balducci, "The Limits of Normative Power Europe in Asia."

<sup>51</sup> Smith, "Human Rights," 122.

<sup>52</sup> Hyde-Price, "'Normative' Power Europe," 231.

<sup>53</sup> Balducci, "The Limits of Normative Power Europe in Asia," 53.

crimes against humanity, before moving on to considering the broader context in which these human rights violations are embedded. Here, the main focus of attention lies on the EU's foreign policy towards China, where there is a clash between member states' interests in participating in the BRI on the one hand and EU human rights promotion on the other.

### 3. HUMAN RIGHTS VIOLATIONS IN XINJIANG<sup>54</sup>

“In spring 2017, the Xinjiang Uygur Autonomous Region (XUAR) under its new Party secretary Chen Quanguo embarked on an unprecedented internment campaign.”<sup>55</sup> Since then, there have been credible reports that up to 1.5 million people belonging to Turkic minorities have been arbitrarily detained. The analysis of the laws and regulations applicable to the XUAR, the official position of China in connection with independently available data, especially government documents, such as reports on security expenditures, and available satellite images, all paint a clear picture of the human rights violations in Xinjiang. This picture is reaffirmed by the multitude of personal accounts of Uyghurs living in exile, and further compounded by the unwillingness of the Chinese authorities to allow unrestricted access to the region, while at the same time a review of documents intended for a Chinese audience provide further proof of the existence of these camps.<sup>56</sup>

The following section will give an overview of the legal and political basis for the human rights violations occurring in Xinjiang and briefly attempt to lay out how they might constitute crimes against humanity, as defined under the *Rome Statute* of the International Criminal Court before examining the applicability of the concepts of Responsibility to Protect (R2P) and Corporate Social Responsibility (CSR).

#### 3.1. LEGAL BASIS

China has sought to legitimize its human rights violations in Xinjiang through a number of legislative measures, which in very broad terms aim at maintaining state security, ethnic unity and social stability. In order to achieve this goal, a number of laws have been amended and regulations put in place in what has been referred to as a “comprehensive security architecture”<sup>57</sup>. Among the relevant legislation relating to national security which have a direct

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<sup>54</sup> This chapter is based on two previous essays, which were completed as part of first and second semester course work and have been adapted for the purpose of this thesis. The greater part of the chapter is based on an essay with the title "Responsibility to Protect: Do Human Rights Violations in Xinjiang Amount to Crimes Against Humanity?" in which, after giving a summary of the human rights violations in Xinjiang, it is argued that the human rights violations in Xinjiang can be considered to amount to Crimes Against Humanity. The other essay provides for a critical assessment of the UN Global Compact and the concept of Corporate Social Responsibility.

<sup>55</sup> Zenz, "Break Their Roots."

<sup>56</sup> Zenz, "Thoroughly Reforming Them Towards a Healthy Heart Attitude," 103.

<sup>57</sup> International Federation for Human Rights, "China's New Counter-Terrorism Law," 13.

effect on the situation in Xinjiang, are the Chinese Criminal Law, the National Security Law of 2015, the Counterterrorism Law of 2016, the Cybersecurity Law of 2017, the Revised Regulations on Religious Affairs of 2018 and the Xinjiang Uyghur Autonomous Region Regulation on De-Extremification of 2018.

The National Security Law for instance, states that:

“The state shall prevent, frustrate, and legally punish any conduct that betrays the country, splits the country, incites rebellion, subverts or incites the subversion of the people's democratic dictatorship; prevent, frustrate, and legally punish any conduct that compromises national security.”<sup>58</sup>

Similarly, Article 13 of the Criminal Law states that “[a]ll acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system [...],”<sup>59</sup> constitute crimes which “according to law [...] are criminally punished.” These notions are mirrored in the Cybersecurity Law, which simultaneously cracks down on the freedom of expression in the online sphere, by criminalizing the use of the internet in order to “endanger national security, advocate terrorism or extremism, [or] propagate ethnic hatred and discrimination.”<sup>60</sup> Likewise, the Regulations on Religious Affairs prohibits religion to be practiced in a way that would “undermine ethnic unity, divide the nation, or carry out terrorist activities.”<sup>61</sup> “Legitimate” religious activities are protected while “illegal and extreme” practices are to be prevented through the management of religious affairs.

All of these amendments to national law need to be seen in the light of the aftermath of 9/11, which, as in many other parts of the world, provided a pretext for the government of China to pass more restrictive laws, which combat “terrorist violence”. The official Chinese discourse regarding Xinjiang after 9/11 has been fundamentally shaped by framing it as an issue of terrorism and state security, as is exemplified by the notion of “three evil forces” of “(ethnic) separatism, (religious) extremism, and terrorism, [which] did not enter into Chinese discourse until after 9/11.”<sup>62</sup> In this context, Uyghurs and other Muslim minorities are framed as potentially dangerous separatist forces that need to be contained and by this reasoning national security interests justify any and all harsh measures taken by the government.

Article 3 of the 2016 Counterterrorism Law provides a definition of terrorism not unlike the ones common in, and quite possibly modeled upon, Western democracies’ definitions thereof. In tandem with the above mentioned amendments and laws, however, it has led to the

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<sup>58</sup> Ministry of National Defense, *National Security Law*.

<sup>59</sup> Permanent Mission of the People’s Republic of China, *Criminal Law of the People’s Republic of China*.

<sup>60</sup> Human Rights Watch, “China: Abusive Cybersecurity Passed.”

<sup>61</sup> Global Legal Monitor, “China: Revised Regulations on Religious Affairs.”

<sup>62</sup> Trédaniel and Lee, “Explaining the Chinese Framing,” 183.

establishment of “imprecise and too broad definitions on national security offences related to “terrorism” and “extremism” that enabled abusive, arbitrary and discriminative prosecution and conviction.”<sup>63</sup> The 2018 revision of the Xinjiang Uyghur Autonomous Region on De-extremification, which was first passed in 2017, exemplifies this in a manner which directly discriminates against Islam. Its Article 49 states that any violation of the regional regulation is to be handled in accordance with the laws cited above. The regulation lists a number of actions which can be considered extremification, including the “[s]preading [of] religious fanaticism through irregular beards or name selection”<sup>64</sup> or “[w]earing, or compelling others to wear, burqas with face coverings, or to bear symbols of extremification.”<sup>65</sup> Its revision has falsely been interpreted as legalizing the detention facilities for re-education purposes.<sup>66</sup> The Xinjiang Uyghur Autonomous Region Implementation Measures for the "Anti-Terrorism Law of the People's Republic" of China similarly states that certain departments

“shall carry out educational activities on the national language, laws and regulations, occupational skills, ideology and morality, psychological well-being, advanced culture, scientific knowledge, and guiding correct religious belief,”<sup>67</sup>

which is exactly what has been taking place in the illegal political education camps and detention centers. It is very clear that these detention centers and re-education centers have been established in violation of international human rights law, but they cannot even be argued to be legal under the Chinese Constitution, as they are in violation of several of the rights granted therein, most notably the special protection for minorities and the freedom of religion. As such, these laws are the legal basis for the ongoing human rights violations in Xinjiang.

### 3.2. HUMAN RIGHTS VIOLATIONS<sup>68</sup>

The amendments referred to above have created an environment of legal uncertainty for ethnic minorities in Xinjiang while at the same time providing a legal and ideological framework for the arbitrary detention of up to at least 1.5 million Uyghurs and other minorities, although recent

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<sup>63</sup> United Nations Office of the High Commissioner on Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China."

<sup>64</sup> China Law Translate, "Decision to Revise the “Xinjiang Uighur Autonomous Region Regulation on De-extremification”."

<sup>65</sup> Ibid.

<sup>66</sup> Clarke, "No, New Xinjiang Legislation Does Not Legalize Detention Centers."

<sup>67</sup> China Law Translate, "Xinjiang Implementing Measures."

<sup>68</sup> This chapter draws mainly from a HRW report, which to date is one of the most comprehensive ones. For further information, please refer to the Amnesty International Report available at: <https://www.amnesty.org/en/latest/news/2018/09/china-up-to-one-million-detained/> as well as the ASPI's data base available at <https://www.aspi.org.au/report/mapping-xinjiangs-re-education-camps>. Leading scholars in this filed are Michael Clarke and Adrian Zenz, who have both written extensively on Xinjiang.

estimates by the US defense department provide for an estimated number of up to 3 million people being arbitrarily detained in what has been labeled as concentration camps.<sup>69</sup> The human rights violations in Xinjiang encompass not only arbitrary detention for so called re-education purposes, but also have far-reaching consequences for the daily lives of the millions of people living in a region which has been governed through strict security measures. The Chinese government has been pursuing a “Strike Hard Campaign Against Violent Terrorism” in which it fights what it defines in very broad terms as terrorism – in the name of state security, ethnic unity and social stability.<sup>70</sup> The overall security expenditure in the XUAR in the year 2017 alone amounted to 57.95 billion RMB (around 8.42 billion USD) – this marks a tenfold increase since the year 2007.<sup>71</sup> Apart from this massive financial input, the government has also provided vast technical and human resources to support this undertaking. This has been achieved through the expansion of the capacities and manpower of the military and police. As part of the increased security efforts, the campaign focuses on surveillance. This has resulted in the adoption of numerous measures which combine to form an extensive network, including highly advanced DNA tracking technology as well as facial recognition.<sup>72</sup> There is now an enormous market for technology, and in particular surveillance technology, in China. One of the main instruments for social surveillance is the Integrated Joint Operations Platform which is used for “collecting personal information, reporting on activities or circumstances deemed suspicious, and prompting investigations of people the system flags as problematic.”<sup>73</sup> Private communication of citizens is being monitored for “suspicious” behavior and citizens are categorized in three categories as “‘safe’, ‘normal’, or ‘unsafe’, based on metrics such as age, faith, religious practices, foreign contacts, and experience abroad.”<sup>74</sup> Everyday behavioral patterns as well as social interactions are closely monitored and people may be stopped on the streets to have their cellphones checked for their content without cause or explanation. Moreover, checkpoints and metal detectors have been set up throughout cities in Xinjiang, which further enable authorities to track people’s movement and target Uyghurs in a discriminatory fashion, while allowing the Han Chinese population to circumvent them. As a result, people belonging to an ethnic minority are no longer able to move freely within their place of residence, not in the region of Xinjiang as a whole and much less abroad, given the fact that these checkpoints together with other administrative measures and restrictive access

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<sup>69</sup> Reuters, "US Accuses China."

<sup>70</sup> Human Rights Watch, "'Eradicating Ideological Viruses,'" 12.

<sup>71</sup> Zenz, "China's Domestic Security Spending."

<sup>72</sup> Mozur, "One Month, 500,000 Face Scans."

<sup>73</sup> Human Rights Watch, "China's Algorithms of Repression," 2.

<sup>74</sup> Byler and Grose, "China's Surveillance Laboratory."



to passports effectively control movement.<sup>75</sup>

The right to freedom of religion is heavily infringed upon through a number of a restrictions. A Human Rights Watch report goes so far to state that the authorities have “effectively outlawed the practice of Islam in the region.”<sup>76</sup> The measures range from banning men with beards from riding buses and banning veils in public, to restricting access to mosques, allowing only a government approved version of the Quran, as well as requiring sermons by Imams to be approved beforehand.

People detained in political education camps “undergo lessons in Mandarin, Chinese law, ethnic and national unity, de-radicalization and patriotism.”<sup>77</sup> There are further reports of people being forced to write self-criticisms as well as observant Muslims coerced to drink alcohol.<sup>78</sup> Considering that between 1.5 and 3 million people, which corresponds to around 10%-30% of the population, are being held in these camps, virtually every family has at least one family member detained in one of these camps.<sup>79</sup> This means that families are being torn apart and that individuals have to live in constant fear that these rules may be arbitrarily enforced upon them. Home visits and homestay programs further disrupt people’s privacy and children separated from their parents end up in orphanages,<sup>80</sup> and – more commonly – in boarding schools.<sup>81</sup>

A recent report by prominent scholar Adrian Zenz, offers detailed evidence for “state-initiated intergenerational separation in the context of Xinjiang’s political re-education and internment campaign.”<sup>82</sup> Government documents and databases illustrate that “significant numbers of children are without the care of both parents” because these are detained in re-education or “vocational training centers”. They subsequently end up in the care of the state, often in conditions which leave a lot to be desired. This gives the government the opportunity to assimilate and indoctrinate them. The intergenerational separation, needs to be seen as part of an overarching strategy “of social re-engineering and cultural genocide in Xinjiang.”<sup>83</sup>

The extensive report by Human Rights Watch identifies a number of human rights violations that occur in the context of the detention centers and political education camps: lack of due process, detention without charge, political indoctrination, torture and ill-treatment as well as deaths in custody. In many instances people lose contact with their family members in these

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<sup>75</sup> Human Rights Watch, ““Eradicating Ideological Viruses,”” 58ff.

<sup>76</sup> Ibid, 71.

<sup>77</sup> The Asia Pacific Center, “The Persecution of the Uighurs,” 1.

<sup>78</sup> Sharma, “The Hole at the Heart of China’s Silk Road.”

<sup>79</sup> Buckley and Qin, “Muslim Detention Camps.”

<sup>80</sup> Human Rights Watch, ““Eradicating Ideological Viruses,”” 101.

<sup>81</sup> Zenz, “Break Their Roots.”

<sup>82</sup> Ibid.

<sup>83</sup> Zenz, “Break Their Roots.”

camps for extended periods of time,<sup>84</sup> while in extreme cases, concerns over possible forced disappearances have arisen. Such was the case with Uyghur musician Abdurehim Heyit, which prompted his relatives to call for proof of life and in turn has moved other members of the Uyghur community to follow suit in an online #MeTooUyghur campaign.<sup>85</sup>

Another important aspect of these human rights violations is the destruction of cultural heritage sites. As an investigation by the Guardian and Bellingcat reveals, between 2016 and 2018 over 31 mosques and two shrines – one of which is an important place of pilgrimage – have been damaged, with over half of them now having been completely demolished. This investigation involved 91 religious sites, although the overall number of mosques and other cultural sites that have been damaged or destroyed is likely to be much higher.<sup>86</sup>

What is more, as is evidenced by Chinese authorities' blackmailing Uyghurs abroad into silence and the export of surveillance technology, it cannot even be said that the effects of China's policies are restricted to Xinjiang.<sup>87</sup> Further tangible repercussions in third countries include that China's way of combating terrorism might be exported through its promotion within the Shanghai Cooperation Organization and the exertion of pressure on countries to forcibly repatriate Uyghurs.<sup>88</sup>

The human rights violations can be thus summed up into two major components: the arbitrary detention, torture and mistreatment in detention centers and political education camps as well as the repressions which have an impact on everyday life in Xinjiang. In effect these measures are forcing the assimilation of Uyghurs in Han Chinese culture and are destroying tangible and intangible cultural heritage. Applicable legal standards for the cases of the human rights violations in Xinjiang are:

- The right to liberty
- Non-discrimination of national minorities
- Freedom of thought, expression and religion
- Freedom of movement
- Rights to privacy and bodily integrity
- Freedom from torture or inhumane or degrading treatment
- Arbitrary and unlawful interference in private life

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<sup>84</sup> Human Rights Watch, "'Eradicating Ideological Viruses,'" 12.

<sup>85</sup> Kuo, "Families of Missing Uighurs Call for 'Proof of Life'."

<sup>86</sup> Kuo, "Revealed."

<sup>87</sup> Niewenhuis, "Re-education Camps."

<sup>88</sup> Mercator Institute for China Studies, "Remaking a People," 5-6.

As for the international legal standards that China has committed itself to uphold, while it has only signed and not ratified the International Covenant on Civil and Political Rights it has ratified the

- Convention Against Torture
- Convention on the Elimination of All Forms of Discrimination Against Women
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Rights of the Child and the Optional Protocols
- Convention on the Rights of Persons with Disabilities
- Convention on the Prevention and Punishment of the Crime of Genocide<sup>89</sup>

Although there has been some criticism by the UN, most notably by the Committee on the Elimination of Racial Discrimination<sup>90</sup> and in the context of China's third Universal Periodic Review,<sup>91</sup> and a general allegation letter sent by the UN Working Group on Enforced or Involuntary Disappearances to the Chinese Government,<sup>92</sup> thus far no resolution has been passed by the UN Security Council.

Nevertheless, given the fact that these human rights violations are directed against a civilian population over which the governing Chinese authorities exert control, they may in toto constitute crimes against humanity. These crimes being universally prohibited under international law this would entail the responsibility of the international community to take appropriate measures in order protect the population of Xinjiang. The next sections will look at how the human rights violations might fall under the elements of crimes against humanity and how the EU could take appropriate action under the principle of R2P.

### 3.3. POSSIBLE CRIMES AGAINST HUMANITY

Based on the facts presented above, it is arguable that China is committing crimes against humanity in violation of at least three of the eleven elements of crime stated in Article 7(1)(e), (f) and (i) of the *Rome Statute* of the International Criminal Court.<sup>93</sup> Namely, the "imprisonment

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<sup>89</sup> United Nations Office of the High Commissioner on Human Rights, "UN Treaty Body Database."

<sup>90</sup> United Nations Office of the High Commissioner on Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China."

<sup>91</sup> United Nations General Assembly. *Report of the Working Group on the Universal Periodic Review: China*. A/HRC/40/6 (December 26, 2018).

<sup>92</sup> European Parliament. *Resolution on Mass Arbitrary Detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region*. 2018/2863(RSP) (October 3, 2018).

<sup>93</sup> United Nations General Assembly, *Rome Statute of the International Criminal Court*.

or other severe deprivation of physical liberty in violation of fundamental rules of international law”, torture and enforced disappearance of persons. These crimes are further aggravated by the fact that Uyghurs are systematically discriminated against and that there may be a “systematic attempt to dilute Uighur cultural influence and demographic presence in China.”<sup>94</sup> Crimes against humanity, unlike other crimes covered under the *Rome Statute*, are also such infractions that are being committed during peacetime. Four preconditions as laid out in Article 7(1) of the *Rome Statute*, must be met in order for these human rights violations to constitute crimes against humanity.<sup>95</sup> First, they must be “committed as part of a widespread or systematic attack.” As the facts established in the report by Human Rights Watch, as well as countless articles in the media and the growing number of academic papers on the issue would indicate, these are not isolated incidents but do in fact constitute a widespread and systematic attack. The measures taken by the Chinese government negatively impact the lives of at least 12.6 million<sup>96</sup> Muslims living in the XUAR and the detainment of at least 1.5 million , and possibly up to 3 million people, in many cases in vocational training centers which function as political indoctrination camps, demonstrate this.

Second, they must be “directed against a civilian population.” These measures are clearly targeted at a specific portion of the civilian population, in this case the Muslim population, made up of a majority of Uyghurs as well as Kazakhs and Kyrgyz.

