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# NAVAL POSTGRADUATE SCHOOL Monterey, California



## THESIS

**HUMAN RIGHTS IN SINO-AMERICAN RELATIONS**

by

Jana R. Day

December 2002

Thesis Advisor:  
Second Reader:

H. Lyman Miller  
Gaye Christoffersen

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**HUMAN RIGHTS IN SINO-AMERICAN RELATIONS**

Jana R. Day  
First Lieutenant, United States Air Force  
B.S., United States Air Force Academy, 1999

Submitted in partial fulfillment of the  
requirements for the degree of

**MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS**

from the

**NAVAL POSTGRADUATE SCHOOL  
December 2002**

Author: Jana R. Day

Approved by: H. Lyman Miller  
Thesis Advisor

Gaye Christoffersen  
Second Reader

James J. Wirtz  
Chairman, Department of National Security Affairs

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## **ABSTRACT**

Over the past decade, numerous issues largely ignored during the era of Sino-American strategic cooperation emerged to complicate U.S.-China relations. Key among these has been human rights, which both countries view differently. Whereas the United States emphasizes individual civil and political liberties, the People's Republic of China (PRC) primarily advocates economic, social, and cultural rights. This has provided a major source of conflict as Washington has attempted to compel Beijing to provide civil and political liberties to the Chinese people, which Beijing has long withheld in order to preserve power. These differences, combined with a lack of consensus in Washington regarding China policy, the influence of competing interests groups, and the dilemma policymakers face between protecting national interests and upholding American values, makes human rights difficult to address.

This thesis offers recommendations regarding a more effective approach to human rights improvements in China. The United States should emphasize China's obligation, as a responsible member of the international community, to comply with international human rights standards. Most importantly, Washington must maintain a strong and consistent stance on the issue. This is particularly true given Beijing's recent attempts to use the international war on terrorism to legitimize its repressive policies in Xinjiang.

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## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>II.</b>	<b>AREAS OF DISSENTION.....</b>	<b>7</b>
	<b>A. DEFINING HUMAN RIGHTS.....</b>	<b>7</b>
	<b>1. International Standards.....</b>	<b>8</b>
	<b>2. The American Perspective.....</b>	<b>10</b>
	<b>3. The Chinese Perspective.....</b>	<b>11</b>
	<b>B. DEFENDING HUMAN RIGHTS.....</b>	<b>16</b>
<b>III.</b>	<b>HUMAN RIGHTS IN U.S. CHINA POLICY.....</b>	<b>23</b>
	<b>A. THE BREAKDOWN OF CONSENSUS.....</b>	<b>23</b>
	<b>B. THE INCREASING ROLE OF INTEREST GROUPS.....</b>	<b>26</b>
	<b>C. AMERICAN VALUES VERSUS NATIONAL INTERESTS.....</b>	<b>29</b>
	<b>1. China Policy Under the Bush Administration (1989-1992).....</b>	<b>30</b>
	<b>2. China Policy Under the Clinton Administration (1993-2000).....</b>	<b>34</b>
	<b>3. China Policy Under the Current Administration.....</b>	<b>43</b>
<b>IV.</b>	<b>HUMAN RIGHTS AND THE WAR ON TERRORISM: CASE STUDY OF XINJIANG.....</b>	<b>53</b>
	<b>A. WHO ARE THE UYGHURS?.....</b>	<b>54</b>
	<b>1. Uyghurs Today.....</b>	<b>54</b>
	<b>2. Historical Background.....</b>	<b>55</b>
	<b>3. The Uyghur Language.....</b>	<b>58</b>
	<b>4. Economic Status.....</b>	<b>59</b>
	<b>5. Education.....</b>	<b>60</b>
	<b>6. Religion and Islamic Fundamentalism.....</b>	<b>60</b>
	<b>B. UYGHUR GRIEVANCES.....</b>	<b>62</b>
	<b>1. Political Persecution.....</b>	<b>63</b>
	<b>2. Religious Repression.....</b>	<b>64</b>
	<b>3. Discrimination.....</b>	<b>65</b>
	<b>4. Coercive Birth Control Policies.....</b>	<b>67</b>
	<b>5. Cultural Genocide.....</b>	<b>67</b>
	<b>6. Nuclear Testing.....</b>	<b>68</b>
	<b>7. Episodes of Violence.....</b>	<b>69</b>
	<b>C. BEIJING’S VIEW OF XINJIANG.....</b>	<b>71</b>
	<b>1. The Value of Xinjiang.....</b>	<b>71</b>
	<b>2. The Uyghur Threat.....</b>	<b>73</b>
	<b>D. BEIJING’S SOLUTION TO THE UYGHUR QUESTION.....</b>	<b>75</b>
	<b>1. Domestic Policy.....</b>	<b>75</b>
	<b>2. International Policy.....</b>	<b>78</b>
	<b>E. CONSEQUENCES OF BEIJING’S POLICIES.....</b>	<b>81</b>
<b>V.</b>	<b>CONSTRUCTING A SUCCESSFUL HUMAN RIGHTS POLICY.....</b>	<b>85</b>
	<b>INITIAL DISTRIBUTION LIST.....</b>	<b>93</b>

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## I. INTRODUCTION

Over the past decade, largely as a consequence of the Tiananmen Square massacre in 1989 and the collapse of the Soviet Union in 1991, Sino-American relations have been inconsistent and unstable, as both the People's Republic of China (PRC) and the United States (U.S.) attempted to develop a new foundation for a cooperative relationship. The United States emerged from the Cold War as the only remaining superpower, and it continues to surpass the PRC in its political influence, economic strength, and military capability. However, the PRC is a large and powerful country in its own right. Already considered a regional power, it has the potential to become a dominant force on the international stage as well. Since 1978, the PRC has sustained remarkable economic growth, and today its GDP stands at more than \$1.1 trillion.<sup>1</sup> Over the past decade, after witnessing the astounding performance of the United States' military during the Gulf War in 1991, the PRC initiated a large-scale military modernization program. The PRC's perceived military buildup, combined with its increasing political and economic influence, has caused some concern in the United States that a rising China, particularly one controlled by a communist government, could challenge American interests in Asia as well as in other parts of the world. Debate ensued about whether the United States would be better served by pursuing a policy of "engagement" or a policy of "containment" toward the PRC. Individuals who perceived a rising China to be a threat to American interests advocated the former, while individuals who believed a strong China could facilitate American interests advocated the latter.

Within China a similar debate exists. Following the end of the Cold War, the Chinese found themselves confronted with a new world order, where they could not simply balance the power of the stronger superpower by aligning themselves with the weaker. As the international community transformed itself into a unipolar system and the basis for the Sino-American relationship changed, so did the PRC's approach to conducting relations with the United States. Within its broader goals of economic

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<sup>1</sup>"China's GDP to Top 10 Trillion Yuan in 2002," Internet. Available from: [http://english.peopledaily.com.cn/200212/08/eng20021208\\_108119.shtml](http://english.peopledaily.com.cn/200212/08/eng20021208_108119.shtml); accessed 13 December 2002.

development, ensuring regional and global stability, and protecting national sovereignty and territorial integrity, the PRC views the United States both as a potential ally and as a possible adversary. Ambiguous and sometimes conflicting statements from Washington as to whether the United States views Beijing as a “strategic partner” or “strategic competitor” perpetuate this view. The Chinese approach to Sino-American relations is complex, but in general, Beijing collaborates with Washington when it suits its interests, while promoting multipolarity through the United Nations (UN), the Association of Southeast Asian Nations (ASEAN), and other multilateral organizations. China seeks to maximize access to American markets and investment capital and benefit from the stabilizing effects of the United States’ military presence and policies in Asia. At the same time, China seeks to minimize the United States’ influence in the region and to dilute its ability to dominate China in the international arena.

In spite of their mutual feelings of distrust and insecurity, over the past decade Washington and Beijing attempted to maintain productive relations by focusing on common interests, such as stability on the Korean Peninsula and expanded economic relations, and downplaying their considerable differences. However, lacking the overarching threat of Soviet aggression, a number of conflicting issues largely ignored during the era of Sino-American strategic cooperation emerged to complicate their relationship, including the issue of human rights. This thesis addresses why human rights are such a controversial topic in Sino-American relations and why it is a difficult issue for policymakers to address. It then offers recommendations regarding a more effective policy approach to human rights improvements in China. Through a case study of recent events and policies affecting the Xinjiang Uyghur Autonomous Region (XUAR), this thesis also assesses the impact of the on-going American “war on terrorism” on the issue of human rights in Sino-American relations.

Human rights have long been a controversial topic in Sino-American relations. As explained in Chapter II, the United States and the PRC differ fundamentally in the way they define human rights. As a democracy and duly influenced by classical Western philosophers such as John Locke and Immanuel Kant, the United States defines human rights primarily in terms of individual civil and political liberties. In contrast, as a socialist country, the PRC defines human rights predominantly in terms of economic,

social, and cultural rights. Furthermore, despite its rhetoric, the ruling Chinese Communist Party (CCP), as an authoritarian regime, has long withheld certain civil and political freedoms in order to preserve its power over the Chinese people. Domestically and internationally, Beijing has consistently used human rights as a means to further its interests, namely to perpetuate the rule of the CCP, preserve the socialist state, and maintain territorial integrity and national sovereignty.

The legacy of Wilsonian idealism, combined with frequent pressure from the U.S. Congress, the American public, and various interest groups, have caused most recent American presidents to promote human rights in U.S. foreign policy. In his inaugural address, former President George Bush stated, “America is never wholly herself unless she is engaged in high moral principle. We as a people have such a purpose today. It is to make kinder the face of the Nation and gentler the face of the world.”<sup>2</sup> Particularly since the widely publicized suppression of the democracy movement in 1989, Americans have been concerned with the progression of human rights in China. Comparing the rights guaranteed in China with the standards set by the international community reveals that the human rights conditions in China fall short of international standards, and Chapter II lists the most egregious of violations typically cited against the Chinese government. Over the past decade, Washington made various attempts to compel Beijing to improve its human rights policies. Not surprisingly, Beijing resented Washington’s efforts to dictate or otherwise influence its domestic policies. The PRC views human rights as an internal matter and the U.S. agitation on behalf of human rights as a violation of national sovereignty and international law.<sup>3</sup> Responding to international criticism of the human rights conditions in China, Beijing also points to differences in cultural standards, claiming that the rights provided in the PRC are just as important as those provided for in other countries.<sup>4</sup> Finally, the PRC claims that its human rights record is at least as good as that of its critics.<sup>5</sup>

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<sup>2</sup> Andrew J. Nathan and Robert S. Ross, The Great Wall and the Empty Fortress: China’s Search For Security, (New York: W.W. Norton & Company, 1997), p. 186.

<sup>3</sup> “Opposed to Any Hegemonic Activities on the Pretext of Human Rights,” China Society for Human Rights Studies, Internet. Available from <http://humanrights-china.org/international/20011017160747.htm>; accessed 19 April 2002.

Chapter III explores the domestic issues that further complicate the subject of human rights in Sino-American relations. These include the lack of consensus in Washington regarding China policy, the influence of competing interests groups in the policy making process, and finally, the dilemma the issue of human rights creates between protecting national interests and upholding American values. When addressing the issue of human rights in the PRC, policymakers must choose between economic and security interests, which often appear to be best served by maintaining a productive relationship with China, and upholding basic American values, by condemning Beijing's flagrant human rights abuses. Addressing the issue of human rights as part of a multi-faceted engagement policy, rather than as the defining issue in Sino-American relations, allows for more a productive relationship with Beijing. However, examining the U.S. approach to the issue of human rights in Sino-American relations since 1989 reveals that Washington is more successful when it takes a firm and consistent stance on the issue.

After Tiananmen, former President George Bush simultaneously pressured Beijing on human rights issues while reassuring Chinese leaders about the United States' desire to maintain a constructive relationship. As a result, Beijing made a number of concessions on human rights and other issues. However, following former President Clinton's 1994 decision to "delink" China's most-favored-nation (MFN) trading status from its human rights record, Beijing has been less convinced of the American commitment to human rights. Consequently, it has been less receptive to Washington's demands, perpetuating the view that it will not negotiate over human rights. Although still the subject of much debate within the United States, the issue of human rights largely receded into the background of China policy as first Clinton and then current President George W. Bush concentrated on addressing other issues. However, the on-going American war on terrorism has significant implications for the PRC's western-most province, the XUAR, and again elevated the issue of human rights to the forefront of Sino-American relations.

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<sup>4</sup> "On the Universality and Particularity of Human Rights," China Society for Human Rights Studies, Internet. Available from <http://www.humanrights-china.org/course/Basic2001101095515>; accessed 19 April, 2002.

<sup>5</sup> Nathan and Ross, p. 189.

Following the September 11 attacks on the World Trade Center and the Pentagon and the American declaration of war on international terrorism, Beijing jumped at the opportunity to lobby the international community for support with its own decades-long “terrorist” problem: the continuing social unrest and violence in the XUAR. Through a case study of the XUAR, Chapter IV addresses the impact of the war on terrorism on human rights in Sino-American relations. Beijing’s latest efforts to establish support for its crackdown on Uyghur separatists in Xinjiang presented Washington with an all too familiar dilemma: uphold the importance of human rights or subordinate them to other, more pressing national interests. Specifically, the question is: should the United States condone Beijing’s crackdown on the XUAR’s Uyghur ethnic minority, which has resulted in some of the worst human rights violations in the country, in order to gain Beijing’s support for its war on terrorism? For over a year, Washington refused to acknowledge the Uyghurs as terrorists. However, it became increasingly difficult to deny some Uyghur extremists’ links to Osama bin Ladin’s terrorist network, particularly after U.S. forces encountered Uyghurs fighting alongside the Taliban in Afghanistan. Even so, the challenge remained for Washington to acknowledge this connection without giving Beijing blanket approval for its harsh and often inappropriate policies in the region.

In order for Washington to respond appropriately to Beijing, it is first necessary to understand the circumstances surrounding the violence and unrest in the XUAR. Chapter IV identifies who the Uyghurs are and explains their major complaints against the Chinese government, which have spurred violence in the region over the past decade. The chapter also presents the view from Beijing, explaining why the XUAR is important to PRC leaders and how they perceive the Uyghur threat. Next, the chapter outlines how Beijing has chosen to deal with the perceived Uyghur threat both domestically and internationally, and the consequences of Beijing’s XUAR policies. It evaluates how Beijing could develop a more successful policy toward the XUAR while simultaneously improving the region’s human rights conditions and the PRC’s reputation in the international arena. The chapter concludes by making recommendations for how the United States should respond to Beijing’s overtures regarding the Uyghurs.

The Tiananmen Square massacre and the demise of the Soviet Union marked a major turning point in Sino-American relations. Without a strategic rationale for the

relationship, American policy toward China became hostage to the lack of consensus in Washington and the increasing influence of interest groups in the policy making process. Concerted efforts of engagement by former President Bush allowed for the continuation of cooperation between American and Chinese leaders as well as the achievement of important American interests, however, the relationship lacked a clear vision for the post-Cold War era. Under the Clinton administration, an ill-defined, crisis driven approach to managing Sino-American relations resulted in further policy drift. Prior to the September 11 terrorist attacks, the current Bush administration seemed to be taking a similar approach. Chapter V addresses the need for a guiding doctrine that is appropriate to the challenges facing U.S.-China relations today. Without such a doctrine, it is difficult to maintain a stable, productive relationship with Beijing or successfully address an issue as complicated as human rights. The chapter also makes recommendations concerning how the United States could achieve greater success in its efforts to improve the human rights conditions in China.

## II. AREAS OF DISSENTION

### A. DEFINING HUMAN RIGHTS

The concept of human rights originated in the Age of Enlightenment, when scholars and political figures alike argued that certain freedoms and rights were fundamental to the human existence. These rights were viewed as universal and unalienable, and no government had the authority to violate or in any way minimize them. To protect these rights, some countries incorporated them in legal and binding documents such as the American and French constitutions. Although the concept of human rights dates back to the eighteenth century, only in the aftermath of World War II have human rights received widespread attention throughout the international arena. As such, the international human rights movement is a twentieth century phenomenon. Over the past five decades, the international community, as individual states or through intergovernmental institutions such as the UN Commission on Human Rights (UNCHR), has exerted increasing pressure on nations to guarantee basic rights within their borders. Non-governmental organizations (NGOs) are also important actors within the international human rights movement.

