



# Accusations of Genocide: A Tipping Point in China's International Relations?

In Analysis

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**C**hina's oppression of the Uyghurs and other Muslims in Xinjiang, including mass incarceration in detention camps since at least March 2017, may be a historical tipping point in how the international community deals with China. On January 19, 2021, the United States Department of State determined that China's treatment of the Uyghurs constitutes an ongoing genocide under international law.

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Human rights violations in Xinjiang have been carefully documented by human rights groups, including international NGOs Human Rights Watch and Amnesty International, as well as by the **Uyghurs themselves**. Anthropologist Darren Byler, who witnessed the emergence of new forms of surveillance and detention camps while doing fieldwork in Xinjiang, explores these phenomena as "**surveillance capitalism**." Timothy Grose at the University of British Columbia has made data public in the **Xinjiang Documentation Project**. As for Parliamentary investigations, Canada took the lead in 2018 with **a study of testimonies** to the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development. There is mounting evidence, including some exposed by **recently leaked documents**, that this is the "**Never again**" moment that Holocaust education warned us against.

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#### Canada's Global Leadership

On February 22, Canada became the world's first Parliament to pass a **formal motion** that China's actions constitute genocide under the United Nations Genocide Convention. Although 266 parliamentarians voted for the motion and none against, the results did not indicate consensus. Some 70 members of Parliament, including Prime Minister Justin Trudeau and his Cabinet, did not vote. Foreign Affairs Minister Marc Garneau, said he abstains "on behalf of the Government of Canada," prompting a surprised reply from Liberal MP Hedy Fry of "What was that about?" Three days later, the Dutch Parliament passed

a **similar resolution**, again without the support of the Prime Minister and his party. In the same week, eight states and the European Union at the UN Human Rights Council expressed deep concerns about human rights violations in Xinjiang.

Canada's House of Commons **2020 update** on the human rights situation in Xinjiang drew attention to the following issues:

1. Mass detention and inhumane treatment to the degree that can be called "concentration camps;"
2. Forced labour, including for goods sold in Canada;
3. Pervasive state surveillance, including of Uyghurs living in Canada;
4. Population control, including invasive birth control measures intended to reduce the Uyghur population;
5. Control through repression.

This study called for Canada to recognize that China's actions in Xinjiang constitute genocide. The sub-committee asked for serious actions, including directed sanctions, an expedition of refugee applications from Uyghurs and other Turkic Muslims fleeing persecution in China, and import control mechanisms to prevent products made from forced labour from entering the Canadian market. They also called for Canada to take action about the arbitrary detention since 2006 of Canadian citizen Huseyin Celil, who is of Uyghur origin. The MPs who voted for the February motion were merely carrying forward the conclusions of a study conducted by their own colleagues, with agreement across party lines.

Prime Minister Trudeau has been cautious about levelling charges of genocide against China, saying the term is "**extremely loaded**." The difficulty is that the Convention defines genocide as acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." The challenge is proving intent. The Genocide Convention, however, was created to prevent genocide and requires contracting states to take action. Garneau's February 22 **statement**, calling for an independent international investigation of the allegations against China, risks delaying action.

<https://youtu.be/yaeLTuEMXfE>

Watch CIPS member Professor John Packer, former Minister of Justice, Alan Rock and host Vassy Kapelos of CBC News, discuss a recent **report** that claims the Chinese government "bears state responsibility for an ongoing genocide against the Uyghur in breach of the (UN) Genocide Convention."

### **China and the Genocide Convention**

China's own history with the Genocide Convention is telling. The Republic of China (ROC), represented by Mousheng Lin, was part of the drafting committee. China signed on July 20, 1949, just months before the ROC was overthrown and the People's Republic of China (PRC) was founded. The ROC, still a member of the United Nations, ratified the Convention from Taipei on July 19, 1951. The PRC, which replaced the ROC in the UN in 1971, did not ratify the Convention until April 18, 1983.

When the PRC finally did so, they **declared** that the ROC ratification is "null and void," and added the reservation that the PRC does not consider itself bound by Article IX, which would permit other states to bring China to the International Court of Justice in case of a dispute. The fact that the PRC declared itself an exception to the Convention's implementation provisions should have warned the world about the nature of the regime. The Chinese Communist Party from the very beginning was weakly committed to the international rule of law, even though their own predecessor state was one of the primary architects.

China reacted strongly to the Canadian motion and to accusations at the UN Human Rights Council. Addressing the UN meeting via video link, **Foreign Ministry Wang Yi** argued that policies implemented in Xinjiang are not intended to violate human rights but are aimed at “countering violent terrorism and separatism.” Wang stated furthermore that, “Human rights are not a monopoly of a small number of countries.” He is absolutely correct. Human rights are the birthright of all humans, including Uyghurs and all Chinese citizens. China’s adherence to the Genocide Convention is the best way to protect its own territorial integrity and future prosperity.

Detention camps in Xinjiang and China’s threats against neighbouring states elicit concern because they remind people of Germany in the 1930s. The Genocide Convention and the entire framework of international law created since World War II are intended to prevent such atrocities from ever happening again. Most people hope that China will pull back from the brink by dismantling the camps and treating the Uyghurs in the spirit of equality, unity and mutual assistance promised in its own Constitution. States must take allegations of genocide seriously because ignoring genocide constitutes complicity. If China has crossed established red lines in international law, Canada and other states will no longer be able to deal with China as a trusted and responsible partner.

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