Third, these attacks must be committed “with knowledge.” Even though China initially denied all allegations and has gone on to describe them as “vocational training centers”, as the available facts and data being reported would indicate, the violations are clearly being carried out with knowledge of those commissioning them as well as those ultimately committing them.

And finally, as prescribed under Article 7(2)(a), they must involve “a course of conduct involving the multiple commission of acts [...] against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such an attack.” As laid out above, there have been a number of amendments to Chinese national law which seek to legitimize the measures taken, as well as specific policies put in place targeted specifically at ethnic minorities. One of the most notable policies is the “Strike Hard Campaign Against Terrorism”, which encompasses a multitude of acts commissioned by the Chinese authorities. While officially the aim of these measures is to ensure state security, ethnic unity and social stability under the pretext of fighting terrorism in the region, the result is the forced integration of non-Han minorities within Han society and culture. Consequently, the four preconditions for crimes

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<sup>94</sup> Global Centre for the Responsibility to Protect, "China."

<sup>95</sup> Sadat, "Crimes Against Humanity in the Modern Age," 352.

<sup>96</sup> Human Rights Watch, "'Eradicating Ideological Viruses,'" 10.

against humanity are met which means that the mass arbitrary imprisonment for the sake of political re-education, the alleged instances of torture and the enforced disappearances may in this context constitute crimes against humanity.

In addition to this, it is arguable that a fourth act, as set forth in Article 7(1)(k) of the *Rome Statute*, is being committed in the form of “other inhumane acts [...] causing great suffering, or serious injury to body or to mental or physical health.” Taking into account the pervasiveness of the policies which have an impact on aspects of the daily, private lives of millions of people in the XUAR as well as diaspora communities the world over, they may well be causing great suffering to these persons’ mental health. Article 7(1)(h) further mentions the persecution based on religious and ethnic grounds as “universally recognized as impermissible under international law”<sup>97</sup> in connection with any of the other acts under Article 7(1). Restrictions on religious practice in Xinjiang are widely documented and date even further back than the more recent “Strike Hard Campaign Against Terrorism.” Additionally, it is clear that the security measures implemented are discriminatively targeted at the non-Han population, predominantly Muslim population. Moreover, it is worth mentioning that, although not punishable under international law in and of itself, claims have been made that the measures taken by the Chinese authorities amount to cultural genocide.<sup>98</sup>

Based on this, it can be argued that the situation in the XUAR and the acts committed against the Muslim population, may amount to crimes against humanity under international law. The failure of the Chinese government to uphold its R2P would require an adequate response by the international community in order to put an end to those violations and to prevent their recurrence.

### 3.4. THE APPLICABILITY OF RESPONSIBILITY TO PROTECT

The concept of R2P as agreed upon by the United Nations General Assembly in the *2005 World Summit Outcome*, highlights first and foremost the responsibility of a sovereign state to “protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”<sup>99</sup> The international community has the responsibility to “encourage and assist individual states”<sup>100</sup> with this and only when a state is unable or unwilling to do so, the responsibility shifts

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<sup>97</sup> United Nations General Assembly, *Rome Statute of the International Criminal Court*.

<sup>98</sup> Cronin-Furman, "China Has Chosen Cultural Genocide."

<sup>99</sup> Global Centre for the Responsibility to Protect, "About R2P."

<sup>100</sup> Ibid.

from the state to the international community to “take appropriate action.”<sup>101</sup> In other words, the three pillars of R2P comprise first of all, the responsibilities of the state to protect its population, secondly international assistance and capacity building and finally a timely and decisive response.<sup>102</sup> A 2009 report of the Secretary General highlights the three pillar strategy and the importance of prevention and acting in a case-by-case approach, which also means that there is no sequence of action or a specific plan that the UN follows when implementing R2P.<sup>103</sup> China has not only failed at protecting its population from the crimes stated in the *Rome Statute* but is directly responsible for willfully committing such crimes. Therefore, the R2P would shift from China to the international community. Since there is no imminent threat to international peace and security, a Chapter VII intervention is not permissible. In any case, given the fact that the UN Security Council’s hands are tied due to the veto power of China, a resolution by the UN Security Council would be impossible. This is not an unfamiliar issue, as political interests of the permanent five in previous attempts to realize R2P have been an issue, most notably in the case of Syria. This is also not about to change, as China has no interest in a resolution of this situation. However, “[t]he international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter,<sup>104</sup> as part of the third pillar of the R2P, in order to protect the population of Xinjiang.

Be that as it may, there is still a lot of dispute about the precise content of R2P and a lot of focus is put on R2P in the context of armed conflicts. In this sense it could very well be argued that the EU is in fact upholding its responsibility in engaging with China on matters concerning human rights, in particular through the HRD. For under the third pillar “the quiet responses undertaken with the tools of investigation, fact-finding, good offices, mediation, personal persuasion and conflict resolution laid out in Chapters VI and VIII of the Charter remain of crucial importance.”<sup>105</sup> So far, however, the mere encouragement and critique of the international community of China have not been able to produce any discernible improvement of the situation. This means that the responsibility of the international community is very much alive, which in turn means that, short of military action, UN member states have the responsibility to use any peaceful means available to them to apply pressure on the government of China to end these violations. This is all the more important considering that it is vital for

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<sup>101</sup> International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, ¶ 2.33.

<sup>102</sup> United Nations General Assembly, *The Role of Regional and Subregional Arrangements*, ¶ 9

<sup>103</sup> United Nations General Assembly, *Implementing the Responsibility to Protect*.

<sup>104</sup> United Nations General Assembly, *2005 World Summit Outcome*, ¶ 139.

<sup>105</sup> Baere, "The EU and the Responsibility to Protect," 101.

the EU to develop its role as a global political actor in order for it not to be left behind in a world where China is doing the same.<sup>106</sup>

The EU as a whole, has committed itself to R2P and as a powerful world actor – in theory at least – has at its disposal the soft and hard power tools necessary to address the crimes against humanity in Xinjiang not only by means of diplomacy, but through more coercive means such as sanctions.<sup>107</sup> The EP not only recognizes the principle of R2P, but also holds that it should become one of the guiding principles of EU foreign policy based on the objectives and principles established in Article 21 TEU.<sup>108</sup> Additionally, Articles 42 and 43 TEU provide the EU with is “organizational capacity for early warning and prevention”<sup>109</sup> which is further developed under the EU’s Common Security and Defence Policy. It has been noted that because of its status as a ‘normative’ power and the established set of instruments and policies, the EU has the greatest potential to fully operationalize R2P.<sup>110</sup> The Common Security and Defence Policy however mostly highlights the importance of civilian and military operations, which in the context of Xinjiang, are arguably not feasible.

Nevertheless, the EU has the ability to go beyond quiet diplomacy in order to target the human rights violations in Xinjiang by imposing sanctions on China, which it can do either under UN initiative or independently. These include diplomatic sanctions, but also arms embargoes, restrictions on admission, freezing of assets and economic sanctions “or restrictions concerning specific sectors of economic activity.”<sup>111</sup> While it clearly states that sanctions are “preventive measures” which the EU can employ to react to “political challenges and developments that go against its objectives and values”.<sup>112</sup> The EU has to date only instituted sanctions against China in response to the events at the 1989 Tiananmen Square protests in the form of an arms embargo.<sup>113</sup> There could be however, great potential in developing the practice of sanctions targeted at individuals, as opposed to sanctions that affect the state as a whole. So far there are no sanctions against individuals from China in the context of the human rights violations in Xinjiang.<sup>114</sup>

A statement on behalf of the EU in 2018 at the United Nations General Assembly highlights that

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<sup>106</sup> Oxfam International, "The Responsibility to Protect and the European Union," 2.

<sup>107</sup> International Coalition for the Responsibility to Protect, "Europe."

<sup>108</sup> European Parliament, *European Parliament Resolution of 10 March 2010*, OJ C349E/51 (March 10, 2010).

<sup>109</sup> Baere, "The EU and the Responsibility to Protect," 101.

<sup>110</sup> Evans, *The Responsibility to Protect*, 183-184 quoted in Baere, "The EU and the Responsibility to Protect," 101.

<sup>111</sup> European Council, "Different Types of Sanctions."

<sup>112</sup> Ibid.

<sup>113</sup> European Union, "EU Sanctions Map: China."

<sup>114</sup> European Commission, "European Union: Consolidated Financial Sanctions List."

“The European Union, like the United Nations, was born after the horrors of World War II, in a spirit of “never again”. The Responsibility to Protect is at the core of our primary goal, namely to allow our populations to live in peace and security. By failing in our Responsibility to Protect, we fail our very reason for being here.”<sup>115</sup>

It is important to keep this commitment at UN level in mind and for the member states of the UN, and by extension the EU and its member states, to advocate on behalf of the millions of people in Xinjiang as was recently the case when the US and Germany raised the issue during a closed-door meeting of the UN Security Council.<sup>116</sup> Whether or not the EU is upholding the human rights standards which it has declared to be at the core of its foreign policy, will be the subject of analysis in a later chapter.

### 3.5. CORPORATE SOCIAL RESPONSIBILITY

Under international law, obligations and responsibility to protect human rights lie with the state, which makes it difficult to hold companies accountable for practices which commit human rights violations. However, in the context of the 21<sup>st</sup> century it is not possible to speak about the human rights violations in Xinjiang, as possible crimes against humanity, without briefly highlighting CSR. As the world is increasingly globalized and the concept of CSR is becoming more relevant, the responsibility for ensuring human rights no longer lies only with the state, but more and more with international corporations. This is reflected also in emerging frameworks by the UN, for instance in the Guiding Principles on Business and Human Rights,<sup>117</sup> on which the EU’s Non-Financial Reporting Directive is based. Furthermore, the EU has a *Strategic Framework and Action Plan on Human Rights and Democracy*, in which it lists CSR as a way to address human rights challenges.<sup>118</sup>

The UN Global Compact for Business is widely referred to as the largest and most important global network for CSR, as part of which companies make a voluntary, not legally-binding, commitment to respect *The Ten Principles* which they demonstrate by way of an annual Communication on Progress. These are based upon various UN documents such as the UDHR and relate to the areas of Human Rights, Labor, Environment and Anti-Corruption.<sup>119</sup>

In view of the human rights violations in Xinjiang, reports which raise concerns over forced labor in camps have emerged,<sup>120</sup> while recent news highlight the entanglement of foreign

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<sup>115</sup> European External Action Service, "Statement on Behalf of the EU."

<sup>116</sup> Nichols and Blanchard, "U.S., Germany Slam China."

<sup>117</sup> United Nations Office of the High Commissioner on Human Rights, "Guiding Principles on Business and Human Rights."

<sup>118</sup> Council of the European Union, "EU Strategic Framework and Action Plan," 2.

<sup>119</sup> United Nations Global Compact, *The Ten Principles*.

<sup>120</sup> Fair Labor Association, "Forced Labor Risk in Xinjiang."



companies in the region. It is well known that multinational companies such as Adidas AG, Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co. and Gap Inc. often use intransparent supply chains. It is being reported that in order to stimulate the region, Chinese companies have been subcontracting to Xinjiang, thus redirecting the supply chains of these Western companies to Xinjiang and forcing residents not only into the above mentioned “vocational training programs” but also providing them as laborers to these foreign companies.<sup>121</sup> Due to Xinjiang’s importance as a region for cotton production,<sup>122</sup> the Esquel Group, whose customers by its own account include Calvin Klein, Tommy Hilfiger, Nike Inc. and Patagonia Inc., has set up three spinning mills there.<sup>123</sup> Overall, 53 Fortune 500 companies have been identified by ChinaFile to have operations, investments, or partnerships in Xinjiang.<sup>124</sup>

Additional companies involved in the region include Blackwater founder’s new company Frontier Services Group, which has signed a contract for the erection of a training facility,<sup>125</sup> and Thermo Fisher, whose technology is being used for DNA tracking.<sup>126</sup> On account of this, a global domino effect of ignoring human rights is already underway, as surveillance technology from China is now allegedly being used in other locations, such as Ecuador<sup>127</sup> and a number of African countries.<sup>128</sup> There is also a debate about Microsoft possibly providing its technology to companies whose programs are being used for surveillance in Xinjiang,<sup>129</sup> as well as concerns about researchers from Microsoft co-authoring papers about artificial intelligence with academics who have ties to a Chinese military university.<sup>130</sup>

A US company has reportedly severed its ties with a supplier allegedly producing clothing in one of the detention facilities in the XUAR because they couldn’t verify their supply chains,<sup>131</sup> while other companies continue to distance themselves and their business practices from the human rights violations in Xinjiang.

Even though the positive impact of the UNGC is generally considered to be negligible,<sup>132</sup> some of the above mentioned companies such as Hennes & Mauritz AG, Coca-Cola Co. and Gap Inc. have committed themselves to upholding human rights as part of their business strategy and

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<sup>121</sup> Dou and Deng, "Western Companies Get Tangled."

<sup>122</sup> Entwicklungspolitik Online [Development Policy Online], "China: Rettungspaket für wichtigen Baumwoll-Standort." [China: Rescue Package for Important Cotton Location.]

<sup>123</sup> Dou and Deng, "Western Companies Get Tangled."

<sup>124</sup> ChinaFile, "Here Are the Fortune 500 Companies Doing Business in Xinjiang."

<sup>125</sup> Stevenson and Buckley, "Blackwater Founder’s New Company Strikes a Deal in China."

<sup>126</sup> Wee, "China Uses DNA to Track its People."

<sup>127</sup> Mozur, Kessel and Chan, "Made in China."

<sup>128</sup> Hawkins, "Beijing’s Big Brother Tech Needs African Faces."

<sup>129</sup> Doffman, "Is Microsoft AI Helping?"

<sup>130</sup> Agence France Presse, "Microsoft’s AI Research."

<sup>131</sup> n/a, "US Clothing Company Drops Chinese Supplier."

<sup>132</sup> Schembera, "Implementing Corporate Social Responsibility," 787.

should consequently be held to their word. This of course is not to say that other companies involved in Xinjiang shouldn't be called out for their practices and urged to end their business in the region, too.

Certain European companies, such as Hennes and Mauritz AG, are concurrently required to report under the Non-Financial Reporting Directive.<sup>133</sup> In the following section we will see how EU (member states') economic interests to participate in the BRI might equally have a negative impact on the human rights situation in Xinjiang.

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<sup>133</sup> European Coalition for Corporate Justice, "A Human Rights Review."

## 4. THE BELT ROAD INITIATIVE

The “Silk Road Economic Belt and the 21st-Century Maritime Silk Road,” or in short “Belt and Road Initiative” – previously referred to as One Belt One Road (OBOR) and sometimes dubbed “The New Silk Road” – was first introduced by Chinese president and General Secretary of the Chinese Communist Party, Xi Jinping in 2013. It constitutes a „network of railroads, highways, gas and oil pipelines, and ports across Asia and beyond.“<sup>134</sup> The original BRI set out to connect 65 countries, which together encompass two thirds of the world’s population. Aside from the 65 countries stated in official documents, many other countries, including EU countries, have been participating or showing interest in the project in some way or another.<sup>135</sup> As of March 2019, “the Chinese government had signed 173 cooperation agreements with 125 countries and 29 international organizations. The Belt and Road has expanded from Asia and Europe to include more new participants in Africa, Latin America and the South Pacific.“<sup>136</sup> As a part of these recent developments, more and more EU member states, devoid of a cohesive approach towards China and the BRI, have signed on to participate.

Within the framework of the BRI, China is investing a tremendous amount of money. Previous estimates speak of up to \$1.2-1.3 trillion by 2027.<sup>137</sup> The BRI is so vital to Xi Jinping’s politics, that in the 19<sup>th</sup> National Congress of the Communist Party of China in 2017, the general principles of the Chinese constitution were amended to include it. In support of the BRI, the Silk Road Fund was established in order to finance the project, while the Asian Infrastructure Investment Bank (AIIB), a multilateral development bank with 70 members, was established to secure and support investment.

However, in recent developments, China has felt it was necessary to recalibrate the project, partly due to its own, slowing economy. In light of this, China has already reduced the overall investment and scaled back a number of projects, not least also due to criticism pertaining to the redundancy and overpricing of certain projects.<sup>138</sup>

Seeing that China’s ultimate motivations for the BRI remain ambiguous, it continues to be controversially discussed, for instance in terms of its potentially devastating effect on human rights and its negative environmental impact. Moreover, it has been criticized as a

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<sup>134</sup> SupChina, "The Belt and Road."

<sup>135</sup> Fung Business Intelligence Centre, "The Belt and Road Initiative," 4.

<sup>136</sup> Belt and Road Portal, "The Belt and Road Initiative."

<sup>137</sup> Morgan Stanley, "Inside China’s Plan to Create a Modern Silk Road."

<sup>138</sup> Perlez, "China Retools Vast Global Building Push."

neocolonialist project and in many cases concerns have been raised over potential debt-trap diplomacy and corruption.

On a strictly economic level the BRI serves as a means for China to deal with issues related to its “industrial over-capacity; need for expanding or finding new markets for Chinese exports; the need to secure access to natural resources; and [to] find new uses for surplus Chinese capital.”<sup>139</sup>

Given the broad scope of and the vague language surrounding the BRI, it has often been difficult to determine which projects are actually part of it. Different aspects of international cooperation have been highlighted and in this way the BRI is not only related to infrastructure and economy in terms of transport and energy but also incorporates elements of culture and cyber-space in the shape of human and digital networks.

Aside from sustaining China’s economic growth and broadening China’s economic influence, the values behind the BRI, such as Xi Jinping’s Chinese Dream and the claims of promoting peace, prosperity and greater exchange between people, can be seen as an attempt to expand China’s soft power. As part of this attempt, China sometimes resorts to strategies, which – viewed from a Western perspective – leave a rather peculiar impression. This includes propaganda songs about a durian fruit travelling from Thailand to China,<sup>140</sup> as well as a video in which children from countries participating in the BRI joyfully sing and dance to the lyrics of “The future’s coming now, the Belt and Road is how.”<sup>141</sup> Accordingly, a central point of contention surrounding the BRI is, where on the scale between propaganda tool and trade infrastructure investment the project ultimately falls.<sup>142</sup> This holds especially true since “[i]n a state capitalist system like China’s, it can be difficult to disentangle the economic from the political.”<sup>143</sup>

The overall political value of the BRI – on a domestic and global level – plays a key role and the BRI in many ways connects domestic affairs with foreign policy. However, domestic interests are often overlooked by critics of the BRI. One of the major domestic factors constitutes the stabilization of the Western borders, in the context of anti-terrorist efforts.<sup>144</sup> Furthermore, the infrastructure projects within China itself provide work opportunities for domestic workers.

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<sup>139</sup> Clarke, "The Belt and Road Initiative," 90.

<sup>140</sup> Belt and Road Forum for International Cooperation, "Durian 'Little Thai' Takes Us on a Journey."

<sup>141</sup> New China TV, "Music Video: The Belt and Road is How."

<sup>142</sup> Mardell, "Trade Infrastructure Investment or Propaganda Tool?"

