

THE OLYMPIC IRONS: LEGAL AND PSYCHOLOGICAL QUALIFIERS OF THE UYGHUR
CULTURAL GENOCIDE IN CHINA

by

Robert Lynn Boley

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Thesis Supervisor:

Franziska Boehme Newell

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DEDICATION

Dedicated to my best friends, Ben, Bobby, Evan, Jackson, Jacob, Lexi, Ryan, Sofia, and Zeke, who supported me through the research and writing process.

ABSTRACT

The 2022 Olympic Games torch ceremony as well as other international events, such as the War in Ukraine, have contributed to concealing or obscuring a serious cultural genocide against the Uyghur ethnic group that has been ongoing since 2017. The Uyghurs are a Turkic minority group that predominantly practices Islam and have historically resided in the Xinjiang or Uyghur region for centuries in Northwestern China. Counterterrorism and 'de-extremism' regulations by the CCP escalated to the origin of the cultural genocide in 2017 which began with a high-tech surveillance state and the subsequent creation of hundreds of internment and incarceration camps where Uyghurs are separated from family members indefinitely and under-go political and linguistic 're-education'. Through this process, severe human rights atrocities have occurred including those that violate international customary law on the prevention of genocide, such as intentional destruction of cultural markers and forcible separation of children from families. The Chinese state argues in a fashion of transparency that they're attempting to integrate Uyghurs into an overall Chinese culture. However, psychologically and culturally they are harmfully assimilating and enacting a policy of 'erasing and replacing' rather than integrating. The Discussion summarizes the qualifiers while reflecting on current international and domestic policies either proposed or should be proposed to combat the continuance of the crisis faced by the Uyghurs.

Keywords: cultural genocide; Uyghur; internment; 're-education'; incarceration; China

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Introduction

On Friday, February 4th, 2022, the Winter Olympics torch ceremony began in Beijing and ended with co-athletes Dinigeer Yilamujiang and Zhao Jiawen proudly carrying the tradition of lighting the cauldron in their home country. The two represent the largest minority group and the majority ethnicity in China respectively as they stood side-by-side for the world to watch; both Chinese nationals yet ethnically different.¹ Western critics were appalled at the ceremony as White House spokesperson Jen Psaki commented "We can't allow this to be a distraction ... from the human rights abuses, the genocide that we're seeing in parts of China..." and referred to the purposeful lack of a US diplomatic delegation when US athletes arrived in Beijing.²

Chinese officials refuted, instead citing Yilamujiang was chosen as "Chinese winter sports athletes born in each decade starting in the 1950s pass the flame on as a symbol of inheritance,"³ and this tradition reinforces national consciousness. China refuted political conversation in their defense for the apolitical nature of the Olympics, and in the eyes of human rights activists and Western critics, the play at the Olympics symbolizes not ethnic unity, but a veil of ignorance concealing human

¹Qin, A. (2022, February 8). *Bearing an Olympic Torch, and a Politically Loaded Message*. The New York Times.

²Shalal, A., & Holland, S. (2022, February 7). *China's use of Uyghur with olympic torch can't distract from abuses -White House*. Reuters.

³Qin, A. (2022, February 8). *Bearing an Olympic Torch, and a Politically Loaded Message*. The New York Times.

rights crimes occurring nearly 2,775k away from the games in Xinjiang (XUAR). Yilamujiang's social media reports only positive comments about her performance in the games and towards the Chinese state thus her own opinions must be taken cautiously as they are filtered through the Chinese government. She has made no comment on the mass detention of Uyghurs that these critics attacked the Olympics for initially and "deliberately avoided (or was barred from)" contacting foreign journalists after the ceremony and during the games.⁴

In today's information age, states such as China actively surveil their citizens more closely than nearly any other nation and thus brings about mass limitations on speech. While not far from Orwellian, what information comes out of China is already slim, but grave. What the Olympics have demonstrated and Dinigeer Yilamujiang- who couldn't even use her Uyghur name Dilnigar Ilhamjan⁵, - is the appalling concealment of human rights crimes through active propaganda and silencing by the Chinese state. The Uygher people living in the Xinjiang Uyghur Autonomous Region (XUAR), or the Uyghur region, are now even more susceptible to concealment of their treatment as international affairs such as the Olympics and Ukraine dominate the information channels while human rights crimes are-and have- been ongoing in China.

Especially now with the most recent updates in Western and global media reporting on the Russian invasion of Ukraine on February 23rd, the authority and

⁴ Biao, T. (2022, February 20). *The forced smiles of Beijing's Olympics*. Foreign Policy.

⁵ Ibid.

enforcement of international institutions are coming into question of judicial actors such as the I.C.C. (International Criminal Court) and ICJ (International Court for Justice). 39 countries, mostly Western including France, Japan, the United Kingdom, as well as a condemnation by the European Parliament and more have labeled the human rights crimes in China as 'genocide' including France MPs officially recognizing the treatment of Uyghurs as genocide in January of 2022.⁶ The international concern is voiced quietly, yet meaningful legal action remains complacently absent.

The international community remains inactive in its role on investigating genocide in China. The ICC has chosen to not investigate the mass detention of Muslims in China as one, China is not a party to the court and secondly, despite Uyghur groups citing deportations in Cambodia and Tajikistan, the prosecutor's office did not proceed as "there did not appear to be enough evidence to show that Chinese officials had committed crimes over which the court had jurisdiction"⁷. In 2019 the ICJ urged the UN to adopt a resolution for the Chinese government to allow humanitarian experts to enter, "reform national security legislation to meet international standards", and to release human rights lawyers and defenders who have been unjustly detained.⁸ This resolution did not pass to fruition. The US, the United Kingdom, Canada and Australia's boycott on the Olympics pulled diplomats from attending, but not athletes. 46% of Americans agreed with the diplomatic

⁶ *French mps officially recognise 'genocide' of Uyghurs in China*. Euronews. (2022, January 21).

⁷ Hernández, J. C. (2020, December 15). I.C.C. won't investigate China's detention of Muslims. *The New York Times*.

⁸ ICJ joins call for UN action on China. International Commission of Jurists. (2019, January 30).

boycott⁹ and 40% of the general population also agreed athletes should have been absent as well.¹⁰ The Olympics continued as new headlines dragged attention away from the Chinese human rights sphere and the media complacency that has been ongoing since 2017 and even before continued as wells.

This prompts a question in how we define genocide, and the policy actions necessary to act in good faith on the “never again” focus of the UN Genocide Convention. 152 states have ratified or signed the treaty, including China, the United States, and the rest of the Global North. The following thesis will investigate the question of genocide through an international legal and psychological perspective, pushing the envelope on whether the label defined in 1951 remains relevant to the ever-shifting geopolitics of the status quo. This thesis argues the government of China has been engaged in the state-solicited practice of cultural genocide through the forcible transfer of children, conspiracy to commit genocide based on state policy, and based on the horrific psychological conditions of the extra-judicial internment and labor camps. First, there will be a background investigation into the geographic and cultural history of the Uyghur people. Second, there will be background into who the Uyghur people are as a cultural group and their settler-colonial relationship with the Chinese state historically. Following, an analysis of the definition of genocide, of the paralleling histories of international

⁹ Gómez, V. (2022, February 1). *More adults approve than disapprove of U.S. diplomatic boycott of Olympics; few have heard much about it*. Pew Research Center.

¹⁰ Ricciardelli, M., & Appel, M. (2022, February 10). *By more than 3-1, Americans agree with US diplomatic boycott of Winter Olympics; 40% think us should have pulled athletes too*. Seton Hall University.

action on genocide since the Convention, and the possible psycho-cultural qualifications that could make the mass detention of Uyghurs classified as genocide will be explored. The conclusion will discuss possible policy initiatives from an American foreign policy perspective in regards to bilateral and multilateral action towards China, as well as from an international perspective towards general multilateral solutions worldwide among UN member states in resolving the hidden genocide, whether veiled behind State censorship, other international news, or an Olympic cauldron.

Background

Uyghur Region and History

The Uyghurs are a Turkic people by ethnicity, linguistics, and history who share more in common with Central Asian nations like Kyrgyzstan and Kazakstan rather than traditional Han Chinese. Linguistically they are some of Central Asia's oldest speakers of a Turkic-family language. They are predominately practicing Muslims and for those who don't practice Islam directly, Islamic practices and traditions have been foundational for their culture. Uyghurs are a sedentary people who originally settled the region around the lower slopes of the Tien Shan mountains from as early as the 6th century through an amalgamation of varying Turkic nomadic groups, which is evident in their physical distinguishment from Han

Chinese individuals, with Chinese records reporting their presence as early as the 3rd century CE.¹¹

Geographically, the 12 million majority of Uyghurs in the world are mostly located in China's northwest region of Xinjiang, also called XUAR (Xinjiang Ughuyr Autonomous Region) with an around combined total of 300,000 in neighboring Uzbekistan, Kazakhstan, and Kyrgyzstan.¹² The Xinjiang region as a whole composes nearly 1/6th of China's total landmass.¹³ Given the "colonial overtones" of the term, many Uyghurs also refer to the region as *Sharqi Turkistan* (or Eastern Turkistan) and also *Uyghur Diyari* (or Uyghur region) yet many Chinese authorities view the label as Eastern Turkistan to constitute extremist behavior.¹⁴ For the purposes of this thesis, likewise from the source material, the term 'Uyghur region' or Xinjiang will be used intermittently, not choosing a particular political stance but rather in an effort towards neutral, considerate categorization in light of the dangerous political implications of using one versus the other. The Uyghur region is extremely arid, prompting a long historical practice of irrigation amongst Uyghur villages to maximize runoff from lonely, rugged mountain ranges, desert basins and sparse oases.¹⁵ Major cities include Ürümqi, the capital of the region set in the Tien Shan's eastern ranges and to the south Kashgar, a once prominent city along the historical Silk Road.¹⁶

¹¹ Encyclopædia Britannica, inc. (n.d.). Uyghur.

¹² Ibid.

¹³ Maizland, L. (2021, March 1). *China's Repression of Uyghurs in Xinjiang*. Council on Foreign Relations.

¹⁴ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 9

¹⁵ Encyclopædia Britannica, inc. (n.d.). Xinjiang.

¹⁶ Encyclopædia Britannica, inc. (n.d.). Uyghur.