Since the 1960s, human rights NGOs have helped to legitimize international concern for human rights and to incorporate concern for human rights into the foreign policies of individual countries.<sup>6</sup> Their primary role is to track human rights abuses around the world and pressure nations to improve their human rights conditions. Two of the most prominent and well-respected human rights NGOs are Amnesty International (AI), established in 1961, and Human Rights Watch (HRW), established in 1978.<sup>7</sup> They are viewed as highly credible, impartial organizations, and both devote considerable attention to the human rights conditions in the PRC. The information AI, HRW, and other NGOs obtain is particularly useful to the UNCHR as it attempts to evaluate allegations against the human rights records of the PRC and other states in order to

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<sup>6</sup> Jack Donnelly, *International Human Rights*, (Colorado: Westview Press, 1993), p. 14.

<sup>7</sup> Kerry Dumbaugh, "Interest Groups: Growing Influence," Ramon H. Myers, Michel C. Oksenberg, and David Shambaugh, eds., *Making China Policy: Lessons from the Bush and Clinton Administrations*, (New York: Rowman & Littlefield Publishers, Inc., 2001), p. 126-27.

enforce the standards agreed upon by the international community. Enforcement of international human rights standards is the biggest obstacle facing the international human rights regime today.

In spite of the increasing prominence given to the international human rights movement, the ability of the international human rights regime to enforce UN standards upon individual states is limited, primarily because states remain the primary actors within the international system as well as the primary wielders of power. States jealously guard their sovereignty, which limits the amount of power they are willing to delegate to international bodies, including human rights organizations. Even so, increased international scrutiny has motivated many nations, including the PRC, to at least improve the perceptions of their internal human rights conditions, as well as to play a more active role in the international human rights movement. However, in spite of China's increased participation in the international human rights regime, PRC domestic human rights conditions still fail to meet many international standards.

### **1. International Standards**

On December 10, 1948, the UN proclaimed the Universal Declaration of Human Rights (UDHR), affirming “their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women” and promoting “social progress and better standards of life in larger freedom.”<sup>8</sup> In addition to the UDHR, the two most authoritative internationally recognized human rights documents are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which were established on December 16, 1966. These two documents further define the rights and standards espoused by the international community, and unlike the UDHR, are treaties with binding legal requirements once signed and ratified by a state. The ICCPR and ICESCR elucidate the two broad categories of rights recognized within the international community. The first category contains civil and political rights, sometimes called negative rights, while the second category refers to economic, social, and cultural rights, known as positive rights. Negative rights are often interpreted to mean the individual's

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<sup>8</sup> Universal Declaration of Human Rights, Internet. Available from <http://www.amnestyusa.org/udhr.html>; accessed 5 February 2002.

“freedom from” undue interference or repression by their governing authority.<sup>9</sup> Positive rights typically imply granting the individual access to scarce resources, or “freedom to” pursue goals, usually within the economic realm.<sup>10</sup>

Taken together, the UDHR, the ICCPR, and the ICESCR are widely recognized as the International Bill of Human Rights, outlining the minimum social and political guarantees necessary for a life of dignity.<sup>11</sup> Both the UDHR and the ICCPR relate to civil and political rights, and declare that human beings have basic rights to life, liberty, security of person, and equality before the law.<sup>12</sup> They also outlaw slavery, torture, and arbitrary arrest, and uphold the right of freedom of movement and to choose one’s residence.<sup>13</sup> They state that the individual shall enjoy freedom of conscience and religion, the right to hold opinions without interference, and the right to freedom of expression, subject to legal restriction needed to protect the rights or reputations of others, national security, or public health or morals.<sup>14</sup> Finally, they prohibit arbitrary or unlawful interference with privacy, family, home, or correspondence.<sup>15</sup> Similar to the UDHR and the ICCPR, the ICESCR lays out specific liberties relating to economic and cultural rights. For example, the ICESCR guarantees the right to work, enjoy safe working conditions, receive fair wages and social security, and form trade unions.<sup>16</sup> The UDHR and the ICESCR both uphold the right to education and property rights.

Although the international community considers both positive and negative rights important and worthy of protection under the law, the extent to which individual countries guarantee these rights varies. Nations that champion negative rights place a great deal of emphasis on principles of justice that permit individual responsibility and

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<sup>9</sup> Richard W. Wilson, “Rights in the People’s Republic of China,” James C. Hsiung, ed., Human Rights in East Asia: A Cultural Perspective, (New York: Paragon House Publishers, 1985), p.116.

<sup>10</sup> Ibid.

<sup>11</sup> Donnelly, p. 10.

<sup>12</sup> R. Randle Edwards, “Civil and Social Rights: Theory and Practice in Chinese Law Today,” R. Randle Edwards, ed., Human Rights in Contemporary China, (New York: Columbia University Press, 1986), p. 53.

<sup>13</sup> Ibid

<sup>14</sup> Ibid.

<sup>15</sup> Ibid, p. 53.

<sup>16</sup> “International Covenant on Economic, Social, and Cultural Rights,” 16 Dec 1966, Internet. Available from: [http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm); accessed 25 February 2002.

that oppose encroachment or unwarranted restrictions on what a person wishes to do.<sup>17</sup> In contrast, nations that emphasize positive rights generally emphasize the needs of the community over those of the individual, and support principles of justice that encourage people to achieve their fair share of the rewards of society.<sup>18</sup> Although it is possible for governments to uphold both positive and negative rights, modern societies tend to emphasize either one or the other. Typically, liberal democracies emphasize the former and socialist states emphasize the latter, and the United States and the PRC are not exceptions. Their differing opinions about how to define human rights are the primary reasons for contention between the two nations regarding human rights.

## **2. The American Perspective**

As a democracy and duly influenced by classical Western philosophers such as John Locke and Immanuel Kant, the United States defines human rights primarily in terms of protecting the individual's civil and political freedoms from excessive interference by the state. Although the United States primarily emphasizes the importance of civil and political liberties, such as freedoms of speech, assembly, and religion, it is important to note that it also values social and economic rights. Comparing the United States' human rights record with international standards reveals that even though the United States does not guarantee most social and economic rights in its laws or Constitution, the majority of American citizens claim these rights. However, the United States is not without its critics. AI publishes annual reports on countries' human rights violations, and in its 2002 report on the United States AI cited the extensive use of the death penalty (66 individuals were executed between January and December 2001), reported on police brutality and ill-treatment in prisons, and voiced concern for some aspects of "anti-terrorism" legislation passed since the September 11 attacks.<sup>19</sup> The United States has also been criticized for having neither signed nor ratified the ICCPR and the ICESCR.

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<sup>17</sup> Wilson, p. 117.

<sup>18</sup> Ibid.

<sup>19</sup> "United States of America," Amnesty International Report 2002, Internet. Available on <http://www.amnesty.org>; accessed 22 July 2002.

Additionally, the PRC often criticizes the United States on human rights grounds, but this is primarily in response to the United States' criticism of its own human rights record. The report published by the PRC in March 2002, barely a week after the United States published its report on the PRC, asserted that "once again the United States, assuming the role of 'world judge of human rights,' has distorted human rights conditions in many countries and regions in the world, including China, and accused them of human rights violations, all the while turning a blind eye to its own human rights-related problems."<sup>20</sup> The report emphasized instances of violent crimes partly brought on by the prevalence of private gun ownership, the gap between high and low income families, racial and gender discrimination, and criticized the United States for "wantonly infringing upon the sovereignty of, and human rights in, other countries."<sup>21</sup> It is interesting to note that the report read more like a criticism of the state of American society than the government's human rights policies. The report was largely brushed aside in the United States, but was welcomed by the Chinese populace and other Asian nations. The report effectively rallied Chinese nationalism and conveyed to the public the dangers of a Western, liberal society.

### **3. The Chinese Perspective**

In contrast to the United States, as a socialist country, the PRC views human rights predominantly in terms of economic, social, and cultural rights. In spite of its rhetoric, the ruling CCP, as an authoritarian regime, has long withheld certain civil and political liberties to preserve its power over the Chinese people. Although some cultural relativists point to China's historic emphasis on the good of the community versus the rights of the individual as the primary factor accounting for Beijing's definition of human rights, this is a misrepresentation of PRC intentions. Since the beginning of democratic reforms on Taiwan in 1987, Chinese democracy advocates have pointed to Taiwan's progress as proof that neither a Leninist party structure nor a Chinese cultural heritage prohibits democratization in China.<sup>22</sup> Taiwan's reforms are also evidence that a Chinese

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<sup>20</sup> "Human Rights Record of the United States in 2001," Internet. Available on [http://english.peopledaily.com.cn/200203/11/print20020311\\_91880.html](http://english.peopledaily.com.cn/200203/11/print20020311_91880.html); accessed on 11 March 2002.

<sup>21</sup> Ibid., p. 1-10.

<sup>22</sup> Andrew J. Nathan, China's Crisis: Dilemmas of Reform and Prospects for Democracy, (New York: Columbia University Press, 1990), p. 153.

cultural heritage is not incompatible with “Western” definitions of human rights, as the Taiwanese people now enjoy many previously denied civil and political freedoms. There are similarities between traditional Confucian values and socialist rights, however, the human rights conditions in China exist primarily because of the CCP’s authoritarian rule, and its use of ideology and government institutions to protect party interests. Above all else, the PRC is a communist country controlled from the top down, and the government’s main priorities are to perpetuate the rule of the CCP, preserve the socialist state, and maintain territorial integrity and national sovereignty. These priorities result in an overriding concern for both internal and external security, which influences all aspects of state-society relations in China.

Beijing’s human rights policies are no exception, as the government cannot implement improvements in the human rights conditions in the PRC without first asking the question, “how will these changes affect the security of the regime?” Therefore, the ruling CCP’s paramount interest in the continuation of its rule, the preservation of the socialist state, and maintaining territorial integrity is the primary motivating factor behind what the government will allow and what it will not. The government’s failure to provide civil and political liberties, as well as the freedom to practice one’s religion, is directly related to its security concerns. To detract from its failure to provide many civil and political freedoms, the PRC emphasizes the importance of economic and social rights, the right to development, and the importance of national sovereignty. Furthermore, in an effort to legitimize and perpetuate its rule, CCP ideology continues to espouse principles that justify the regime’s “socialist democracy” and criticize any idea that even remotely challenges CCP authority as “Western” and therefore of little or no use in the PRC.

According to CCP ideology, the purpose of the Chinese socialist system is to establish and maintain a socialist society. As such, the focus of government is to provide for the welfare of the general public, and the individual is a beneficiary of the system, but not the foundation of society.<sup>23</sup> In such a society, individualism is an obstacle to overcome, as man achieves true freedom only in community.<sup>24</sup> By minimizing the rights

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<sup>23</sup> Louis Henkin, “The Human Rights Idea In China,” Human Rights in Contemporary China, (New York: Columbia University Press, 1986), p. 22.

<sup>24</sup> *Ibid.*, p. 23.

of the individual and focusing on the good of the community, Chinese socialist ideology resembles traditional Confucian values, which were also useful for maintaining control over the Chinese populace. Chinese Confucian traditions emphasized stability, order, respect for authority, and a balance between the individual's interests and those of society.<sup>25</sup> The family, not the individual, was the basis of society, and filial piety had a great impact on Chinese society and political culture.<sup>26</sup> Rulers were expected to be benevolent and wise, but even if they were not, subjects were expected to remain loyal. Confucian society was hierarchical, and governed by expectations for right conduct. In a similar manner, the PRC constitution lays out the "rights and duties" and the conduct expected of its citizens. Also similar to the current situation in the PRC, inequality in the distribution of wealth and power, limited political participation, and harsh punishments characterized traditional Chinese society.<sup>27</sup> The ruling CCP capitalizes upon these similarities by emphasizing the importance of community and self-sacrifice, encouraging the people's fear of social unrest, particularly since the chaos of the Great Proletarian Cultural Revolution (1966-76), and perpetuating the belief that Western-style democracy and definitions of human rights are not appropriate for China.

In addition to creating an ideology that justifies the regime's "socialist democracy," the authoritarian CCP employs governmental institutions, such as its constitution and the National People's Congress, as other means to legitimize and perpetuate its rule. The Chinese constitution does not claim to be a contract between the government and the people, setting forth conditions under which the people will be governed, rather, it is a manifesto, by the leaders to the people, describing the government that is promised.<sup>28</sup> Regarding individual rights, the constitution does not prescribe inalienable rights guaranteed to the people nor does it set limits to which the

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<sup>25</sup> Surain Subramaniam, "The Asian Values Debate: Implications for the Spread of Liberal Democracy," *Asian Affairs, An American Review*, vol. 27, no. 1, (Spring 2000): p. 19-35.

<sup>26</sup> Hu Shaohua, "Confucianism and Western Democracy," Suisheng Zhao, ed., China and Democracy: Reconsidering the Prospects for a Democratic China, (New York: Routledge, 2000), p. 60.

<sup>27</sup> Wilson, p. 121.

<sup>28</sup> Henkin, p. 26-27.

government must conform. Instead, it sets forth rights that the government claims to be providing.<sup>29</sup>

According to the 1982 PRC constitution, the Chinese people chose socialism and democratic centralism, and are therefore committed to upholding the Chinese socialist state. Human rights in the PRC are intertwined with the duties required of a citizen of a socialist society. The primary right that socialism provides is the right to live and work in a socialist society.<sup>30</sup> Because of the link between rights and duties, rights may not infringe upon the socialist interests of the state or society. Citizens of the PRC enjoy “socialist rights,” which means the exercise of any rights, such as freedom of speech, assembly, or association, may not occur to the detriment of socialism or the socialist Chinese state.<sup>31</sup> In practice, this means that individuals are not free to express views that are contrary to socialism, overly critical of the CCP, or would in any way advocate a system other than socialism.

In the PRC, the ruling elite holds that rights are a grant from the state and can therefore be subjected to conditions or abrogation if the state deems it necessary.<sup>32</sup> Furthermore, the Chinese state does not have an independent judiciary whose sole responsibility is to interpret and enforce the constitution. The ruling CCP controls the legislatures, procurators, and judges, who write, amend, interpret, and enforce the constitution and other laws.<sup>33</sup> The lack of checks and balances in the Chinese state enables the political leaders to use the constitution as an instrument for legitimacy. This is in sharp contrast to the use of similar institutions in most Western nations as structures to promote the rule of law, protect basic human rights, provide checks and balances over the government, and provide against extensive governmental control over society.

Comparing the rights guaranteed in China with the standards set by the international community reveals that the human rights conditions in China fall short of international standards. The ruling CCP guarantees a wide range of economic and social

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<sup>29</sup> Ibid., p. 27.

<sup>30</sup> Ibid., p. 25.

<sup>31</sup> Ibid., p. 31.

<sup>32</sup> Edwards, p. 44.

<sup>33</sup> Andrew J. Nathan, China's Transition, (New York: Columbia University Press, 1997), p. 254.

rights, but very limited civil and political rights, so that individuals are unable to challenge China's socialist government. CCP leaders are careful to protect individual freedoms only as far as they do not undermine the party's authority or interfere with the policies of the state. The 1983 constitution guarantees a number of rights, such as the "freedom of the person," or protection against arbitrary arrest, detention, or illegal search, however, the constitution also states that the individual must not "infringe upon the interests of the state, of society, and of the collective."<sup>34</sup> Freedom of thought, speech, and assembly must also conform to similar constraints, and freedom of movement is restricted within China. Other human rights violations can be attributed to China's weak legal system. Although the constitution, code of criminal procedure, and other laws provide for procedural rights, such as independence of the judiciary, the right to public trial, a defense attorney, and appeal, they continue to be inconsistently applied.<sup>35</sup>

The ruling CCP guarantees a wider range of economic and social rights, but in some areas they still fall short of international standards. For example, on February 28, 2001, the PRC ratified the ICESCR, however, the government placed a reservation on its obligations toward Article 8, which addressed the right to freedom of association and the right to form trade unions.<sup>36</sup> Chinese workers are not free to form labor unions independent from the state trade union body, the All China Federation of Trade Unions (ACFTU). The ACFTU is tightly controlled by the CCP and its primary purpose is to serve the interest of the state and the Party, not the country's workers. There are regulations in place concerning workplace health and safety, work hours, and over time pay, but these are not adequately enforced.<sup>37</sup> Rising unemployment, partly due to the closure of state-owned enterprises, also contributes to worker unrest. In the spring of 2002 in Daqing, Liaoyang, and Fushan, the Chinese authorities forcibly repressed thousands of workers protesting the nonpayment of back wages and pensions, loss of benefits, insufficient severance pay, corrupt company and government officials, and their

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<sup>34</sup> Ibid., p. 55.