<sup>143</sup> Hutchinson, "Belt and Road in 2019."

<sup>144</sup> Yu, "The Belt and Road Initiative," 224.

At the same time, the BRI plays a quintessential role as part of Xi's major foreign policy objective. In this regard, China promotes the ideas of global cooperation, peace and development in a mutually beneficial context and presents itself as a reliable partner and friend.<sup>145</sup> In this sense, the BRI relates not only to Xi's Chinese Dream, but also to other foreign policy strategies, such as the Five Principles of Peaceful Cooperation. It further follows a tradition of "policy campaigns", in which "the top commander mobilizes bureaucrats, entrepreneurs, and even ordinary citizens toward a single vision."<sup>146</sup> This ambiguity too, is a common aspect of Chinese policy-making, which in the context of the BRI has been a source of many misunderstandings outside of China which are hard for China to foresee or control.<sup>147</sup> During a keynote speech at the first Belt and Road Forum (BRF) in 2017 in which representatives of over 100 countries convened, Xi Jinping highlighted the above mentioned ideas and values. He further emphasized the shared benefits and expressed his hope to „create [...] a big family of harmonious co-existence.“<sup>148</sup> Furthermore, it is often highlighted, that the BRI is, among other things, an "open platform" and that anyone is welcome to participate.<sup>149</sup> It is clear that the BRI is a part of a strategy to project a positive image of China throughout the world. However, the vagueness and misunderstandings surrounding the BRI might in reality be undermining these attempts to foster soft power and economic ties abroad.

Following the regular pattern of "policy campaigns",<sup>150</sup> in order to address growing international criticism and concerns, China has recently seen itself forced to recalibrate the BRI during the second BRF, which took place from April 25 to 27, 2019. Ahead of the forum, Chinese foreign minister Wang Yi, while acknowledging the criticism, stated that: "The 'Belt and Road initiative' (BRI) is not a geopolitical tool but a platform for cooperation [...] We welcome all parties to take part in it."<sup>151</sup> During a keynote speech on April 26, 2019, Xi Jinping introduced two new keywords "priorities" as well as "execution,"<sup>152</sup> a move which further reflects an attempt to give substance to a hitherto opaque project. Moreover, he addressed some of the concerns raised by other countries and announced some measures to address a further opening-up of the Chinese market. Among these measures are opening up market access for foreign investment, enhancing international cooperation on the protection of intellectual

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<sup>145</sup> Xi, "Full Text of President Xi's Speech."

<sup>146</sup> Ang, "Demystifying Belt and Road."

<sup>147</sup> Ibid.

<sup>148</sup> Xi, "Full Text of President Xi's Speech."

<sup>149</sup> Xi, "Full Text of President Xi's Speech"; Fung Business Intelligence Centre, "The Belt and Road Initiative," 4.

<sup>150</sup> Ang, "Demystifying Belt and Road."

<sup>151</sup> Kuo, "Belt and Road Forum."

<sup>152</sup> The Second Belt and Road Forum, "Xi Jinping Attends the Opening Ceremony."

property rights and the increase of imports while lowering tariffs.<sup>153</sup> Xi further highlights the importance for “open, green and clean cooperation”<sup>154</sup> – the question here is: cooperation with whom? As the trade war between China and the US is intensifying, China’s need for other markets and other strong and, perhaps more importantly, loyal trade partners, is becoming more and more urgent. With the US only sending a lower-level delegation to the second BRF in 2019, countries such as Turkey, Poland, Spain, Fiji, Sri Lanka, and Argentina, which had attended the first BRF, chose not to attend, while India chose not to attend for the first time. While most countries raised concerns over geopolitics, Turkey’s absence has been interpreted as a response to the situation in Xinjiang.<sup>155</sup>

Ultimately, the deciding factor for the success of the BRI will be whether China will be able to effectively establish greater clarity with regard to the projects involved – and consequently build up its own trustworthiness. In order to do so, China will have to do more than just adapt its rhetoric and instead proceed to take concrete steps. As a part of this it is argued that China will need to prioritize and focus its efforts on certain aspects of the BRI such as “open consultation, clean governance, and green (environmentally friendly) projects.”<sup>156</sup> Furthermore, the scope of the BRI needs to be defined, which in part means that certain standards will need to be set and the projects that meet the standards laid down. And – most vitally perhaps – China needs to improve the quality of the BRI, which could be done for instance by implementing pilot projects, which subsequently can be expanded to a larger scale.<sup>157</sup>

The above mentioned concerns over human rights violations become most evident in the case of Xinjiang, which, as has been the focus of the previous chapter, has been subject to a major security policy crackdown carried out by the Chinese state. Due to the importance of Xinjiang within the BRI, massive efforts have been undertaken in order to stabilize the region. What is more, because Xinjiang will link China to Europe via Central Asia within the framework of the BRI, Xinjiang quite literally lies at the center of the issue. This means that any future involvement of EU member states in the BRI will not be able to ignore the role of Xinjiang and of the human rights violations being committed there, when signing on to it. The following section will describe Xinjiang’s position within the BRI while the subsequent section will explore in which way EU member states have been and remain involved in the BRI and how this involvement is being expanded.

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<sup>153</sup> Ibid.

<sup>154</sup> Xi, "The Complete Text of President Xi Jinping's Speech."

<sup>155</sup> Perlez, "China Retools Vast Global Building Push."

<sup>156</sup> Ang, "Demystifying Belt and Road."

<sup>157</sup> Ibid.

#### 4.1. XINJIANG IN THE BELT ROAD INITIATIVE

In Western China, and Xinjiang in particular, economic reasons for development go hand in hand with strategic considerations to stabilize a region that is inhabited by a predominantly non-Han Chinese population and in which ethnic unrest is perceived as a challenge and potential threat to national security. Hence, it is equally a state project of economic growth and integration as it is one of nation-building.<sup>158</sup> Simultaneously, the integration of Xinjiang has allowed China to expand its influence in Central Asia. These geopolitical interests in Xinjiang have only been increased by its strategic position as the gateway to Central Asia in the framework of the BRI.

When it comes to Xinjiang, China is continuing to bolster economic development in order to achieve stability in the region, while at the same time being dependent on its consolidation in order to be able to develop the BRI to its full capacity. Xinjiang plays an important role in the BRI as “any overland trade by rail or highway to Central Asia, Europe or Pakistan from China must go through Xinjiang.”<sup>159</sup> This key role is further determined by the fact that Xinjiang serves as a hub for three of the six “economic corridors” established by the BRI that will link China with Central Asia, South Asia and the Middle East.<sup>160</sup>

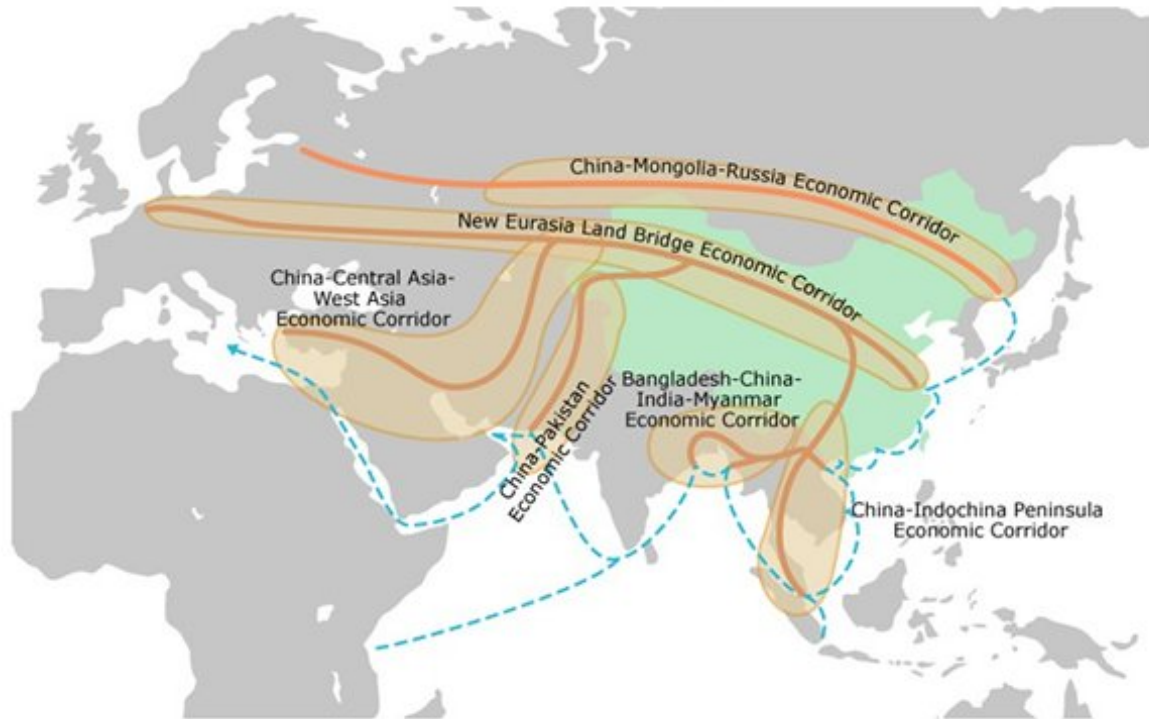
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<sup>158</sup> Rippa, "Centralizing Peripheries," 5.

<sup>159</sup> Toops, "Reflections on China's Belt and Road Initiative," 354.

<sup>160</sup> Belt and Road Initiative, "Belt and Road Initiative."

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The BRI „could help to compensate western regions for decades of comparatively slow economic development,“<sup>162</sup> but in light of the fact that development alone hasn't been able to solve ethnic tensions and given the state's concern for unrest and terrorism in the region, it has in recent years led to the creation of a security state, linked to the human rights violations, already discussed above. Irrespective of the imminence of actual terrorist threats, China's policy with regard to Xinjiang has been framed as a security issue, especially in light of 9/11 and the 2009 riots in Urumqi as well as other (alleged) terrorist attacks.

Ultimately this has led to a transformation of

“Beijing's historically rooted anxiety relating to the security of the region and the instrumentalisation of Uyghur terrorism within its foreign policy [...] into an obsession with 'stability' given Xinjiang's key role under the BRI [...].”<sup>163</sup>

In 2016, Chen Quanguo, having previously served as the Party Secretary for Tibet, was appointed Party Secretary of the XUAR and simultaneously took on the role of Party Secretary and First Political Commissar of the Xinjiang Production and Construction Corps. Reflecting the Chinese Communist Party's traditional concern over unrest in minority regions and Chen Quanguo's previous success in Tibet, he was appointed to this role in Xinjiang, where he

<sup>161</sup> Hong Kong Trade Development Council, "The Belt and Road Initiative."

<sup>162</sup> Bohman and Ljungwall, "The Strategic Rationale for European Engagement," 2.

<sup>163</sup> Clarke, "The Belt and Road Initiative," 92.



continued to implement the same policies to quell ethnic unrest which had – in the eyes of Beijing – previously proven effective in Tibet. These took the shape of heightened security measures and of social control, “including massive police recruitment and the deployment of hundreds of thousands of cadres to monitor villages.”<sup>164</sup>

But the integration strategy adopted by the Chinese government with regard to Xinjiang seems to have – quite predictably – led precisely to the problems which it was intended to solve, in that it has strengthened a sense of otherness and reinforced ethno-nationalism among the Uyghur population. The more marginalized a portion of the population feels and the more it is being discriminated against, the more likely it might in the future be prepared to resort to violent means to address its grievances. This situation warrants the question whether or not “a province so tightly controlled by the authorities [can] become the crossroads of a continent’s trade?”<sup>165</sup> China must also consider the fact that the population of Xinjiang belongs to a wider cultural network within Central Asia and that the Uyghurs in particular have strong cultural ties to Turkey, which has already spoken out against the human rights violations.<sup>166</sup> Further complaints have been voiced by government of Kazakhstan,<sup>167</sup> whereas other predominantly Muslim countries have been silent on the issue or, as is the case with Saudi Arabia, defended China’s actions.<sup>168</sup>

China’s fear of ethnic unrest has led its state authorities to the implementation of drastic measures which aim to assimilate Uyghur into Han Chinese society and thereby erase any potential for ethnic unrest and terrorism, and that is what has led to the multitude of human rights violations and have grown to be a cause for major international concern, as referred to above.

While the international community has been reluctant to intervene out of fear of angering China, especially with regard to respective countries’ economic interests, the EU has become somewhat unsure about its position within the BRI and its general approach toward the entire project.

## 4.2. THE EU AND THE BELT ROAD INITIATIVE

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<sup>164</sup> Zenz, “‘Thoroughly Reforming Them Through A Healthy Heart Attitude’,” 115.

<sup>165</sup> Sharma, “The Hole at the Heart of China’s Silk Road.”

<sup>166</sup> Republic of Turkey, “Statement of the Spokesperson of the Ministry of Foreign Affairs.”

<sup>167</sup> Sharma, “The Hole at the Heart of China’s Silk Road.”

<sup>168</sup> Ma, “Saudi Crown Prince.”

An overwhelming majority of Western literature, news articles and voices of concern focuses on the potentially adverse geoeconomical and geopolitical impact of the BRI on participating countries.

Against the backdrop of this increased global influence of China, there have been a number of recent developments in EU-China relations. These include in particular the fact that China is no longer classified as a developing country by the EU due to its key role as a global actor and technological power. Following this reasoning, the EU recently reframed China as a “systemic rival” in the *EU Strategic Outlook* on the 12<sup>th</sup> of March 2019. In it, the EU officially describes China as „a cooperation partner with whom the EU has closely aligned objectives, a negotiating partner with whom the EU needs to find a balance of interests, an economic competitor in the pursuit of technological leadership, and a systemic rival promoting alternative models of governance.“<sup>169</sup> Amid rising concerns over Chinese investment, discriminatory market access in which „EU operators have to submit to onerous requirements as a precondition to access the Chinese market,<sup>170</sup> as well as cyber security fears over Huawei and 5G, the EU has responded by defining three policy objectives. These encompass deepening its engagement with China in order to promote common interests on a global scale, pursuing “more balanced and reciprocal conditions governing the economic relationship” and adapting “to changing economic realities” and strengthening “its own domestic policies and industrial base” in order to be able to continue to prosper.<sup>171</sup>

This new branding of China as a “systemic rival” notwithstanding, “[t]he EU is China’s biggest trading partner while China is the EU’s second largest trading partner.”<sup>172</sup> As such, the interest in upholding good relations with China is evident. When it comes to the BRI however, there has been, as has been pointed out, much confusion and it cannot be discerned yet what kind of role the BRI is eventually going to play for the EU. It seems that from a Western perspective there isn’t always a great deal of understanding on how Chinese politics function, and the EU would be well-advised to increase its efforts in understanding China, in order to participate in the BRI in a way that echoes European interests<sup>173</sup> and values.

In 2018, EU ambassadors in Beijing compiled a report, which states that the BRI “runs counter to the EU agenda for liberalizing trade and pushes the balance of power in favor of subsidized

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<sup>169</sup> European Commission, "EU-China – A Strategic Outlook," 1.

<sup>170</sup> *Ibid.*, 6.

<sup>171</sup> *Ibid.*, 1.

<sup>172</sup> European External Action Service, "EU-China Relations Factsheet," 1.

<sup>173</sup> Yu, "The Belt and Road Initiative," 234-235.

Chinese companies.”<sup>174</sup> During the first BRF in 2017, the EU had a much more unitary approach and was relatively critical towards the BRI.<sup>175</sup>

In the past couple of months, the EU and China have come together for a number of meetings in which trade, and by extension the BRI, were among the topics of discussion. On March 26 2019, Emmanuel Macron hosted Angela Merkel and Xi Jinping along with a number of EU leaders, to discuss trade, climate and EU-China relations, leading up to the 21<sup>st</sup> EU-China Summit on April 9, 2019. On that occasion, Macron highlighted the necessity of defending European sovereignty and of a more coordinated EU approach to China,<sup>176</sup> while Juncker criticized Chinese trade practices.<sup>177</sup> Angela Merkel highlighted Europe’s interest in being part of the BRI but that reciprocity is required and there hadn’t been a consensus concerning this matter.<sup>178</sup> Overall, despite the recent reframing of China as a “systemic rival” the talks in Paris were an exercise in appeasement and illustrated the EU’s interest in being part of the BRI under more equitable trading conditions. The talks did not challenge the BRI in a significant way. In light of the suffering EU economy, countries like Germany and France are likely to follow Italy in its path and get on board the BRI.<sup>179</sup>

During the 2019 EU-China Summit, the EU-China “strategic partnership” was discussed, with a focus on the key areas of “reciprocity on trade and investment, WTO reform, human rights, and rules-based sustainable connectivity cooperation.”<sup>180</sup> During the summit China responded to EU concerns by granting improved market access to EU countries.<sup>181</sup> A key area of focus during the summit was the question how to create synergies between the BRI and comparable EU projects such as the *Trans-European Transport Network*, which were also discussed during the fourth meeting of the *EU-China Connectivity Platform*.<sup>182</sup> The *Global Strategy* in this respect also highlights the importance of fairness in contrast to geopolitics.<sup>183</sup>

Shortly after the summit, attending a BRI summit in China, German Minister for Economic Affairs Peter Altmeier stated that EU countries should come together and join the BRI as a bloc, but this idea has not been met with any positive response.<sup>184</sup> EU involvement with the BRI is contradictory. While it does not directly participate, it is also not merely standing on the

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<sup>174</sup> Heide, Hoppe, Scheuer and Stratmann, "EU Ambassadors Band Together."

<sup>175</sup> Ibid.

<sup>176</sup> Lough, "France's Macron to Host Xi, Merkel and Juncker."

<sup>177</sup> Weber, "Xi Fails to Calm Europe."

<sup>178</sup> Lough and Vey, "European Leaders."

<sup>179</sup> Escobar, "The EU Bows to 'Systemic Rival' China."

<sup>180</sup> Council of the European Union, "Background," 1.

<sup>181</sup> European Council, "EU-China Summit Joint Statement," 1.

<sup>182</sup> European Commission, "EU-China Summit."

<sup>183</sup> European External Action Service, "The European Union's Global Strategy," 48.