Politically, the Uyghur region and people have sought self governance as their initial kingdoms in the 8th century in present-day Mongolia forced them to migrate towards the Tien Shan mountains in the 9th century, where Han Chinese settlers had been slowly migrating towards over the last few centuries. Another Uyghur kingdom formed in the relatively newly migrated to Uyghur region in the 13th century but was overthrown by the Mongols.¹⁷ Other than these basic facts, much of the historiography of the Uyghurs is convoluted, due to Chinese historians casting Uyghurs as another group that would contribute to a singular nation of China's history. Efforts by Soviet historians during their colonial period with China demonstrate rich, indigenous natural histories of the people that differ from the historiography of China and should be considered unique, for the aforementioned reasons of differences in language, ethnicity and religion. Besides earlier Han settlers, they mostly share only a geographic history together- but even then, a majority of Han residents have resided in the Tarim Basin region in the south (where Kashgar is located), divided by the Tien Shan mountains and a majority of Uyghurs live in the Junggar Basin in Ürümqi and surrounding villages to the north.¹⁸

Uyghurs' Relationship with the Chinese State and Settler Colonialism

The Uyghur's became more commonly referred to in Chinese and world history in general in 1759 when the Qing empire first conquered the Uyghur region

¹⁷ Ibid.

¹⁸ Encyclopædia Britannica, inc. (n.d.). Xinjiang.

from the Zunghar Empire. The Uyghurs from this point in history onward, come into signified relevancy not in glory but in repression. Like the indigenous victims of many other expanding empires, the Uyghurs were no exception to settler colonialism for the preceding two centuries and continuing up to the modern day.

Settler colonialism best defines the relationship between the Uyghurs and Chinese state historically as it is an unequal relationship consisting of land acquisition by the Chinese state from the indigenous Uyghur tribes in Northwest China. Settler colonialism is defined as:

“an ongoing system of power that perpetuates the genocide and repression of indigenous peoples and cultures... settler colonialism normalizes the continuous settler occupation, exploiting lands and resources to which indigenous peoples have genealogical relationships.”¹⁹

Authors have distinguished settler colonialism as a theory unique from classical understandings of colonialism. Settler colonialism is not merely a historical event such as early 20th century colonialism, but rather is an ongoing system of indigenous erasure and replacement. For the Uyghurs, this has been an ongoing process persisting through the various administrations of China, absorbing the geographical terrain of the Uyghur region into the political boundaries of mainland China over the centuries.

Settler colonialism is one of the primary theoretical drivers for the cultural genocide occurring in Xinjiang. This makes most sense not by exploring the 200

¹⁹ Cox, A. (2017). Settler colonialism. Introduction.

years of history between Han rulers and indigenous Uyghurs, but through a comparative analysis of other countries' histories of settler colonialism. In particular, the United States for over a hundred years oppressed Native Americans in a fashion of settler colonialism rather mere land theft or plain genocide. Settler colonialism describes a "structure rather than an event"; the ongoing process that contributed to the significant erasure of Native identity in the Americas, as US policy towards Natives included "miscegenation, the breaking-down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, resocialization in total institutions such as missions or boarding schools, and a whole range of cognate biocultural assimilations", all characteristics of a settler colonialism relationship.²⁰ In the United States, these actions were witnessed time and again throughout the 18th, 19th and 20th centuries through US domestic policy towards Native Americans. The goal of a settler colonial relationship is in the dissolution of Native identity and the former citizens being absorbed into a greater citizenry by the colonizer.

Settler-colonialism functions as a systemic means of cultural assimilation, a theoretical tool for a practical policy objective. In the US, these included events such as the Trail of Tears where Native Americans were exiled across the country into pre-destined reservations, as well as various military conflicts against indigenous tribes. The institutionalized, intergenerational aspect of settler-colonialism persists into the reservation system as well as boarding schools facilitated American culture

²⁰ Wolfe, P. (2006). Settler colonialism and the elimination of the Native. pg. 388

and norms into incoming indigenous generations. The US federal government found a way to complacently shift the narrative of what was once always Native land by granting Natives such as the Choctaw status as individual proprietors. They possessed the new legal ability to sell their lands yet in doing so eliminated the communal, sovereign stakeholders that were their tribes as federal institutions replaced them with state governments and reservations. And “Without the tribe, though, for all practice purposes they were no longer Indians” because the tribes represent the cultural consciousness of their identity.²¹ The phrase ‘kill the Indian in him and save the man’ in a sense represents a form of killing, an assimilationist method of cultural killing uniquely found in the settler-colonial relationship that has afflicted the United States for centuries and across generations. What was once tribal land, shared among all indigenous people, now became disposable assets part of a greater colonizer structure that does not leave room for a collective culture system of land portioning.

These characteristics will become most evident when analyzing the status quo of the Uyghurs, as their genealogical bind to their geographic terrain is torn apart by “a whole range of cognate biocultural assimilations” enforced by the State’s practices and policies such as miscegenation, child abduction and resocialization in institutions like boarding schools that have rapidly popped up all over the Uyghur region.

²¹ Ibid. pg. 397

Definitions and Framework

What is Genocide? Legal Precedent in the International Arena

Raphael Lemkin was a Polish lawyer famous for coining the term ‘genocide’ and assisting in drafting the UN Convention on the Prevention and Punishment of the Crime of Genocide in 1948. Lemkin defined genocide, forming the Greek prefix *geno-* for race with the Latin suffix *-cide* for killing, as “a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.”²² While the UN Convention on the Prevention and Punishment of the Crime on Genocide (Genocide Convention) provides the international community with a standardized definition of genocide, the crime itself has manifested in a variety of forms from the notable example of the Holocaust which prompted the creation of the convention, to the Rwandan and Bosnian genocides which differed significantly in the precluding events, practices, and policies of the perpetuating parties, and extent of severity faced by the victimized groups. Exploring the intricacies of these definitions will be critical in asserting how ‘cultural genocide’ is the proper accusation of a crime to label the crisis occurring in the Uyghur region in the status quo, in both the short-term of validating the victimization Uyghurs are currently facing and in the long-term of remedial solutions of providing necessary justice in the future for the actions committed already and that are still ongoing.

²² United States Holocaust Museum. ‘*What is Genocide?*’

Legal Definition of ‘Genocide’

UN Convention definition. The UN Convention on the Prevention and Punishment of the Crime of Genocide in Article II defines genocide as, “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III lays out which acts are punishable concerning the crime of genocide, listing:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Some sources such as the Newslines Institute for Strategy and Policy have gone as far as to cite a violation by the People’s Republic of China in every article of the UN convention. The parameters of this thesis, however, devotes a stronger focus on two

particular subsections of articles that both best exemplify the major violations and extent of their atrocities, as well as prove the minimum necessary legal evidentiary standard to hold China accountable for these violations. Article 2(e) regarding the forcible transfer of children of the group to another group, and Article 3(b) referring to conspiracy to commit genocide, will be the two critical criteria this thesis will investigate as legal grounds for genocide occurring in the Uyghur region. The People's Republic of China became a signatory to the Convention on July 20th, of 1949, and ratified the treaty on April 18th, 1983, legally binding itself to the implications, constraints, and consequences of the Convention.

Definition of 'Cultural Genocide'. The UN Convention on Genocide does not explicate a cultural dimension of committing an act of genocide. However, in the many decades following the 1948 Convention, a plethora of scholarly work on the subject of genocide has been thoroughly published including in the context of culture and religion, as relevant to the crisis faced by the Uyghurs. Cultural genocide is "the systematic destruction of traditions, values, languages and other elements that make one group of people distinct from another."²³ Genocide scholar Elisa Novic denotes in her explanation of the difficulties of defining cultural genocide that in Lemkin's original definition of genocide he as well termed 'cultural genocide' that defines itself as "consist[ing] of the destruction of either tangible or intangible manifestations of a group culture" and rather than mere collateral damage, this

²³ Novic, E. (2016). *The Concept of Cultural Genocide: An International Law Perspective*. Introduction.

would include the intentional destruction of religious and cultural heritage sites.²⁴

She continues to highlight contemporary definitions including noteworthy attributes such as cultural genocide involving “forced assimilation into the dominant culture.”²⁵

These characteristics help bridge the understanding towards the UN definition's broader explanation of ‘intent to destroy in part or in whole’ of a people.

The broad wording of the UN definition requires a framing of cultural genocide where as the characteristics construct the narrative of how actions are contributing to the “intent to destroy, in whole or in part,” of an ethnic group. Cultural genocide does not need to directly defined in the Genocide convention either for it to apply as long as the qualities which define cultural genocide also qualify as acts with intention to destroy an ethnic group. The problem in the debate on what constitutes genocide, is a matter in difference between the means of genocide and the results, which cultural genocide tends to focus on the latter while the Convention’s definition and other legal precedents focus on the means such as mass killings. Additionally, it is important to retain cultural genocide is a “intergenerational” and “long-term process” facilitated typically by a “state practice or policy”, which further obscures the typical definition as genocide is usually referred to in prosecution as a singular series of events perpetuated in terms of individual criminality.²⁶ Cultural genocide while more seemingly complex, is only so far as in the proces of committing the crime of genocide- the results are the same in

²⁴Novic, E. (2016). *The Concept of Cultural Genocide: An International Law Perspective*. pg. 4

²⁵ Ibid.

²⁶ Ibid. pg. 5

the total destruction of a group's individual and collective identity that threatens them on an existential level and can- and does- often become a precursor for other serious atrocities such as mass killings, demonstrated by the events leading to the Bosnian genocide which will be used as an example of cultural heritage destruction as intent to destroy and as a qualifier as genocide.

Reanalyzing the Definition Debate in Context of the Uyghur Region

Cultural Destruction as Intent of Genocide. Adam Jones in *Genocide: A Comprehensive Introduction*, notes in the UN Secretariat Draft of 1947, led by legal experts including Lemkin, there were three proposed categories of genocide including “physical, biological” and notably, “cultural.”²⁷ Given the context of the Holocaust, the Sixth Committee scrapped the latter two categories feeling the comparative proportion of destroying cultural sites such as libraries compared to gas chambers lacked a “sense of logic.” However, the ‘echoes’ (in Jones’ words) of the 1947 draft remain present in the current convention in the form of Article 2(e) regarding the forced transfer of children, as children in themselves act as “culture-bearers for the victimized group.”²⁸ The Pakistani Delegate at the Convention’s drafting even noted the relation between physical and cultural genocide was “intrinsically linked,” where as physical genocide was the means while cultural genocide was the aim.²⁹ While not used as a conviction in international legal

²⁷ Jones, A. (2017). *Genocide: A Comprehensive Introduction*. pg. 100

²⁸ Ibid.