<sup>35</sup> Ibid., p. 63.

<sup>36</sup> "Workers want to eat – Workers want a job," Amnesty International Press Release, 30 April 2002, Internet. Available from <http://web.amnesty.org/ai.nsf/print/ASA170222002?OpenDocument>; accessed 22 July 2002, p. 2.

<sup>37</sup> "Congressional-Executive Commission on China: Annual Report 2002," Internet. Available from <http://www.cecc.gov>; accessed on .

inability to obtain redress for their grievances.<sup>38</sup> In some cases, the leaders of these demonstrations were arrested and imprisoned. Overall, the rights guaranteed in China are improving, but the CCP continues to deny fundamental civil and political freedoms that would allow individuals to criticize the socialist state.

## **B. DEFENDING HUMAN RIGHTS**

In addition to their conflicting perspectives on defining human rights, the United States and the PRC have different approaches to defending human rights. To the United States, defending human rights not only means ensuring the rights of its own citizens but also denotes a moral obligation to advocate the rights of individuals in other countries, especially when evidence demonstrates particularly harsh human rights conditions exist. This feeling of obligation, rooted in Wilsonian idealism and reinforced by pressure from the U.S. Congress, various interest groups, and the American public, typically results in a foreign policy that promotes American values, including Western notions of human rights. This has been particularly true in the case of U.S. policy toward the PRC over the past decade. Since the suppression of the 1989 democracy movement, the United States government has closely monitored the development of human rights and the rule of law in China. Washington has frequently pressured Beijing concerning expanding civil and political freedoms and a number of other human rights related issues.

Addressing human rights in its foreign policy was a not a new task for the PRC. Internationally, since the establishment of the PRC in 1949, rather than promote human rights in and of themselves, CCP leaders have employed human rights consistently in their foreign policy as a means to criticize their perceived enemies and further national interests, primarily to promote the territorial integrity and national sovereignty of the Chinese state. From the 1950s, when they were used to denounce the United States and strengthen friendships with revolutionary movements, to the 1960s, when they were used to criticize both the Soviet Union and the United States, to the 1970s, when China joined the UN and increased its participation in the international human rights regime, to the 1980s, when China joined the UNHRC, human rights featured prominently in PRC foreign policy.<sup>39</sup> Throughout these decades, the PRC often portrayed itself as a

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<sup>38</sup> Ibid., p. 21.

<sup>39</sup> Nathan and Ross, p. 179-181.

champion of human rights, particularly for third world countries. To do this, the PRC adopted the role of leader for developing countries, willing to challenge the Western definition of human rights by emphasizing economic and cultural rights and the right to self-determination.

In the 1990s, following the 1989 Tiananmen Square massacre, human rights continued to play an important role in Chinese foreign policy, as the ruling CCP attempted to regain its legitimacy and standing within the international human rights regime. For the PRC, defending human rights typically involves arguing the validity of its more economic oriented definitions of human rights. The PRC strongly resents U.S. pressures concerning its treatment of dissidents and other human rights issues. Beijing views human rights as an internal matter and regards Washington's desire to dictate to or otherwise influence its policies as a violation of national sovereignty and international law. Unlike the United States, the PRC evaluates "good governance" on the ability to provide social stability and economic growth, and does not understand the American obsession with civil and political liberties. Beijing considers Washington's efforts as an attempt to export American values and would rather leave such matters out of its bilateral foreign policy discussions. Beijing is "firmly opposed to any country making use of human rights to sell its own values, ideology, political standards and mode of development, and to any country interfering in the internal affairs of other countries on the pretext of human rights."<sup>40</sup> Chinese leaders resent that China is frequently the target of international condemnation regarding its human rights policies. They assert that compared with the policies of the past, human rights in China have improved significantly.

Under Mao Zedong, very little individual freedom existed within China and oppression and persecution were rampant. Due to Mao's incessant calls for revolution and his tumultuous economic policies the country suffered other human rights catastrophes, such as long periods of social disorder and famine. In spite of these circumstances, the international community largely ignored the human rights conditions in China during the first three decades of CCP rule. After Mao's death a more pragmatic

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<sup>40</sup> "Opposed to Any Hegemonic Activities on the Pretext of Human Rights," p. 1.

leadership took control, led by Deng Xiaoping, and human rights conditions in China relatively improved. Under Deng's leadership, the CCP no longer employed the revolutionary mass mobilization techniques common to the Mao era, and the implementation of economic reforms raised the standard of living for many Chinese. Furthermore, since 1978, Beijing has worked to establish a comprehensive and formal legal system, including changes in China's legislative structure, the training of thousands of defense lawyers, and the launching of a major public legal-education movement, resulting in a greater awareness by the average Chinese citizen of his rights and remedies under the law.<sup>41</sup>

Deng's economic opening made Chinese society considerably more tolerant of Western political ideas, which led many Westerners to optimistically believe the PRC was on the verge of adopting a more liberal and democratic system of government. International human rights activists thought otherwise, however, focusing on the PRC's continued lack of civil and political freedoms. The CCP's ruthless military suppression of the democracy protests held in Tiananmen Square in June 1989 conclusively proved the more pessimistic observers were correct. Although Deng advocated "political reform," what he meant was a renewed effort to reduce inefficiency and corruption, not democracy and liberalization.<sup>42</sup> Deng was committed to economic reforms, which he saw as necessary to make China a rich and powerful country. However, he was equally committed to preserving the absolute authority of the CCP. Along with many other leaders, Deng wanted structural and administrative reform, not reform of China's socialist system. Therefore, Deng was not particularly open to calls for democracy, liberalization, and higher human rights standards that challenged the CCP's authority, and repeatedly cracked down on dissidents and human rights activists.

In spite of its tragic ending, the Tiananmen Square massacre was successful in that it finally focused the international community's attention on the human rights conditions of China. This incident incited international condemnation and led to numerous economic and political reprisals, and the PRC suffered a tremendous set back

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<sup>41</sup> Edwards, p.42.

<sup>42</sup>Ta-Ling Lee and John F. Cooper, Reform in Reverse: Human Rights in the People's Republic of China, 1986/1987, (University of Maryland School of Law, 1987), p. 6.

in international standing regarding human rights. Since the Tiananmen Square massacre, the CCP ruling elite, led by Jiang Zemin, has striven to regain its legitimacy within the eyes of the Chinese people and the international community by demonstrating that the PRC is a country that respects human life and promotes human rights. However, the CCP continues to dictate domestic policy according to its interests, namely to preserve power and the socialist state, protect territorial integrity and national sovereignty, and promote economic development, from which it increasingly derives its legitimacy.

Throughout the last decade, CCP leaders' main priorities have been to preserve the party's power and maintain social stability, and the methods they employ result in considerable human rights violations. Excessive use of the death penalty, pervasive torture and ill treatment of prisoners and detainees, the prevalence of summary trials and the lack of due process in court proceedings, widespread religious repression, persecution of political dissidents, human rights activists, and labor reformers, "cultural genocide" and persecution of minorities, and the lack of a free press and access to the Internet are some of the violations documented by the U.S. Department of State, AI, HRW, and other human rights NGOs.<sup>43</sup> Although the PRC typically denies the extent of its human rights violations, much evidence exists to the contrary. AI estimates that there are at least 6,000 political prisoners being held in China, including advocates of democracy, labor activists, Catholic priests, Falun Gong practitioners and Buddhist monks.<sup>44</sup>

In response to international criticism of its lack of civil and political freedoms, the PRC argues that foreigners, particularly Americans, use human rights as an excuse to interfere in Chinese domestic affairs, hoping to promote chaos and discredit the ruling CCP.<sup>45</sup> The PRC also accuses the United States of inconsistency, ignoring more severe human rights violations in other countries but obsessing about the conditions in China. In

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<sup>43</sup> "China," Amnesty International Report 2002, Internet. Available from <http://web.amnesty.org/web/ar2002.nsf/asa/china>; accessed 2 December 2002; "China (Includes Hong Kong and Macau)," U.S. Department of State Country Reports on Human Rights Practices 2001, Internet. Available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8289.htm>; accessed 2 December 2002; "China and Tibet," Human Rights Watch World Report 2002, Internet. Available from <http://hrw.org/wr2k2/asia4.html>, Accessed 2 December 2002.

<sup>44</sup> "Amnesty International Issues Statement Regarding Secretary of State Powell's Meeting with China's President Jiang Zemin," 26 July 2001, Internet. Available from [http://www.amnestyusa.org/news/2001/usa07262001\\_2.html](http://www.amnestyusa.org/news/2001/usa07262001_2.html); accessed 8 December 02.

<sup>45</sup> Denny Roy, China's Foreign Relations, (New York: Rowman & Littlefield Publishers, Inc., 1998), p. 155.

1994, Chinese finance minister Liu Zhongli stated, “The United States maintains a triple standard. For their own human rights problems they shut their eyes. For some other countries’ human rights questions they open one eye and shut the other. And for China, they open both eyes and stare.”<sup>46</sup> Chinese leaders deny the existence of political prisoners or prisoners of conscience, asserting that all individuals imprisoned in China are guilty of violating Chinese laws. The PRC also points to differences in cultural standards, claiming that the rights provided in the PRC are just as important as those provided for in other countries. Economic, social, and cultural rights are important, however, providing them does not negate the need to provide civil and political rights as well. Chinese dissidents, who are seeking the negative rights denied to them, will continue to come into conflict with the ruling CCP. Finally, the PRC claims that its human rights record is at least as good as its critics. Based on the information available about the numerous human rights violations that occur in the PRC, this is a questionable claim, but one that serves to rally nationalism and support from within China.

The 1999 humanitarian intervention in Kosovo and the ongoing American war on terrorism gave added significance to the issue of human rights in PRC foreign policy. The United States led NATO intervention in Kosovo caused much concern among PRC leaders and scholars that the international community, particularly the United States, might one day find reason to intervene in its domestic affairs, specifically regarding its policies in Xinjiang, Tibet, or its claim on Taiwan.<sup>47</sup> Beijing is aware of international NGOs’ increasing interest regarding its policies in the XUAR. Similar attention preceded the humanitarian intervention in Kosovo in 1999. In response, the PRC continued to emphasize the importance of national sovereignty and territorial integrity, while pursuing closer relationships with nations with similar concerns. The PRC also increased its participation in international human rights organizations and discourse, always striving to improve the perceptions of its human rights policies. Finally, in an attempt to legitimize its increasing restrictions and down play the numerous human rights violations occurring

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<sup>46</sup> David M. Lampton, Same Bed Different Dreams: Managing U.S.-China Relations 1989-2000, (California: University of California Press, 2001), p. 111.

<sup>47</sup> Susan V. Lawrence, “Where Beijing Fears Kosovo,” *Far Eastern Economic Review*,” vol. 163, n. 36, (7 September 2000), p. 22.

in the XUAR, Beijing requested international support of its crackdown on Uyghur separatists in the name of combating global terrorism.

Defining human rights is a difficult and complicated task, and although the international community has reached a consensus in the form of the UDHR, the ICCPR, and the ICESCR, individual countries still have differing viewpoints, as exemplified by the American and Chinese cases. Largely because it is a Western, liberal democracy, the United States focuses on the importance of the individual's right to exercise civil and political freedoms, whereas the PRC espouses "socialist rights," which emphasize economic, social, and cultural rights and the good of the community. Rights such as freedoms of speech, the press, assembly, and association may not be exercised to criticize socialism or threaten the authority of the ruling CCP. Furthermore, because of the authoritarian nature of the CCP regime, Chinese governmental institutions, such as the 1982 PRC constitution and the National People's Congress, do not exist to promote the rule of law, protect basic human rights, provide checks and balances over the government, and provide against extensive governmental control over society. Rather, they are another instrument of CCP legitimacy and control. Washington's attempts to influence PRC policies and Beijing's subsequent resentment against such efforts further complicate human rights in Sino-American relations. However, in spite of Beijing's resistance to Washington's policies, most Chinese leaders recognize that human rights have become an integral component of Sino-American relations. Given the influence of American values and democratic ideals, various human rights NGOs, interest groups, and the U.S. Congress on China policy, as long as the PRC continues to deny its citizens civil and political freedoms, they will likely remain so.

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### III. HUMAN RIGHTS IN U.S. CHINA POLICY

Human rights are a difficult aspect of Sino-American relations not only because of the differing American and Chinese perspectives regarding the definition and defense of human rights, but also because of domestic issues that further complicate the task of policymakers. These include the lack of consensus in Washington regarding China policy, the influence of competing interests groups in the policy making process, and finally, the dilemma the issue of human rights creates between protecting national interests and upholding American values, which have long played an important role in the United States' foreign policy.

#### A. THE BREAKDOWN OF CONSENSUS

Prior to 1989, human rights did not occupy a prominent role in U.S. China policy. In the early decades of the Cold War, the United States government, like the majority of the international community, largely ignored the human rights conditions in the PRC for a number of reasons. The PRC's sheer size, compounded by the lack of specific information available about human rights abuses, made the task of properly addressing human rights conditions in China daunting for activists and governments alike. Until the mid or late 1970s, foreigners had only limited access to mainland China. Diplomatic and tourist movements were restricted, and few journalists or academics were allowed to enter the country, making it very difficult to know what was actually going on inside China.<sup>48</sup> Furthermore, Beijing did not publish specific facts or figures related to human rights abuses and Chinese citizens were unwilling to provide information about such things.<sup>49</sup> Beijing considered such disclosures to foreigners as treasonous, and it encouraged the practice of citizens monitoring and reporting on each other.<sup>50</sup> Finally, Beijing allowed very few Chinese students to study abroad. Because of the lack of foreign access to information concerning human rights violations, the Chinese

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<sup>48</sup> Roberta A. Cohen, People's Republic of China: The Human Rights Exception, (University of Maryland School of Law, 1988), p. 5.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

government-controlled media was the primary source for information.<sup>51</sup> Without freedom of speech and a free press, the little information that was available through the Chinese press was not considered reliable or accurate.

Within the United States, there was much debate over what was happening in the PRC. Politicians often painted Chinese human rights conditions as horrific, citing the starvation of millions during the Great Leap Forward and the killing and torture of millions more during the Cultural Revolution. In contrast, many academics justified China's circumstances as normal for a society undergoing a revolution. They hoped that socialism would be successful in China because, in spite of the "cruelties and injustices" of the Chinese communists, they believed the communists were the "first rulers in a hundred years to bring China out of chaos, famine, and weakness."<sup>52</sup> However, the debate surrounding Chinese human rights had little impact on U.S. China policy, primarily because, from the establishment of the PRC in 1949 until the 1970s, the United States did not recognize the PRC as the legitimate government of China. Instead, the United States maintained diplomatic relations with the Republic of China (ROC) on Taiwan.

During the first two decades of the Cold War, the ROC played an integral role in the United States' containment policy toward communist China. In its efforts to portray Chiang Kai-shek's Nationalist (KMT) regime as leaders of a democratic and free society, Washington largely overlooked the human rights conditions on Taiwan, which were nearly as bad as those on the mainland. While the KMT was anti-Communist, as a Leninist political party, it was far from democratic. When the Communists gained control of the mainland, Chiang retreated to the island of Taiwan along with approximately two million civilian and military refugees.<sup>53</sup> Once there, Chiang and his supporters quickly established a repressive, authoritarian party-state without regard to the desires of the island's preexisting population, who numbered approximately six million.<sup>54</sup> On May 10, 1948, the KMT enacted a set of Temporary Provisions Effective During the

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid., p. 14.

<sup>53</sup> Alan M. Wachman, Taiwan: National Identity and Democratization, (New York: M.E. Sharpe, Inc., 1994), p. 7.

Period of Communist Rebellion, which essentially suspended the 1946 Constitution and established martial law, enabling the KMT to exercise complete control over the island and its residents.<sup>55</sup> Over time, the KMT penetrated and took control of almost all institutions, including the government, the military, the judicial departments, and schools.<sup>56</sup> Under Chiang's authoritarian rule, the Taiwanese people enjoyed few civil and political liberties.