<sup>184</sup> Daly, "Europe Wants to Deal With China as a Group."

sidelines and “[t]he European Commission pays attention to the BRI in particular to ensure that it is not in contradiction with EU’s interests and values.”<sup>185</sup> The EC has also responded with its own project, the *EU-Asia Connectivity Strategy*, which amongst other aspects focuses on sustainability,<sup>186</sup> as well as “respect for the rules-based international system,”<sup>187</sup> herein following a normative approach and attempting to provide a viable counterpart to China’s BRI. Additionally the above-mentioned *Strategic Outlook* highlights *The EU Strategy on Connecting Europe and Asia* and states that it enables “the Union to seek synergies between the EU and third countries, including China, in transport, energy and digital connectivity, on the basis of international norms and standards.”<sup>188</sup> In this way, the EU is consistently asserting its values with regard to the BRI, and stresses human rights and “effective multilateralism with the United Nations at its core” in its engagement with China.<sup>189</sup> It is further building on preexisting platforms, such as the *EU-China Connectivity Platform* in order to engage with China and the BRI.<sup>190</sup>

As the BRI remains abstract and as there has been no coherent EU strategy with regard to the BRI to date, China continues to bring individual member countries to get on board the BRI. In this context, “Beijing [...] continues to flex its economic muscles and apply the well-practiced ‘divide and rule’ strategy in its dealings with EU member states regardless of their sizes.”<sup>191</sup> China has been continuously playing its soft power within the EU and in lieu of a comprehensive EU approach with regard to the BRI, China’s lobbying strategy has been to make “alliances with individual member states or sub-groups of European nations, much to the frustration of Brussels.”<sup>192</sup> China here emphasizes on working together with Central and Eastern European Countries as a part of “its ‘16+1’<sup>193</sup> cooperation framework, “which has shown significant potential for generating a strong pro-China lobby within the EU.”<sup>194</sup> China is no longer relying solely on Central and Eastern European Countries for cooperation in the BRI, who in the past were eager to participate in the BRI due to much needed funding that they weren’t receiving from the EU, but “recently experienced a major victory when Italy decided

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<sup>185</sup> Van Leijen, "EU Commission."

<sup>186</sup> European External Action Service, "Connecting Europe and Asia."

<sup>187</sup> Brattberg and Soula, "Europe’s Emerging Approach."

<sup>188</sup> European Commission, "EU-China – A Strategic Outlook," 5.

<sup>189</sup> *Ibid.*, 2.

<sup>190</sup> Brattberg and Soula, "Europe’s Emerging Approach."

<sup>191</sup> Yu, "The Belt and Road Initiative," 231.

<sup>192</sup> Corporate Europe Observatory, "Follow the New Silk Road."

<sup>193</sup> The 16 participating countries (11 of which are EU member states) are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia and Slovenia.

<sup>194</sup> Yu, "The Belt and Road Initiative," 232.

to join. Italy, led by the its “populist, eurosceptic”<sup>195</sup> government, thus became the first G7 nation to sign on. During the same trip to Europe, Xi stopped in Paris to meet with a more skeptical Emmanuel Macron, but still walked away with over a dozen commercial deals worth tens of billions of euros.<sup>196</sup> Greece and Portugal had already signed on the Initiative in August 2018 and January 2019 respectively.<sup>197</sup>

In addition to this, 10 EU countries sent heads of state or government or to the Second BRF in 2019, which included new attendees such as Austria, Cyprus and Portugal, something that can be interpreted as a “healthy growth of interest” by EU member states, in spite of some criticism of the BRI by the EU.<sup>198</sup> Perhaps in a further attempt to allay concerns, the joint communiqué issued after the BRF reaffirms multilateralism and human rights as important values.<sup>199</sup>

Italy itself, which had already attended the first BRF in 2017, has a strategic position within the BRI. This is why some of the most active lobbying on the part of China within the EU is being done by Italian lobbyists. But what is more, the European “austerity agenda and budget restrictions have helped to push the governments of both Greece and Italy into closer relationships with China, through debt agreements and selling off of key infrastructure.”<sup>200</sup> Considering this, the EU’s future role in the BRI so far hasn’t been shaped by a structured and cohesive EU approach, but rather through bilateral agreements with individual member states, which also means that any risk assessments have been taken on a national level.<sup>201</sup> The lack of a coordinated approach has given China ample opportunities to bring individual member states on board of BRI projects.<sup>202</sup> This in turn has its impact on the overall relationship of the EU and China, which ultimately negatively affects the EU’s leverage over China when it comes to human rights issues.

As for the recent EU elections, “[m]ultiple European diplomats said that China has taken an unusual degree of interest in the [May 2019] EU elections, and especially what populist candidates might mean for the bloc’s China policies.”<sup>203</sup> A powerful player like China approaching and establishing ties with “right-wing populists such as the Alternative for Germany (AfD), anti-immigrant nationalists like Austria’s Freedom Party and Italy’s anti-establishment Five Star Movement,”<sup>204</sup> has far reaching implications for future developments

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<sup>195</sup> Escobar, "The EU Bows to 'Systemic Rival' China."

<sup>196</sup> Hutchinson, "Belt and Road in 2019."

<sup>197</sup> Zeneli, "Italy Signs on to Belt and Road Initiative."

<sup>198</sup> Tiezzi, "Who Is (and Who Isn't) Attending."

<sup>199</sup> The Second Belt and Road Forum for International Cooperation, "Joint Communiqué."

<sup>200</sup> Corporate Europe Observatory, "Follow the New Silk Road."

<sup>201</sup> Steer Davies Gleave, *The New Silk Route*, 30.

<sup>202</sup> For a more detailed overview of this please refer to: Steer Davies Gleave. *The New Silk Route*.

<sup>203</sup> Martin and Crawford, "China's Influence Digs Deep."

<sup>204</sup> Ibid.

in EU-China relations and as such it will impact the EU's human rights politics when it comes to China.

The Swedish Institute of International Affairs has made some recommendations with regard to the European engagement in the BRI. It highlights the necessity of a proactive European approach in which European unity must stand at the center. In light of the difficulties which the BRI already is facing, the EU is still in a position where it can not only join in and assist China, but also make demands with regard to "increased transparency, sustainability and joint ownership. Even if China refuses, a European presence would help host countries guard against Chinese domination."<sup>205</sup> In doing so, the EU can influence its role in the BRI, the future of the BRI and – most importantly – have a shot at a relationship with China in which it is – at least to a certain extent – on equal footing with China.<sup>206</sup>

Overall however, the questions and concerns over the BRI in an EU context remain the same as they are globally. Often times it has not been clear which projects are part of the BRI, and at the same time, projects like the one in the Greek port of Piraeus, one of Europe's major ports, have retrospectively been branded as part of the BRI. Similarly, the inland port in Duisburg, Germany can also be considered, though not yet officially, to be part of the BRI,<sup>207</sup> and the Liège airport has also been mentioned in the context of the BRI.<sup>208</sup> With Xi Jinping's new rhetoric surrounding the BRI, one must ask whose interest it serves to make the BRI seem like a friendly project. In this regard, the attempts on the side of the EU to call for "a level playing field and fair competition"<sup>209</sup> seem somewhat inept in what is on the one hand ultimately a relationship that is defined by lack of mutual trust and understanding, while on the other hand European countries seem to be having fragmented national responses.

"In the absence of a common European China policy, additional BRI investment schemes could deepen cracks in EU cohesion by enticing member states to run political errands for Beijing. Greece and Hungary, which have both been promised Chinese economic support, have on several occasions showed their willingness to adapt their policies to China's liking. Greece most recently refused to sign an EU statement on human rights in China."<sup>210</sup>

The benefits for China in undermining EU cohesion and striking deals with individual countries are self-evident. It has further been argued that the BRI would make China less susceptible to economic pressure, such as supply disruptions or embargos, from the West.<sup>211</sup> On the other hand, China is not only seeking free access to the European Free Market but closer diplomatic ties to European countries, which would provide China with an alternative to the ever

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<sup>205</sup> Bohman and Ljungwall, "The Strategic Rationale for European Engagement," 4.

<sup>206</sup> Ibid., 4.

<sup>207</sup> Escobar, "The EU Bows to 'Systemic Rival' China."

<sup>208</sup> Belt & Road News, "Belt & Road Makes Headway."

<sup>209</sup> Delegation of the European Union to China, "Connecting Europe and Asia."

<sup>210</sup> Bohman and Ljungwall, "The Strategic Rationale for European Engagement," 4.

<sup>211</sup> Friedberg, "Globalization and Chinese Grand Strategy," 34.

deteriorating diplomatic relationship with the US.<sup>212</sup> In fact, one cannot consider EU-China relations without also accounting for the US and the triangle between EU, China and the US. And when it comes to the BRI, the EU and the US have not seen eye to eye, the same as was the case when 14 European countries joined the AIIB, in spite of predictable opposition by the US,<sup>213</sup> which had been concerned about China's growing influence on the global economy. In this respect it is noteworthy that in Asia the AIIB has been perceived as a counterbalance to the World Bank. Moreover, the ongoing trade war between the US and China, is not only having a negative impact on China's economy but its ripple effects are also being felt in Europe.

Conversely, the EU seems to be mirroring the US response to 5G technology, which is perceived as a potential threat on both sides.<sup>214</sup> In this regard, China has been strongly lobbying within the EU, as the connectivity of China to the rest of the world within the framework of the BRI is "to be as digital as [it is] physical and the lobby battles over 5G and cybersecurity are of vital importance for the Chinese Government."<sup>215</sup>

The current behavior of China appears to be disconcertingly similar to that of the US a mere century ago, in that "[m]ixing economic and strategic aims,"<sup>216</sup> the BRI has become "an unquestionable national imperative."<sup>217</sup> The project itself ultimately benefits those in power, as "[p]olitical favors trumped economic fundamentals thanks to shady financing, excessive subsidies and a heady dose of nationalism."<sup>218</sup>

The US has been comparatively vocal when it comes to the situation in Xinjiang, which perhaps can be ascribed to their traditionally strained relationship, the US-China trade war as well as the Trump administration's view of China as the US' number one enemy and security threat.<sup>219</sup> Incidentally, the US has a very questionable human rights record of its own and it is no coincidence that both of these major global players, with their respective agendas of dominating global economics and politics, both feel free to disregard the values enshrined in international human rights law in order to attain their political goals, domestically and abroad.

However, the same is not necessarily true for the EU, which has made human rights one of its major foreign policy objectives. By allowing individual member states to take part in a project which is as controversial as the BRI, especially considering its context in Xinjiang, this objective is being undermined. The following chapter will look into the instruments employed

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<sup>212</sup> Yu, "The Belt and Road Initiative," 233.

<sup>213</sup> Zhao, "The Belt and Road Initiative and its Implications," 113.

<sup>214</sup> SupChina, "The European Union Joins the Huawei Frey."

<sup>215</sup> Corporate Europe Observatory, "Follow the New Silk Road."

<sup>216</sup> Hillman, "Is China Making a Trillion-Dollar Mistake?"

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Defense Intelligence Agency, "Statement for the Record".

by the EU to address human rights issues in China and specifically the EU's response to the ongoing human rights violations in Xinjiang before making a final assessment of whether or not, all things considered, the EU can be seen as a 'normative' actor.



## 5. HUMAN RIGHTS IN EU FOREIGN POLICY TOWARDS CHINA

In the TEU, the European Union communicates that it has the will to promote human rights in its external relations. In its *Strategic Framework and Action Plan on Human Rights and Democracy* it further promotes the universality of human rights, reaffirms that human rights are part of all EU external policies and that human rights are of significance not only in multilateral institutions but also in its bilateral relationships. The four key areas in which the EU promotes human rights promotion encompass strengthening democracies, abolishing capital punishment, combating torture as well as racism and discrimination.<sup>220</sup>

The website of the EEAS lists multiple documents on strategies and frameworks for the bilateral relationship between China and the EU, which generally include the principle of human rights.<sup>221</sup> In these documents the EU commits itself to promoting and supporting multilateralism, but also states that it wants to encourage China, which is willing to participate in global governance, to do the same. It further expresses the need for arriving at agreements on issues such as human rights, “especially in the light of increased Chinese external assertiveness and internal repression.”<sup>222</sup>

The 2016 Global Strategy, also highlights multilateralism as a “key principle.” With regard to China it states that the EU will “deepen trade and investment [...], seeking a level playing field, intellectual property rights protection, greater cooperation on high-end technology, dialogue on economic reform, human rights and climate action.”<sup>223</sup> In a 2019 assessment of the Global Strategy, cooperation with China in the multilateral world order as a unified actor is identified as an opportunity. However, European “unity and support for multilateralism” is underlined in an increasingly complex world which brings with it a lot of challenges and threats to democracy and to the principles that the EU is based upon.<sup>224</sup>

The EU lists the HRD as an instrument, which it employs in engaging with countries on issues of human rights and that it “will aim to ensure that these dialogues lead to results” and that it “will raise human rights issues vigorously in all appropriate forms of bilateral political dialogue,

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<sup>220</sup> Danish Institute for Human Rights, "Human Rights in Europe."

<sup>221</sup> European External Action Service, "China and the EU."

Documents listed include the *EU-China 2020 Strategic Agenda for Cooperation and Elements for a New EU Strategy on China*.

<sup>222</sup> European Commission, "Elements for a new EU Strategy on China," 13.

<sup>223</sup> European External Action Service, "A Global Strategy," 38.

<sup>224</sup> European External Action Service, "The European Union's Global Strategy," 8, 15.

including at the highest level.”<sup>225</sup> Overall, however, there is not a large quantity of publicly accessible information as to what the HRD and the Consultations encompass<sup>226</sup> and what little there is, is worded very vaguely.

In its relations with China, the commitment to promoting human rights manifests itself mainly in the EU-China HRD, which, as a form of quiet diplomacy, consists of periodic talks between diplomats and officials. Parallel to this, the EU and China engage in Dialogue Seminars, which are essentially expert seminars, and China receives support through technical cooperation, such as EU-funded development programs in the area of the rule of law.<sup>227</sup> The first time that the EU established a common policy on human rights in China was after the Tian’anmen Massacre in 1989, which it sharply condemned and to which it reacted with a number of sanctions, including an arms embargo which is still in place to this day. Although the EU often highlights human rights in its foreign policy and in official statements, the main instrument in engaging in the topic with China continues to be the HRD. It was initiated in 1995 under the EU’s Common Foreign and Security Policy, but has been under the supervision of the EEAS since 2011. While the agenda of the Dialogue Seminars has been described as “erratic,” the HRD has been consistent by comparison. This consistency notwithstanding, the information surrounding the actual content and results of the HRD, which is publicly accessible, has been and continues to be highly restricted. If it is available, it is only available in documents which employ very general terms to such a degree that they contain almost no concrete information. For instance, the EU in an outline of its relationship with China states that: “the dialogue [...] has contributed to some positive results.”<sup>228</sup> This opacity and also the lack of public participation that result from this quiet diplomacy approach, are some of the major points of criticism.

In the past, some of the key points of focus which can be identified on the side of the EU in the late 1990’s, were China’s cooperation with UN mechanisms, signing and ratifying the International Covenant on Economic Social and Cultural Rights as well as ratifying the International Covenant on Civil and Political Rights. The EU’s focus on the civil and political rights situation in China within the context of the HRD is alive to this day. It is fundamentally different to China’s human rights approach, which emphasizes economic, cultural and social rights. Moreover, when it comes to international affairs, China and the EU generally have divergent methods, which are also reflected in the HRD:

“The EU prefers that international politics be organised under a rule-based system,

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<sup>225</sup> Council of the European Union, "EU Strategic Framework and Action Plan," 3.

<sup>226</sup> European External Action Service, "EU Action Plan."

<sup>227</sup> Kinzelbach, *The EU’s Human Rights Dialogue With China*, 17.

<sup>228</sup> European External Action Service, "China and the EU."

whereas China holds a Hobbesian view on power, which is all about absolute sovereignty, stability and control.”<sup>229</sup>

While China in the HRD focuses on the exchange of information as well as “mutual understanding,” the EU is more set on forging agreements and concrete action. Aside from discussing the human rights situation in China, the EU has been using the HRD as an opportunity to campaign for China’s “cooperation on human rights issues in international forums”<sup>230</sup> while China has had an increasingly negative attitude and moved towards rejecting discussions on the topics raised within the HRD, by classifying them as domestic issues.

Although the situation in Xinjiang has deteriorated significantly in recent years, among eight priority topics, a focus had been put on ethnic minority rights, in the context of the academic human rights network, as early as 1998. Then again in 1999, the Council of the European Union listed the treatment of religious and cultural minorities as an area of concern and in this connection highlighted the situation in Tibet, which is not unlike the situation in Xinjiang we are witnessing these days. In 2001, the EU for the first time published a set list of benchmarks, stating that “it has decided to step up the dialogue, focus it better and assess it on a continuous basis.”<sup>231</sup> One of the areas it defined was the “untrammeled exercise of freedom of religion and belief” as well as the

“respect for cultural rights and religious freedoms in Tibet and Xinjiang, taking account of the recommendations of the committees of the United Nations Covenants, halt to the "patriotic education" campaign in Tibet.”<sup>232</sup>

Furthermore, as part of an informal practice, the EU has exchanged a list of individual cases, which are of particular interest to the EU, with China since 1997. This list commonly includes religious as well as Uyghur cases. In addition to this, a number of démarches have been made, in which the EU aimed its attention at the situation in Xinjiang. In 2006, they highlighted a number of individual cases, while in 2008 concerns were raised amidst the “Uyghur Unrest”.<sup>233</sup> In response to the 2009 riots in Urumqi, the Council of the European Union issued a statement in which it underlined the importance human rights.<sup>234</sup>

In her assessment of the overall value of the HRD, Kinzelbach points out that actors which did not have to consider other policy priorities and the fact that advocating for human rights in China could bring about repercussions and permanently damage relations, were more capable to directly address human rights issues. The EU, on the other hand, has been required to weigh

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<sup>229</sup> Yu, "The Belt and Road Initiative," 232.

<sup>230</sup> Kinzelbach, *The EU's Human Rights Dialogue With China*, 24.

<sup>231</sup> Council of the European Union, "Press Release, 2327th Council Meeting," ¶ 6.

<sup>232</sup> Ibid.

<sup>233</sup> Kinzelbach, *The EU's Human Rights Dialogue With China*, 139-40 and 164-65.

<sup>234</sup> Ibid., 178-79.

its interests in maintaining a good relationship with China against sincerely advocating for human rights. Therefore, “[i]n the absence of a common purpose, and in light of the potential costs of a more active human rights foreign policy, the ritualized Dialogue continued to serve the EU as a convenient fig leaf.”<sup>235</sup>

Katrin Kinzelbach, as one of the leading scholars in this field, compiled the first comprehensive review of the EU-China HRD. As a part of her review, she conducted a number of interviews with EU officials and participants of the dialogue in the period of 1995 until 2010. With relation to the increasing realization that the HRD does not produce any results, one such participant, in an anonymous interview, made the sobering statement that:

“I am not aware that the EU has demanded results. Our Human Rights Dialogue with China is not about results, it is just a venue for us to voice concerns. Nobody in the EU expects concrete results from this process. If public statements on the Dialogue mention results anywhere, then that’s just public relations-speak.”<sup>236</sup>

In her final assessment of the HRD, Kinzelbach interprets it as a way in which China strategically, at its initiation in 1995, circumvented another draft resolution in the UN. Over the years from 1995-2010, when it still took place biannually, the dialogue was centered on discussions on international principles and reputation. She points out that European support for a UN resolution became more and more unlikely after 2000, as China’s increasing power “provided new sources of legitimacy for the party state,”<sup>237</sup> while at the same time, EU member states with economic ties to China outright opposed it. Simultaneously, China had its own interests in upholding the dialogue. By engaging in the HRD, international criticism by the EU, one of China’s most important trading partners, could be contained. Additionally, it was a way for China to balance US hegemony and the US’ backing for a resolution against China in the UN, and thus strengthen its position in the international political order. Along with the replacement of the UN Commission on Human Rights by the UN Human Rights Council, the “higher obstacles for country-specific resolutions [...] made China less vulnerable to UN censure.”<sup>238</sup> This development continues to this day as China is increasingly reshaping human rights in the global world order, in which it carries a much greater weight than it previously did. Initially, the dialogue might have been – at least in theory – intended to foster real results, but over the years this effort appears to have been completely abandoned, as is evidenced by the fact that any such change has been proven to be impossible. Hence, the overall assessments of the dialogue are overwhelmingly negative. It has been described as “impotent,” “not more than

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<sup>235</sup> Ibid., 192.