²⁹ Bilsky, L., & Klagsbrun, R. (2018). *The Return of Cultural Genocide?* pg. 389

precedent, the language of Article 2(e) has been utilized in legal cases such as in Australia regarding the transfer of aboriginal families to white families and institutions. We will follow this link chain precisely regarding the detainment of Uyghur parents into work camps and separation from their children into boarding schools.

Yet, in the decades following the gas chambers of the Holocaust, modern manifestations of the phenomenon of genocide have proven cultural destruction indicates a level of intent in committing the act of the more widely accepted form of genocide in mass killing. Jones's central question of what constitutes destruction in the definition of genocide may have fallen out of relevancy for the 1940s drafters of the convention, but modern crimes of genocide have reignited the importance of reanalyzing the question. In particular to the 1990s, the International Criminal Tribunal for the Former Yugoslavia demonstrated "cultural destruction has gained status as a marker of intent to commit genocide"³⁰ given the precluding events up to the Bosnian ethnic cleansing. András Riedlmayer, a Harvard bibliographer, was given the task of documenting over 100 "religious and cultural sites " that had been purposively targeted during the genocide, and thanks to his work and testimony at the tribunal, "cultural heritage destruction as a war crime was prosecuted for the first time by the ICTY."³¹ The Hague Convention of 1954 had listed 'cultural heritage destruction' as a war crime, but it was not until the Yugoslavian tribunal- in addition

³⁰ Davidson, L. (2012). *Cultural Genocide*. pg. 128

³¹ Burgess, A. (2020, February 20). *Harvard librarian puts this war crime on the map*. Harvard Gazette.

to Reidlmayer's contributions of investigating cultural destruction- had the crime ever been prosecuted before, setting a crucial legal precedent.

The International Criminal Court has established an even more recent precedent for a linkage between cultural heritage and prosecuting crimes of destruction. In the 2016 case *Prosecutor v. Al Madhi*, Ahmad Al Faqi Al Mahdi, a member of Ansar Eddine, a movement associated with Al Qaeda, was charged and found guilty of co-perpetuating the war crime of "intentionally directing attacks against religious and historic buildings in Timbuktu, Mali, in June and July 2012."³² While the case does not directly establish a legal precedent for cultural genocide, it does however, establish a link between cultural destruction and criminal prosecution which will be critically relevant for the Uyghurs in the status quo as mosques and graveyards in the Uyghur region are destroyed and replaced as one of many precluding crimes occurring under the umbrella of cultural genocide. The intent to destroy cultural markers again, is one of two significant legal qualifiers that proves the PRC is in violation of the UN Convention on Genocide as it contributes to the erasure of the collective identity of the Uyghur people.

The Status Quo of The Uyghur Homeland

Returning to the aforementioned example of the indigenous families in the United States, Article 2(e), noted as the 'echo' of a qualifier of cultural genocide perhaps is the clearest and most damning violation of the UN Convention as perpetuated by the

³² *Prosecutor v. Ahmad Al Faqi Al Madhi*, ICC-01/12-01/15 (Sept. 27, 2016).

Chinese state. Recall the historical relationship of the Chinese state and the Uyghur people is best described as one of a settler-colonial relation.

In the status quo, there are various direct policies employed by the Chinese state that disregard the UN Convention on Genocide by violating Article II, both in general in the sense of in partly destroying the ethnic and religious identity of the Uyghurs as well as subsection (e) that designates the forceful transfer of children.

Origin of the Genocide's Infrastructure. In regards to the ethnic and religious identity of the Uyghurs, the cultural genocide can be most clearly traced starting from at least 2017. This is the year when the PRC “began a systematic and violent dismantling of Uyghur culture and identity than can be unequivocally described as cultural genocide” according to Sean Roberts, a doctor in Cultural Anthropology from George Washington University and has been an expert in studying the Uyghur homeland for well over thirty years.³³ His work provides an intimate and shocking look into the particular policies engaged by the PRC that designate the crisis in the Uyghur homeland as a cultural genocide.

He explains the origins began with the high-tech, almost Orwellian surveillance infrastructure put in place by the PRC as a counter-terrorism response in the post-9/11 era. This began in early 2014, when the PRC military contractor Electronic Technology Group began “building a massive database of all Uyghurs.”³⁴ The project built profiles of millions of Uyghurs using biometric data including

³³ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 200.

³⁴ Ibid.

fingerprints, interviews, facial recognition technology and artificial intelligence in order to assess an individual's degree of loyalty to the Chinese Communist Party (CCP) and the State. The system would then be utilized with a biopolitical strategy laid out by the State, treating 'extremist' behavior that could potentially lead to terrorist activity like a health crisis. This means as early as 2014, the groundwork was laid down for "a massive system of surveillance and loyalty evaluation,... a methodology for mass internment,... and the biopolitical logic had already been established for attacking Uyghur culture in the name of countering 'extremism' and 'terrorism.'"³⁵ Even in the decade following 9/11, the Chinese state had began efforts of voluntarily assimilating Uyghurs and other Muslim minorities to counter terrorist activity in the nation, as did other countries once the Global War on Terror began. All that was missing, however, was an administrator ready to push the envelope by giving up on voluntary assimilation and utilize the system to expedite the effort involuntarily, or through coerced means to make the process seem voluntary.

Beginning of the Genocide. Returning to 2017, the administrator that was needed was put into office in the XUAR. Chen Quanguo was the Party Secretary of the Tibetan Autonomous Region (TAR) for the first half of the 2010s where "he had significantly transformed Tibet," establishing "'convenience police stations' in urban areas every 500 meters connected to cities' vast network of CCTV cameras" and in essence mitigated Muslim dissent in Tibet by creating what some experts have

³⁵ Ibid. pg. 203.

called the “perfect police state.”³⁶ Quanguo took these practices to the Uyghur homeland when he took office in August of 2016. Within the first year of office, Chen has established over “100,680 security related jobs, over thirteen times the average annual” and created “an estimated 7,300 ‘convenience police stations’ in the Uyghur homeland”, evidently recreating the police state he had done in Tibet.³⁷ Additionally, within that first year the Chinese state would collect biometric data for “18.8 million of the region’s 21.8 million people” via free health exams where individuals unknowingly but voluntarily gave that aforementioned surveillance system “DNA, fingerprints, voice signatures, and face signatures.”³⁸ The program was finally identified by name by the Human Rights Watch in 2018 as the Integrated Joint Operations Platform (IJOP) which would become Chen’s, and the cultural genocide’s, main “tool of social control, and ultimately, the infrastructure of the Uyghur region’s biopolitics.”

IJOP is significant in the sense it relates to what Roberts calls the ‘headlines-grabbing’ evidence of cultural genocide most commonly reported in regards to the Uyghur homeland, of mass internment and incarceration. Despite few and far between terror attacks, and even fewer connections with Uyghurs and established terror groups, the PRC by 2017 had felt they needed to increase their counterterrorism response not only through increased military parades and drills in the Uyghur homeland, but through legal avenues as well. In March of 2017, the CCP

³⁶ Ibid. pg. 204.

³⁷ Ibid. pg. 205.

³⁸ Ibid.. pg. 206.

approved new ‘deextremification’ regulations for the region that lists fifteen different manifestations of ‘extremist’ behaviors targeting particularly Islam that “criminalized virtually all religious behavior and any consumption of religious information that was not explicitly promoted by the state.”³⁹ Most noteworthy of these regulations, was Article 14 that laid the foundations for the mass internment ‘re-education’ system utilized as punishment for violating the new law.

From spring 2016 to the end of 2018, there was an institutional effort financed by the State that built multiple and massive prison-like structures across the Uyghur region that would end up being either the internment camps or incarceration centers. While the institutions in themselves are devastating, they are only the center-piece of a far larger issue as they establish “an environment of complete fear and complicity while dismantling the social capital of Uyghur communities” as the threat of these institutions neutralize any attempt at resistance by the Uyghur people, especially given the context of such a sophisticated police state that has captured nearly all of the population’s biometric data.⁴⁰

The first international media reports on the internment camps in China were released in fall of 2017 by news outlets and watchdog groups such as Human Rights Watch and Radio Free Asia, receiving reports from families that relatives had been interned for months with no information on the reason for their detainment or when they would be released. Because of the sophisticated and air-tight channels of

³⁹Ibid. pg. 210.

⁴⁰ Ibid. pg. 212.

information able to flow out of China, statistical information on the rate of incarceration and internment has been scarce. Yet, one Chinese law student, who is ethnically Han, utilized satellite imagery from Google Earth to estimate by spring of 2018 these camps held over an estimated “one million Uyghurs,” which equaled about “11.5%” of the population of Uyghurs and Kazakhs in the Uyghur homeland between 20 and 79 years old.⁴¹ Roberts explains this statistic by Zenz would mean “the mass internment of Uyghurs and other indigenous Muslims in the region had quickly escalated to one of the largest ethnically profiled extra-legal mass internment of people in history.”⁴²

Conditions of the Camps. Since most of the reporting on the camps are either obscured by model camps being investigated by foreign journalists or arrive from escaped internees provides eyewitness testimony, these camps lack uniform in both the conditions of who they intern and of the camps themselves. Yet, they are uniform in overall patterns of detention and punishment demonstrated by the evidence in the last several years they’ve been active. First, they’re uniform in the sense “regional administrators are given quotas for internees,” meaning the camps systematically expect to fill their institutions consistently at all times.⁴³

Second, the State’s propaganda excuses these internment camps as ‘re-education centers’ aimed at promoting ethnic unity in the state and/or curtailing

⁴¹ Zenz, A. (2018). ‘Thoroughly reforming them towards a healthy heart attitude’: China’s political re-education campaign in Xinjiang. pg. 21

⁴² Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 214.

⁴³ Ruser, N., Leibold, J., & Hoja, T. (2020, September 24). *Cultural Erasure*. Australian Strategic Policy Institute.

counter-terrorism through political and ethnic re-education. These normally include language courses in Chinese which are not typical by any pedagogical standard. Rather, their aim is more towards “power and intimidation” rather than education for learning’s sake. These classrooms are constantly monitored by CCTV that quickly reprimands students for nodding off or not paying attention via loudspeakers or security removing them altogether from the classroom.⁴⁴ In the political education courses, students often had to contemplate their ‘sins’, ranging from anything from “observing religious practices” to “not knowing the Chinese language” (which many Uyghurs in the region do not, as they predominantly speak a Turkic-language group) and one escaped internee, Omär Bekali, reported having to repetitiously chant propaganda slogans over and over, comparing the process to “psychological torture over time.”⁴⁵ Other reports include mentions of direct torture or interrogation involving either infamous ‘Tiger Chairs’ or sleep deprivation, as well as women have shared varied reports from camp to camp of sexual abuse including rape.⁴⁶ The psychological harms have culminated in their worse form as for both internees and the incarcerated, reports by released detainees explain the victimized have “contemplated suicide or witnessed others kill themselves.”⁴⁷

One of the most disturbing conditions of the camps involves the reproductive rights of women. While in internment camps, some women have been forced to undergo abortions and others have contraceptive devices planted against their will.