In the early 1970s, certain events led the PRC and the United States toward improving relations. First, after a decade of deteriorating relations following the Sino-Soviet split in 1960, the PRC determined that the Soviet Union was its greatest external threat, downgrading the threat from the United States. Mao realized China's interests would be better served by obtaining an ally against the Soviet Union than by maintaining its isolationist policy. Mao also recognized that China would never catch up with the modern, industrialized countries through the PRC's policy of "self reliance." The PRC needed access to foreign technology and investment capital. On its part, the United States hoped that improving relations with the PRC would help check the threat of Soviet aggression, as well as expedite its withdrawal from Vietnam. If the potential success of the North Vietnamese could no longer be viewed as a victory by proxy for the geopolitical interests of the Chinese communists, then little would remain of the original strategic purpose for American intervention in Vietnam.<sup>57</sup> For these reasons, after two decades of animosity, the PRC and the United States began the process of rapprochement.

In 1971 Henry Kissinger and Zhou Enlai conducted secret negotiations on behalf of their respective states, which culminated in former President Richard Nixon's visit to China in 1972. Although relations were not normalized until 1979, on February 27, 1972 the United States and the PRC signed the Shanghai communiqué, establishing the basis

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<sup>54</sup> Ibid., p. 8.

<sup>55</sup> Ibid., p.105.

<sup>56</sup> Hsin-Huang Michael Hsiao and Cheng Hsiao-Shih, "Taiwan," Ian Marsh, Jean Blondel, and Takashi Inoguchi, eds., Democracy, Governance, and Economic Performance: East and Southeast Asia, (Tokyo: United Nations University Press, 1999), p. 116.

<sup>57</sup> Michael Yahuda, The International Politics of the Asia-Pacific, 1945-1995, (New York: Routledge, 1996), p. 87.

for Sino-American strategic cooperation against the threat of the Soviet Union.<sup>58</sup> From 1972 until the end of the Cold War, the United States found it convenient to overlook the PRC's alleged human rights violations in the interests of national security. Although there were critics of the U.S. China policy, mainly concerning such issues as support for Taiwan and concern for human rights, both the U.S. Congress and the White House generally agreed that enlisting the PRC's aid against the Soviet Union far outweighed these matters.

As a consequence of the Tiananmen Square massacre in 1989, China suffered a tremendous setback in its international standing regarding human rights. The PRC government's brutal military suppression of unarmed civilians incited international condemnation, as well as numerous economic and political ramifications that greatly affected China's ability to conduct relations with other nations. Furthermore, the Tiananmen Square massacre closely coincided with the collapse of the Soviet Union and the fall of communism in Eastern Europe, which changed the strategic nature of the relationship between China and many Western countries. These two events marked a major turning point in Sino-American relations and ended the consensus that had largely characterized China policy since Nixon's opening in 1972. As a result, China policy was subject to greater influence by the U.S. Congress, the American public, and other interest groups.

## **B. THE INCREASING ROLE OF INTEREST GROUPS**

After the Tiananmen crackdown, the American public had a greater awareness of the realities of life under the PRC's communist regime. Beijing's decision to use military force to suppress its own people eliminated the perception of many in the United States that China was following a path of "peaceful evolution" to a more liberal and democratic system of government. Particularly after the wide press coverage given to the Tiananmen Square massacre, many Americans demanded that Beijing make significant improvements regarding human rights, which made it impossible for Washington to continue to overlook human rights violations in China. Demands were made for a China policy review and a tougher stance by the United States Government against Beijing's flagrant human rights violations. The Bush administration's continued emphasis on

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<sup>58</sup> Nathan and Ross, p. 66.

engagement in order to maintain a productive relationship with Beijing brought it into direct conflict with Congressional critics who favored a firmer, more sanction-oriented approach. This breakdown in consensus between the White House and the U.S. Congress regarding China policy opened the door for NGOs and other organized interest groups to exert increasing influence in the policy making process.

Prior to the 1990s, groups whose interests lay outside the narrow security and economic focus of China policy had been marginalized in the policy making process. However, as it became more difficult for the administration to formulate a widely supported China policy, groups concerned with issues such as abortion, prison labor, religious freedom, human rights, nuclear and missile nonproliferation, Tibet, Taiwan, Xinjiang, and others expanded their influence and became increasingly involved in decisions on China.<sup>59</sup> These groups compete in their efforts to advance a policy that would best support their respective interests.

Human rights and labor organizations, religious and social conservatives, and arms control advocates were more supportive of a hard-lined approach. Numerous organizations, including religious groups, democracy advocates, and student associations, have incorporated human rights issues into their charters or political platforms. Taking advantage of the opportunity presented to advance their interests in the American foreign policy process, these groups joined human rights NGOs to criticize Bush's engagement policy. Two of the most influential NGOs that participated in this effort were AI and HRW. Through AI, over thirty members of Congress "adopted" Chinese citizens believed to be political prisoners, and began regularly making inquiries about these individuals.<sup>60</sup> HRW frequently met with members of Congress as well as officials from the State Department, the National Security Council, the Commerce Department, and the U.S. Trade Representative's office to discuss human rights related issues.<sup>61</sup> The combined efforts of these groups placed tremendous pressure on the White House to use its foreign policy to compel Beijing to improve its human rights policies, particularly those involving civil, political, and religious freedoms.

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<sup>59</sup> Dumbaugh, p. 118.

<sup>60</sup> Ibid., p. 127.

<sup>61</sup> Ibid.

At the same time, groups representing the American business community were typically more supportive of an engagement policy. The U.S. business lobby consists of a broad assortment of groups who are bound by their common economic interests in China. These groups include agribusiness interests and farmers; importers of toys, clothing and textiles, electronic products, shoes, and other consumer good manufactured in China; high-tech, telecommunications, energy, and manufacturing industries concerned with increasing exports; the entertainment industry; and the financial and services sectors.<sup>62</sup> Human rights violations are of less concern to these groups, who desire to maintain smooth relations with China in order to further advance their economic interests.

One of the most influential business organizations is the U.S.-China Business Council (the Council). Founded in 1973 as the National Council for US-China Trade, the Council originally served the early efforts of United States business in China in the absence of formal diplomatic relations between Washington and Beijing.<sup>63</sup> The Council describes itself as “a private, non-profit, non-partisan, member-supported organization” that conducts activities in support of government policies conducive to expanded US-China commercial and economic ties.<sup>64</sup> These activities include educational meetings with members of Congress and Congressional staff, and frequent testimony on behalf of the U.S. business community in Congressional or other venues.<sup>65</sup> It further serves the interests of its 260 member corporations by providing market information and advice about investing in or trading with China, publishing a bimonthly magazine and a monthly newsletter on developments in China’s trade and investment climate, and maintaining a U.S.-China Legal Cooperation Fund supported by contributions from some of its member corporations.<sup>66</sup> Through the efforts of the Council and similar organizations, the U.S. business lobby was instrumental in the annual renewal of China’s MFN status throughout the 1990s and in granting China PNTR in September 2000.

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<sup>62</sup> Ibid., p. 137.

<sup>63</sup> “An Introduction to the U.S.-China Business Council,” Internet. Available from <http://www.uschina.org/more.html>; accessed on 4 December 2002.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Dumbaugh, p. 137.

Given the persistent difficulty of formulating a widely supported China policy and the numerous and wide ranging issues that confront Sino-American relations, the role played by interest groups in the policy making process is not likely to diminish in the near future. On the contrary, interests groups will likely continue to take advantage of the opportunity presented to advance a policy that would best support their respective positions.

### **C. AMERICAN VALUES VERSUS NATIONAL INTERESTS**

Developing an effective China policy in the post-Tiananmen era is difficult not only because of the lack of consensus in Washington and the growing influence of competing interests groups in the policy making process, but also because of the dilemma the issue of human rights creates between protecting national interests and upholding American values, which have long played an important role in the United States' foreign policy. Many people recognize the importance of maintaining a working relationship with Beijing; however, the thought of "millions" of Chinese languishing in prison after having been denied fundamental civil, political, or religious liberties is hard for the American public and many members of Congress to accept. When addressing the issue of human rights in the PRC, policymakers must choose between economic and security interests, which often appear to be best served by maintaining a productive relationship with Beijing, and upholding basic American values, by condemning Beijing's flagrant human rights abuses. While improving the human rights conditions in China is a worthy goal of American foreign policy, U.S. policymakers must also take into consideration other national interests. These include the proliferation of weapons of mass destruction, trade disagreements, protecting American intellectual property rights, the unresolved question of Taiwan, and, most recently, the war on terrorism. These numerous and at times conflicting interests, combined with the disagreement over whether to "engage" or "contain" China, present a particularly difficult dilemma for U.S. policymakers. In order to construct a successful policy, this dilemma must be properly managed. As demonstrated by U.S. policy toward China since 1989, addressing the issue of human rights as part of a multi-faceted engagement policy, rather than as the defining issue in Sino-American relations, allows for more a productive relationship with Beijing.

However, if Washington expects to get results from Beijing, it must take a firm and consistent stance on human rights.

### **1. China Policy Under the Bush Administration (1989-1992)**

Developing a new China policy in the wake of the Tiananmen Square massacre and the collapse of the Soviet Union was no small task. Within the United States, debate surrounding access to Chinese markets, imported goods made by Chinese prison labor, protecting American intellectual property rights, improving human rights and religious freedom in the PRC, reducing arms proliferation, and supporting Taiwan against PRC aggression made it much more difficult to reach a consensus about how to deal with the PRC. Fortunately, former President Bush recognized the importance of maintaining a constructive relationship with the PRC. Bush was an experienced foreign policy maker and was intimately acquainted with the intricacies of Sino-American relations, having served as ambassador to the United Nations in 1971 – 1973 and head of the U.S. Liaison Office in Beijing in 1974 – 1975.<sup>67</sup> In spite of continued pressure from the U.S. Congress, various interests groups, and human rights NGOs to retaliate against PRC leadership by imposing harsh sanctions, former President George Bush did much to minimize the long-term effect of the Tiananmen Square massacre on Sino-American relations.<sup>68</sup> The Bush administration's engagement policy toward the PRC enabled the continuation of cooperation between American and Chinese leaders and the achievement of important American interests.<sup>69</sup> Without sacrificing U.S. interests in Asia, Bush wanted to further Sino-American cooperation in the face of significant domestic opposition. To this end, Bush implemented measures designed to mollify pressures from the U.S. Congress, demonstrate to PRC leaders his sincere desire to maintain productive relations, and avoid exacerbating the plight of Deng Xiaoping and other Chinese moderates whose position had been weakened by the Tiananmen protests.<sup>70</sup> The Bush administration conveyed American disapproval over Beijing's repression of the

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<sup>67</sup> Robert S. Ross, "The Bush Administration: The Origins of Engagement," Ramon H. Myers, Michel C. Oksenberg, and David Shambaugh, eds., Making China Policy: Lessons from the Bush and Clinton Administrations, (Maryland: Rowman & Littlefield Publishers, Inc., 2001), p. 25.

<sup>68</sup> Ibid., p. 24.

<sup>69</sup> Ibid., p. 21.

<sup>70</sup> Ibid., p. 26.

democracy movement in a manner that allowed the two countries to continue to address other important aspects of the relationship as well.

Following the Tiananmen Square Incident, the United States, along with many other Western nations, imposed economic sanctions and other measures against China, pressuring Beijing for a change to its human rights policies. On June 5, 1989, the White House announced the suspension of the sale to the PRC of all items on the munitions control list, fulfillment of existing agreements for U.S. arms transfers to the PRC, and military-to-military contacts.<sup>71</sup> On June 20, 1989, the administration decided to implement a second round of sanctions, suspending all diplomatic exchanges with the PRC at and above the level of assistant secretary, withholding assistance from the Overseas Private Investment Corporation to U.S. companies working in the PRC, and declaring its opposition to World Bank and Asian Development Bank financial assistance to the PRC.<sup>72</sup> At the same time, President Bush sent a personal note to Deng Xiaoping via Ambassador James Lilley conveying his belief that “good relations...are in the fundamental interests of both countries.”<sup>73</sup> Bush also stated that not only the United States but also China had helped to “tie the knot,” therefore, China should help “untie the knot” to restore U.S.-China cooperation.<sup>74</sup> Bush secretly sent national security advisor Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger twice to Beijing for discussions with Deng, and following the second visit, the PRC lifted martial law and released six hundred prisoners.<sup>75</sup> In 1990, the Chinese abstained on the U.N. resolution that sanctioned U.S. military intervention in Kuwait, and in reciprocation, the United States did not block the World Bank’s first non-human needs loan to the PRC since June 1989.<sup>76</sup> Beyond this, initially the administration saw few tangible results in the areas of human rights, weapons proliferation, or trade.

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<sup>71</sup> Ibid., p. 30.

<sup>72</sup> Ibid., p. 31.

<sup>73</sup> Ibid., p. 29.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid., p. 27.

<sup>76</sup> Ibid., p. 28.

In spite of Chinese intransigence and continued criticism from the U.S. Congress, from 1989 until mid-1991 the Bush administration persevered with its engagement policy. President Bush even engaged in a veto battle regarding the extension of Chinese student visas and China's MFN status, and he succeeded in part due to his high public approval rating as a result of the Gulf War, which peaked at 82 percent in March 1991.<sup>77</sup> Although this rating declined by more than 30 percent by January 1992, due to the waning U.S. economy, President Bush continued to dictate China policy as he saw fit.<sup>78</sup> Bush succeeded in extending China's MFN status again in 1991, resisting attempts by the U.S. Congress to link the status with the PRC's human rights record. However, this success came at a high price, as Bush's China policy was fast becoming a major campaign issue. In response, Bush adopted a harder line against the PRC. Although China greatly resented U.S. efforts, labeling them interference in a domestic issue and a violation of international law, Beijing found itself at a serious disadvantage in Sino-American negotiations due to the events of 1989. As a result, in the early 1990s China made a series of concessions to the United States, regarding the renewal of its MFN status, human rights in general, intellectual property rights, and market access.

Beginning in 1990, the United States threatened to link China's MFN status with its human rights record, and used the occasion of its annual renewal as leverage against the Chinese government. In response, Beijing released 881 Tiananmen prisoners, lifted martial law in Beijing, permitted the dissident Fang Lizhi to leave the country, assured Secretary of State James Baker that Chinese citizens would not be prevented from leaving the country on political grounds, and freed the labor activists Han Dongfang, who was near death in prison.<sup>79</sup> In more general concessions related to human rights, Beijing released some internationally known political prisoners without trial and imposed more moderate sentences than normal on others.<sup>80</sup> Beijing also agreed to initiate a human rights dialogue with U.S. officials, dispatched two human rights delegations to the West, and issued government white papers addressing human rights, criminal law, the situation

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<sup>77</sup> Ibid., p. 32-33.

<sup>78</sup> Ibid., p. 33.

<sup>79</sup> Nathan and Ross, p. 190.

<sup>80</sup> Ibid.

in Tibet, children's rights, and its controversial family planning program.<sup>81</sup> Beijing's actions demonstrate that when confronted with a firm and consistent policy, it will make concessions on human rights.

In addition to these, Beijing made concessions regarding its intellectual property rights. The United States had been dissatisfied with Chinese intellectual property rights laws and the U.S.-China trade deficit. China had implemented a patent law in 1985, but Western businesses perceived it to be inadequate and ill enforced.<sup>82</sup> In 1991 the U.S. threatened trade sanctions if China did not improve its intellectual property rights laws and their enforcement.<sup>83</sup> Although Beijing protested and threatened counter sanctions, they eventually complied. Beijing agreed to enact new laws and regulations, resulting in amendments to Chinese patent laws in 1992, and the implementation of international standards over domestic legislation in the case of a dispute.<sup>84</sup>

Finally, Beijing yielded to American demands regarding market access. Due to the consistently large U.S./China trade deficit, the United States was concerned with opening China's markets. In 1992 China acquiesced to a market access agreement that gave the United States unprecedented admittance to Chinese markets, exposing the Chinese automobile, pharmaceutical, chemical, and other industries to intense foreign competition.<sup>85</sup> However, the actual result of the agreement did not meet American expectations, for two reasons. The Chinese were slow to implement the terms of the new agreement, and when they finally did, local governments further impeded their effectiveness by restricting trade in order to protect local business.<sup>86</sup>

In spite of these concessions, Bush suffered much criticism alleging that he repeatedly "coddled" the dictators of Beijing.<sup>87</sup> Criticism surrounding the administration's China policy, on top of the lagging U.S. economy, ultimately

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid., p. 164.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid., p. 163.