<sup>236</sup> Ibid., 195.

<sup>237</sup> Ibid., 194.

<sup>238</sup> Ibid., 194.

a façade”<sup>239</sup> and it has been said that “the EU’s failure to robustly challenge China’s abusive conduct helps enable it.”<sup>240</sup> In all the years of its existence until 2010 there is only one instance in which a link was found between the dialogue and positive action on behalf of China, and in that case China’s cooperation most likely came about for strategic purposes, not out of conviction.<sup>241</sup> It seems as though NGO’s and the US have been more adept at either publicly shaming or pressuring China into human rights concessions. By agreeing to discuss human rights with China under China’s strict conditions – mainly during the dialogue and thus in lieu of reputational pressure – displaying “weakness and indecisiveness [...] when the negotiation of concessions was still possible at a relatively low cost,”<sup>242</sup> the EU has put itself into a difficult position. It is now seemingly stuck in a situation where it cannot generate results – especially considering that China has become “much stronger, confident and assertive”<sup>243</sup> – and left with no way to overcome the impasse, which wouldn’t damage its relations with China. By not supporting a resolution against China in the UN when it had the chance, the EU has essentially undermined transnational human advocacy on human rights in China and “diluted international pressure and weakened existing incentives for China to consider further concessions.”<sup>244</sup>

This rather bleak general assessment of the effectiveness of EU human rights advocacy by way of the HRD with China – which is after all listed as one of the main activities in the domain of human rights, by means of which the EU in its external actions engages with other countries<sup>245</sup> – begs the question as to whether or not there is any merit in this sort of initiative. Human rights appear to be included in EU statements and documents simply by default, but in the end there is neither any conditionality on which economic engagement by the EU and its member states is based on, nor are there any other mechanisms through which pressure is exerted on China, which would prompt China to improve its human rights situation. Favoring a relatively low-risk initiative when it comes to addressing human rights issues in China, speaks volumes about European civil society and this weakness of the HRD ultimately amounts to its failure.<sup>246</sup>

The EU has continued to address human rights in China in its foreign policy documents, statements and communications with China ever since the extent of the human rights violations in Xinjiang have become evident. This was the case in the last *EU-China Summit Outcome*.<sup>247</sup>

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<sup>239</sup> Ibid., 198.

<sup>240</sup> Human Rights in China, "NGOs to EU."

<sup>241</sup> Kinzelbach, *The EU's Human Rights Dialogue With China*, 196.

<sup>242</sup> Ibid., 197.

<sup>243</sup> Ibid., 199.

<sup>244</sup> Ibid., 197.

<sup>245</sup> European External Action Service, "Human Rights & Democracy."

<sup>246</sup> Kinzelbach, *The EU's Human Rights Dialogue With China*, 198.

<sup>247</sup> European Council, "EU-China Summit, 09/04/2019: Main Results," 2019.

Furthermore, as a part of a ten step action plan, which was recently laid out by the EU, the first highlighted action is that the EU “will strengthen cooperation with China to meet common responsibilities across all three pillars of the United Nations-Human Rights, Peace and Security, and Development.”<sup>248</sup> Additionally, the EU Vice-President Maroš Šefčovič in a speech at the second BRF on the 26<sup>th</sup> of April, 2019 highlighted, that connectivity goes beyond infrastructure in the physical sense and as such is equally “about promoting justice, social cohesion, inclusion, human rights and gender equality – the fundamentals of the UN Charter and of our values.”<sup>249</sup> These general references to human rights, however, do not tell us much about how and to what extent the EU has *directly* addressed the human rights violations in Xinjiang. This will be the subject of the following chapter.

### 5.1. THE EU’S REACTION TO THE HUMAN RIGHTS VIOLATIONS IN XINJIANG

Amidst international outcries against the Chinese government’s policies in Xinjiang, leading up to two major meetings between the EU and China – namely the 2019 EU-China Summit as well as the 37<sup>th</sup> HRD with China – in a joint press release Amnesty International, Human Rights Watch, the International Campaign for Tibet, the International Federation for Human Rights, and the International Service for Human Rights exposed the inefficiency of the dialogues, urged the EU to take a strong stance on the human rights violations in Xinjiang and called upon it to take action.<sup>250</sup> Given the fact that many previous opportunities had been missed to raise concerns on this issue and that “[a]t previous EU-China Summits, the EU’s top leadership has given little more than token lip service to urgent human rights concerns”,<sup>251</sup> the 37<sup>th</sup> HRD could have been *the* opportunity to finally change course and to give substance to the EU’s formalistic commitment to human rights.

This section will look at the most significant opportunities when the EU and China convened in the past couple of months, after the dimension of the human rights violations became indisputable around the autumn of 2018, and will examine the instances in which the EU raised the human rights situation in Xinjiang – and when it didn’t – in chronological order.

The EP first issued a resolution on the “Mass arbitrary detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region” in October 2018. It is arguably one of the more significant and direct actions that has thus far been taken with regard to the human rights

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<sup>248</sup> European Commission, "EU-China – A Strategic Outlook," 3.

<sup>249</sup> Šefčovič, "Speech by European Vice-President Maros Sefcovic."

<sup>250</sup> Human Rights Watch, "EU: Make China’s Rights Crisis a Summit Priority."

<sup>251</sup> Ibid.

situation in Xinjiang and is comprised of a list of the human rights violations taking place in Xinjiang, as summarized under chapter 2, as well as a number of recommendations and concerns. The resolution characterizes the situation in Xinjiang as “the largest mass incarceration of an ethnic minority population in the world today” and calls upon the Chinese government to end the mass arbitrary detention and voices concern over the targeting of ethnic minorities, which goes against the prohibition of discrimination under international law. At the same time it underlines the importance of the EU and its member states to continuously raise the issue “in line with the EU’s commitment to project a strong, clear and unified voice in its approach to the country.”<sup>252</sup>

These recommendations were reinforced in a speech during an urgency debate at the EP of the same day, in which it is further stated that the EU is “closely following the situation in Xinjiang,” and that it “urges all countries to consider carefully requests for international protection from such people” while upholding the principle of non-refoulement.<sup>253</sup> This appeal for granting refugee status to Uyghurs has since been considered by some EU member states, most notably Sweden and to a lesser extent Germany,<sup>254</sup> which had sent back a 22 year old Uyghur asylum seeker in a controversial move.<sup>255</sup> Another case in which the Belgian embassy in Beijing recently allowed a Uyghur woman seeking asylum with her two children to be evicted from embassy grounds by Chinese authorities, has also attracted some criticism.<sup>256</sup>

On October 26, 2019, a spokesperson of the EEAS first issued a statement on “credible reports” about the situation in Xinjiang. It found the revision of the "Xinjiang Uyghur Autonomous Region Regulation on De-extremification" to be in conflict with recommendations made by the United Nations Committee on the Elimination of All Forms of Racial Discrimination, in which China had been urged to change its policy in Xinjiang. Moreover, the EU in this statement urges China to guarantee the rights it has committed itself to uphold under the UDHR and by signing the International Covenant on Civil and Political Rights.<sup>257</sup>

In the Strategic Outlook document released on March 12, 2019 it reads that:

“The ability of EU and China to engage effectively on human rights will be an important measure of the quality of the bilateral relationship. The EU acknowledges China's progress in economic and social rights. However, in other respects, the human rights situation in China is deteriorating, notably in Xinjiang and regarding civil and political rights [...]”<sup>258</sup>

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<sup>252</sup> European Parliament, *Resolution on Mass Arbitrary Detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region*. 2018/2863(RSP) (October 3, 2018).

<sup>253</sup> Bieńkowska, "Speech on Behalf of the High Representative/Vice-President Federica Mogherini."

<sup>254</sup> Marques, "The EU, China, and Human Rights in Xinjiang."

<sup>255</sup> Perlez, "A Muslim Family Sought Help."

<sup>256</sup> Ibid.

<sup>257</sup> European External Action Service, "Statement by the Spokesperson on the Situation in Xinjiang."

<sup>258</sup> European Commission, "EU-China – A Strategic Outlook," 2.

During his meeting with Xi Jinping, Angela Merkel and Jean-Claude Juncker, in which reciprocal trade relations between the EU and China were a central point of discussion, with a focus on the BRI, Emmanuel Macron talked about “fundamental rights” and raised concerns over the way in which these rights are being respected in China. There is not much information about the ensuing 37<sup>th</sup> EU-China HRD aside from a press release about the contents of the dialogue. It states that in addition to individual Uyghur cases, the situation in Xinjiang was addressed. It further underlines the right to freedom of religion and belief and raises concerns over the re-education camps while referring to their establishment as a “worrying development”.<sup>259</sup> The EU then acknowledges China’s offer of late March, 2019, to go on a supervised tour in Xinjiang, which it had rejected, while reinforcing its interest to have “meaningful, unsupervised and unrestricted access to Xinjiang for independent observers”.<sup>260</sup> However, the situation in Xinjiang does not show up as one of the main results of the EU-China Summit on April 9, 2019, as published on the website of the Council of the European Union.<sup>261</sup> Neither is there any mention of Xinjiang in the joint statement issued by the EU and China, in which only the general commitment to uphold human rights is referred to as one of the three pillars of the UN system. In addition to this, the universality, indivisibility, interdependence and interrelatedness of human rights is “reaffirmed” and the HRD “welcomed”.<sup>262</sup> In his remarks after the EU-China Summit, president of the European Council, Donald Tusk, does not make specific reference to the human rights violations in Xinjiang and only states in broad terms that concerns over human rights issues were raised. He assures that: “during our talks, we did not forget about human rights.”<sup>263</sup> In this context he stresses that “human rights are – from our, European point of view – as important as economic interests”, as well as the importance of upholding the HRD.<sup>264</sup>

The EU’s Annual Report on Human Rights and Democracy in the World 2018, adopted on May 13<sup>th</sup>, 2019 also mentions the situation in the context of rights of persons belonging to minorities.<sup>265</sup> In a second resolution, passed by the EP on April 18<sup>th</sup>, 2019, concerns are raised about the situation of religious and ethnic minorities in China. The EU refers to a number of documents, statements as well as international, EU and Chinese legal frameworks, and again

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<sup>259</sup> European External Action Service, "The European Union and China."

<sup>260</sup> Ibid.

<sup>261</sup> European Council, "EU-China Summit, 09/04/2019: Main Results," 2019.

<sup>262</sup> European Council, "EU-China Summit Joint Statement," 2, 3.

<sup>263</sup> European Council, "Remarks by President Donald Tusk."

<sup>264</sup> Ibid.

<sup>265</sup> Council of the European Union. "EU Annual Report," 64.



calls upon China to end the mass arbitrary detentions.<sup>266</sup> In its resolution, the EP calls upon the Council of the European Union to consider sanctions against responsible individuals and urges EU member states to cut off any kind of services and technology transfer which are employed by China as part of their surveillance systems.<sup>267</sup> At the same time it expresses its “disappointment” over the fact that the HRD did not bring about any tangible results and urges the EU to monitor the situation in Xinjiang.<sup>268</sup>

While the resolution addresses the strategic position of Xinjiang as part of the BRI,<sup>269</sup> no connection is being drawn between the participation of EU member states in the BRI and the possible implications this may have for the human rights situation in Xinjiang nor are human rights raised as a general point of concern by the EU in this context.

However, individual member states, which have signed on to the initiative or have shown interest in doing so, make reference to human rights in their official statements. For instance, Italian president Mattarella after Xi’s visit to Italy, stated that he wishes to continue to have a constructive dialogue about human rights during the upcoming HRD,<sup>270</sup> while the countries which took part in the Second BRF in their joint communiqué made reference to the principles of human rights and multilateralism.<sup>271</sup>

The Delegation of the European Union to China issued a number of press releases on the same occasions as many of the above stated events, which do however not go beyond what the EU has issued on those occasions.<sup>272</sup>

In what has been deemed “an unprecedented joint call to end Xinjiang abuses,” 22 countries, 15 of which are EU member states, on July 8, 2019 issued a statement urging China to end the mass arbitrary detentions and to allow meaningful access to the region. This could be a sign that the international community, and the EU with it, is slowly recognizing the need for action on a large-scale level and that China will not continue escaping the UN’s scrutiny.<sup>273</sup>

Nevertheless, as is evidenced by the analysis of official EU documents and statements above, so far there has only been a very limited response to and relatively light criticism of the human rights violations in Xinjiang on behalf of the EU. At the same time, no concrete action, such as

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<sup>266</sup> European Parliament, *Resolution on China, Notably the Situation of Religious and Ethnic Minorities*. 2019/2690(RSP) (April 17, 2019).

<sup>267</sup> *Ibid.*, ¶20, 21.

<sup>268</sup> *Ibid.*, ¶ 18, 19.

<sup>269</sup> *Ibid.*, ¶ E.

<sup>270</sup> Presidenza della Repubblica [Presidency of the Republic]. *Dichiarazioni alla stampa* [Statements to the press].

<sup>271</sup> The Second Belt and Road Forum for International Cooperation, "Joint Communiqué."

<sup>272</sup> Delegation of the European Union to China, "Remarks of President Juncker"; Sefcovic, "Speech by European Vice-President; Delegation of the European Union to China, "Connecting Europe and Asia."

<sup>273</sup> Human Rights Watch, "UN: Unprecedented Joint Call."

sanctions or cutting off technology transfer have been taken or even been considered as a possible response, beyond the recommendations of the EP.

## 6. CONCLUSIONS

In the previous sections of this thesis it was first argued that, considering the scale and gravity of the human rights violations in Xinjiang, they might constitute crimes against humanity and that by virtue of this the international community would have a responsibility to take action. Corporate social responsibility was marginally considered, given the economic importance of the region and involvement of Western companies there. Second, light was shed on China's current most important foreign policy objective, the BRI, in which Xinjiang plays a key role as a transport hub and for which China requires absolute control over this historically contested region, in order to guarantee the initiative's full success. The individual EU member states' approach as well as the lack of a cohesive EU approach towards the BRI was examined. Third, human rights as one of the EU's fundamental principles and foreign policy objectives were evaluated in the context of China, highlighting the inefficacy of the EU's approach in addressing human rights violations. Finally, an overview of the EU's response to the ongoing human rights violations in Xinjiang was provided.

This section will analyze whether, given the facts highlighted throughout the course of the paper, it can be said that the EU has been acting as a 'normative' power in the context of China in light of some of what could be argued to be one of the most egregious large-scale violation of human rights currently witnessed. It will attempt to answer the question whether or not the EU is acting according to its own principles and values and answer the questions raised at the beginning:

What role *do* human rights play in the current EU foreign policy with regard to China (in the case of Xinjiang)? And what role *should* human rights play in the current EU foreign policy with regard to China (in the case of Xinjiang)? Finally, there will be an assessment on whether or not the EU can be considered a credible human rights actor and can be seen as a 'normative' power when it comes to the promotion of human rights.

Taking into account the lack of a cohesive EU approach towards the BRI, the EU member states' increased participation in the BRI can be interpreted as not only undermining EU principles but also indirectly contributing to the human rights violations in Xinjiang, which, as has been elaborated, the EU has addressed on multiple occasions throughout the past months. The reality, as it was demonstrated in the previous chapters, stands in direct contrast to Manners' concept of the EU as a 'normative' power, which assumes that the EU, based on its uniqueness and emphasis on its values such as human rights in its legal basis shapes what is "normal" in the

international sphere – although perhaps it is shaping what is “normal” in so far as it can be inferred from its actions to mean that business interests trump human rights. It is also highly contestable that human rights are what is shaping the role of the EU as an international actor and its power in international relations. While the EU continuously emphasizes the importance of human rights throughout its policy documents in the context of China and has at its disposal a multitude of means through which it can engage China on issues surrounding human rights, it often mentions human rights in a manner that seems to be merely incidental. This, in conjunction with the EU’s – and in particular individual member states’ – actions, leads to the emphasis on human rights to amount to no more than flowers of speech, which in turn shows that the EU is in no way predisposed to act in a normative way. The EU’s approach to China has been consistently inconsistent, with individual member states often taking their own approach in order to garner goodwill from Beijing. This not only puts into question the credibility of the EU as a human rights actor, but draws our attention to its “insincerity about the very principles it [the EU] hailed as fundamental to its foreign policy.”<sup>274</sup>

It has been noted that any EU foreign policy is incumbent upon the member states’ agreement, which means that any European foreign policy can be viewed as relatively weak, since it constitutes the “lowest common denominator” and still allows the individual member states to formulate their respective foreign policies, which may or may not be aligned with the EU’s viewpoint. Unfortunately, this means that EU foreign policy lacks in effectiveness and ultimately, legitimacy, as member states go against the official stance of the EU in pursuit of their own national (economic) interests.<sup>275</sup> As a matter of fact, compared to the promotion of human rights, when it comes to economic interests it *is* possible to note an incredibly cohesive approach of the EU and its member states. Nevertheless, one could argue, individual member states, by becoming members of the EU have made a commitment to upholding values, such as human rights, not only in their role as EU member states but as sovereign states as well.

While many occasions have been utilized to address the human rights violations in Xinjiang, the internal dynamics of the EU stand in stark contrast to this feigned emphasis on human rights. 14 out of 28 member states have already signed on to the BRI, while others have expressed their interest and are likely to follow suit. All things considered, the EU may officially reference human rights, while individual member states as Germany and France – powerful as they may be – can further back this position and make demands for equal market access from China. However, engaging on human rights issues by means of quiet diplomacy, while “business

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<sup>274</sup> Kinzelbach, *The EU’s Human Rights Dialogue With China*, 197.

<sup>275</sup> Smith, "Introduction," 10.

continues as usual”<sup>276</sup> means that in truth China already has gotten what it wants. As a result of this, much of the leverage that the EU might have had over China for negotiating on human rights, has been relinquished.