⁴⁴ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 216

⁴⁵ Ibid.

⁴⁶ Maizland, L. (2021, March 1). *China's Repression of Uyghurs in Xinjiang*. Council on Foreign Relations.

⁴⁷ Ibid.

These acts of sexual violence may be systemic as well for activists fear rape in these camps may be a targeted practice by the State against Uyghur minority women as in a letter by a former guard at a Xinjiang camp supported the claims of escaped victims of sexual violence from these camps by writing, “Chinese officers would watch women in their cells through a monitor before selecting one to take out. ‘There are two tablets in the kitchen, one for snacks and liquor, and the other for ‘doing thing.’”⁴⁸ Additionally, many married women reported being ordered to swallow unknown pills on a weekly or monthly basis that afterwards many suspect led to sterilization after a given amount of time. This has been confirmed by a leaked national policy document known as the Karakax List that according to Human Rights Watch and The International Centre for Defense and Security cites, “the most common reason for internment was violation of family-planning policies; women are forced to be sterilised under a national programme to prevent further violations.”⁴⁹ This was corroborated by a report released by the Associated Press that found:

“The data show[s] how over the past four years, hundreds of thousands of Turkic Muslim women have been subjected to mandatory pregnancy checks, forcible insertion of intrauterine devices (IUDs), and forced sterilizations and abortions.”⁵⁰

⁴⁸ Ferris-Rotman, A. (2019, October 5). *Abortions, iuds and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals*. The Washington Post

⁴⁹Jüris, F. (2021, March 23). *China's second-generation ethnic policy – from mass surveillance to forced sterilization and genocide*. ICDS.

⁵⁰ Finley, J. S. (2020). Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang.

The effects of this sterilization become most apparent when discussing the impact on Uyghur demography in terms of family planning and children-rearing as will be further explained in the last section regarding the Uyghur status quo.

Forced Labor & Incarceration. In 2018, the camps evolved from mere internment and ‘re-education’, to include elements of forced labor and direct incarceration. There are three general ways ethnic minorities in the Uyghur region find themselves in forced labor programs. First, through transfer from the internment camps to forced labor within the camps or at nearby industrial parks, then to local satellite factories in home regions or inner China. Second, for those not interned, those on the outside are sent to centralized training facilities also called ‘vocational training internment camps’ (VTICs), which partially focus on vocational training but predominantly remain prison-like structures focused on other aspects of ‘re-education’ including political, are sent from VTICs to direct employment. Third, those also not interned begin in village work teams that are assigned to construct satellite factories and childcare facilities in the region and then eligible citizens-especially women- that are able to work then begin work in the newly established facilities. Local governments convince companies and factories through this process by offering lucrative subsidies which can significantly reduce labor-costs for firms that participate and “train and employ VTIC detainees.”⁵¹ The textile industry, for instance, is a major beneficiary of forced Uyghur labor. This

⁵¹ Zenz, A. (2019). *Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang*. pg. 9

serves a dual-pronged purpose of both encouraging business complacency of the detainment and internment programs of Uyghurs while also obscuring the significance of the crisis through 'policy transparency' that misconstrues coerced labor tactics as vocational training.

The forced labor program also feeds into the demographic erasure of the Uyghur homeland through a systemic process of settler colonialism. The first and second flows of internment to labor have demonstrated many rural Uyghur youth have been relocated to parts of inner China for work, meaning both "long-term sustainability" for the system of re-education but more notably "a means to integrate it with settler colonialism by creating ethnically segregated and low-paid work for sufficiently 're-educated' Uyghurs," as the youth demographic is funnelled into inner China and replaced in the Uyghur region with Han settlers.⁵²

In terms of direct imprisonment, the typical cast has been incarcerated in China that would be in other instances of genocide or cultural, political or social erasure. Uyghur cultural figures such as "professors, writers, and musicians, as well as most religious figures," have been sent to prison rather than 're-education' camps, likely due to their cultural influence.⁵³ This is made possible by the consequences of the 'de-extremist regulations' laws that passed in 2017, and rather than face extra-legal internment, can instead face legally justified levels of increased punishment and incarceration for 'deviant' behavior. Chinese officials cite

⁵² Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 219

⁵³ Ibid. pg.. 223

overcrowding, but given the incentive of demographic erasure of the Uyghur homeland as part of the cultural assimilation process, many Uyghur detainees are being transferred to prisons in inner China.⁵⁴ This would also expedite the process of political 're-education' giving the proximity to the State's heartland and further instill an environment of fear for those not detained already knowing the consequence could be not only incarceration but imprisonment hundreds of miles away from one's homeland when they already do not know where or for how long their relatives could be detained- or whether or not they'll find themselves interned. As a result, "threat of internment and incarceration" in itself have quickly proven to be one of the most powerfully persuasive mechanics in "the destruction of Uyghur identity outside the camps" during the cultural genocide.⁵⁵

Privacy's End in Uyghur Culture. Another consequence of internment and incarceration has been in the mentioned effect of the environment of fear instilled upon the Uyghur population not currently in camps. The ramped up police state under administrator Quanguo has established multiple checkpoints in nearly every public space in the Uygher region's many cities, requiring some form of identity check be ID, facial scan or mobile phone, that has already been registered and monitored by IJOP. This intense surveillance state given the threat of internment or incarceration, has made those living in the Uyghur region live in "a constant state of self-censorship."⁵⁶ This is critical to note not only because first, it demonstrates the

⁵⁴ Hoshur, S., & Long, Q. (2018, February 10). *Xinjiang authorities secretly transferring Uyghur ...* Radio Free Asia.

⁵⁵ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 224

⁵⁶ Ibid.

broader scope of the cultural genocide's impact on the daily lives of Uyghurs even not interned or incarcerated, but also demonstrates the dangers of Uyghurs reporting information regarding the surveillance state or the camps to international observers, media, academics or journalists. Hence, much of the source material regarding the cultural genocide hinges upon eyewitness testimony, clever work by those such as Zenz utilizing satellite imagery, and logical gaps in the so-called transparent policy explanations given by the State media when responding to criticisms of their 'voluntary vocational training centers.'

Tech only plays a partial role in the influence of the surveillance state on censorship, as a long-standing practice even before 2017 in China's counter-terrorism strategy has been assigning 'cadres' or young Party officials, either of Han or more manipulatively of Uyghur descent, to stay with families. These cadres monitor Uyghur families and live with them for "extended periods of time, sometimes as often as one week each month" and report back to the State on suspicious activity, introducing a paternalistic and involuntary power structure into the daily lives of Uyghur family hierarchies.⁵⁷ The oversight by cadres force Uyghurs to consistently watch their own actions and words and live in a state of constant fear as otherwise the cadres' reports could lead to themselves or family's internment. The impact of both the technology and the cadres of this "pervasive surveillance" state according to Roberts essentially establishes a double-bind that first, "breeds distrust within this ethnic community" as Uyghurs cannot discuss their situation

⁵⁷ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 226

with one another without incurring suspicious arousal, and second, “makes all Uyghurs in the region incapable of resisting CCP-led campaigns to promote assimilation” as they’re either not interned and stuck in the environment of fear and self-censorship, or they are already victimized for vocalizing dissent and sent to internment camps.⁵⁸ The Chinese state has in essence, created a surveillance system so powerful both in and out of the camps they prevent and deter any Uyghur resistance to the cultural erasure policies being enacted and enforced.

Destruction of cultural markers. The cultural genocide has affected not only the cultural and psychological landscape of the Uyghurs, but has penetrated the physical terrain as well. As rationalized by the Chinese state as a policy of ‘modernization’, Uyghur architecture and cultural sites are being torn and replaced with new as part of the ‘de-extremist’ regulations as well. Graveyards have been demolished with no consideration of the buried, religious sites have been destroyed and new standards for residence buildings that are “not based on Uyghur traditional housing structures” have replaced any remaining physical structure that was recognizably and uniquely Uyghur. Like the other events in the cultural genocide, this started as a gradual process then rapidly ramped up once policy could be enacted, which consequently has assisted in obscuring the severity of the process and writes it off as mere ‘modernization.’ At first, there were removals of “crescent symbols on minarets,” then “progressed towards repurposing mosques, and has culminated in

⁵⁸ Ibid. pg. 227

destroying many of them.”⁵⁹ In particular to combatting Islamic symbolism, and again by utilizing satellite imagery, *The Guardian* found in a 2019 analysis of over 100 mosques in the Uyghur region that at least “31 mosques and two major shrines” have been structurally damaged since 2017, with 15 being completely razed.⁶⁰ Stating that the number of mosques being destroyed has increased exponentially since 2019 would be a severe understatement, as the number has grown tremendously in proportion as the Australian Strategic Policy Institute reported in 2020, “approximately 16,000 mosques in Xinjiang (65% of the total) have been destroyed or damaged as a result of government policies,” as well as “30% of important Islamic sacred sites” have been completely demolished with another “28%” of other pilgrimage and sacred sites being partially damaged.⁶¹ Just as internment and incarceration centers went from a handful to over hundreds from 2017 to 2018, the gradual then very quick process of the destruction of cultural heritage sites demonstrates that the Chinese state recognizes the severity and priority of cultural assimilation of the Uyghur population. The State is thus incentivized to expedite the process as much as possible to continue their charade of claimed policy transparency, in the sense of cleaning their hands of the crime before being caught and hence the dramatic increase in destruction of Islamic sites in such a short period of time.

⁵⁹ Ibid.

⁶⁰ Kuo, L. (2019, May 7). *Revealed: New evidence of China's mission to raze the mosques of Xinjiang*. *The Guardian*.

⁶¹ Ruser, N., Leibold, J., & Hoja, T. (2020, September 24). *Cultural Erasure*. Australian Strategic Policy Institute.