<sup>86</sup> Ibid.

<sup>87</sup> "Bush has coddled the (Chinese) regime – Clinton 1992," 15 November 1992, Internet. Available from <http://www.freerepublic.com/forum/a264375.htm>; accessed 10 December 2002.

contributed to his loss in the 1992 presidential election. Even so, in retrospect the Bush administration's engagement policy toward the PRC was a success, enabling the continuation of cooperation between American and Chinese leaders and the achievement of important American interests. By applying firm and consistent pressure on Beijing regarding its human rights abuses, Bush obtained significant concessions from Chinese leaders, proving that when pressed the Chinese government will negotiate on human rights.

## **2. China Policy Under the Clinton Administration (1993-2000)**

Unlike his predecessor, former President Clinton had little foreign policy experience and was far more interested in addressing domestic matters, particularly the U.S. economy. Clinton devoted much less attention to foreign affairs in general and Sino-American relations in particular than did former President Bush. As a result, Clinton was more open to influence from the U.S. Congress, partisan politics, and various interests groups and NGOs, who often had competing interests. The administration's policy was further hindered by debate amongst Clinton's advisors regarding whether to adopt "principled engagement," which focused on human rights improvements, versus "commercial engagement," which focused on furthering economic ties, or "security engagement," which concentrated on furthering military ties to foster better understanding and mitigate future conflict.<sup>88</sup> The strategy that the Clinton administration first employed focused primarily on economic and humanitarian issues and less on the national security issues that traditionally formed the basis for Sino-American cooperation. Based upon campaign criticisms that the Bush administration had been soft on China, the Clinton administration initially adopted a hard-lined approach toward the PRC on the issue of human rights. However, the Chinese correctly judged that Clinton was not entirely committed to the policy, as exemplified by his decision to "delink" China's MFN status from its human rights record in 1994. Clinton's inconsistency ultimately undermined the administration's ability to pressure Beijing on the issue of human rights.

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<sup>88</sup> Nancy Bernkopf Tucker, "The Clinton Years: The Problem of Coherence," Ramon H. Myers, Michel C. Oksenberg, and David Shambaugh, eds., Making China Policy: Lessons from the Bush and Clinton Administrations, (Maryland: Rowman & Littlefield Publishers, Inc., 2001), p. 46.

Soon after taking office, in March 1993 Clinton issued Executive Order 128590 that introduced the linkage between the PRC's MFN status and its human rights record that Bush had successfully blocked. In this order, Clinton stated that renewal of China's MFN status in 1994 was contingent upon Beijing meeting seven specific guidelines and making "overall significant progress" in its human rights policies.<sup>89</sup> In addition to human rights, the Clinton administration condemned Beijing over the issue of proliferation of weapons of mass destruction and imposed sanctions against the PRC for sales of missile parts to Pakistan. The administration also accused Beijing of shipping ingredients for chemical weapons to Iran and forcibly searched the Chinese ship the *Yinhe*, an effort that uncovered nothing.<sup>90</sup> Also during this period, due to Beijing's abysmal human rights record the U.S. Congress expressed its opposition to China hosting the 2000 Olympics. When the games were later awarded to Sydney, Australia, many in China blamed the United States. Further conflict existed over trade disputes and the PRC's failure to meet the requirements for membership in GATT.

The administration's hard-lined approach to human rights did not prove as effective as it had hoped, for a number of reasons. First, Clinton alienated Beijing by openly announcing the order and demanding that Chinese leaders, who have long been defensive about issues involving China's national sovereignty, publicly acquiesce to American demands on what they perceived to be an internal matter. Second, when Clinton issued the Executive Order linking China's MFN status with its human rights record, he failed to take into account the changing domestic environment within the United States. Beijing found in the American business community a powerful ally against limiting or revoking China's MFN status. Many multinational firms and economic agencies were in favor of trade with the PRC and began to exert increasing pressure on the U.S. Congress to protect American business interests. Consequently, economic and trade-oriented Congressional members criticized the administration, asserting they had not been adequately consulted before Clinton decided on the new policy.<sup>91</sup> Clinton's top priority had always been the U.S. economy, and the apparent

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<sup>89</sup> Lampton, p. 41.

<sup>90</sup> Yahuda, p. 147.

<sup>91</sup> Lampton, p. 43.

conflict between his human rights agenda and U.S. business interests caused Clinton to publicly waver about the linkage policy. Chinese leaders realized that Clinton was not fully committed to the policy, which made them less likely to respond to U.S. demands.

In a move unanticipated by the Clinton administration, Beijing took a tough stance on the issue, threatening the United States with the loss of considerable economic opportunities in the Chinese market if the United States continued to link MFN and human rights.<sup>92</sup> The Chinese calculated correctly that the combined pressures from American businesses and Congressional concern for the US economy would isolate the proponents of the president's linkage policy. Chinese officials were pleased with President Clinton's decision on 26 May 1994 to "delink" the two issues.<sup>93</sup> The President advised that while China had not made significant progress on any of the issues outlined in his 1993 Executive Order, the administration's tough human rights policy was hampering the ability of the United States to address other interests.<sup>94</sup> Although the United States remained critical of Beijing's human rights record, the policy reversal undermined U.S. efforts to compel change in the Chinese government's human rights policies. Clinton's actions reinforced the view of Chinese leaders that business was more important to Americans than their principles.<sup>95</sup> Since 1994 Beijing has been less willing to make concessions based on its human rights record.

As Clinton himself admitted, not only did the administration's approach fail to bring about significant improvement in human rights, but it also inhibited efforts on other important issues, such as Sino-American cooperation to diffuse the North Korean nuclear crisis, reducing the proliferation of weapons of mass destruction, and resolving disputes over intellectual property rights and the trade deficit. As a result, the Clinton administration revised its strategy, and its policy toward China in his second term more closely resembled the approach of his predecessor. Human rights remained an important component of American rhetoric, and the U.S. Congress and human rights NGOs

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<sup>92</sup> Robert G. Sutter, Chinese Policy Priorities and Their Implications for the United States, (New York: Rowman & Littlefield Publishers, Inc., 2000), p. 45.

<sup>93</sup> Ibid.

<sup>94</sup> "President Clinton's Visit to China in Context," Internet. Available from <http://www.hrw.org/campaigns/china-98/visit.htm>; accessed on 26 November 2002.

<sup>95</sup> Tucker, p. 53.

continued to pressure the administration, however, strengthening economic ties and taking advantage of the growing Chinese market became the administration's main priority with regard to China.

Following the MFN debacle, Sino-American relations remained strained. President Clinton continued to pay only minimal attention to the China, which allowed the U.S. Congress and other interest groups more influence over Sino-American relations. This environment contributed to the next crisis that rocked the relationship, the 1995-96 confrontation over Taiwan. The PRC watched closely for any signs that the United States commitment to the "one China policy" might be wavering. In 1995, their interpretation of a series of events -- including stronger support for Taiwan, Tibet, and Hong Kong as entities separate of PRC control, pressure on Chinese trade and other economic policies, restriction against the export of military-related and other high technology to China, and warnings against Chinese assertiveness in Asia -- led to suspicions about the United States' intentions.<sup>96</sup> In June 1995, the Clinton administration decided to grant permission for President Lee Teng-hui to make a personal visit to his alma matter, Cornell University, in spite of repeated assurances to the PRC that it would not. The administration's reversal was largely due to pressure from the U.S. Congress and not the result of a change in policy, but it seemed to confirm PRC fears.

Beijing interpreted Lee's trip as evidence of both Lee's determination to enlarge Taiwan's flexible diplomacy and of Washington's willingness to support him in doing so, which prompted the PRC to recall its Ambassador from Washington on June 16, 1995, denounce Lee for moving toward independence, and increase pressure against Taipei, including the use of intimidating military exercises.<sup>97</sup> During the week of July 21-28, Beijing expanded previously scheduled military exercises near the Taiwan Strait to include "missile tests" and mock beach landings.<sup>98</sup> From March 8-15, Beijing conducted a second set of missile tests and other live-fire exercises that were directed very near to Taiwan.<sup>99</sup> These exercises closely coincided with Taiwan's March 23 presidential

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<sup>96</sup> Sutter, p. 49.

<sup>97</sup> Nathan and Ross, p. 221.

<sup>98</sup> Lampton, p. 52.

<sup>99</sup> Ibid., p. 53.

election, but did little to dissuade voters from reelecting President Lee by a healthy majority.<sup>100</sup> Although they did not affect the outcome of the election, the exercises caused other problems for the ROC, by effectively closing large areas of international waters, wreaking havoc on Taiwan's financial markets, and driving capital abroad.<sup>101</sup>

Beijing's use of military force clearly communicated to both the ROC and the United States that it still reserved the right to use force in the Taiwan Strait. The military exercises in the Taiwan Strait brought a strong response from the Clinton administration, which characterized them as "reckless and provocative."<sup>102</sup> After a meeting with Vice Foreign Minister Liu Huaqiu failed to bring a response, on March 10 the United States dispatched two aircraft carrier battle groups to the waters off Taiwan, signaling to Beijing that Washington had the capability to intervene if Beijing launched a direct invasion of the island.<sup>103</sup> Fortunately, the 1996 crisis over Taiwan ended without incident, but it demonstrated the potential for sudden escalation and military confrontation between the two nations. Clinton was forced to reconsider the dangers of ignoring the relationship, and a consensus emerged that Sino-American relations needed firmer guidance.<sup>104</sup>

As a result, the administration tried to develop a policy that more clearly defined U.S. interests and identified incentives that would prompt more cooperative behavior from Beijing in support of these interests.<sup>105</sup> On May 17, 1996, Secretary of State Warren Christopher announced, "The United States and China share many interests that can only be served when our two countries deal constructively and openly with each other...On some critical issues, we have deep differences. Our focus must be long term and we must seek to resolve our differences through engagement, not confrontation."<sup>106</sup> The administration's new strategy, known as "conditional engagement," aimed to bring

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<sup>100</sup> "Why Beijing Fears Lee Teng-hui," Internet. Available from <http://asia.cnn.com/SPECIALS/1999/china.50/inside.china/profiles/lee.tenghui>; accessed 10 December 2002.

<sup>101</sup> Lampton, p. 53.

<sup>102</sup> Ibid.

<sup>103</sup> Nathan and Ross, p. 221.

<sup>104</sup> Tucker, p. 56.

<sup>105</sup> Robert G. Sutter, *U.S. Policy Toward China: An Introduction to the Role of Interest Groups*, (New York: Rowman & Littlefield Publishers, Inc.: 1998), p. 83.

<sup>106</sup> Lampton, p. 54.

the PRC into closer relations with the international community through Beijing's adherence to basic rules and norms of the international system.<sup>107</sup> In terms of priority, primary emphasis was given to rules related to military and security questions, such as the use of force against Taiwan and weapons proliferation, followed by economic issues, such as access to the Chinese market, and finally issues of values, such as human rights and democracy.<sup>108</sup> The administration also moved to stabilize relations and establish common ground through more high-level meetings between the two countries. Anthony Lake visited the PRC in July, which paved the way for another high-level visit by Secretary Christopher, and ultimately, the Sino-American summits of 1997 and 1998.

After enunciating the new policy, the tendency of the administration to make human rights the defining issue in Sino-American relations diminished, however, the administration continued to pressure the Chinese government for change. In November 1996, after tensions between Washington and Beijing had relatively decreased, Warren Christopher traveled to the PRC and presented Chinese leaders with a new human rights proposal. Washington requested Beijing address four issues, including the imprisonment of seven designated political prisoners, China's failure to sign the ICESCR and the ICCPR, Red Cross monitoring of Chinese prisons, and the creation of a joint NGO forum on human rights.<sup>109</sup> In exchange, Washington would not submit its usual criticism of Beijing at the upcoming United Nations Human Rights Commission. Unfortunately, the Chinese leadership did not respond favorably to Christopher's proposal. Li Peng rejected his offer outright as an intrusion in China's internal affairs.<sup>110</sup>

Following Clinton's reelection in 1996, the administration continued its efforts to improve Sino-American relations and build a broader base for cooperation. The new secretary of state, Madeline Albright, believed that in the past China policy had been too narrowly focused on the issue of human rights, which impeded cooperation on other important issues, such as proliferation of weapons of mass destruction.<sup>111</sup> Albright

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<sup>107</sup> Sutter, U.S. Policy, p. 84.

<sup>108</sup> Ibid.

<sup>109</sup> Tucker, p. 57.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid., p. 58.

asserted that in order for the United States' policy to serve the national interest, it should be "multifaceted."<sup>112</sup> In Congress, there was growing support for the administration's engagement policy, due in part to Beijing's efforts to improve relations with Congressional members. In late 1996 and early 1997, several members of Congress traveled to China and were impressed by the growing Chinese economy and the potential it presented for U.S. businesses.<sup>113</sup> However, the obstacles to reaching a consensus on China policy and maintaining productive relations with Beijing remained great. Within the United States, public opinion continued to regard the CCP regime as oppressive and strategic analysts worried about the possibility of going to war over Taiwan. Allegations concerning questionable financial contributions to the presidential and other political campaigns by the Chinese government provided additional ammunition to the administration's critics.<sup>114</sup>

As the Clinton administration focused increasingly on economic and security matters, the issue of human rights largely receded into the background of its China policy. However, Beijing's human rights abuses were still the subject of much debate within the United States, and the administration was criticized for failing to establish human rights preconditions for the October 1997 Sino-American summit.<sup>115</sup> The summit produced tangible economic results, but made little progress on human rights. Clinton's visit to China in June 1998 was also criticized by human rights activists, for his failure to schedule meetings with Chinese dissidents. Instead, in an effort to deliver a message to a broader section of Chinese society, the administration had requested that Chinese leaders broadcast live President Clinton's speech at Beijing University. Following his speech, Clinton adeptly fielded potentially inflammatory questions in an open and direct manner that reflected the transparency of the democratic system he represented.<sup>116</sup> However, the

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<sup>112</sup> Ibid.

<sup>113</sup> Sutter, U.S. Policy, p. 85.

<sup>114</sup> Kerry Dumbaugh, "China-U.S. Relations," CRS Issue Brief, 5 June 1998, Internet. Available from <http://www.fas.org/spp/starwars/crs/crs98018.htm>; accessed 10 June 2002.

<sup>115</sup> "President Clinton's Visit to China in Context," Internet. Available from <http://www.hrw.org/campaigns/china-98/visit.htm>; accessed on 26 November 2002.

<sup>116</sup> Tucker, p. 61.

effectiveness of this event was muted due to actions taken by the Chinese government, which included the failure to publicize the speech and poor translation.<sup>117</sup>

During the final two years of the Clinton administration, Sino-American relations continued to be plagued by difficulties. Domestically, human rights advocates and other critics continued to berate Clinton's China policy, particularly after new allegations surfaced that the administration allowed U.S. national security to be compromised by authorizing Loral Space and Hughes Electronics to export sensitive rocket technology to the Chinese, thereby providing Beijing with the ability to strike U.S. cities with more accurate missiles.<sup>118</sup> Following India and Pakistan's nuclear test detonations in May 1998, accusations abounded that the PRC's nuclear and missile collaboration violated nonproliferation agreements and past assurances to Washington.<sup>119</sup> In May 1999, a declassified portion of a report issued by the Cox Committee earlier in the year asserted that the PRC had engaged in protracted and exhaustive efforts to obtain American military and commercial secret and proprietary technologies.<sup>120</sup>

In spite of domestic critics, the Clinton administration gained ground on some important security and economic issues. Beijing agreed to the Comprehensive Test Ban Treaty and the indefinite extension of the Non-Proliferation Treaty and offered some assurances to curtail nuclear and missile cooperation with Iran.<sup>121</sup> However, Clinton's policies failed to make substantive gains on the issue of human rights. In 1999, troubled by slowing economic growth, increasing unemployment, sporadic unrest around the country, rampant corruption, and the upcoming tenth anniversary of the Tiananmen Square democracy protests, the Chinese government began a systematic effort to round up known dissidents and potential political organizers.<sup>122</sup> In response, Washington made an unsuccessful bid for a resolution condemning Beijing's human rights policies at the UN Human Rights Commission in Geneva. Later that year, Beijing further offended

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<sup>117</sup> Ibid.