It does not come as a big surprise that the EU, which was originally conceived as a common market, places more value on economic ties than human rights. Nonetheless, it is telling, that there is no direct mention of the situation in Xinjiang during the EU-China Summit and that only a short reference is made to human rights and the HRD, while the BRI is mentioned by its name and the EU declares that it wants to work closer together with China within its framework. The EU is playing a difficult balancing act and in the end the discourse offers no clear insight into the EU’s position. However, the official commitment to human rights stands in stark contrast to the EU’s actions. While it is important to distinguish between the EU and its member states, the fact that the EU does not take a stronger, cohesive position on weighty issues such as the BRI and human rights in the face of their “strategic rival” is disconcerting at best, and dangerous not only for human rights but also for EU cohesion, at worst. In the end, this overt willingness to trade with China while disregarding human rights concerns altogether undermines the notion of the EU as a ‘normative’ power.

Furthermore, the lack of legitimacy is a relevant factor with regard to the EU’s own human rights agenda. Not only has the EU as an international actor, not bound itself *legally* to adhere to international human rights standards, but is also in constant violation of them. This has become most painfully visible in the way the EU has dealt with the “refugee crisis”, the lack of taking responsibility for the situation of refugees in Libya and in the Mediterranean Sea and the failure to enforce an effective ban on European arms exports to countries known to be violating human rights. As the EU and its member states themselves are becoming increasingly unapologetic violators of human rights, not only with regard to third country citizens but also in the treatment of their own citizens, it becomes clear that in some ways, though to a lesser extent, it acts in ways that are not too different from the ways in which China acts. Due to this failure to uphold EU values internally, their external promotion is fundamentally biased. As has been pointed out,

“[...] one of the most effective contributions Western governments could make to advancing respect for human rights worldwide would be to bring their domestic policies and practices into compliance with the letter and spirit of their international obligations, and to fully support effective independent multilateral institutions to oversee their own conduct and that of other governments.”<sup>277</sup>

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<sup>276</sup> Picken, "Ethical Foreign Policies and Human Rights," 100.

<sup>277</sup> Picken, "Ethical Foreign Policies and Human Rights," 103.

The fact that Manners' concept has been so widely received and has prompted a plethora of case analyses, to some extent indicates that there is a need and a desire to frame the EU as a 'normative' power. This, coupled with the EU's own self-identification as a 'normative' actor, means that it is necessary to hold its institutions accountable when it fails to respect its norms or to promote them in a meaningful way.

The lack of a common European polity and identity, which would allow for the EU to act uniformly, is the major obstacle when it comes to the EU effectively handling the human rights violations in Xinjiang. Yes, there has been (until recently only very weak) criticism of China's human rights violations in Xinjiang, but it has been nothing short of insufficient, perfunctory and downright hypocritical. Surely, one would want to hold the EU to a higher standard and not settle for the weakest form of action possible in light of crimes against humanity. There is an international legal framework for the prevention of and for dealing with atrocity crimes, and in spite or rather because of its continuous inability to address them, the international community as a whole is responsible. This includes a responsibility on the part of the EU, which is why it is urgently necessary that it takes appropriate action. This means that economic interests cannot be allowed to continue to outweigh human rights and, returning to the subject of CSR, that (European) companies active in Xinjiang should either proactively make their business practices more human rights friendly or, if they fail to do so, actively be discouraged and pressured by EU institutions, not to conduct business there, if necessary under the threat of legal consequences. At the same time, the EU and its member states should not be overly eager to jump onto the BRI bandwagon. In sum, it is not merely a "self-fulfilling prophecy" as has been contested by some, but reality shows that much of the critique of the EU as a 'normative' power is valid. The EU *is* hypocritical and biased and being itself part of a neoliberal institution the EU's economics interests will always trump human rights unless it actually starts abiding by its own principles and values. The gap between the rhetoric and actions of the EU continues to exist. And what is more, the EU and its member states through their practices are very much complicit in the perpetration of the human rights violations in Xinjiang.

As for the principle of multilateralism, the contention that state sovereignty, as a characteristic of multilateralism, stands in opposition to a veritable cosmopolitan approach in which human rights provide for a common vision and set of values, holds true. The Chinese emphasis on state-sovereignty exemplifies this. But then what is the worth of "our" values and norms if they will only be applied by the EU institutions and only for EU citizens, and have no relevance for the people at our borders and beyond? And what does this say about the responsibility of the international community to act when faced with possible atrocity crimes?

Returning, finally, to the question whether or not the EU is a credible human rights actor and whether it can be acknowledged to be a ‘normative’ power, all things considered, the answer must, regrettably, be no. Nevertheless, there is meaning in the norms the EU professes to be promoting and despite the widespread criticism of the concept, there is some merit in the idea of Europe as a ‘normative’ power. Even though it could be considered presumptuous and neocolonialist to assume that the EU is a ‘normative’ power, on the other hand the values the EU is based on and in theory commits itself to uphold are worth promoting and fighting for. This is even more valid and necessary, when one considers that countries such as China openly disregard them, and China’s increasing influence in the world – and perhaps increasing character as a normative power – has far reaching implications for the future of human rights. In light of this fact, the EU must take a strong stance and needs to have a sincere, genuine and credible commitment to promoting human rights and it must face its internal crises and its own shortcomings.

This research has highlighted the underlying bias of EU human rights promotion in China and its complicity with the human rights violations committed by Chinese authorities. Nevertheless, there are a number of measures that could immediately be taken, not only by the EU institutions and member states, but also by European businesses. While Kinzelbach argues that honest negotiations about lifting the arms embargo could be an incentive for China to listen to the EU and its demands when it comes to human rights,<sup>278</sup> and arguably be met with a keen response, it begs the question whether this would be sending the right message.

In order for any measures to have real effect, they must go beyond mere monitoring of the situation and conducting dialogues about human rights. If the crimes committed in Xinjiang are found to constitute crimes against humanity, the EU and its member states would moreover have an obligation under international law to meet their R2P, which the EU has on a number of occasions committed itself to. In order to meet this responsibility, first of all, the recommendations made by the EP, which consist of sanctions against officials who are responsible for the crackdown in Xinjiang and halting “exports and technology transfers of goods and services” which are utilized by China in Xinjiang in the commission of these human rights violations could be implemented.

Further recommendations that have been made include the suspension of the EU-China HRD until it can make any “meaningful contributions” and the identification of human rights issues, which China needs to address, as a strategic priority for the EU.<sup>279</sup>

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<sup>278</sup> Kinzelbach, *The EU's Human Rights Dialogue With China*, 199.

<sup>279</sup> Human Rights in China, "NGOs to EU," 4.

Most importantly, however, the EU and its member states should, whenever the topic of BRI is being raised, make clear that any cooperation within the framework of this initiative depends on the respect of and compliance with international human rights standards and clear conditions for trade should be prescribed. Soft or hard sanctions against companies – Chinese, European or other – conducting business in Xinjiang or “complicit in setting up camps and surveillance schemes or knowingly using forced labor” must be considered. In addition to this, the EU should continue to raise the question of human rights violations in Xinjiang within the UN and work together with other countries and regional human rights systems to address the issue.<sup>280</sup> Given the fact that Xinjiang plays such an important role within the BRI framework and that two of the strongest EU economies have yet to officially sign on to the initiative, the EU might still have a bargaining chip which could give an incentive to China to scale down the crackdown in Xinjiang. While it is without doubt necessary to engage with China and maybe even to participate in the BRI if it does not want to be left behind, the EU should do so on its own terms and not on the terms of an authoritarian country which is showing less and less respect for international norms and so called “universal” human rights. It goes without saying that the EU and its member states have to take into consideration that there might be repercussions and in the short-term losses will be made. In the context of the international human rights regime, it is extremely short-sighted of the EU to value economic interests over human rights. Above all else, the individual EU member states must come together and discontinue their practice of letting national interests outweigh common European interests.

As for further research, many insights could be gained by a more in-depth look at the HRD since 2010, in the period that has not been covered by Kinzelbach. Additionally, one could investigate how individual EU member states are engaging in business with China, in particular the BRI and how European businesses might be involved in Xinjiang. Building on the report by Corporate Europe Observatory, more research needs to be done about China’s lobbying in the EU and how it is increasing its influence through these means.

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<sup>280</sup> Mercator Institute for China Studies, "Remaking a People," 6-7.



## 7. OUTLOOK

This research has aimed to underscore the structural and political tension surrounding a more people-centered approach towards human rights, while underlining the inherent value in universal human rights and their promotion. It has shed light on the EU's and its member states' failure to stand up for human rights, thereby demonstrating their bias and hypocrisy.

In spite of all of this, all is not lost yet. This paper's objective is not to merely add to the long list of shortcomings of the EU and of the international human rights regime, which undeniably find themselves in an ever increasing state of crisis. The intention is rather to illustrate the merits of a more genuine approach towards human rights. In stressing the ethical dimension of international relations and taking the idea of Europe as a 'normative' actor as a conceptual basis, it ultimately calls for greater solidarity on a global level, presenting the challenges and opportunities for advancing the cause for human rights and freedom on a global scale.

Returning to Hannah Arendt's quote, which stood at the beginning of this paper, and recalling that what is going on in China perhaps is "our business [...] but it's really not our fault," we might consider this moment in history as an opportunity. For one, it could be an opportunity for the EU to redefine itself or rather evolve into assuming the role of actually pursuing what it has pledged itself to accomplish. Instead of falling victim to nationalist conceptions of the world, it is increasingly important for European countries to stand together in solidarity and to start honest practices, which respect human rights, at our doorstep and in all of our dealings beyond our immediate surroundings. Caught in a bind with China and the US, we have the choice to continue as before, ignoring the real effects of climate change and contributing to human rights violations through the way we engage in business or fighting for the idea of the EU, which

"is worth fighting for, in spite of the misery of its actual existence: in today's global capitalist world, it offers the only model of transnational organization with the authority to limit national sovereignty and the tasks of guaranteeing a minimum of ecological and social welfare standards. Something that descends directly from the best traditions of the European Enlightenment survives in it. Our duty is not to humiliate ourselves as the ultimate culprits of colonialist exploitation, but to fight for this part of our legacy, which is important for the survival of humanity."<sup>281</sup>

Beyond this, this could be the moment in which European citizens come together and demand of their governments to confront their hypocrisy and to uphold the values they pledged to safeguard and protect, and thereby to lead by example. If we, as Arendt suggests, overcome our fear of taking responsibility for what is happening in *our own* world and persevere until we

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<sup>281</sup> Žižek, *Like A Thief in Broad Daylight*, 117-118.

succeed, this kind of behavior will ultimately unfold the greatest 'normative' power. A 'normative' power not only of the EU and its institutions but of Europe and, above all, of its people.

## BIBLIOGRAPHY

(all electronic links were referenced on July 15, 2019)

### Literature

- Arendt, Hannah and Hans Jürgen Benedict. "Revolution, Violence, and Power: A Correspondence." *Constellations* 16, no. 2 (2009): 302-6.
- Aggestam, Lisbeth. "Introduction: Ethical Power Europe?" *International Affairs* 84, no. 1 (2008): 1-11.
- The Asia Pacific Center for the Responsibility to Protect and Global Centre for the Responsibility to Protect. "The Persecution of the Uighurs and Potential Crimes Against Humanity in China." Queensland: The University of Queensland, April 9, 2019.
- Balducci, Giuseppe. "The Limits of Normative Power Europe in Asia: The Case of Human Rights in China." *East Asia* 27 (2010): 35-55.
- Bhavna, Dave and Yuka Kobayashi. "China's Silk Road Economic Belt Initiative in Central Asia: Economic and Security Implications." *Asia Europe Journal* 16 (2018): 267–281.
- Bickerton, Christopher J. "Normative Power and the EU's Search for Meaning." In *European Union Foreign Policy: From Effectiveness to Functionality*, 73-98. New York/Hampshire: Palgrave Macmillan: 2011.
- Bohman, James. "Critical Theory." *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. (March 8, 2005).  
<https://stanford.library.sydney.edu.au/archives/fall2008/entries/critical-theory/>.
- Chandler, David. "Ideological (Mis)Use of Human Rights." In *Human Rights: Politics and Practice*, edited by Michael Goodhart, 113-130. Oxford: Oxford University Press, 2009.
- Clarke, Michael. "The Belt and Road Initiative: Exploring Beijing's Motivations and Challenges for its New Silk Road." *Strategic Analysis*. 42, no. 2 (2018): 84-102.
- Baere, Geert De. "The EU and the Responsibility to Protect." In *The EU's Role in Global Governance: The Legal Dimension*, edited by Bart Van Vooren, Steven Blockmans, and Jan Wouters, 95-103. Oxford: Oxford University Press, 2013.
- Douzinas, Costas. "The End of Human Rights?" In *Human Rights and Empire*, 3-36. London: Routledge-Cavendish, 2007.
- Douzinas, Costas. "Human Rights: Values in a Valueless World?" In *Human Rights and Empire*, 177-197. London: Routledge-Cavendish, 2007.
- Erskine, Toni. "Normative International Relations Theory." *International Relations Theories: Discipline and Diversity*, edited by Tim Dunne, Milja Kurki and Steve Smith, 36-58. Oxford: Oxford University Press, 2013.
- Evans, Gareth. *The Responsibility to Protect: Ending Mass Atrocities Once and for All*. Washington, D.C.: Brookings Institute Press, 2008.
- Friedberg, Aaron. "Globalization and Chinese Grand Strategy." *Survival* 60, no. 1 (2018): 7-40.
- Fuchs, Christian. "Critical Theory." In *International Encyclopedia of Political Communication*, edited by Gianpietro Mazzoleni, 1-13. New Jersey: Wiley, 2016.
- Horkheimer, Max. *Critical Theory*. New York: Seabury Press, 1982.
- Hyde-Price, Adrian. "'Normative' Power Europe: A Realist Critique." *Journal of European Public Policy* 13, no. 2 (2006): 217-34.
- Kaya, Ayse. "The EU's China Problem: A Battle Over Norms." *International Politics* 51 (2014): 214-33.

- Kellner, Douglas. "Critical Theory, Democracy and Human Rights." *New Political Science* 1, no. 1 (2008): 12-18.
- Kinzelbach, Katrin. *The EU's Human Rights Dialogue With China: Quiet Diplomacy and Its Limits*. New York: Routledge, 2015.
- Linklater, Andrew. "The Problem of Community in International Relations." *Alternatives: Global, Local, Political* 15, no. 2 (1990): 135-53.
- Manners, Ian. "Normative Power Europe: A Contradiction in Terms?" *Journal of Common Market Studies* 40, no. 2 (2002): 235-58.
- Noureddine, Raja. "Normative Power Europe: Is the EU a Force for Good in the World?" *Australia and New Zealand Journal of European Studies* 8, no. 2 (2016): 111-19.
- Picken, Margo. "Ethical Foreign Policies and Human Rights: Dilemmas for Non-Governmental Organisations." In *Ethics and Foreign Policy*, edited by Karen E. Smith and Margot Light, 93-111. Cambridge: Cambridge University Press, 2001.
- Rensmann, Lars. "Critical Theory of Human Rights." In *Palgrave Handbook of Critical Theory*, edited by Michael Thompson, 631-53. New York/Hampshire: Palgrave Macmillan, 2017.
- Rensmann, Lars. "Grounding Cosmopolitics: Rethinking Crimes Against Humanity and Global Political Theory with Arendt and Adorno." In *Arendt and Adorno: Political and Philosophical Investigations*, edited by Samir Gandesha and Lars Rensmann, 129-53. Palo Alto, California: Stanford University Press, 2012.
- Rippa, Alessandro. "Centralizing Peripheries: The Belt and Road Initiative and its Role in the Development of the Chinese Borderlands." *International Journal of Business Anthropology* 7, no. 1 (2018): 1-21.
- Roach, Steven C. "Critical Theory." In *International Relations Theories: Discipline and Diversity*, edited by Tim Dunne, Milja Kurki and Steve Smith, 171-86. Oxford: Oxford University Press, 2013.
- Ruggie, John Gerard. "Multilateralism: The Anatomy of an Institution." *International Organization* 46, no. 3 (1992): 561-98.
- Sadat, Leyla Nadat. "Crimes Against Humanity in the Modern Age." *The American Journal of International Law* 107, no. 2 (2013): 334-77.
- Schembera, Stefan. "Implementing Corporate Social Responsibility: Empirical Insights on the Impact of the UN Global Compact on Ist Business Participants." *Business & Society* 57 no. 7 (2018): 783-825.
- Shapcott, Richard. "Critical Theory." In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 327-45. Oxford: Oxford University Press, 2008.
- Sjursen, Helene. "The EU as a 'Normative' Power: How Can This Be?" *Journal of European Polity* 13, no. 2 (2006): 235-51.
- Skolimowska, Anna. "The European Union as a 'Normative Power' in International Relations. Theoretical and Empirical Challenges." *Yearbook of Polish European Studies* 18 (2015):111-31.
- Smith, Karen E. *The EU and the Responsibility to Protect in an Illiberal Era*. Dahrendorf Forum IV Working Paper 3. London: LSE Ideas, 2018.
- Smith, Karen E. "Introduction." In *European Union Foreign Policy in a Changing World*, 1-24. New Jersey: Wiley, 2013.
- Smith, Karen E. "Human Rights." In *European Union Foreign Policy in a Changing World*, 111-41. New Jersey: Wiley, 2013.
- Toops, Stanley. "Reflections on China's Belt and Road Initiative." *Area Development and Policy* 1, no. 3 (2016): 352-60.

- Trédaniel, Marie and Pak K. Lee. "Explaining the Chinese Framing of the "Terrorist" Violence in Xinjiang: Insights from Securitization Theory." *Nationalities Papers* 46, no.1 (2018): 177-95.
- Yu, Jie. "The Belt and Road Initiative: Domestic Interests, Bureaucratic Politics and the EU-China Relations." *Asia Europe Journal* 16 (2018): 223-36.
- Zenz, Adrian. "Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang." *Journal of Political Risk* 7, no.7 (2019). [http://www.jpolrisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang#\\_ftnref1](http://www.jpolrisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang#_ftnref1).
- Zenz, Adrian. "China's Domestic Security Spending: An Analysis of Available Data." *China Brief* 18, no.4 (2018). <https://jamestown.org/program/chinas-domestic-security-spending-analysis-available-data/>.
- Zenz, Adrian. "'Thoroughly Reforming Them Towards a Healthy Heart Attitude': China's Political Re-Education Campaign in Xinjiang." *Central Asian Survey* 38, no.1 (2019): 102-28.
- Zhao, Minghao. "The Belt and Road Initiative and its Implications for China-Europe Relations." *The International Spectator* 51, no. 4 (2016): 109-18.
- Žižek, Slavoj. *Like A Thief in Broad Daylight: Power in the Era of Post-Humanity*. New York: Penguin Random House, 2018.