Children, Marriage and Miscegenation. While the ‘de-extremist’ regulations have been the primary legal tool for the Chinese state in a majority of the aforementioned markers of cultural genocide, it is the ‘Second Generation Nationalities Policy’ that clarifies China’s true intentions. Also known as the Second Generation Ethnic Policy, the Chinese state views ethnic minorities as an existential threat to national identity and thus the policies “aim to strengthen national identity at the expense of ethnic identity,” and does this by reducing the special rights previously granted to ethnic minorities such as “university admission, family planning and language learning.”⁶² The goal is to strengthen Chinese national identity by reducing the ‘melting pot’ of ethnicities through assimilation rather than integration. The Chinese state previously attempted an economic integration plan for ethnic minorities, also sponsored by Xi Jinping, but ultimately failed as the economic inequality gap in the 21st century has only increased for ethnic minorities. As mentioned, the camps serve the purpose of political re-education and Chinese language learning, but it is the factors of university admission and family planning where some of the most colossal effects of the cultural genocide are witnessed- by rescaping the Uyghur human terrain.

The second generations policy’s aim is in removing ethnic distinctiveness as a means of promoting national identity, and this is where the “culture-bearers” of the Uyghur population, children, are severely impacted. The CCP has gone as far to

⁶² Jüris, F. (2021, March 23). *China's second-generation ethnic policy – from mass surveillance to forced sterilization and genocide.* ICDS.

change the cultural landscape not only physically in the destruction of mosques and religious sites but by also forcing Uyghurs to directly violate the Qu'ran. Uyghurs, reinforced by the party cadres that stay in their homes, have been encouraged to participate publicly in Chinese national holidays, but in doing so party officials and cadres have forced Muslim minorities to drink alcohol and smoke cigarettes, as well as during 2019 Chinese New Year celebrations, "being forced to consume pork in honor" of the Year of the Pig, which is also *haram* for Muslims.⁶³ Not only during the 'Year of the Pig' have Muslims been forced to consume alcohol, cigarettes and pork, but camp detainees have reported that the camps purposively choose on Fridays, a holy day in Islam, to forcibly serve pork to detainees otherwise they would face extreme punishments.⁶⁴ The cultural landscape of the Uyghurs has ever become more secular and detached from Islam, fostering an environment both in and out of the camps where Uyghur children are being indirectly and directly taught worshipping the religion so fundamentally embedded in their culture is forbidden.

The cultural landscape has also changed for children in terms of the education system. While the prior economic integration plan provided ethnic minorities such as Uyghurs with affirmative action policies that would make them more competitive in university admissions, they are beginning to roll back the advantages and punish ethnically pure Uyghur couples and their children in the admissions process. On the high school and secondary education level before 2017,

⁶³ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg.. 231

⁶⁴ Regencia, T. (2020, December 4). *Uighurs forced to eat pork as China expands Xinjiang pig farms*. Al Jazeera.

Uyghurs had a “50-point advantage” on their test grades and after the cultural genocide began, that number has now been “slashed to 15 points, thus dramatically reducing the number of Uyghurs attending academic high schools.”⁶⁵ The consequence of rolling back affirmative action has meant a higher proportion of Han Chinese students are attending schools in the Uyghur region, reinforcing the assimilationist environment on the youth. Additionally, many of these high schools are located in urban areas, which means for rural Uyghur students they must competitively apply to boarding schools that once accepted, will keep them physically separated from their culture and language. The affirmative action rollbacks not only impact academic admissions on university and high school levels, but will remove “tax benefits and other subsidies for as many as 110 million people,” economically affecting an ethnic minority population equivalent to Australia’s total population.⁶⁶

Like those indigenous children forced into boarding schools in the US, Canada and Australia, the children of Uyghurs are being separated both from their physical homes and their families. Chen Quanguo had in mind when taking office in order to promote the second generation's ethnic policy, more state-run institutions would need to be built to accommodate the children of interned Uyghur parents. These children are direct victims of involuntary intergenerational separation, “which has long been a hallmark of settler colonialism and cultural genocide” and many are sent

⁶⁵ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 232

⁶⁶ Lau, M. (2019, December 5). *China's ethnic groups face end to affirmative action in education, taxes*. South China Morning Post.

to these state-run institutions at very early ages that include boarding to help reinforce the Han assimilationist mindset.⁶⁷ In February of 2017, the Chinese government sanctioned the construction of “4,387 ‘bilingual’ (i.e. Chinese language focused) preschools, with a planned intake of 562,900 new students.”⁶⁸ Like the internment camps and destruction of religious sites, the Chinese state wanted the process expedited and had ordered for these thousands of institutions to be completed by July 25th of the same year- merely 6 months of work to host nearly half a million new students. The planned total number of students attending these schools was just over one million, but by the beginning of the school year that number was exceeded to “1.4 million.”⁶⁹ Zenz accounts for the higher enrollment as a result of the Chinese state being forced to deal with the displacement of children with interned parents and not-so-subtly enrolling students at ages even younger than admitted initially in pre-school as a means to keep more children in boarding programs away from their homeland. The statistical evidence supports this is unique to the genocide, as in three southern regions with “Uyghur majority populations”, pre-school enrollment “rose by 148 percent” between 2015 and 2018, while total national enrollment was a mere “26 percent” during this period.⁷⁰ In summation, the experience of a Uyghur child from an age as early as two years old involves a state-run campaign of child separation through the extrajudicial internment and

⁶⁷ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 232

⁶⁸ Zenz, A. (2019). Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang.

⁶⁹ Ibid.

⁷⁰ Ibid.

incarceration of Uyghur parents, “the coerced employment of women who then are obliged to bring their children to state-run day-care,” as referred to in Zenz third flow of forced labor, “and an expansion of boarding schools at all levels of education.”

⁷¹ It’s become apparent that the subsidized projects for state-run educational institutions represent the most obvious and intense policymaking to reinforce the settler-colonial relationship between Uyghurs and Han chinese.

The ethnic cleansing at its most grotesque level affects children even before birth, as children are becoming increasingly targeted for being ethnically Uyghur and parents are disincentivized from marrying within their ethnicity. In 2017 among the affirmative action rollbacks, new incentives were put in place that would allocate a “20 point” advantage for the parents of Children that are inter-ethnic, “defined as those with one Han parent”, which is superior to the newly cut rate of 15 points for parents that are both Uyghur.⁷² As a consequence of both the new affirmative action policy, and China’s demography being significantly shaped by decades of the “one-child policy” that dictated that all families in China would only be permitted to have one child, miscegenation has become both directly and indirectly encouraged. While a majority of Uyghur men are detained, and as a result of the patriarchal overtones of the one child policy rendering the population with far more Han males than females, Uyghur women are now becoming coerced to marry Han men. Campaigns have been made by the CCP to promote Han men to travel and move to

⁷¹ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 233

⁷² Xiao, E. (2019, May 16). *China pushes inter-ethnic marriage in Xinjiang assimilation drive*.

the Uyghur homeland and experience the “exotic beauty and caring nature of Uyghur women.”⁷³ These erotic fantasies have been promoted by a surge of articles that since 2018 have encouraged inter-ethnic marriages between Han males and Uyghur females in Chinese media.⁷⁴ The situation is particularly problematic for Uyghur women, who if offered a marriage proposal by a Han man, have become coerced in accepting regardless of their feelings as the punishment for denying a marriage could result in internment for the women or their families. Thus, while the older generation of Uyghurs are hard to accept these marriages that are traditionally proposed by the family and women in Uyghur culture, the younger generation now has the State as the mediating third party in deciding marriages as “in nearly every published wedding narrative [in the Chinese media] the presence and support of local cadres and the visiting ‘relatives’ is a major feature.”⁷⁵ With the State having such an active participatory role in marriages, young Uyghur women can attempt to buy their time before the inevitable, but it comes all the same or else they face internment for themselves and/or family.

This will have a lasting impact on the demography of Uyghurs in the following decades as not only are guards forcing sterilization on married Uyghur women in camps, a State sponsored campaign for inter-ethnic marriage to reject ‘ethnic separatism’ and promote Chinese national identity will result in taking away

⁷³ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 234

⁷⁴ Byler, D. (2020, June 30). *Uyghur love in a time of interethnic marriage*.

⁷⁵ Ibid.

the autonomy of Uyghur marriage culture and support the slow erasing and replacing of the Uyghur physical identity as well as cultural.

Legal Violations of the Uyghur Status Quo

Constitutional Violations. Now that the full breadth of the cultural genocide has been explored in the status quo, it's apparent in their policies and application legal violations regarding the ethnic assimilation of Uyghurs have become rampant. While most of this section will dedicate itself to violations of international customary law, one should note many of these new laws and extrajudicial policy practices violate even domestic law in the PRC. In particular to the intense surveillance infrastructure of IJOP and the extra-legal incarcerations of Uyghurs and prominent Uyghur cultural figures, "Mass surveillance and conviction without a court judgment is contrary to both China's own constitution and international human rights law."⁷⁶ In the leaked documentation from 2019 that the New York Times calls the 'Xinjiang Papers', which include the aforementioned Karakax List and discovery of IJOP, Chinese officials were instructed to detain Uyghurs accused of suspicious behavior "with no mention of judicial procedures", thus being instructed by the CCP to directly violate domestic law protected by the constitution of China which was drafted and signed by the National People's Congress on December 4th, 1982.⁷⁷ Article 126 of the Constitution explains, "The people's courts exercise

⁷⁶ Jüris, F. (2021, March 23). *China's second-generation ethnic policy – from mass surveillance to forced sterilization and genocide*. ICDS.

⁷⁷ Ramzy, A., & Buckley, C. (2019, November 16). *'Absolutely no mercy': Leaked files expose how China organized mass detentions of Muslims*. The New York Times.

judicial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual.”⁷⁸ The constitutional protection of the people’s courts and respective judicial procedures have instead been skipped over completely by CCP policy via the ‘de-extremist’ regulations and second generation ethnic policy enacted by an ‘individual’, Xi Jinping.

Chapter II of the Chinese constitution explains the fundamental rights and duties of Chinese citizens. Article 35 guarantees citizens the right to “enjoy freedom of speech, of the press, of association, of procession and of demonstration.”⁷⁹ While this right had been long suppressed before the cultural genocide’s beginning, Uyghur dissenters continue to remain silent as IJOP and cadres can use their “freedom of speech” against them as evidence for suspicious behavior of extremism. Article 36 distinguishes the freedom of religion; “No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.”⁸⁰ Interestingly, the US constitution groups the freedoms sought by Article 35 and 36 together under the first amendment, meanwhile the Chinese constitution distinctively places the right of religion under its own unique protection. This signifies by the writers of the constitution the prioritized importance of this freedom independent of other freedoms of self-expression, yet destruction of

⁷⁸ Chapter III, Article 126 People’s Republic of China Constitution.

