



Budapest Centre

FOR MASS ATROCITIES PREVENTION

FOUNDATION FOR THE INTERNATIONAL PREVENTION
OF GENOCIDE AND MASS ATROCITIES

What is at stake in handling the case of the Uyghurs?

The Newlines Institute for Strategy and Policy published a study this past March to scrutinize whether the ongoing abuses committed by the Chinese authorities against the Uyghurs in Xinjiang province were in breach of the United Nations Genocide Convention.

At first glance, the situation in Xinjiang looks similar to numerous other international and human rights challenges despite the fact that genocide belongs to the most serious crimes under international law and allegations of such invariably attract high levels of attention within the international community.

As usual the states are divided in their approaches. One group of states maintains that the actions of the Chinese government likely rise to the level of genocide and have called on China to immediately reverse their policies and immediately stop the violations. In parallel, some of these States have introduced unilateral sanctions against China. Another group of states supports the basic claims of China, dismissing allegations of gross human rights violations, let alone of genocide. At the same time, the Chinese government has chosen to sanction individuals and entities claiming that some of the activities in Xinjiang breach the UN Genocide Convention.

Despite this familiar back and forth, it is important to understand that the significance of this dispute goes far beyond conventional policy borders.

For the first time in the history of the Genocide Convention, adopted in 1948, and the normative framework of the Responsibility to Protect, adopted in 2005, one of the Permanent Members of the UN Security Council has been accused by another Permanent Member of breaching the Convention and failing to protect its population from mass atrocity crimes. Such accusations could well undermine the reputation and credibility of that permanent member and call into question its approach to any similar allegations of breaches of international law in the future. It could also call into question the ability of the Security Council to hold permanent members to the standards which the Council seeks to impose on other UN member states.

For the first time in history, the Security Council as a body faces challenges related to an insistence that one of its own permanent members ascertain the facts and then halt any and all genocidal acts committed within its territory. Should the Council fail to do so, seeking to remain “impartial” by referencing the usual caveats of “state sovereignty” and the “non-intervention in the internal affairs of states” such references would surely further undermine both the credibility of the institution of the Security Council and the rules-based order that is at the heart of international peace and security.

For here we have a key state responding to its own allegations of extremism and terrorism against a cultural minority by committing genocide! The “People's War on Terror” in the Uyghur Autonomous Region (XUAR) launched by the China’s Head of State, President Xi Jinping in 2014

and the “De-Extremification” regulations declared by the Communist Party of China in 2017 are clearly targeted Uyghurs to “break their lineage, break their roots, break their connections, and break their origins,” while employing extremist rhetoric such as “eradicating tumours”....Such actions by a permanent member of the Security Council serve as both a highly dubious and extremely risky precedent and point of reference for other international actors in their own struggles against extremism and terrorism!

In this instance, we have witnessed a state launching measures against extremism (“religious extremism” as qualified by the Chinese authorities) with little regard for international prohibitions against the imposition of “collective punishment,” applying categorical, hostile measures against a minority. It must be recalled that these measures are applied against an ethnic, political, but also a numerical minority. However, even if the Uyghur population—which amounts to 12-13 million people—is proportionally very restricted in comparison to the Han people, it refers to a community that is bigger than the population of numerous “middle size” countries.

Plus, a government is deploying artificial intelligence tools with the intent to take excessive measures against expressions of identity of a minority who represent a distinct culture from that of most of the Chinese population. Such practices should serve to focus the attention of the international community on the emerging risks of digitalization to minority rights and interests. In that vein, we urge the establishment of binding norms to prevent such misuses of digital tools.

What is at stake then?

- The failure to address the breach of the Genocide Convention by a permanent Security Council member will only result in more human misery, more rights abuses, while further undermining efforts to uphold and implement international law, fundamental human rights and the rules-based order.
- Inaction by the Council will only reinforce the already widespread belief that even in the case of the most serious crimes, peace and security commitments can easily become hostage to power politics!
- Inaction of the Security Council will be considered yet more evidence that the institution itself is not capable of respecting its own fundamental principles and norms, nor is it capable of holding accountable perpetrators of even the most extreme crimes.
- If unchecked, the multilateral system based on the affirmation and adoption of universal values, norms and rules will slide further towards a world divided along political systems and identities, intensifying the threat of a new Cold War with all its negative implications.

The abovementioned stakes have particular significance in the era of shifting power relations, conflicts over identities, rights and resources, various competitions between political systems, and divides between those espousing universal values and others advocating cultural relativism.

Given the significance of the stakes:

- The UN General Assembly -- referencing the cross-regional Joint Statement delivered by 39 countries in New York on 6 October, 2020; the Joint Statement of 45 countries delivered during the General Debate at the Third Committee during the UNGA 75th session; and the invitation of the Government of China for the UN High Commissioner for Human Rights to visit the province of Xinjiang -- should place the case of Uyghurs on its formal agenda and discuss in open session the possibility of breaches of the UN Genocide Convention. Such

discussions might preclude the possibility that implementation of the UN Genocide Convention could become hostage to and victim of the rivalries between permanent members of the Security Council.

- In line with paragraphs 138 and 139 of the World Summit Outcome adopted in 2005 and the Report of the Secretary General of the UN on Implementing the Responsibility to Protect in 2009, each state should commit to revisit its capabilities on the basis of agreed benchmarks with a view to provide protection from any threat let alone commission of mass atrocities within national borders. The rhetorical repetition that “no state is immune from mass atrocities” must be followed by concrete preventive action!

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