<sup>118</sup> Lampton, p. 95.

<sup>119</sup> Ibid., p. 96.

<sup>120</sup> Ibid., p. 97.

<sup>121</sup> Ibid., p. 99.

<sup>122</sup> Ibid., p. 56.

human rights activists by cracking down on members a Chinese spiritual movement known as Falun Gong. On April 25, 1999 thousands of Falun Gong practitioners staged a peaceful protest outside of Zhongnanhai, the official compound in Beijing for top CCP leaders. Prior to the day of the protest, the CCP had no knowledge of the group's existence, however, an investigation soon revealed it had millions of followers all over the country. The CCP leadership, always wary of groups beyond its control, did not hesitate to crush what it saw as a challenge to its authority. To people in the United States, however, this was only the latest example of the PRC's infringement on religious freedoms. Following the accidental bombing of the Chinese Embassy in Belgrade by the U.S. Air Force, the PRC suspended human rights dialogue with the United States.

The accidental bombing of the Chinese Embassy in Belgrade on May 7, 1999 further strained an already deteriorating relationship. Three Chinese citizens were killed and more than twenty injured when a U.S. Air Force B-2 stealth bomber dropped precision-guided munitions on what had been mistakenly identified as a legitimate Serb military target.<sup>123</sup> The incident sparked anti-American demonstrations in many cities throughout Beijing. Beijing responded to the incident by suspending discussions on WTO accession, ending its human rights dialogue, and denying requests for U.S. Navy port calls in Hong Kong.<sup>124</sup> The administration floundered to restore productive relations, with little gains made on proliferation, economic, or human rights issues. Concerned about criticism from the U.S. Congress, in April 1999 Clinton had sent Zhu Rongji back to China without signing an agreement on terms for China's accession to the WTO, even though the Chinese had made significant concessions. Zhu had traveled to the United States despite considerable domestic opposition, and Clinton's rejection strengthened his opponents back in China. It took months of negotiations, but in November 1999 Washington and Beijing finally reached an agreement not unlike the initial proposal. Even so, the relationship remained unsteady. In a press conference held in early 2000, Defense Secretary William Cohen was asked if the administration still regarded China as a "strategic partner," to which he hesitantly replied, "Well, we

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<sup>123</sup> Ibid., p. 59.

<sup>124</sup> Ibid., p. 60.

consider them a, uh, I am not sure that ‘strategic partner’ is the official characterization at this point.”<sup>125</sup>

Thus, as Clinton’s second term neared its end, Sino-American relations did not seem to have progressed much since his inauguration in 1993. Concerted efforts of engagement by former President Bush had allowed for the continuation of cooperation between American and Chinese leaders as well as the achievement of important American interests, but the relationship lacked a clear vision for the post-Cold War era. Throughout his presidency, barring a major crisis, Clinton remained largely disinterested in China policy. This ill-defined, crisis driven approach to managing Sino-American relations resulted in further policy drift. The administration failed to develop a policy that was widely supported within the U.S. Congress or well accepted in Beijing, which allowed competing interests groups to exert more influence over the policy making process. As a consequence, the Clinton administration left behind a legacy of unresolved problems, including the issue of human rights. Following the president’s decision to “delink” China’s MFN status from its human rights policies, Beijing became less convinced of the American commitment to human rights and less willing to make concessions for human rights. By repeatedly rejecting Washington’s human rights proposals, emphasizing the importance of national sovereignty, and highlighting its need to maintain social stability, the Chinese leaders aimed to convince the U.S. government that it would never negotiate over human rights.<sup>126</sup> However, the concessions Beijing made when faced with strong and consistent pressure by the previous administration contradict such an assertion.

### **3. China Policy Under the Current Administration**

As the former Texas governor, President George W. Bush was also new to the conduct of foreign relations, and his initial handling of Sino-American relations was not unlike Clinton’s. During his presidential campaign, Bush advisors had repeatedly emphasized national missile defense (NMD) and relations with Russia and China in their foreign policy discussions. In September 2000, Richard Armitage criticized the Democratic foreign policy platform, stating that “apparently Democrats see the most

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<sup>125</sup> Tucker, p. 69.

<sup>126</sup> Nathan, China’s Transition, p. 261.

important strategic relationship [in Asia] as being with a communist country, China.”<sup>127</sup> In November, Condoleezza Rice commented, “It would be wrong to think of China as an enemy, but it is not wrong to think of China as a challenge.”<sup>128</sup> These comments were unsettling in Beijing, where Chinese leaders closely monitored the presidential campaign in an effort to determine what the new administration’s policy toward China would likely entail. Bush’s comments regarding Taiwan were even more disturbing to Chinese leaders. During his campaign, Bush repeatedly referenced the “special status” Taiwan held with the U.S. government and the American people as a fellow democracy and the obligations of the U.S. government to help defend Taiwan against the use of force by mainland China outlined in the Taiwan Relations Act.<sup>129</sup>

Given his campaign rhetoric, it was not surprising that once elected, President Bush adopted a hard line against the Chinese government on Taiwan, human rights, weapons proliferation, and other issues. The new administration made it clear that it viewed China as the United States’ main long-term security threat. Bush’s characterization of China as a “competitor, not a strategic partner” and his enthusiastic support for developing a theater missile defense (TMD) system alarmed Chinese leaders. Washington’s attempts to reassure Beijing that construction of a TMD was to protect U.S. interests from rogue nations such as North Korea and Iraq rather than directed against the PRC did little to alleviate Beijing’s fears. Chinese leaders have three principal concerns regarding the United States’ desire to develop TMD. First, China has a limited nuclear arsenal, and Chinese leaders fear TMD would negate the PRC’s strategic deterrent. Second, Beijing suspects TMD is an attempt by Washington to spur a major increase in Chinese arms expenditures that could possibly bankrupt China.<sup>130</sup> Finally, TMD would severely hamper Beijing’s reunification plans with Taiwan by

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<sup>127</sup> “Armitage Says Bush Wants Missile Defense System Swiftly,” U.S. Foreign Policy Agenda, September 2000, Internet. Available from <http://www.fas.org/news/usa/2000/usa-000927.htm>; accessed 6 December 2002.

<sup>128</sup> Jim Garamone, “Bush Advisor Addresses National Security Priorities,” American Forces Press Service, 17 November 2000, Internet. Available from <http://www.fas.org/news/usa/2000/usa-001117.htm>, Accessed 6 December 2002.

<sup>129</sup> “US Will Help Taiwan Defend Itself: US Presidential Candidate,” Internet. Available from <http://www.fas.org/news/taiwan/1999/e-11-20-99-19.htm>; accessed 6 December 2002.

<sup>130</sup> “Beijing Targets Bush NMD Plans,” Internet. Available from <http://www.stratfor.com/asia/commentary/0108292050.htm>; accessed 12 December 2001.

eliminating the mainland's military superiority over the island. Washington's disregard for Beijing's objections to its pursuit of TMD, combined with numerous statements critical of its policies, fueled anti-American sentiment in China and seemed to validate the belief of some Chinese leaders that the United States wanted to impede China's rise in the international system.

In spite of the administration's strong rhetoric, Bush did not move quickly to establish guidelines for conducting relations with the PRC. Many observers were skeptical of the new administration's ability to form coherent policy, due to the strong personalities and conflicting viewpoints of key members in Bush's foreign policy team, namely, Vice President Dick Cheney, Secretary of State Colin Powell, Defense Secretary Donald Rumsfeld, and National Security Advisor Condoleezza Rice. Ultimately, it took a crisis for the Bush administration to focus on developing a specific policy. On the early morning of April 1, 2001, a collision between a U.S. Navy EP-3E performing a routine reconnaissance mission along the coast of China and a Chinese Jian-8 fighter plane forced the Bush administration to deal with Beijing on a concrete issue. The collision resulted in the death of the Chinese pilot and the unauthorized emergency landing of the EP-3E on Hainan Island. According to the United States, the collision occurred in international airspace 112 km from Hainan Island, and resulted from hazardous maneuvers on the part of the Chinese fighter.<sup>131</sup> The incident brought a strong response from Washington, and President Bush demanded that China immediately return the 24 crewmembers and the EP-3E. The administration further claimed that the highly specialized surveillance aircraft came "within the scope of US sovereignty, and as such, Chinese officials were not authorized to board or inspect the plane."<sup>132</sup>

On April 3 PRC President Jiang Zemin responded with China's demands: the United States must "bear full responsibilities" for the incident, make a formal apology to the Chinese people, and cease all reconnaissance flights along China's coastal borders in

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<sup>131</sup> "The United States is Highly Concerned over the Plane Collision and Has Reacted Strongly," *Guangzhou Guangzhou Ribao*, 2 April 2001, in "PRC Article Describes US Reaction to April Plane Collision," FBIS Document CPP20010402000185, 2 April 2001.

<sup>132</sup> *Ibid.*, p. 3.

order to prevent any future accidents.<sup>133</sup> Furthermore, in response to the U.S. claim that the EP-3E was sovereign U.S. territory, Beijing held that the military aircraft intruded into China's airspace and landed unauthorized on Hainan Island, therefore China had the right to inspect the plane.<sup>134</sup> Beijing refused to admit the accident resulted from reckless flying on the part of the Chinese pilot and further asserted the incident occurred within China's airspace. The PRC's English newspaper, the *China Daily*, criticized Washington's apparent lack of concern for the fate of the Chinese pilot, stating that "Washington's frosty response towards the Chinese pilot's predicament is indicative of the double standard the United States has adopted on human rights...Making mistakes is natural. But always making mistakes detrimental to other countries' interests or other people's lives is hardly responsible international behavior."<sup>135</sup> Although most evidence showed Beijing knew the collision took place over international waters, Chinese leaders needed an excuse to justify the Chinese military's decision to board the aircraft and sequester the crew.<sup>136</sup> Washington dismissed Beijing's claim that the incident occurred within Chinese airspace and was due to a sudden movement of the EP-3E. Washington further rejected Beijing's demands for an apology, with the U.S. Secretary of State Colin Powell stating bluntly, "There is nothing to apologize for."<sup>137</sup>

After the initial escalation of the incident by both the United States and China, officials on both sides conveyed a desire to reach a compromise and move past the incident without causing permanent setbacks to Sino-American relations. On April 4, 01, Secretary Powell stated, "We regret the Chinese pilot did not get down safely, and we regret the loss of life of that Chinese pilot."<sup>138</sup> A few days later, President Jiang stated, "Taking into account the important role of both countries, I believe that we should find an

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<sup>133</sup> "Xinhua 'Wrap-Up': Jiang Zemin on US, China Air Collision Incident," *Beijing Xinhua*, 3 April 2001, in FBIS Document CPP20010403000132, 3 April 2001.

<sup>134</sup> He Chong, "Chinese Scholars Analyze the Incident of Planes Collision and the Trend of Sino-US Ties," *Hong Kong Zhongguo Tongxun She*, 6 April 2001, in "ZTS: Chinese Scholars Analyze Plane Incident, Trend of Sino-US Ties," FBIS Document CPP20010406000155, 6 April 2001.

<sup>135</sup> "Portrait of Bush Foreign Policy: Unilateralist and Adversarial," 3 April 2001, Internet. Available from <http://www.fas.org/news/usa/2001/usa-0104103.htm>; accessed 6 December 2001.

<sup>136</sup> "China: Balancing the Rhetoric Battle," Internet. Available from [www.stratfor.com/asia/commentary/01404042320.htm](http://www.stratfor.com/asia/commentary/01404042320.htm); accessed 12 December 2001.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid., p. 2.

adequate solution to this problem.”<sup>139</sup> Even while both sides worked behind the scenes to resolve the issue, Beijing continued to use the crisis to raise nationalist sentiments at home, prove to the world that American military might was not omnipotent, and increase the PRC’s military standing within the region.<sup>140</sup> Beijing made it clear it would not release the U.S. crew or the plane until it was satisfied with the Washington’s response.

While there were broader geopolitical gains to be made by prolonging the episode, China’s leaders did not want to take it so far as to face economic repercussions from the United States, which could derail progress in China’s economic reforms.<sup>141</sup> With this in mind, after Washington delivered a letter stating it was sorry for the missing pilot as well as the entry into China’s airspace without verbal permission, PRC Foreign Minister Tang Jiaxuan declared that since the U.S. government had “apologized” the Chinese government would allow the American crew to leave the country, effectively ending the twelve day stand-off.<sup>142</sup> Although Washington did not meet Jiang’s conditions, editorials in China’s state-run media claimed the U.S. “apology” was a victory “for the Chinese government and people against the U.S. hegemony,” while urging the United States to “work with the Chinese side to bring relations back on a normal track.”<sup>143</sup> However, many countries in Europe and Asia applauded Washington’s pragmatic and controlled response to what was viewed as the first test of the new administration’s foreign policy team. The crisis demonstrated that Washington and Beijing could successfully resolve potentially explosive situations through diplomatic means.

Following the successful resolution of the EP-3E crisis, Sino-American relations remained tense. The incident only highlighted tensions between the two countries over

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<sup>139</sup> Uncas Fernandez, “AFP: Jiang Zemin Believes to Find ‘Adequate Solution’ on US-Plane Row,” Hong Kong AFP, 11 April 2001, in FBIS Document CPP20010411000084, 11 April 2001.

<sup>140</sup> George Friedman, “China’s Strategy, Shaking up the System,” Internet. Available from <http://www.stratfor.com/asia/commentary/0104042015.htm>; accessed on 12 December 2001.

<sup>141</sup> “China: Balancing the Rhetoric Battle,” p. 1.

<sup>142</sup> “A New Model of Strategic Interactions is Being Formed,” *Taipei Chung-Kuo Shih-Pao*, 12 April 2001, in “Taiwan Editorial on US-China Air Collision Incident,” FBIS Document CPP20010412000076, 12 April 2001.

<sup>143</sup> Katherine Starr, Diana McCaffrey, eds., “U.S-China: End of Standoff Welcomed; Next, Learning the Lessons,” Internet. Available from <http://www.fas.org/news/china/2001/china-010412b.htm>; accessed 6 December 2002.

security issues, and the Bush administration's actions throughout the crisis appeared to be aimed at damage control rather than a reflection of a well thought out China policy. The administration's decision on April 24 to sell additional arms to the ROC on Taiwan further strained the relationship. President Bush approved the sale of four Kidd-class destroyers, eight diesel- powered submarines, 12 P-3C Orion submarine-hunting aircraft, and other advanced weapons and equipment, however, it deferred the more controversial sale of Aegis-equipped destroyers. A senior White House official justified the sale, asserting that the revised package would address a regional military balance that had "tilted in the People's Republic of China's favor in a dangerous way."<sup>144</sup> The U.S. Congress, who has long been concerned about Taiwan's ability to defend itself from mainland aggression, widely supported the administration's decision. In contrast, Beijing characterized the sale as a "flagrant violation of the three Sino-U.S. joint communiqués, especially the one signed on August 17, 1982, and an open provocation to China's sovereignty and territorial integrity."<sup>145</sup> Chinese leaders increasingly characterized Washington's actions as part of an "anti-China containment policy."<sup>146</sup> On April 25, President Bush commented during an interview with ABC News that he would do "whatever it took" to defend Taiwan from an attack by China, which seemed to be a dramatic break from past policy.<sup>147</sup> Bush's statement was followed closely by Secretary of Defense Donald Rumsfeld's announcement on April 30 that Washington would halt military contact with Beijing.<sup>148</sup> Although the administration played down Bush's statement and reiterated the United States' commitment to the "one-China" policy, and the Department of Defense recanted the decision to halt military contact only hours after it was announced, Beijing remained troubled about U.S. intentions regarding Taiwan.

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<sup>144</sup> "Beijing anger expected over U.S.-Taiwan arms sales," 24 April 2001, Internet. Available from <http://asia.cnn.com/virtual/editions/europe/2000/roof/change.pop/frameset.exclude.html>; accessed on 7 December 2002.

<sup>145</sup> "China strongly protests US arms sales to Taiwan," Internet. Available from <http://www.chinaembassycanada.org/eng/10333.html>; accessed 7 December 2002.