⁷⁹ Chapter II, Article 35 People’s Republic of China Constitution.

⁸⁰ Chapter II, Article 36 People’s Republic of China Constitution.

religious sites and forbidding Islamic practices has been one of the most common practices during the cultural genocide in contrast to the constitutional protections.

Article (2e) and Separation of Children. The most damning evidence of a violation of international customary law lies in the UN Convention on Genocide. The PRC has violated Article 2(e) of the Convention which guarantees the protection and prevents the forcible transfer of children from one group to another. The increase in the number of boarding schools, the earlier ages of enrollment, and changes in affirmative action policy are all evident violations. As a result of the State unable to accommodate the higher than expected enrollment numbers, they have abandoned parent-less children to the streets. The enrollment-incarceration spillover effect has displaced children as “the Chinese government has built at least eighteen orphanages in Kashgar, one of Xinjiang’s major cities, alone” as of August, 2021, likely due to overcrowding thus preventing children of interned parents from having room to stay in boarding schools.⁸¹ In the effort to assimilate Uyghur culture into the dominant Han, children have been left victimized by either an overburdened education system made to instill feelings of inferiority or because of the family separation into internment camps and incarceration centers they have been simply abandoned overall, hence the rise in orphanages being built particularly in the Uyghur region.

⁸¹ Abbas, R. (2021, August 16). *The Uyghur Genocide through the Lens of the Child*. Georgetown Journal of International Affairs.

Article 3(b): Conspiracy to Commit Genocide. The definition debate of genocide highlighted the difficulty in accusing the Chinese state of committing direct genocide due to the missing elements of priorly condemned genocides, such as mass killings and negating the possibility of a violation of Article 3(a), genocide. However, under the definitional framework of cultural genocide, one can make the argument the precursor policies in cultural genocide constitutes a conspiracy to commit genocide. Referring back to the Xinjiang Papers, the authors identified in association with Article 2(e), “The government sends Xinjiang’s brightest young Uighurs to universities across China, with the goal of training a new generation of Uighur civil servants and teachers loyal to the party.”⁸² Government documentation hints at conspiracy to genocide and this is clarified as intent as since children are identified as ‘culture-bearers’ carrying on a Uyghur legacy, “their specific targeting by the Chinese State evidences its clear intentions with respect to this minority population” in regards to committing cultural genocide as the means aligned with the political interests of the State in ethnically cleansing its population systematically.⁸³

In the 2015 ICTY appeal judgement hearing of the case POPOVIĆ et al. (IT-05-88-A), the Appeals Chamber recalls “a concerted agreement to commit genocide may be inferred from the conduct of the conspirators’ and can be based on circumstantial evidence.” The Xinjiang Papers, IJOP and the Karakax List are three pieces of government funded and forged documentation that are circumstantially

⁸² Ramzy, A., & Buckley, C. (2019, November 16). *'Absolutely no mercy': Leaked files expose how China organized mass detentions of Muslims.* The New York Times.

⁸³ Finnegan, C. (2020). The Uyghur minority in China: A case study of cultural genocide, minority rights and the insufficiency of the international legal framework in preventing state-imposed extinction.

evident of conspiracy to commit genocide. This was further clarified by the Prosecutor's remarks in the 2007 appeal judgment of the Nahimana et. al (ICTR-99-52-A) case of the International Criminal Tribunal for Rwanda. Given the lack of evidence in committing genocide directly, "the existence of a conspiracy to commit genocide must be the only reasonable inference based on the totality of the evidence"⁸⁴ which is heavily supported by the linguistic choices of the cited authors of this thesis in choosing the vernacular "cultural genocide" alongside Chinese foreign policy rejecting claims of direct genocide. While the wording for Chinese documentation regarding the new laws affecting Uyghurs cites 'national unity' as the justification, the explanation does not warrant the necessity for the inhumane process of cultural assimilation and thus logically makes more sense as merely a 'smoke and mirrors' distraction from a larger conspiracy not to promote national unity, but ethnically and culturally cleanse a significant portion of the population.

At worst, the PRC may not be in violation of either Article 2(e) or Article 3(b) of the UN Convention on Genocide, but surely are guilty of committing crimes against humanity and what has been legally set as precedent in prior cases as 'war crimes' considering the evidential circumstances of both ICTY and the ICC case *Prosecutor v. Al Madhi* in terms of destruction of cultural heritage sites. Particularly for crimes against humanity, the PRC is violating "the Rome Statute of the International Criminal Court" especially in regards to the treatment of women in

⁸⁴ ICTR NAHIMANA et al. (ICTR-99-52-A)

camps as it “lists rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and sexual violence as ‘crimes against humanity.’”⁸⁵

Regardless of the international organization, it’s clear multiple international institutions have set in customary law protections against many of the crimes which the Uyghurs have been victimized by in China. The historical legal precedents set by the ICC, the ICJ and the Hague Conventions have all determined the heinous acts committed by Chinese Communist Party are violations of the UN’s Convention on the Prevention of Genocide and surely are in part and in whole committing genocide.

Psychological Qualifiers of the UN Definition. While the legal precedents that qualify the Uyghur crisis as genocide have been discussed thoroughly, the psychological dimension provides critical insight into understanding in detail how the actions perpetrated by the Chinese state are so damaging on an individual level to what Lemkin described as the ‘essential foundations’ of the life of national and ethnic groups such as the Uyghurs, and as recalled by the testimony of the escaped internee Bekali as ‘psychological torture.’

This goes without saying when constructing an argument based on the cultural dimension, and in a more general sense regarding the discourse on the Uyghur genocide, the inherent retort regarding the actions of the Chinese state contends their actions are merely an attempt to better integrate Uyghur and Han cultures together in order to preserve a more peaceful and orderly Chinese society.

⁸⁵ Finley, J. S. (2020). Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang.

Societies across the world and namely with success in the West, have accomplished the task with ease, such as the United States' prided example of being a bastion of multiculturalism. One can understand the double-standard hypocrisy of the West for criticizing a foreign entity for their own attempt at managing a 'melting pot' of diverse demography. Yet, the issue reveals itself when the process turns from acculturation to assimilation and the integration process does more harm than good. The problem is an existential one, as culture is not a catch-all term merely to identify oneself on a survey but rather "shapes the individual and collective identities and existences, which are quintessential to humanity."⁸⁶

The psychological argument, then, poses the question of whether the Chinese state has appropriately managed the cultural integration of Uyghurs into Chinese society. John Berry in his famous 2005 article defines 'acculturation' as the "dual process of cultural and psychological change that takes place as a result of contact between two or more cultural groups and their individual members."⁸⁷ Berry sought to seek whether or not acculturation "always involve[s] conflict and result[s] in negative outcomes for both groups involved?" as he concluded much literature on ethnogroup relations emerged from the understanding the colonial relations between indigenous groups and European domination.⁸⁸ In assessing whether the acculturation between two cultures will be positive or negative, Berry denotes a key factor is in the cultures' support of cultural pluralism which is not evident in the

⁸⁶ Novic, E. (2016). *The Concept of Cultural Genocide: An International Law Perspective*. pg. 2

⁸⁷ Berry, J. W. (2005). *Acculturation: Living successfully in two cultures*. pg. 698

⁸⁸ *Ibid.* pg. 699

contradictory policies of ethnic cleansing by the PRC. How individuals acculturate, known as acculturation strategies, are based on two determinants: the attitudes (an individual's preference on how to acculturate) and the behaviors (person's actual actions) of an individual. There are a total of four acculturation strategies that impact the well-being of an individual at the crossroads of two cultures. They are based on two issues, the first of maintaining "the heritage culture and identity" of one's current culture, and the second of balancing "relationships sought among groups."⁸⁹

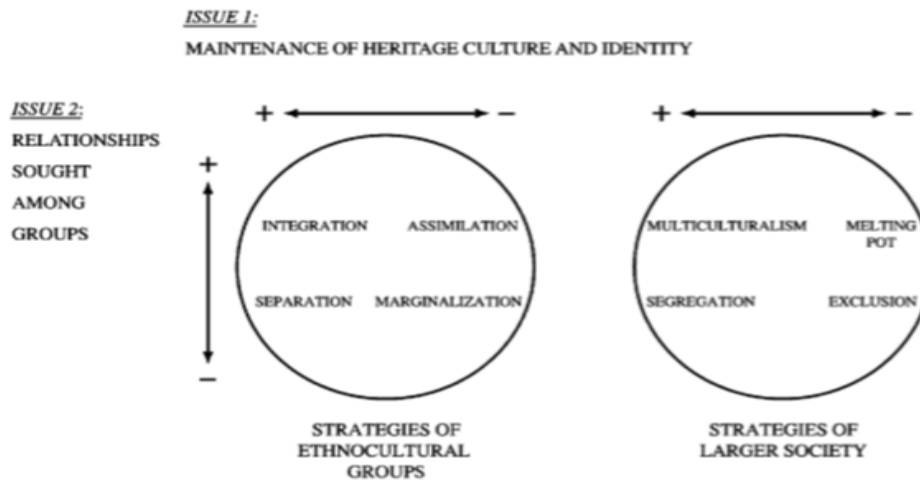


Fig. 3. Four acculturation strategies based upon two issues, in ethnocultural groups, and the larger society.

Utilizing Berry's fig. 3 , the four modes of acculturation are distinguished in the left circle from the perspective of the non-dominant group and assimilation best describes the experience of the Uyghurs. The Chinese state is not necessarily

⁸⁹ Ibid.

marginalizing the Uyghurs as their policies aim at creating a unified culture. In assimilation, “individuals prefer to shed their heritage culture, and become absorbed into the dominant society.”⁹⁰ While the Uyghurs are not “preferring” their treatment by any means, the political re-education and brainwashing of these camps conforms individuals to shed their cultural heritage. Instead of marginalizing, the destructive nature of the PRC’s policies has incentivized Uyghurs to dismiss their home-culture in favor of the dominant Han culture or face internment or incarceration for displaying ‘extremist’ behavior. Hence, the language of this paper has carefully distinguished ‘assimilation’ from ‘integration’ or ‘acculturation’ as it signifies merely a mode or strategy of acculturation- a mode that is particularly dangerous to the receptive individual. Likewise, it would be more appropriate to describe the US’s demography as one of multiculturalism rather a melting pot, for the right circle demonstrates the perspective from the dominant group and the Chinese state has even directly referred to their ethnic makeup as a melting pot.