#### Newspaper Articles, Online Articles and Webpages

- Agence France Presse. "Microsoft's AI Research with Chinese Military University Fuels Concerns." *South China Morning Post*, April 12, 2019. <https://www.scmp.com/news/china/military/article/3005948/microsofts-ai-research-chinese-military-university-fuels>.
- Ang, Yuen Yuen. "Demystifying Belt and Road: The Struggle to Define China's "Project of the Century"." *Foreign Affairs Magazine*, May 22, 2019. <https://www.foreignaffairs.com/articles/china/2019-05-22/demystifying-belt-and-road>.
- Belt and Road Initiative. "Belt and Road Initiative." n/a. <https://www.beltroad-initiative.com/belt-and-road/>.
- Belt & Road News. "Belt & Road Makes Headway at Liege Airport in Belgium." *Belt & Road News*, April 19, 2019. <https://www.beltandroad.news/2019/04/19/belt-road-makes-headway-at-liege-airport-in-belgium/>.
- Belt and Road Portal. "The Belt and Road Initiative Progress, Contributions and Prospects." April 22, 2019. <https://eng.yidaiyilu.gov.cn/zchj/qwfb/86739.htm>.
- Bloomberg News. "Xi Jinping's Second Belt and Road Forum: Three Key Takeaways." *Bloomberg*, April 28, 2019. <https://www.bloomberg.com/news/articles/2019-04-28/xi-jinping-s-wins-and-losses-at-his-second-belt-and-road-forum>.
- Bohman, Viking and Christer Ljungwall. "The Strategic Rationale for European Engagement in China's Belt and Road Initiative." *Swedish Institute of International Affairs*, UI Brief no 6. 2018. <https://www.ui.se/globalassets/ui.se-eng/publications/ui-publications/2018/ui-brief-no6.-2018.pdf>.
- Brattberg, Erik and Etienne Soula. "Europe's Emerging Approach to China's Belt and Road Initiative." October 19, 2018. <https://carnegieendowment.org/2018/10/19/europe-s-emerging-approach-to-china-s-belt-and-road-initiative-pub-77536>.
- Buckley, Chris and Amy Qin. "Muslim Detention Camps Are Like 'Boarding Schools,' Chinese Officials Say." *The New York Times*, March 12, 2019. <https://www.nytimes.com/2019/03/12/world/asia/china-xinjiang.html?module=inline>.
- Byler, Darren and Timothy Grose. "China's Surveillance Laboratory." *Dissent Magazine*, October 31, 2018. [https://www.dissentmagazine.org/online\\_articles/chinas-](https://www.dissentmagazine.org/online_articles/chinas-)

- surveillance- laboratory.
- Cadell, Cate and Philip Wen. "China Surveillance Firm Tracking Millions in Xinjiang: Researcher." *Reuters*, February 17, 2019. <https://www.reuters.com/article/us-china-xinjiang-cyber/china-surveillance-firm-tracking-millions-in-xinjiang-researcher-idUSKCN1Q60CG>.
- China Law Translate. "Decision to Revise the “Xinjiang Uighur Autonomous Region Regulation on De-Extremification”." October 10, 2018. <https://www.chinalawtranslate.com/%E5%85%B3%E4%BA%8E%E4%BF%AE%E6%94%B9%E3%80%8A%E6%96%B0%E7%96%86%E7%BB%B4%E5%90%BE%E5%B0%94%E8%87%AA%E6%B2%BB%E5%8C%BA%E5%8E%BB%E6%9E%81%E7%AB%AF%E5%8C%96%E6%9D%A1%E4%BE%8B%E3%80%8B%E7%9A%84%E5%86%B3/?lang=en>.
- China Law Translate. "Xinjiang Implementing Measures for the P.R.C. Counter-Terrorism Law (2018)." October 10, 2018. <https://www.chinalawtranslate.com/en/%e6%96%b0%e7%96%86%e7%bb%b4%e5%90%be%e5%b0%94%e8%87%aa%e6%b2%bb%e5%8c%ba%e5%ae%9e%e6%96%bd%e3%80%8a%e4%b8%ad%e5%8d%8e%e4%ba%ba%e6%b0%91%e5%85%b1%e5%92%8c%e5%9b%bd%e5%8f%8d%e6%81%90%e6%80%96%e4%b8%bb/>.
- ChinaFile. "Here Are the Fortune 500 Companies Doing Business in Xinjiang." October 2, 2018. <http://www.chinafile.com/reporting-opinion/features/here-are-fortune-500-companies-doing-business-xinjiang>.
- Clarke, Donald. "No, New Xinjiang Legislation Does Not Legalize Detention Centers." *Lawfare*, October 10, 2018. <https://www.lawfareblog.com/no-new-xinjiang-legislation-does-not-legalize-detention-centers>.
- Clarke, Donald. "On Nazi Comparisons." *The China Collection*, May 30, 2019. [https://thechinacollection.org/on-nazi-comparisons/?utm\\_source=SupChina+Free+Newsletter&utm\\_campaign=4a0a2591d5-20180920+newsletter\\_COPY\\_02&utm\\_medium=email&utm\\_term=0\\_96063830a5-4a0a2591d5-165135651](https://thechinacollection.org/on-nazi-comparisons/?utm_source=SupChina+Free+Newsletter&utm_campaign=4a0a2591d5-20180920+newsletter_COPY_02&utm_medium=email&utm_term=0_96063830a5-4a0a2591d5-165135651).
- Corporate Europe Observatory. "Follow the New Silk Road: China's Growing Trail of Think Tanks and Lobbyists in Europe." April 4, 2019. <https://corporateeurope.org/en/2019/04/follow-new-silk-road-chinas-growing-trail-think-tanks-and-lobbyists-europe>.
- Cronin-Furman, Kate. "China Has Chosen Cultural Genocide in Xinjiang – For Now." *Foreign Policy*, September 19, 2018. <https://foreignpolicy.com/2018/09/19/china-has-chosen-cultural-genocide-in-xinjiang-for-now/>.
- Daly, Tom. "Europe Wants to Deal with China as a Group: German Minister." *Reuters*, April 26, 2019. <https://www.reuters.com/article/us-china-silkroad-germany/europe-wants-to-deal-with-china-as-a-group-german-minister-idUSKCN1S20R3>.
- Danish Institute for Human Rights. "Human Rights in Europe." n/a. <https://www.humanrights.dk/research/human-rights-in-eu>.
- Defense Intelligence Agency. "Statement for the Record: Worldwide Threat Assessment." March 6, 2018. [https://www.dia.mil/News/Speeches-and-Testimonies/Article-View/Article/1457815/statement-for-the-record-worldwide-threat-assessment/utm\\_content/buffer03bbe/](https://www.dia.mil/News/Speeches-and-Testimonies/Article-View/Article/1457815/statement-for-the-record-worldwide-threat-assessment/utm_content/buffer03bbe/).
- Doffman, Zack. "Is Microsoft AI Helping to Deliver China's 'Shameful' Xinjiang Surveillance State?" *Forbes*, March 15, 2019. <https://www.forbes.com/sites/zakdoffman/2019/03/15/microsoft-denies-new-links-to-chinas-surveillance-state-but-its-complicated/>.
- Dou, Eva and Chao Deng. "Western Companies Get Tangled in China's Muslim Clampdown." *The Wall Street Journal*, May 16, 2019.

- <https://www.wsj.com/articles/western-companies-get-tangled-in-chinas-muslim-clampdown-11558017472>.
- Entwicklungspolitik Online [Development Policy Online]. "China: Rettungspaket für wichtigen Baumwoll-Standort." [China: Rescue Package for Important Cotton Location.] 13 September 2015.  
[https://www.epo.de/index.php?option=com\\_content&view=article&id=11832:china-rettungspaket-fuer-wichtigen-baumwoll-standort&catid=14&Itemid=88](https://www.epo.de/index.php?option=com_content&view=article&id=11832:china-rettungspaket-fuer-wichtigen-baumwoll-standort&catid=14&Itemid=88).
- Escobar, Pepe. "EU Dilemma: How to Deal with China." *Asia Times*, March 17, 2019.  
<https://www.asiatimes.com/2019/03/article/eu-dilemma-how-to-deal-with-china/>.
- Escobar, Pepe. "The EU Bows to 'Systemic Rival' China." *Asia Times*, March 27, 2019.  
<https://www.asiatimes.com/2019/03/article/the-eu-bows-to-systemic-rival-china/>.
- European Coalition for Corporate Justice. "A Human Rights Review of the EU Non-Financial Reporting Directive." March 8, 2019.  
[http://corporatejustice.org/eccj\\_ccc\\_nfrd\\_report\\_2019\\_final.pdf](http://corporatejustice.org/eccj_ccc_nfrd_report_2019_final.pdf).
- Fair Labor Association. "Forced Labor Risk in Xinjiang, China." April 18, 2019.  
<http://www.fairlabor.org/report/forced-labor-risk-xinjiang-china>.
- Fung Business Intelligence Centre. "The Belt and Road Initiative: 65 Countries and Beyond." May 2016.  
[https://www.fbicgroup.com/sites/default/files/B%26R\\_Initiative\\_65\\_Countries\\_and\\_Beyond.pdf](https://www.fbicgroup.com/sites/default/files/B%26R_Initiative_65_Countries_and_Beyond.pdf).
- Global Centre for the Responsibility to Protect. "About R2P." n/a.  
[http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p).
- Global Centre for the Responsibility to Protect. "China." n/a.  
<http://www.globalr2p.org/regions/china>.
- Global Legal Monitor. "China: Revised Regulations on Religious Affairs." November 9, 2017. <https://www.loc.gov/law/foreign-news/article/china-revised-regulations-on-religious-affairs/>.
- Hawkins, Amy. "Beijing's Big Brother Tech Needs African Faces." *Foreign Policy*, July 24, 2018. <https://foreignpolicy.com/2018/07/24/beijings-big-brother-tech-needs-african-faces/>.
- Heide, Dana, Till Hoppe, Stephan Scheuer and Klaus Stratmann. "EU Ambassadors Band Together Against Silk Road." *Handelsblatt Today*, April 17, 2018.  
<https://www.handelsblatt.com/today/politics/china-first-eu-ambassadors-band-together-against-silk-road/23581860.html?ticket=ST-273861-sl5ee4dGXbuyjtrczTd-ap5>.
- Hillman, Jonathan. "Is China Making a Trillion-Dollar Mistake?" *The Washington Post*, April 9, 2018. [https://www.washingtonpost.com/news/worldpost/wp/2018/04/09/one-belt-one-road/?fbclid=IwAR0dG94RIxNdcOYP0gvYmKGLByg4wJy9U6IfE0ykn18R4NZDJn7XootPif0&utm\\_term=.f516e51da00c](https://www.washingtonpost.com/news/worldpost/wp/2018/04/09/one-belt-one-road/?fbclid=IwAR0dG94RIxNdcOYP0gvYmKGLByg4wJy9U6IfE0ykn18R4NZDJn7XootPif0&utm_term=.f516e51da00c).
- Hutchinson, Ian. "Belt and Road in 2019: Recalibration or Retrenchment?" April 1, 2019.  
<https://www.chinabusinessreview.com/belt-and-road-in-2019-recalibration-or-retrenchment/>.
- International Coalition for the Responsibility to Protect. "Europe." n/a.  
<http://www.responsibilitytoprotect.org/index.php/Europe>.
- International Commission on Intervention and State Sovereignty. *The Responsibility to Protect*. <http://responsibilitytoprotect.org/ICISS%20Report.pdf> Ottawa: International Development Research Center (2001).
- International Federation for Human Rights. "China's New Counter-Terrorism Law: Implications and Dangers for Tibetans and Uyghurs." November 2016.  
<https://www.refworld.org/docid/582b119b4.html>.

- Kuo, Lily. "Belt and Road Forum: China's 'Project of the Century' Hits Tough Times." *The Guardian*, April 25, 2019. <https://www.theguardian.com/world/2019/apr/25/belt-and-road-forum-chinas-project-of-the-century-hits-tough-times>.
- Kuo, Lily. "Families of Missing Uighurs Call for 'Proof of Life' Videos from Chinese Government." *The Guardian*, February 12, 2019. <https://www.theguardian.com/world/2019/feb/12/families-of-missing-uighurs-call-for-proof-of-life-videos-from-chinese-government>.
- Kuo, Lily. "Revealed: New Evidence of China's Mission To Raze the Mosques of Xinjiang." *The Guardian*, May 7, 2019. [https://amp.theguardian.com/world/2019/may/07/revealed-new-evidence-of-chinas-mission-to-raze-the-mosques-of-xinjiang?CMP=Share\\_AndroidApp\\_Tweet&\\_\\_twitter\\_impression=true](https://amp.theguardian.com/world/2019/may/07/revealed-new-evidence-of-chinas-mission-to-raze-the-mosques-of-xinjiang?CMP=Share_AndroidApp_Tweet&__twitter_impression=true).
- Lough, Richard. "France's Macron to Host Xi, Merkel and Juncker at March 26 Meeting." *Reuters*, March 21, 2019. <https://www.reuters.com/article/us-france-china-europe/frances-macron-to-host-xi-merkel-and-junker-at-march-26-meeting-idUSKCN1R22BD>.
- Lough, Richard and Jean-Baptiste Vey. "European Leaders Press for Fairer Trade Relationship With China." *Reuters*, March 26, 2019. <https://www.reuters.com/article/us-france-china-macron/european-leaders-press-for-fairer-trade-relationship-with-china-idUSKCN1R713N>.
- Ma, Alexandra. "Saudi Crown Prince Defended China's Imprisonment of a Million Muslims in Internment Camps, giving Xi Jinping a Reason to Continue his 'Precursors to Genocide'." *Business Insider*, February 23, 2019. <https://www.businessinsider.com/saudi-crown-prince-defends-china-oppression-of-muslims-in-xinjiang-mohammed-bin-salman-2019-2?r=US&IR=T>.
- Ma, Alexandra. "Why the Muslim World Isn't Saying Anything About China's Repression and 'Cultural Cleansing' of its Downtrodden Muslim Minority." *Business Insider*, August 27, 2019. <https://www.businessinsider.com/why-muslim-countries-arent-criticizing-china-uighur-repression-2018-8?r=US&IR=T>.
- Mardell, Jacob. "Trade Infrastructure Investment or Propaganda Tool?" April 10, 2019. <https://berlinpolicyjournal.com/trade-infrastructure-investment-or-propaganda-tool/>.
- Marques, David. "The EU, China, and Human Rights in Xinjiang: Time for a New Approach." *European Council on Foreign Relations*, April 2, 2019. [https://www.ecfr.eu/article/commentary\\_the\\_eu\\_china\\_and\\_human\\_rights\\_in\\_xinjiang\\_time\\_for\\_a\\_new\\_approac](https://www.ecfr.eu/article/commentary_the_eu_china_and_human_rights_in_xinjiang_time_for_a_new_approac).
- Martin, Peter and Alan Crawford. "China's Influence Digs Deep into Europe's Political Landscape." *Bloomberg*, April 4, 2019. <https://www.bloomberg.com/news/articles/2019-04-03/china-s-influence-digs-deep-into-europe-s-political-landscape>.
- Mercator Institute for China Studies. "Remaking a People: China's Coercive Policies in Xinjiang and What Europe Should Do About Them." March 21, 2019. <https://www.merics.org/en/policy-brief/remaking-a-people>.
- Ministry of National Defense of the People's Republic of China. *National Security Law of the People's Republic of China (2015) [Effective]*. July 1, 2015. [http://eng.mod.gov.cn/publications/2017-03/03/content\\_4774229.htm](http://eng.mod.gov.cn/publications/2017-03/03/content_4774229.htm).
- Morgan Stanley. "Inside China's Plan to Create a Modern Silk Road." March 14, 2018. <https://www.morganstanley.com/ideas/china-belt-and-road>.
- Mozur, Paul. "One Month, 500,000 Face Scans: How China is Using A.I. to Profile a Minority." *The New York Times*, April 14, 2019. <https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html>.



- Mozur, Paul, Jonah M. Kessel and Melissa Chan. "Made in China, Exported to the World: The Surveillance State." *The New York Times*, 24 April 2019. <https://www.nytimes.com/2019/04/24/technology/ecuador-surveillance-cameras-police-government.html>.
- n/a. "US Clothing Company Drops Chinese Supplier Over Xinjiang Forced Labour Concerns." *The Guardian*, 11 January 2019. <https://www.theguardian.com/world/2019/jan/11/us-clothing-company-drops-chinese-supplier-over-xinjiang-forced-labour-concerns>.
- Nichols, Michelle and Ben Blanchard. "U.S., Germany Slam China at U.N. Security Council Over Xinjiang: Diplomats." *Reuters*, July 3, 2019. <https://www.reuters.com/article/us-china-usa-rights/u-s-germany-slam-china-at-u-n-security-council-over-xinjiang-diplomats-idUSKCN1TX2YZ>.
- Niewenhuis, Lucas. "Re-education Camps in China's 'No-Rights Zone' for Muslims: What Everyone Needs to Know." *SupChina*, August 22, 2018. <https://supchina.com/2018/08/22/xinjiang-explainer-chinas-reeducation-camps-for-a-million-muslims/#Timeline%20of%20recent%20reporting,%20from%20October%202017%20to%20present>.
- Oxfam International. "The Responsibility to Protect and the European Union." March, 2008. [http://responsibilitytoprotect.org/files/Oxfam%20R2P%20and%20EU%20Mar%2008%20final%20\\_3\\_.pdf](http://responsibilitytoprotect.org/files/Oxfam%20R2P%20and%20EU%20Mar%2008%20final%20_3_.pdf).
- Perlez, Jane. "A Muslim Family Sought Help at the Belgian Embassy in Beijing. The Police Dragged Them Out." *The New York Times*, June 18, 2019. <https://www.nytimes.com/2019/06/18/world/asia/china-xinjiang-ughurs-belgium.html>.
- Perlez, Jane. "China Retools Vast Global Building Push Criticized as Bloated and Predatory." *The New York Times*, April 25, 2019. <https://www.nytimes.com/2019/04/25/business/china-belt-and-road-infrastructure.html>.
- Permanent Mission of the People's Republic of China to the United Nations and Other International Organizations in Vienna. *Criminal Law of the People's Republic of China*. Last amended on March 14, 1997. <https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm>.
- Presidenza della Repubblica [Presidency of the Republic]. *Dichiarazioni alla stampa del Presidente della Repubblica Sergio Mattarella in occasione della Visita di Stato del Presidente della Repubblica Popolare Cinese, Xi Jinping*. [Statements to the Press by the President of the Republic Sergio Mattarella on the Occasion of the State Visit of the President of the People's Republic of China, Xi Jinping.] March 22, 2019. <https://www.quirinale.it/elementi/26068>.
- Republic of Turkey: Ministry of Foreign Affairs. "Statement of the Spokesperson of the Ministry of Foreign Affairs, Mr. Hami Aksoy, in Response to a Question Regarding Serious Human Rights Violations Perpetrated Against Uighur Turks and the Passing Away of Folk Poet Abdurrehim Heyit." February 9, 2019. [http://www.mfa.gov.tr/sc\\_-06\\_-uygur-turklerine-yonelik-agir-insan-haklari-ihlalleri-ve-abdurrehim-heyit-in-vefati-hk.en.mfa](http://www.mfa.gov.tr/sc_-06_-uygur-turklerine-yonelik-agir-insan-haklari-ihlalleri-ve-abdurrehim-heyit-in-vefati-hk.en.mfa).
- Reuters. "US Accuses China of Using 'Concentration Camps' Against Muslim Minority." *The Guardian*, May 4, 2019. [https://www.theguardian.com/world/2019/may/04/us-accuses-china-of-using-concentration-camps-ughur-muslim-minority?CMP=share\\_btn\\_tw](https://www.theguardian.com/world/2019/may/04/us-accuses-china-of-using-concentration-camps-ughur-muslim-minority?CMP=share_btn_tw).