<sup>146</sup> "Beijing anger expected over U.S.-Taiwan arms sales," 24 April 2001, Internet. Available from <http://asia.cnn.com/virtual/editions/europe/2000/roof/change.pop/frameset.exclude.html>, Accessed on 7 December 2002.

<sup>147</sup> "Bush on One-China Policy," 25 April 2001, Internet. Available from <http://www.fas.org/news/china/2001/china-010425-taiwanzws.htm>; accessed on 6 December 2002.

<sup>148</sup> "United States: Misreading Beijing?," 3 May 2001, Internet. Available from <http://www.stratfor.com>; accessed on 6 December 2002.

In addition to their conflicting security interests, Washington and Beijing remained at odds over the issue of human rights. In April 2001, Beijing initiated another “strike hard” campaign. During the three months that followed, AI reported that China executed more individuals than in the rest of the world combined over the previous three years, and many were sentenced to death after unfair trials, based on confessions extracted under torture.<sup>149</sup> In July 2001, following Beijing’s successful bid to host the 2008 Olympic games, China convicted three scholars on charges of supplying intelligence to Taiwan. AI has documented many cases of individuals imprisoned on similar charges of “leaking state secrets” or “state security offenses” who had merely been dealing with readily available public information, and believed the three scholars to be prisoners of conscience.<sup>150</sup> Dr. Gao Zhan and Dr. Tan Guangguang were permanent U.S. residents and Dr. Li Shaomin was a naturalized U.S. citizen. All three had been held without trial since earlier in the year. Although the three scholars were later released in what HRW characterized as a gesture aimed at improving Sino-U.S. relations, many others remained in custody as a result of their research.<sup>151</sup> Neither U.S. diplomatic efforts nor increased international scrutiny related to the Olympics motivated Beijing to make tangible improvements to its human rights policies.

In August 2001, Secretary Powell traveled to Beijing in preparation for the upcoming talks between Presidents Jiang and Bush scheduled in conjunction with the October APEC summit. In an effort to improve relations, the Bush administration toned down its rhetoric that portrayed China more as an emerging enemy than as a potential partner. Secretary Powell conveyed a message to President Jiang, Premier Zhu, Vice Premier Qian, and Foreign Minister Tang that President Bush wanted “to build constructive, forward-looking relations with the People's Republic of China.”<sup>152</sup> The

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<sup>149</sup> “Letter to President George W. Bush from AIUSA Executive Director William Schulz,” 18 October 2002, Internet. Available from <http://www.amnestyusa.org/news/2002/china10182002.html>; accessed 7 December 2002.

<sup>150</sup> “China’s Detention of 5-Year-Old Child was Torture Incommunicado Detention of Gao Zhan Must End,” 30 March 2001, Internet. Available from <http://www.amnestyusa.org/news/2001/china03302001.html>; accessed 8 December 2002.

<sup>151</sup> “Chinese Academics Detained,” Internet. Available from <http://www.hrw.org/campaigns/china/scholars/>; accessed 8 December 2002.

<sup>152</sup> “Press Conference With Secretary Colin Powell,” 28 July 2001, Internet. Available from <http://www.usembassy-china.org.cn/press/release/2001/powell-confe0728.html>; accessed 7 December 2002.

proposed agenda for the Bush-Jiang meeting included a wide range of issues, including security concerns, trade and commerce issues, human rights, nonproliferation, and others. While human rights activists were glad to see the issue would be raised, the administration was criticized in general for its failure to develop a clear policy to promote human rights and specifically for its failure to advocate cases of specific dissidents or adopt a position on Beijing's ongoing crackdown on minorities in Xinjiang.<sup>153</sup> In September 2000 Premier Zhu had called for an "iron fist" to crush suspected Uyghur separatists in Xinjiang, and officials in the region had carried out the "strike hard" campaign with particularly disastrous results.<sup>154</sup> Beijing's increasingly harsh policies toward the region attracted criticism from many human rights NGOs, but the U.S. government had largely excluded the issue from its human rights dialogue with Chinese leaders.

Although the administration was optimistic about the upcoming Bush-Jiang meeting, few individuals outside of the administration expected many significant results. After eight months in office, the administration still had not articulated a coherent China policy. Bush's often inflammatory remarks toward the PRC frequently contradicted with assertions from U.S. State Department officials that the United States did not "view China as an enemy," but rather shared "common interests with China that are best served by a productive and forward looking relationship."<sup>155</sup> Once again, it took a crisis to redirect the relationship. The tragic events of September 11 presented the Bush administration with an urgent security threat that necessitated the immediate stabilization of relations with Beijing. As it worked to build an international coalition against Osama bin Ladin's terrorist network, Washington could ill afford to antagonize Beijing with inflammatory rhetoric concerning Taiwan or other security issues. Beijing recognized the opportunity presented by the war on terrorism to further its own interests, and President Jiang was one of the first international leaders to telephone his condolences to Washington following the surprise

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<sup>153</sup> Mike Jendrzeczyk, "A China Human Rights Policy – Now," 14 August 2001, Internet. Available from <http://www.hrw.org/editorials/2001/china-0814.htm>; accessed 26 November 2002.

<sup>154</sup> Michael A. Lev, "In China, A Province Simmers," Internet. Available from <http://www.uyghuramerican.org/researchanalysis/provincesimmers.html>; accessed 10 December 2002.

<sup>155</sup> "Testimony before the Subcommittee on East Asia and the Pacific House Committee on International Relations by James A. Kelly, Assistant Secretary of State for East Asian and Pacific Affairs," 12 June 2001, Internet. Available from <http://www.usembassy-china.org.cn/press/release/2001/kelly-on-eap.html>; accessed 7 December 2002.

terrorist attacks on the World Trade Center and the Pentagon. As a consequence of the September 11 attacks, the United States and China once again had common security threat that facilitated cooperation. However, the human rights implications of Beijing's September 18 request that Washington "give its support and understanding" to China's own fight against "terrorism and separatists" in Xinjiang presented the Bush administration with a particularly difficult dilemma.<sup>156</sup>

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<sup>156</sup> "Opportunism in the face of Tragedy: Repression in the name of anti-terrorism," Internet. Available from <http://www.hrw.org/campaigns/september11/opportunism.htm>; accessed 22 July 2002.

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#### **IV. HUMAN RIGHTS AND THE WAR ON TERRORISM: CASE STUDY OF XINJIANG**

The on-going American war on terrorism has significant implications for the PRC's western-most province, the XUAR, and elevated the issue of human rights to the forefront of Sino-American relations. Following the September 11<sup>th</sup> attacks on the World Trade Center and the Pentagon and the American declaration of war on international terrorism, Beijing jumped at the opportunity to lobby the international community for support with its own decades-long "terrorist" problem: the continuing social unrest and violence in the XUAR. Over the past few years, Beijing has made a concerted effort to establish regional support for its crackdown on Uyghur separatists in the XUAR. Beijing has achieved some success, namely the establishment in 1996 of the Shanghai Five, which included the PRC, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan. In 2001 the Shanghai Five expanded with the admission of Uzbekistan and was renamed the Shanghai Cooperation Organization. This organization is committed to the eradication of terrorism and the threat of Islamic fundamentalism throughout the Central Asian region. Beijing's latest efforts elevates the situation in the XUAR to the international level and presents Washington with an all too familiar dilemma: uphold the importance of human rights or subordinate them to other, more pressing national interests. Specifically, the question is: should the United States condone Beijing's crackdown on the XUAR's Uyghur ethnic minority, which has resulted in some of the worst human rights violations in the country and obviously contradicts the United States' human rights policy toward the PRC, in order to gain the Beijing's support for its war on terrorism?

For over a year, Washington refused to acknowledge the Uyghurs as terrorists. However, it became increasingly difficult to deny some Uyghur extremists' links to Osama bin Ladin's terrorist network, particularly after U.S. forces encountered Uyghurs fighting alongside the Taliban in Afghanistan. Even so, the challenge remained for Washington to acknowledge this connection without giving Beijing blanket approval for its harsh and often inappropriate policies in the region. These policies, designed to protect the territorial integrity of the PRC by integrating the predominantly Uyghur minority population into a multinational, unitary state and isolating the Uyghur secession

movement from international support, are in fact having the opposite effect. Resentment against the central government and tensions between the Uyghurs and Han Chinese within the XUAR have steadily increased, culminating in acts of violence by some Uyghur separatists. Beijing responded to these events by implementing increasingly harsh policies, and, correspondingly, the region boasts the country's most severe human rights violations. As a result, the plight of the Uyghurs and other minorities living in Xinjiang inspired protests from NGOs and foreign governments alike.

In order for Washington to respond appropriately to Beijing's overtures, it must first understand the circumstances surrounding the violence and unrest in XUAR. These include identifying who the Uyghurs are and why they are upset with the Chinese government, why the XUAR is important to Beijing, why Beijing perceives the Uyghurs as a threat, and how Beijing has chosen to deal with the perceived Uyghur threat both domestically and internationally.

#### **A. WHO ARE THE UYGHURS?**

##### **1. Uyghurs Today**

The Uyghurs are ethnically a Turkic people, primarily Muslim, who live in the northwestern part of China known as Xinjiang, officially called the Xinjiang-Uyghur Autonomous Region (XUAR). Xinjiang is the largest of China's province-level administrative units, accounting for one-sixth of the total Chinese territory. According to the official 1990 Chinese census there are 7,194,675 Uyghurs living in Xinjiang, approximately 47 percent of the total population.<sup>157</sup> There are also 500,000 Uyghurs living in Uzbekistan, Kazakistan, Kirgizistan, Turkmenistan, and Tajikistan, and approximately 150,000 Uyghurs living in Pakistan, Afghanistan, Saudi Arabia, Turkey, Western Europe, and the United States.<sup>158</sup> The Uyghurs are one of 55 official minority nationalities (*shaoshu minzu*) of the PRC. The PRC identifies these nationalities according to the criteria of having a common history, territory, language, economic life, and culture.<sup>159</sup> Although more than 400 separate groups applied for this status, the first

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<sup>157</sup> East Turkestan Guidebook, (Washington D.C.: Uyghur American Association, 2001), p. 8.

<sup>158</sup> "Uyghur Militants Committee for Eastern Turkistan," Internet. Available from <http://www.fas.org/irp/world/para/Uyghur.htm>; accessed on 11 June 2002.

<sup>159</sup> Colin Mackerras, China's Minority Cultures: Identities and Integration Since 1912, (New York: St. Martin's Press, 1995), p. 3.

census published in 1953 listed only 41 nationalities, which included the majority Han.<sup>160</sup> This number grew to 53 after the 1964 census, and finally to 56 in 1982.<sup>161</sup>

## **2. Historical Background**

The Uyghurs, like the Chinese, have a long history marked by periods of great strength and relative weakness. Throughout history, Uyghur society, religion, and culture changed as the Uyghurs adapted to environmental changes and foreign influences. Therefore, the term “Uyghur” connotes different meanings depending upon which period in Uyghur history is of concern. Surprisingly, the term “Uyghur” as it is known today originated in the early 1930s.

Historical records trace Uyghurs back to 400 A.D. At this time, Uyghurs were one of nine Turkic Tiele tribes who lived in the Central Asian region between Korea and Karasher, where they were ruled by a people known as the Juan-juan.<sup>162</sup> Early Uyghurs were a nomadic people who practiced Shamanistic beliefs. This early period in Uyghur history lasted for approximately 150 years, until another tribe called the Tujue conquered the Juan-juan in the middle of the 6<sup>th</sup> Century.<sup>163</sup> The Tujue used the Uyghurs to govern the wild regions of the north. In 582, the Tujue split into 2 political groups, known as the Eastern and the Western.<sup>164</sup>

The Western Tujue attempted to keep the Tiele under their domination, but they were not successful.<sup>165</sup> The Uyghurs gained their independence and over the course of the next century assisted the Chinese in several campaigns against a number of adversaries. In 647, the various Tiele tribes were placed under Chinese protection.<sup>166</sup> Toward the end of the 7<sup>th</sup> Century until 716, the Uyghurs again came under Tujue

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<sup>160</sup> Dru C. Gladney, *Ethnic Identity in China: The Making of a Muslim Minority Nationality*, (Florida: Harcourt Brace & Company, 1998), p. 14.

<sup>161</sup> Ibid.

<sup>162</sup> Mackerras, p. 8.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

domination.<sup>167</sup> Following the death of Tujue leader Moche, the Uyghurs regained their independence and, according to a Tang history, “they gradually became powerful.”<sup>168</sup> As the Uyghurs’ power grew, they expanded their territory, and by 744 had established an empire in northwestern Mongolia, with its capital located in Karabalghasun.<sup>169</sup> During this period, the Uyghurs adopted Manichaeian beliefs, and grew politically, socially, and culturally. They began to build cities, develop agriculture, and conduct commerce, although in the rural parts of the Uyghur empire nomadic stock raising continued to be the norm.<sup>170</sup> Archaeologists have uncovered signs that among the Uyghurs existed metallurgists, potters, engravers, blacksmiths, sculptors, weavers, and jewelers.<sup>171</sup> The Uyghur empire lasted until 840, when the Kirghiz invaded Uyghur territory and drove them out.

After their defeat, many Uyghurs relocated to Turpan. During the period 844 until 932, the Uyghurs were known as a sedentary, oasis society that was Buddhist and Nestorian Christian as well as Manichaeian.<sup>172</sup> The year 932 marked the beginning of the third and longest period in Uyghur history. From this time until 1450, the term Uyghur referred to an elite, primarily Buddhist, Turkic society centered in the Turpan oasis, which the Uyghurs called Uyghuristan.<sup>173</sup> During this time, the term “Uyghur” was used to discriminate this society from the Islamic Turks living to the west. After the Buddhist Turks converted to Islam in the fifteenth Century, the term fell into disuse for 500 years.<sup>174</sup> However, the people previously known as Uyghurs continued to exist, and in 1759 they came under the control of the Chinese when the Qing dynasty conquered their territory.

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<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid., p. 1.

<sup>170</sup> Colin Mackerras, The Uyghur Empire, (Columbia: University of South Carolina Press, 1972), p. 13.

<sup>171</sup> Ibid.

<sup>172</sup> Justin Jon Rudelson, Oasis Identities: Uyghur Nationalism Along China’s Silk Road, (New York: Columbia University Press, 1997), p. 6.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

The Qing encountered significant resistance to their rule, and in 1862 the indigenous peoples drove them out. The indigenous peoples enjoyed a brief independence until 1876 when the Qing reasserted their control over the region. At this time, the Qing named the region Xinjiang, which means “new territory.” The Qing encouraged the migration of Han Chinese into the region and attempted to pacify the indigenous peoples by encouraging interracial marriage and forcing them to adopt Chinese customs.<sup>175</sup> However, as the Qing’s power declined, so did its ability to administer Xinjiang.

After the fall of the Qing in 1912, the newly established nationalist government constantly battled to maintain control over Xinjiang. The ruler of Xinjiang during the first few years of the nationalist government was Yang Zengxin.<sup>176</sup> Han was a very conservative leader and attempted to prevent the Uyghurs’ access to outside influences, such as the Soviet Union. Yang also banned publications in Turkic languages, censored mail, and posted signs in Xinjiang forbidding political discussion.<sup>177</sup> Yang’s policies did little to quell Muslim unrest or endear the indigenous peoples to the new nationalist government. In 1933, a rebellion broke out in northern Xinjiang, and a Turkic Muslim state called the Republic of Eastern Turkestan was established. However, it was summarily suppressed by Yang’s successor, a warlord named Sheng Shicai.

Sheng, who was heavily influenced by the Soviet Union, ruled Xinjiang from 1933 until 1944. In 1934, Sheng proclaimed his “six great principles,” the first three being anti-imperialism, kinship to the Soviet Union, and equality among the nationalities.<sup>178</sup> In spite of these principles, Sheng was anti-Islamic. Sheng targeted the Muslims because he saw them and their religion as sources of secessionist and nationalist opposition to his rule, much in the same way the current government views the Muslims of Xinjiang.<sup>179</sup> During this period, at the suggestion of the Soviet Union, the Chinese government revived the term “Uyghur” to describe the Turkic Muslim oasis dwellers

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<sup>175</sup> East Turkestan Guidebook, p. 13-14.