What’s critical in making these distinctions according to Berry, is “while cultural change is ubiquitous, cultural groups throughout the world have not disappeared and cultural homogeneity has not resulted from intercultural contact” at all times.⁹¹ The other acculturation strategies thus imply the current policy making strategy by the PRC is not exclusive nor the most efficient for their goal of national unity and removing ethnic separatism. In the most accurate sense, the

⁹⁰ Ibid.

⁹¹ Ibid. pg. 706

marginalization strategy precisely describes the attitudes and behaviors of Uyghurs outside the camps and not interned but because of the surveillance state, reject both their own culture and integration with the dominant culture. These strategies also provide a basis for comparative analysis with other multicultural societies that assist in determining not only China's acculturation strategy but whether or not its effective compared to more multicultural dominant societies.

There are two levels of conceptualizing the outcomes of acculturation, with the first known as *behavioral shifts*, regards the behavioral outcomes of individuals. There are three subprocesses in the process of acculturation, that include culture shedding, culture learning and cultural conflict. The first two are a given in adaptation to a new culture but the third is avoidable. Specifically, Berry notes "For those seeking integration, conflict can be avoided *only* when the two groups in contact agree that mutual accommodation is the appropriate course to follow."⁹² This is not evident at all by the conditions of internment camps and incarceration centers, with strict rules prohibiting the use of Uyghur language and instead replace Uyghur with Han norms.

The second approach to assessing the outcome of cultural assimilation is reserved in contexts where "greater levels of cultural conflict experienced", which namely would fir the bill for the Uyghurs. Known as acculturative stress, this is where individuals are aware they are facing problems "resulting from intercultural contact that cannot be dealt with easily or quickly by simply adjusting or

⁹² Ibid.. pg. 708

assimilating to them.”⁹³ These in practice are identified to many as ‘culture shock’ but that is an understatement as acculturative stress encompasses the total “stress reaction in response to life events that are rooted in the experience of acculturation.” Marginalization is reported to have the most adverse mental health effects, following assimilation. Thus, understanding the strategies and outcomes of acculturation are critical especially in context as they can reveal patterns for various indicators marking one’s quality of mental health.

The psychological consequences of the internment and incarceration camps, as well as the consequences these camps have on separation for children are evident in themselves as unhealthy practices of assimilation and are feeding a psychological plethora of illnesses and symptoms. As aforementioned, many camps have reported intense psychological torture via the ‘re-education’ processes through the intense surveillance of the classrooms and camps. The reports of suicide as mentioned earlier are so bad to the point where internees have to ask their family members to send them clothing that is “suicide-safe” as mental health crumbles to the worst condition possible in camps- suicidal ideation.⁹⁴

A Uyghur woman who testified before a US Senatorial Congressional-Executive Commission on China in 2018 described her experience across three different internment camps, citing the previously mentioned abuses of sleep deprivation and the ‘tiger chair’. She was quoted telling the committee

⁹³ Ibid.

⁹⁴ Roberts, S. R. (2021). *War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*. pg. 217

(through a translator): “I would rather die than go through this torture. I begged them to kill me,” Tursun added. “They told me my mother and son had died. My father was serving life in prison and that my family was torn apart because of me.”⁹⁵ When applying the acculturation framework, this woman’s mental health became scarred by the traumatic experience of forcible assimilation within the dominant Han environment of the camps fueled by repression and torture. There is no signaling by the practices of the PRC that peaceful integration is an option, and thus Uyghurs are funneled through the negative outcomes of marginalization and assimilation outcomes.

While the direct consequences of torture in the camps are harrowing enough, the toll of mental health is not idly side-stepped in the context of international legal repercussions. As China is a UN constituent and signer of the UN’s Universal Declaration of Human Rights, Article 25 guarantees “the right to a standard of living adequate for health and well-being” with ‘health’ implying not only physical, but also its “underlying determinants of health” including mental health.⁹⁶ Neither those interned, incarcerated or outside the camps, have been granted the protection of Article 25 and at the bare minimum from a psychological perspective, the mental health of Uyghurs in the Uyghur region is being abhorrently abused as a result of the cultural genocide policies enacted by the PRC. Mental health promotion has been intrinsically tied with an individual’s physical health, their inclination towards

⁹⁵ Meixler, E. (2018, November 30). *Uighur Woman Tells Congress of Torture in China Camps*. TIME.

⁹⁶ Asanbe, C., Gaba, A., & Yang, J. (2018, December). *Mental health is a human right*. American Psychological Association.

accepting new beliefs as well as individual economic productivity.⁹⁷ Retaining positive mental health as fundamental to human rights and specifically of the Uyghurs is in the political, economic, and clinical interests of China as well as is their moral and legal obligation.

Discussion

For the future of the Uyghurs, careful consideration must be done by analyzing which actors are in the most apt positions to help a people whose resistance means incarceration and cannot solve the problem through domestic legal avenues as judicial procedures have been forgone by the CCP's enforcement of the 'de-extremist' regulations. Because the domestic legal system is failing in protecting the judicial rights of citizens, "recourse for the cultural genocide of the Uyghur minority has to be addressed at the international level."⁹⁸ There are thus two viewpoints to consider, the first from an American foreign policy standpoint, and second from an international legal perspective.

Domestic and International Policy Suggestions

Domestic Policy Suggestions. One cannot consider the position of American foreign policy in the status quo without looking at what the policy priorities and commitments of the current administration are. Right now, American foreign policy is tied up with Ukraine, yet it would serve the interests of policymakers to shift focus

⁹⁷ Ibid.

⁹⁸ Finnegan, C. (2020). The Uyghur minority in China: A case study of cultural genocide, minority rights and the insufficiency of the international legal framework in preventing state-imposed extinction.

to China. Redirecting focus to China serves not only the moral interests in regards to the various international human rights atrocities occurring against the Uyghurs, but because China in itself is the most important and economically competitive political power in the world behind the United States- not Russia. The acclaimed political scientist John Mearsheimer in an interview regarding the War in Ukraine explains the likelihood for escalation between the West, particularly the US and Russia, is improbable as the “raw-power potential” of Russia is dependent on a strong economic base to fund a military capable of conquering Ukraine and other territories, which Russia simply lacks.⁹⁹ He does highlight, however, the US “face[s] a serious threat in the international system. We face a peer competitor. And that’s China.” He claims that the American foreign policy focus on Eastern Europe is only “undermining our ability to deal with the most dangerous threat we face today.”¹⁰⁰ As a proponent of realism in international power-politics, Mearsheimer recognizes from an American foreign policy perspective the true threat is in the economically comparable competition from China, and the war in Russia only drives Russia towards China. Garnering international support from nations including Russia, while not a member of the ICJ or ICC like the US and China, would be critical for pressuring the Chinese state in changing policy towards the Uyghurs as well as shifting pressure from Ukraine to China in general serves the interests of American foreign policy in terms of long-term security.

⁹⁹ Chotiner, I. (2022, March 1). *Why John Mearsheimer blames the U.S. for the crisis in Ukraine*. The New Yorker.

¹⁰⁰ Ibid.

There are already policy proposals in place that would serve both American and Uyghur interests in combating the crisis. The United States House of Representatives motioned to pass H.R. 1155 without objection on December 8th, 2021. H.R. 1155, or the Uyghur Forced Labor Prevention Act, aims at curtailing the supply-chain flow of goods to US companies from exploitation in the Uyghur region and officially recognizes how the PRC has “arbitrarily detained as many as 1.8 million Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim minority groups” for forced labor.¹⁰¹ US legislators recognize the “mass internment camps” in Xinjiang alongside deliberate actions by the PRC to convolute whether labor is voluntary or involuntary as well as the behaviors this thesis argues are genocidal as they cite evidence of “‘military-style’ training, [and] ideological education”¹⁰² The policy recommendations include a 6 prong approach to (1) “prohibit all goods... wholly or part, by forced labor... and particularly any such goods... produced in the Xinjiang Autonomous Uyghur Reigon of China.”, (2) “To encourage the international community” to prohibit the import of these forced labor goods, (3) coordinate with Canada and Mexico via the new USMCA to prohibit these goods, (4) “to actively work to prevent, publicly denounce, and end human trafficking... a modern form of slavery.”, (5) “to regard the prevention of atrocities as in its national interest” including mass internment, torture, detention and systemic forced labor, and (6) “to address gross violations of human rights in the Xinjiang Uyghur Autonomous Region

¹⁰¹ H.R.1155 - 117th Congress (2021-2022): Uyghur Forced Labor Prevention Act. (2021, December 8).

¹⁰² Ibid.

through bilateral diplomatic channels and multilateral institutions where both the United States and the People's Republic of China are members..."

The 6th point of the bill is by far the weakest of the five as the PRC and the US are neither members of the ICJ nor the ICC, two multilateral institutions capable of the jurisdiction, investigation into, trial of and enforcement of possible resolutions. However, the first five policy recommendations put forth by HR1155 could positively contribute to the degrading situation in the Uyghur region. The writing of the bill in itself demonstrates policymakers have been presented with clear evidence human rights violations are occurring (points 4 and 5) which now makes them accountable to move forward with the bill and its enforcement. Moving forward will rely on getting the relatively old bill (first introduced by Rep. James McGovern D-MA-2 on February 18th of 2021) to the Senate floor now that it has unanimously passed in the House, which is left to the fate of the split 117th Congress (50 republicans, 48 democrats and 2 independents likely to vote in this matter alongside Democrats) to potential political gridlock, logrolling and other policies being prioritized.

In terms of enforcement, there is reasonable skepticism that even once the President signs it into law, the supply chains will continue to flow. Major US multinational corporations such as Apple and Amazon have had a long track record of working with companies that utilize forced labor in the Uyghur region and even after public criticisms, have simply gone through middle-man companies whom initially obtain their goods from the now 'blacklisted' forced labor factors and still distribute those same goods to Amazon and Apple to retain a cheap supply-chain.

Jeff Bezos and Tim Cook are not the futurist templates of the ‘Davos Man’ free from the constraints of American law; these CEOs retain their headquarters in the US and are US citizens themselves thus should face extreme pressure by lawmakers to retain watchdog authority over them and punish them, even and especially if, they circumvent the issue via third-party companies. In 2021, the Tech Transparency Project found “Apple has used thousands of minority laborers from the Xinjiang region” through a company that supplies touch screens known as Lens Technology, and these Uyghur laborers were exploited by another company used by Apple last year known as Nanchang O-Film Tech which blacklisted by the US in 2020.¹⁰³ The organization had a follow-up investigation in 2022 when they found Amazon’s list of public suppliers “includes five companies that have been linked directly or indirectly to forced labor of ethnic minorities from China’s Xinjiang region”, with one of companies being Lens Technology.¹⁰⁴ Amazon also continued to include the company Esquel Group which during the 2021 Apple investigation had been sanctioned by the US government for for one of their subsidiaries’ involvement in forced Uyghur labor. Despite US sanctions or watchdog organizations pointing out exploitative labor practices, major multinational corporations like Apple and Amazon continue to profit off the ignorance of the cultural genocide.