- Ryan, Fergus, Danielle Cave and Nathan Ruser. "Mapping Xinjiang's 'Re-Education' Camps." *Australian Strategic Policy Institute*. November 1, 2018. <https://www.aspi.org.au/report/mapping-xinjiangs-re-education-camps>.
- The Second Belt and Road Forum for International Cooperation. "Joint Communiqué of the Leaders' Roundtable of the 2nd Belt and Road Forum for International Cooperation." April 27, 2019. <http://www.beltandroadforum.org/english/n100/2019/0427/c36-1311.html>.
- The Second Belt and Road Forum for International Cooperation. "Xi Jinping Attends the Opening Ceremony of the Second Belt and Road Forum for International Cooperation (BRF) and Delivers a Keynote Speech." April 27, 2019. <http://www.beltandroadforum.org/english/n100/2019/0429/c22-1391.html>.
- Sharma, Mihir. "The Hole at the Heart of China's Silk Road." *Bloomberg*, August 8, 2018. <https://www.bloomberg.com/opinion/articles/2018-08-07/xinjiang-is-key-weakness-in-china-s-belt-and-road-plan>.
- Steer Davies Gleave. *Research for TRAN Committee: The New Silk Route – Opportunities and Challenges for EU Transport*. Brussels: European Parliament, Policy Department for Structural and Cohesion Policies (2018).
- Stevenson, Alexandra and Chris Buckley. "Blackwater Founder's New Company Strikes a Deal in China. He Says He Had No Idea." *The New York Times*, 1 February 2019. <https://www.nytimes.com/2019/02/01/business/erik-prince-xinjiang-china-fsg-blackwater.html>.
- SupChina. "The Belt and Road: China's 'Project of the Century'." June 20, 2017. <https://supchina.com/2017/06/20/belt-road-chinas-project-century/>.
- SupChina. "The European Union Joins the Huawei Fray Without Mentioning Its Name." March 13, 2019. <https://supchina.com/2019/03/13/european-union-joins-the-huawei-fray-without-mentioning-its-name/>.
- Tiezzi, Shannon. "Who Is (and Who Isn't) Attending China's 2nd Belt and Road Forum?" *The Diplomat*, April 27, 2019. <https://thediplomat.com/2019/04/who-is-and-who-isnt-attending-chinas-2nd-belt-and-road-forum/>.
- Van Leijen, Marjorie. "EU Commission: 'The Belt and Road Initiative Is a Chinese Project'." *RailFreight*, September 18, 2018. <https://www.railfreight.com/specials/2018/09/18/eu-commission-the-belt-and-road-initiative-is-a-chinese-project/?gdpr=accept>.
- Watts, Gordon. "Italy Joins BRI: There Is no Place Like Rome for President Xi." *Asia Times*, March 21, 2019. <https://www.asiatimes.com/2019/03/article/there-is-no-place-like-rome-for-xi/>.
- Weber, Alexander. "Xi Fails to Calm Europe as Juncker Takes Another Swipe at China." *Bloomberg*, April 1, 2019. <https://www.bloomberg.com/news/articles/2019-04-01/xi-fails-to-calm-europe-as-juncker-takes-another-swipe-at-china>.
- Wee, Sui-Lee. "China Uses DNA to Track its People, With the Help of American Expertise." *The New York Times*, February 21, 2019. [https://www.nytimes.com/2019/02/21/business/china-xinjiang-uyghur-dna-thermo-fisher.html?emc=edit\\_mbe\\_20190222&nl=morning-briefing-europe&nid=8443191620190222&te=1](https://www.nytimes.com/2019/02/21/business/china-xinjiang-uyghur-dna-thermo-fisher.html?emc=edit_mbe_20190222&nl=morning-briefing-europe&nid=8443191620190222&te=1).
- Xi, Jinping. "The Complete Text of President Xi Jinping's Speech at the Belt and Road Forum for International Cooperation 2019." *China Pakistan Economic Corridor*. Speech, Beijing, April 26, 2019. <http://www.cpecinfo.com/news/the-complete-text-of-president-xi-jinping-speech-at-the-belt-and-road-forum-for-international-cooperation-2019/NzAwMQ==>.
- Xi, Jinping. "Full Text of President Xi's Speech at Opening of Belt and Road Forum." Speech, Beijing, May 24, 2017. Beijing *Belt and Road Forum for International*

*Cooperation*. <http://www.beltandroadforum.org/english/n100/2018/0306/c25-1038.html>.

Zeneli, Valbona. "Italy Signs on to Belt and Road Initiative: EU-China Relations at Crossroads?" *The Diplomat*, April 3, 2019. <https://thediplomat.com/2019/04/italy-signs-on-to-belt-and-road-initiative-eu-china-relations-at-crossroads/>.

## European Union

Bieńkowska, Elzbieta. "Speech on Behalf of the High Representative/Vice-President Federica Mogherini at the European Parliament Urgency Debate on "Mass Arbitrary Detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region." Strasbourg, October 4, 2018. *European External Action Service*.

[https://eeas.europa.eu/headquarters/headquarters-homepage/51670/speech-behalf-high-representativevice-president-federica-mogherini-european-parliament-urgency\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/51670/speech-behalf-high-representativevice-president-federica-mogherini-european-parliament-urgency_en).

Council of the European Union. "Background: EU-China Summit – 9 April 2019 in Brussels." April 5, 2019. <https://www.consilium.europa.eu/media/39001/h-pec-tusk-summits-190409-china-background-final-eu-china-background-2019-infographies.pdf>.

Council of the European Union. "EU Annual Report on Human Rights and Democracy in the World 2018." 9024/19. May 13, 2019.

<https://www.consilium.europa.eu/media/39343/human-rights-2018-eu-annual-report-adopted.pdf>.

Council of the European Union. "EU Strategic Framework and Action Plan on Human Rights and Democracy." 11855/12. June 25, 2012.

[https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/131181.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf).

Council of the European Union. "Press Release, 2327th Council Meeting – General Affairs: EU-China Dialogue on Human Rights – Council Conclusions 5279/01." Brussels, January 22-23, 2001. [http://europa.eu/rapid/press-release\\_PRE-01-19\\_en.htm](http://europa.eu/rapid/press-release_PRE-01-19_en.htm).

Delegation of the European Union to China. "Connecting Europe and Asia: Seeking Synergies with China's Belt and Road." April 25, 2019. [https://eeas.europa.eu/delegations/china/61412/connecting-europe-and-asia-seeking-synergies-china%E2%80%99s-belt-and-road\\_en,%20](https://eeas.europa.eu/delegations/china/61412/connecting-europe-and-asia-seeking-synergies-china%E2%80%99s-belt-and-road_en,%20).

Delegation of the European Union to China. "Remarks of President Juncker at the Joint Press Conference with Mr Li Keqiang, Premier of the State Council of the People's Republic of China, and Mr Donald Tusk, President of the European Council, Following the EU-China Summit." April 10, 2019.

[https://eeas.europa.eu/delegations/china/60838/remarks-president-juncker-joint-press-conference-mr-li-keqiang-premier-state-council-peoples\\_en](https://eeas.europa.eu/delegations/china/60838/remarks-president-juncker-joint-press-conference-mr-li-keqiang-premier-state-council-peoples_en).

Delegation of the European Union to the International Organisations in Vienna. "Critically Assess and Analyse the Notion that the EU is a Normative Power." November 24, 2016 [https://eeas.europa.eu/delegations/vienna-international-organisations/15687/critically-assess-and-analyse-the-notion-that-the-eu-is-a-normative-power\\_ka](https://eeas.europa.eu/delegations/vienna-international-organisations/15687/critically-assess-and-analyse-the-notion-that-the-eu-is-a-normative-power_ka).

European Commission. "EU-China – A Strategic Outlook." March 12, 2019.

<https://ec.europa.eu/commission/sites/beta-political/files/communication-eu-china-a-strategic-outlook.pdf>.

European Commission. "EU-China Summit: Rebalancing the Strategic Partnership." April 9, 2019. [http://europa.eu/rapid/press-release\\_IP-19-2055\\_en.htm](http://europa.eu/rapid/press-release_IP-19-2055_en.htm).

European Commission. "European Union: Consolidated Financial Sanctions List." July 9, 2019. <http://data.europa.eu/euodp/data/dataset/consolidated-list-of-persons-groups->

- and-entities-subject-to-eu-financial-sanctions/resource/3a1d5dd6-244e-4118-82d3-db3be0554112.
- European Commission. "Joint Communication to the European Parliament and the Council: Elements for a new EU Strategy on China." June 22, 2016.  
[https://eeas.europa.eu/sites/eeas/files/joint\\_communication\\_to\\_the\\_european\\_parliament\\_and\\_the\\_council\\_-\\_elements\\_for\\_a\\_new\\_eu\\_strategy\\_on\\_china.pdf](https://eeas.europa.eu/sites/eeas/files/joint_communication_to_the_european_parliament_and_the_council_-_elements_for_a_new_eu_strategy_on_china.pdf).
- European Council. "Different Types of Sanctions." n/a.  
<https://www.consilium.europa.eu/en/policies/sanctions/different-types/>.
- European Council. "EU-China Summit Joint Statement." April 9, 2019.  
<https://www.consilium.europa.eu/media/39020/euchina-joint-statement-9april2019.pdf>.
- European Council. "EU-China Summit, 09/04/2019: Main Results." April 9, 2019.  
<https://www.consilium.europa.eu/en/meetings/international-summit/2019/04/09/>.
- European Council. "Remarks by President Donald Tusk After the EU-China Summit in Brussels." April 9, 2019. <https://www.consilium.europa.eu/en/press/press-releases/2019/04/09/remarks-by-president-donald-tusk-after-the-eu-china-summit-in-brussels/>.
- European External Action Service. "A Global Strategy for the European Union's Foreign and Security Policy." June 2016.  
[https://eeas.europa.eu/sites/eeas/files/eugs\\_review\\_web\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf).
- European External Action Service. "China and the EU." May 11, 2015.  
[https://eeas.europa.eu/headquarters/headquarters-homepage/15394/china-and-eu\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/15394/china-and-eu_en).
- European External Action Service. "Connecting Europe and Asia: The EU Strategy." September 19, 2018.  
[https://eeas.europa.eu/sites/eeas/files/europe\\_asia\\_connectivity\\_factsheet\\_1.pdf](https://eeas.europa.eu/sites/eeas/files/europe_asia_connectivity_factsheet_1.pdf).
- European External Action Service. "EU Action Plan on Human Rights and Democracy 2015-2019." June 22, 2016. [https://eeas.europa.eu/topics/human-rights-democracy/4083/eu-action-plan-human-rights-and-democracy-2015-2019\\_en](https://eeas.europa.eu/topics/human-rights-democracy/4083/eu-action-plan-human-rights-and-democracy-2015-2019_en).
- European External Action Service. "EU-China Relations Factsheet." April 4, 2019.  
[https://eeas.europa.eu/sites/eeas/files/factsheet\\_eu-china\\_09\\_04\\_2019\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/factsheet_eu-china_09_04_2019_0.pdf).
- European External Action Service. "The European Union and China Held Their 37th Human Rights Dialogue." Press release Unique ID 190402\_16. April 2, 2019.  
[https://eeas.europa.eu/headquarters/headquarters-homepage/60545/european-union-and-china-held-their-37th-human-rights-dialogue\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/60545/european-union-and-china-held-their-37th-human-rights-dialogue_en).
- European External Action Service. "The European Union's Global Strategy: Three Years on, Looking Forward." June 13, 2019.  
[https://eeas.europa.eu/sites/eeas/files/eu\\_global\\_strategy\\_2019.pdf](https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf).
- European External Action Service. "Human Rights & Democracy." June 15, 2016.  
[https://eeas.europa.eu/headquarters/headquarters-homepage/414/human-rights-democracy\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/414/human-rights-democracy_en).
- European External Action Service. "Statement by the Spokesperson on the Situation in Xinjiang." October 26, 2019. [https://eeas.europa.eu/headquarters/headquarters-homepage/52881/statement-spokesperson-situation-xinjiang\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/52881/statement-spokesperson-situation-xinjiang_en).
- European External Action Service. "Statement on Behalf of the EU and its Member States by Ambassador Joanne Adamson, Deputy Head of Delegation, at the UN General Assembly Debate on "The Responsibility to Protect and the Prevention of Genocide, responsibility-protect-and-prevention-genocide-war-crimes-ethnic-cleansing-and-crimes\_en. War Crimes, Ethnic Cleansing and Crimes Against Humanity"." New York, June 25, 2018. <https://eeas.europa.eu/headquarters/headquarters-homepage/47293/debate->

- European Parliament. *Resolution on China, Notably the Situation of Religious and Ethnic Minorities*. 2019/2690(RSP) (April 17, 2019).
- European Parliament. *Resolution on Mass Arbitrary Detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region*. 2018/2863(RSP) (October 3, 2018).
- European Parliament. *European Parliament Resolution of 10 March 2010 on the Annual Report from the Council to the European Parliament on the Main Aspects and Basic Choices of the Common Foreign and Security Policy (CFSP) in 2008, Presented to the European Parliament in Application of Part II, Section G, Paragraph 43 of the Interinstitutional Agreement of 17 May 2006 (2009/2057(INI))*. OJ C349E/51 (March 10, 2010).
- European Union. "EU Sanctions Map: China." *EU Sanctions Map*. n/a.  
<https://sanctionsmap.eu/#/main/details/10/lists?search=%7B%22value%22:%22%22,%22searchType%22:%7B%7D%7D>.
- European Union. "Human Rights and Democracy." n/a. [https://europa.eu/european-union/topics/human-rights\\_en](https://europa.eu/european-union/topics/human-rights_en).
- European Union. Treaty of Lisbon Amending the Treaty on the European Union and the Treaty Establishing the European Union: Lisbon Treaty. *In Official Journal of the European Union*, C 306, 1-271 (2007).
- Šefčovič, Maroš. "Speech by European Vice-President Maros Sefcovic at the 2nd Belt & Road Forum on 26 April 2019." Beijing, April 29, 2019.  
[https://eeas.europa.eu/delegations/china/61569/speech-european-vice-president-maros-sefcovic-2nd-belt-road-forum-26-april-2019\\_en](https://eeas.europa.eu/delegations/china/61569/speech-european-vice-president-maros-sefcovic-2nd-belt-road-forum-26-april-2019_en).

## United Nations

- United Nations General Assembly. *Implementing the Responsibility to Protect: Report of the Secretary General*. A/63/677 (January 12, 2009).
- United Nations General Assembly. *Report of the Working Group on the Universal Periodic Review: China*. A/HRC/40/6 (December 26, 2018).
- United Nations General Assembly. Resolution 60/1. *2005 World Summit Outcome*. A/RES/60/1 (September 16, 2005).
- United Nations General Assembly. *The Role of Regional and Subregional Arrangements in Implementing the Responsibility to Protect*. A/65/877–S/2011/393 (June 28, 2011)
- United Nations General Assembly. *Rome Statute of the International Criminal Court (last amended 2010)*. (July 17, 1998).
- United Nations Global Compact, *The Ten Principles of the UN Global Compact*. n/a.
- United Nations Office of the High Commissioner on Human Rights. "Committee on the Elimination of Racial Discrimination Reviews the Report of China." (August 13, 2018).
- United Nations Office of the High Commissioner on Human Rights. "Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework." 2011.  
[https://www.ohchr.org/documents/publications/GuidingprinciplesBusinessshr\\_eN.pdf](https://www.ohchr.org/documents/publications/GuidingprinciplesBusinessshr_eN.pdf).
- United Nations Office of the High Commissioner on Human Rights. "UN Treaty Body Database: Ratification Status for China." n/a.  
[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN).

## Human Rights Watch

- Human Rights in China. "NGOs to EU on Human Rights Crisis in China: ‘Failure to

- Robustly Challenge China's Abusive Conduct Helps Enable it". June 13, 2018. <https://www-hrichina-org.ludwig.lub.lu.se/en/press-work/joint-statements/ngos-eu-human-rights-crisis-china-failure-robustly-challenge-chinas>.
- Human Rights Watch. "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms." September 5, 2017. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.
- Human Rights Watch. "EU: Make China's Rights Crisis a Summit Priority." April 4, 2019. <https://www.hrw.org/news/2019/04/04/eu-make-chinas-rights-crisis-summit-priority>.
- Human Rights Watch. "China: Abusive Cybersecurity Passed." November 6, 2016. <https://www.hrw.org/news/2016/11/06/china-abusive-cybersecurity-law-set-be-passed>.
- Human Rights Watch. "China's Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App." May 1, 2019. <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass-surveillance>.
- Human Rights Watch. "'Eradicating Ideological Viruses': China's Campaign of Repression Against Xinjiang's Muslims." September 2018. [https://www.hrw.org/sites/default/files/report\\_pdf/china0918\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/china0918_web.pdf).
- Human Rights Watch. "Inconvenient Truths at China's UN Rights Review." March 13, 2019. <https://www.hrw.org/news/2019/03/13/inconvenient-truths-chinas-un-rights-review>.
- Human Rights Watch. "UN: China Responds to Human Rights Review with Threats." April 1, 2019. <https://www.hrw.org/news/2019/04/01/un-china-responds-rights-review-threats>.
- Human Rights Watch. "UN: Unprecedented Joint Call for China to End Xinjiang Abuses." July 10, 2019. <https://www.hrw.org/news/2019/07/10/un-unprecedented-joint-call-china-end-xinjiang-abuses?fbclid=IwAR0PyTG0cxj3ThabdFB6jQ4TxctDwAetx0J7CNHGVIMY3dmXX329YRdQXOE>.

#### Video Material and Images

- Belt and Road Forum for International Cooperation. "Durian 'Little Thai' Takes Us on a Journey Along the Belt and Road." Video, 3:03. Uploaded April 19, 2019. <http://www.beltandroadforum.org/english/n100/2019/0419/c40-1121.html>.
- Hong Kong Trade Development Council. "The Belt and Road Initiative." n/a. <http://china-trade-research.hktdc.com/business-news/article/The-Belt-and-Road-Initiative/The-Belt-and-Road-Initiative/obor/en/1/1X000000/1X0A36B7.htm>.
- New China TV. "Music Video: The Belt and Road is How." YouTube Video, 2:04. Uploaded May 10, 2017. <https://www.youtube.com/watch?v=M0lJc3PMNIg>.