Moving forward, the United States from a domestic policy perspective can alleviate the consequences of the cultural genocide by punishing these companies

¹⁰³ Tech Transparency Project. *Another Apple Supplier Linked to Forced Labor*. (2021, January 7).

¹⁰⁴ Tech Transparency Project. *Amazon Suppliers Tied to Forced Labor in Xinjiang*. (2022, March 7).

headquartered in the US such as Apple and Amazon. Both of these companies have demonstrated in the last two years a continued effort to use exploited Uyghur labor even after investigations have published their findings publicly that these intermediary supply chains use involuntary labor. These multinational corporations provide an economic incentive for the People's Republic of China to continue supporting the infrastructure of involuntary labor and support the excuse of 'labor training' as a veil for the genocide. Passing HR 1155 is a tangible and foundational first step towards that goal.

International Policy Considerations. Samuel P. Huntington in what many would consider his opus magnum, *The Clash of Civilizations*, remarks one of the many fault lines where the clash of civilizations would occur would be along the southern border of Islam on what he denoted as the 'velvet curtain of culture', where he wrote the Chinese state in its foreign policy towards Tibet as of 1992 had began "pursuing an increasingly ruthless policy toward its Turkic-Muslim minority."¹⁰⁵ He justified that the foreign relations of the future would no longer be shaped by ideology or nation-states but rather culture and religion. Among the many conflicts in the Middle-East and North Africa that Huntington had precisely predicted decades before they occurred, he did again the same in hypothesizing the Turkic-Muslim border-conflicts China has had with Tibet in the last three decades, including namely the situation the Autonomous Region of Tibet has encountered similarly in lieu with the Uyghur region of Xinjiang within China. Its not unreasonable then to make the

¹⁰⁵ Huntington, S. P. (1993). *The Clash of Civilizations?* pg. 34

same conjecture that the mass internment of the Uyghur people replicates the ‘ruthless Turkic-Muslim minority policy’ prediction come to more violent fruition within China’s domestic policy sphere, with a clear breadcrumb trail of policy-crafting decades in the making that has led to the cultural genocide occurring today.

In light of Huntington’s apt prediction and despite the I.C.C.’s lacking motivation to investigate China on grounds of genocide in 2020¹⁰⁶, as of March 3rd of 2022, Chief Prosecutor Karim Khan has fast-tracked a motion to investigate war-crimes in Ukraine upon request of 39 (mostly European) countries where “such a move is unprecedented at the court.”¹⁰⁷ While again, the United States and The People’s Republic of China are neither parties to the court- nor Russia in this matter- what this signals is the establishment of crucial precedent necessary for future investigation into the Chinese mass detention centers in wake of media pressure highlighting humanitarian crises and putting pressure on international actors. The problem, however, is not that international media has ignored the situation in China, but have been misled either by other international events or by the model camps Chinese state officials lure investigators to.

High Commissioner for Human Rights Michelle Bachelet has reported to Human Rights Watch in September of 2021,

¹⁰⁶ Hernández, J. C. (2020, December 15). *I.C.C. won't investigate China's detention of Muslims*. The New York Times.

¹⁰⁷ Simons, M. (2022, March 3). *The International Criminal Court Prosecutor Fast-tracks an investigation of possible war crimes in Ukraine*. The New York Times.

“I regret that I am not able to report progress on my efforts to seek meaningful access to the Xinjiang Uyghur Autonomous Region. In the meantime, my Office is finalising its assessment of the available information on allegations of serious human rights violations in that region with a view to making it public.”¹⁰⁸

As of April, 2022, the UN has yet to publish its findings on its investigation into the Uyghur Genocide. One of the major issues for why the UN has consistently delayed the report is hinted by what the High Commissioner quoted said: access to camps by human rights investigators has been severely hindered by the Chinese state. The situation in Ukraine has been able to be expedited and garnered significant international attention as media access is far less restricted than in the People’s Republic of China, especially concerning the Uyghur internment camps.

The difficulty will not be proving the “intent to destroy in part or in whole” but rather having access to the evidentiary standard required and China’s model camps are hindering an accurate investigation. Opening China’s media channels violates many issues of sovereignty and is on-face not plausible. However, releasing Michelle Bachelet’s report, even with missing information, will be crucial for continuing to build international momentum against the government of China. Even if more UN-sponsored investigations do not find further evidence, Bachelet’s report can provide the “baseline” to prompt an “independent international probe” into the

¹⁰⁸ Richardson, S. (2021, September 23). *Un rights chief to report on China's abuses in Xinjiang*. Human Rights Watch.

human rights violations into China.¹⁰⁹ Just as is the case in Ukraine, neither Russia nor the United States are constituents of international courts capable of trying parties involved of war crimes yet, independent investigations have allowed more evidence to surface which have prompted the international community to put Russia in particular into the spotlight to confront their crimes. Uyghur cultural destruction, human rights crimes and labor exploitation are increasing by the day as are international concerns over the cultural genocide. At worse, even if China cannot be legally prosecuted, the UN's initial report can continue pressuring international observers to prompt investigations into the human rights abuses in the Uyghur region and China independent of the UN or Human Rights Council and can provide necessary asylum.

Conclusion

One criticism against the argument of cultural genocide would be the cultural assumptions of China are enduring and as referred by Huntington's three decades old work, are non malleable, meaning China's policy against the Uyghurs may be an inevitability of cultural action beyond outside control despite legal violations. Yet, as Daniel Strand's article *The Clash of Civilizations Has Arrived* posits, as well as defended previously by Elisa Novic in regards to the definition debate of culture in cultural genocide and John Berry in his explanation of acculturation, we do not need

¹⁰⁹ Amnesty International. *UN high commissioner must release report on China's crimes against humanity in Xinjiang*. (2022, March 14).

to necessarily lay down and “embrace cultural relativism” and on face accept the practices of every culture at all times.¹¹⁰ We can retain our moral judgements and held beliefs as they are independent and do not need to disrespect one culture to defend another. The inevitability of crime does not mean we cease the inexorable pursuit of justice. The Genocide Convention is considered international customary law binding the international community including China who has ratified and signed the treaty, with only exceptions to Article IV which is unnecessary for proving the burden of genocide. If anything, understanding and appreciating cultural differences is critical to the survival of independent cultures. Our convictions and beliefs are independent of our respect for cultural relativism, and seeking reparation for the crimes of genocide does not disrespect the Han culture of China. We cannot, and should not, change Han culture, but we can defend Uyghur culture from involuntary assimilation because of the exact reason culture is unchangeable for the Uyghurs as well as Han.

The forefront legal question is asked again: is there evidence “in part or in whole” of an intent to destroy the ethnic group of the Uyghurs? Through an understanding of settler-colonialism as the theoretical driver of cultural genocide, the People’s Republic of China has as so far in part destroyed the Uyghur cultural identity through violating Article II by forcibly transferring and separating children, the culture bearers of Uyghur identity and Article III of conspiring to commit genocide through a state-facilitated practice of involuntary, ethnically targeted

¹¹⁰ Strand, D. (2020, April 7). *The Clash of Civilizations has arrived*. Providence Magazine.

institutionalization of ethnic Uyghurs. The destruction of cultural markers such as homes, mosques and graveyards, state policies that give educational and economic advantages to racially heterogeneous families, biometric infrastructure that constantly monitor individuals based on demography in order to intern individuals and the mass construction of schools and orphanages to compensate for separated children all distinguish “in part” elements to destroy a group on lines of ethnicity. These attributes all describe cultural genocide, which over its intergenerational process is slowly in-part destroying and assimilating a group of people with the ultimate goal resulting in the erasure of a unique ethnic existence both biologically by restricting reproductive autonomy and symbolically by existentially ending the culture.

This paper has made a goal to combine both an international relations and psychological perspective in analyzing the extent of the crisis the Uyghurs in China are undergoing. International institutions are not simplified actors on a global stage but rather the sum-of-its-parts: individual people that cooperate to keep these institutions existing. When we ignore the individual, their desires, needs and wants, how can we expect a peaceful and productive global society? How can we mitigate negative behaviors to protect people without perpetuating harms to them further down the road? The psychological costs only grow by the day as children and parents remain separated, indoctrinated, and silenced. Policymakers and academics alike should be urged to re-evaluate the significant role of psychological health in determining the severity of human rights crimes worldwide, especially in wake of

international customary law that does not explicate crimes such as cultural genocide, as well as the role of psychology in policy-making itself.

Reverend Dr. Martin Luther King Jr. aptly made the comparison when clarifying his argument for racial justice in that Birmingham jail cell that everything Adolf Hitler did in Germany was “legal” under German law, and everything the Hungarian freedom fighters did was “illegal”. The state-sponsored practice of internment is not legal under international customary law. Not even what is happening to the Uyghurs is legally justified under the Chinese constitution. It was not until internment camps were found outside the borders of Germany did advancing Russian and American forces realize the Holocaust had been well underway for years and did anyone begin to do anything to save the victims. Yet, the same time may not be allotted for the Uyghurs until their entire ethnicity is decimated.

From a foreign affairs view, the genocide has been not only been premeditated but predicted. From an international legal perspective, it violates the humanitarian laws set out by the UN Convention on Genocide meant to protect the world from mass atrocities. From a psychological standpoint, the policies disregard human decency and psychological well-being. And finally but not at all of least importance, ethically what is occurring in China lacks transparency, foundational cause, or any resemblance of justice. Reverend King was often asked ‘to wait’ and that the ‘right time’ would come for the civil rights movement with patience. As time passed, more and more African Americans would be impoverished by the indignities

of segregation. The situation is no different for the interned and incarcerated throughout the Uyghur region and China, the voiceless and victimized who many have barely escaped with their lives and continue risking them to tell their harrowing stories. Dinigeer Yilamujiang stood on an Olympic stage as a symbolized prop, stripped of her agency to tell about the crimes enacted against her people in her own homeland in front of the international community knowing the consequences could endanger her family and community. The only right time is now. We must take charge and ask ourselves with every day that passes the question of not where do we draw the line, but when do we take the courage to cross and confront the policy of “never again”?

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