<sup>176</sup> Mackerras, China’s, p. 20.

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*, p. 9.

<sup>179</sup> *Ibid.*, p. 20.

living in Xinjiang.<sup>180</sup> Prior to that, these groups referred to themselves according to their locality and were called the Kashgar-lik, Turpan-lik, Aksu-lik, as well as the Taranchi, Turki, and Sart.<sup>181</sup> Although most did not directly descended from the Uyghurs of old, these groups were more than happy to be officially recognized as something other than Han Chinese. The “Yellow Uyghurs” are the only group who directly descended from the Uyghurs who fled the Kirgiz invasion in 840 A.D. The Yellow Uyghurs live in their own autonomous county in Gansu. They have most closely preserved the linguistic, cultural, and religious ties with the Uyghurs of old, by retaining their former Turkish language and incorporating Manichaean practices in their Lamaist-Buddhist religion.<sup>182</sup>

During his 11-year rule, Sheng initiated many pro-Soviet policies that were primarily atheistic in nature. Sheng promoted Soviet ideas and practices, closed down mosques or converted them into clubs or theaters, encouraged women to unveil, and publicly ridiculed Islamic clergy.<sup>183</sup> These policies further incited the Muslims of Xinjiang, and in 1937 a Muslim-led rebellion broke out in southern Xinjiang. In the latter years of his rule, Sheng’s persecution of Muslims increased. Many Muslims were arrested and imprisoned, others were sent to work in mines, and some were killed. Resistance to Sheng’s rule continued until he finally left Xinjiang in September 1944. Later that same year, another secessionist rebellion broke out that established the second East Turkestan Republic, which ruled until 1949. Following the communists’ victory in the Chinese civil war in 1949, the PRC effectively reasserted control over Xinjiang. However, many Uyghurs continue to be dissatisfied with their status as citizens of the PRC, and maintain they are a separate people who deserve to assert their right of self-determination and establish their own nation.

### **3. The Uyghur Language**

The native language of the Uyghurs is Uyghur. Uyghur is distinct from the Mandarin Chinese spoken by the majority of Hans that live in Xinjiang. Uyghur is a Turkic language belonging to the Altaic language family and is written in a traditional

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<sup>180</sup> Rudelson, p. 6-7.

<sup>181</sup> Gladney, p. 160.

<sup>182</sup> Ibid.

<sup>183</sup> Mackerras, China’s, p. 20.

Arabic script.<sup>184</sup> Furthermore, the Uyghur language does not contain tones, which makes learning Mandarin difficult for most Uyghurs.<sup>185</sup> The subject of language is a sensitive issue in Xinjiang. Uyghurs regard their language as a unique and important part of their culture. Many Uyghurs feel that the PRC desires to slowly phase out the use of their language, as evident by government policies that restrict the use of Uyghur in schools and limit the publication of books and other literary materials in Uyghur. Most recently, the Chinese authorities announced that as of September 2002 Xinjiang University, the top university in Xinjiang, will no longer teach courses in the local Uyghur language.<sup>186</sup> An official spokesperson from Xinjiang University stated that change in policy resulted from the lack of textbooks translated into Uyghur, and the need to raise the level of education of local Uyghur students.<sup>187</sup> The official maintained that students who learned in Mandarin would have a better chance of finding employment after graduation.<sup>188</sup> However, Uyghurs cite the policy as another effort by the central government to eradicate their language and with it a substantial part of their identity.

#### 4. Economic Status

In 1992, Xinjiang had 47.01 million mu (3.136 million hectares) of arable land or 3 mu per capita.<sup>189</sup> Not surprisingly, the majority of Uyghurs are peasant farmers, and Xinjiang is one of China's top producers of cotton and grain. In Turpan, Uyghurs primarily cultivate and sell grapes using an indigenous irrigation system known as *karez*.<sup>190</sup> In southern Xinjiang, land not used for grapes is alternately planted with wheat and sorghum one season and cotton the next.<sup>191</sup> In 1990, agricultural products accounted

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<sup>184</sup> Gladney, p. 21.

<sup>185</sup> Rudelson, p. 78.

<sup>186</sup> "Language Blow For China's Muslims," British Broadcasting Company, 1 June 2002, Internet. Available from <http://news.bbc.co.uk/1/hi/english/world/asia-pacific/newsid2020000/2020009.stm>; accessed 11 June 2002.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> "Xinjiang Reading Notes: Population, Economy, Environment, Minorities Policy," Internet. Available from <http://www.usembassy-china.org.cn/english/sandt/xjnotes.htm>; accessed on 11 June 2002.

<sup>190</sup> Rudelson, p. 67.

<sup>191</sup> Rudelson, p. 68.

for 34.1 percent of the regional economy.<sup>192</sup> In 1992, the annual income for farmers and urban residents in Xinjiang was 740 RMB and 1753 RMB respectively.<sup>193</sup> Economic reforms began in Xinjiang in the early 1980s, but instead of producing greater stability and social cohesiveness, they seem only to have exacerbated the longstanding divisions between the Uyghurs and the Han. This is primarily because Han Chinese, rather than Uyghurs, are the primary beneficiaries of the benefits resulting from the government's development programs.

## **5. Education**

In Xinjiang, the education of Uyghurs and Han Chinese is conducted separately, and there is a wide disparity between the quality of facilities and instruction provided to the respective groups. In 1990, the illiteracy rate of Uyghurs averaged 26.58 percent, compared to the national average of 22 percent.<sup>194</sup> However, in the rural areas of Xinjiang, the percentage of illiterate individuals is most likely higher. Many peasant families cannot afford the fees required to send their children school, and others are so poor that their children begin working at an early age rather than attending school. In some villages, schools are not large enough to accommodate all the students. Not surprisingly, the pursuit of higher education among Uyghurs is also limited, due to poverty constraints and the lack of institutions that offer classes in Uyghur. Most Uyghur youths are not fluent in Chinese and are subsequently unable to attend the state universities, where classes are almost exclusively taught in Mandarin. The low level of education among Uyghurs contributes to their inability to find good jobs.

## **6. Religion and Islamic Fundamentalism**

The majority of Uyghurs are Muslim, and there are more than 24,000 mosques and over 27,000 Muslim clerics in Xinjiang.<sup>195</sup> However, there is a difference between the practice of Islam in Xinjiang and the practice of Islam in the Middle East. Uyghur

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<sup>192</sup> "Xinjiang Reading Notes"

<sup>193</sup> Ibid.

<sup>194</sup> Yuan Xin, "Ethnic Uyghurs," Internet. Available from <http://www.usembassy-china.org.cn/english/sandt/xjnotes.htm>; accessed on 11 June 2002.

<sup>195</sup> Chen Guo Hua, "8,000 Islamic Chinese," *Beijing Zhongguo Xinwen Wang*, 4 January 2002, in "PRC Gives 8,000 Mosque Leaders Standardized Training in Xinjiang," FBIS Document CPP20020108000162, 8 January 2002.

Muslims are far more secularized than their Middle Eastern counterparts. Additionally, the Islamic beliefs of Uyghurs often incorporate characteristics of earlier religions practiced in the region, such as Manichaeism, Buddhism, and Nestorianism. Uyghurs vary in the extent to which they practice Islam. Some are very strict, others observe only the minimal requirements, and some do not practice at all. Beijing's repressive religious policies -- such as requiring registration and government supervision of all mosques, forbidding religious activity for people under the age of 18, and punishing any party members or government officials who fast during Ramadan -- make it difficult for Uyghurs to practice their faith.

Particularly since the September 11, 2001 terrorist attack against the United States, there has been much attention given to the question of Islamic fundamentalism in Xinjiang. In general, Uyghurs deny the existence of Islamic extremism in Xinjiang, and for the most part this is true. Due to the secularized nature of Uyghur Islamic beliefs, they are not very conducive to extremist views. However, a small number of Uyghurs have joined extremist organizations. The Xinjiang Liberation Front and Uyghur Liberation Organization, which operate out of Kyrgyzstan and Uzbekistan, have been blamed for assassinations in Xinjiang of Uyghur officials labeled as collaborators.<sup>196</sup> Other Uyghurs have left Xinjiang to fight alongside such organizations in neighboring countries. For example, some Uyghurs are associated with the Islamic Movement of Uzbekistan.<sup>197</sup> Additionally, in 1999, three Uyghurs were being held in a Musad Jail in the Panjshir Valley, after being trained by the Taliban and being captured fighting against the Northern alliance.<sup>198</sup> In January 2000, Uyghur militants were reportedly shot in Kashmir after receiving training in Pakistan.<sup>199</sup> Also in the year 2000, the Russian Defense Ministry captured Uyghur prisoners of war in Chechnya.<sup>200</sup> Finally, there have been some allegations concerning Uyghurs fighting in organizations associated with Osama bin Laden. In 2001, U.S. forces in Afghanistan reportedly captured a small

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<sup>196</sup> "Chinese Cleanup Targets Uyghurs," 16 May 2001, Internet. Available from <http://www.stratfor.com>; accessed 12 April 2002.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

number of Uyghurs fighting alongside the Taliban in the course of the “war on terrorism.” Although Beijing requested these individuals, who still hold Chinese citizenship, be returned to the PRC to be dealt with according to the law, to date they remain in Cuba under U.S. custody with the rest of the detainees. Most significantly, on August 26, 2002, after months of petitioning from Beijing, the Bush administration designated the East Turkistan Islamic Movement (ETIM) as a terrorist organization. Even so, these instances of Uyghur participation in Islamic extremist movements represent a small percentage of the Uyghur population. The majority of Muslim Uyghurs consider themselves secular, and although they advocate independence from the PRC, they want to establish a democratic, progressive state rather than an Islamic fundamentalist one.

## **B. UYGHUR GRIEVANCES**

Beijing likes to blame Uyghur unrest on a “small number” of “separatists, terrorists, and religious extremists” who are aligned with “foreign hostile forces” that want to “split the motherland.”<sup>201</sup> In reality the Uyghurs are driven more by their dissatisfaction with central government policies than outside forces or their desire to establish an Islamic state. Over the past few decades, the Uyghurs have compiled a list of substantial grievances against the Chinese government. However, to date these issues are largely ignored by Beijing, and any complaints are dealt with harshly. The CCP labels all challenges to its rule, however minute, as “splittism,” punishable by a lengthy prison term or even death.<sup>202</sup> As a result, many Uyghurs are afraid to speak out against Chinese rule or even to complain about their daily lives or low standards of living. Uyghurs living in exile, however, are not afraid and are making their complaints known. The major grievances against Beijing involve political persecution, religious repression, education and economic discrimination, nuclear testing, coercive birth control policies, and cultural genocide.

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<sup>201</sup> “Gross Violations of Human Rights in the Xinjiang Uyghur Autonomous Region,” Internet. Available from <http://www.web.amnesty.org/ai.nsf/index/ASA170181999>, accessed on 18 April 2002.

<sup>202</sup> Gardner Bovingdon, “The Not So Silent Majority: Uyghur Resistance to Han Rule in Xinjiang,” *Modern China*, vol. 28, no. 1, January 2002, p. 46.

## 1. Political Persecution

Beijing's official policy toward minority nationalities is to grant them a certain amount of autonomy, but never the option of independence. Minority populated areas compose five autonomous regions, 31 autonomous prefectures, 96 autonomous counties and banners, and numerous autonomous villages.<sup>203</sup> In this instance, autonomy refers to the right to have minority members hold government offices and exert some political control over their own areas concerning such matters as resource administration, taxes, birth planning, education, legal jurisdiction, and religious expression.<sup>204</sup> However, this does not necessarily translate into political power. Even in autonomous areas, the Han majority continues to dominate the CCP, where the real political power lies. This is true in Xinjiang, where the few Uyghur government officials answer to Han CCP bosses. As such, the Uyghurs feel they have no true representation in government and regard the few Uyghur officials as token members of the Chinese government.

More serious than the lack of political autonomy is the prevalence of political persecution in Xinjiang. The arbitrary arrest and imprisonment of Uyghurs who peacefully exercise their rights of speech and association, among others, is widespread. Many political detainees and prisoners are held for long periods, some times weeks or even months, without legal counsel or contact with relatives. Torture of political prisoners in order to obtain a "confession" is common throughout China, but the methods employed in Xinjiang are particularly brutal. They include severe beatings, electric shocks, shackling in positions that cause immense pain, exposure to extreme temperatures, the insertion of needles under the nails or the removal of fingernails, the use of unidentified injections, the insertion of pepper, chili powder, or other substances into the nose, mouth, or genitals, and the insertion of horse hairs or wires into male genitalia.<sup>205</sup> Political trials in Xinjiang are typically a formality, as the verdict is usually pre-determined by the political authorities.<sup>206</sup> Some detainees are simply informed of their sentences without receiving a trial, while others are subjected to "mass sentencing

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<sup>203</sup> Gladney, p. 171.

<sup>204</sup> Mackerras, *China's*, p. 10 and Gladney, p. 171.

<sup>205</sup> "Gross Violations," p. 23.

<sup>206</sup> *Ibid.*, p. 19.

rallies,” which are show trials attended by hundreds or thousands of people, during which their sentences are announced.<sup>207</sup> Finally, many political prisoners in Xinjiang have reportedly died in custody, due to torture, ill treatment, or the lack of proper medical care.<sup>208</sup>

## **2. Religious Repression**

The PRC is officially an atheist state. Even so, the 1982 PRC Constitution guarantees religious freedom, stating “citizen’s of the People’s Republic of China have the right to religious belief. 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.”<sup>209</sup> However, there is a condition to this right. In addition to affirming citizen’s rights to religious belief, the PRC Constitution distinguishes between “normal religious activities” and using religion to the detriment of the state. This is partly due to the government’s association of religion with separatist movements. Due to its overriding concerns for security, Beijing’s policies concerning religious freedom in Xinjiang are particularly strict, making them one of the most inflammatory issues in Xinjiang. Beijing’s recent campaigns to “rectify the social order” have caused widespread arbitrary arrests, closure of places of worship, crackdowns on traditional religious activities, prohibition of personal religious practices by government personnel or in government-owned facilities, and the sentencing of thousands to harsh prison terms or death after grossly unfair and often summary judicial proceedings.<sup>210</sup>

According to Human Rights Watch, violations of religion freedoms have increased considerably in recent years, particularly following September 11, 2001. Only officially sanctioned mosques, imams and Islamic schools are authorized, and many imams are required to attend a religious training program at one of Xinjiang’s three

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<sup>207</sup> Ibid.

<sup>208</sup> Ibid., p. 27.

<sup>209</sup> Article 36, Constitution of the People’s Republic of China, Adopted 4 December 1982, Internet. Available from <http://english.peopledaily.com.cn/constitution/constitution.html>; accessed on 17 December 2002.

<sup>210</sup> “China: Human Rights Concerns in Xinjiang,” Human Rights Watch Backgrounder, Internet. Available from <http://www.hrw.org/backgrounder/asia/china/bck1017-htm>; accessed on 18 June 2002.

official schools of Islamic scripture. In the past year, 8,000 mosque leaders received training at the schools, which were founded to “thoroughly and correctly implement Party religious policies, uphold normal religious activities of the vast population of believers, safeguard national unity and the stable development of Xinjiang, and rectify a shortage of qualified clerics.”<sup>211</sup>

In Xinjiang, even officially sanctioned mosques and imams are closely supervised. Mosques are subject to closure by the government, and imams who displease the authorities face immediate retaliation, including “patriotic reeducation,” arrest, fines, or lengthy prison sentences. According to the *Urumqi Yearbook 2000*, a government publication, Yusaiyin Wubulibei, former imam of the Shayibake Mosque in Urumqi, was demoted and put under investigation by the Public Security Bureau (police) in April 1999 for having “preached against the “religious policies of the Party” and “exacerbated contradictions within the patriotic clergy.”<sup>212</sup> The authorities have also banned personal religious practices in all state organizations. Students at state schools and universities are formally forbidden to pray, keep the fast during Ramadan, or show any pious behavior.<sup>213</sup> The possession of a Quran alone can lead to discrimination. In rural areas, security forces conduct periodic searches to ensure that no “illegal publications” or “illegal religious materials.”<sup>214</sup> Due to these policies, many Uyghurs are afraid to attend religious prayers, gatherings, or any other public religious activity.

### **3. Discrimination**

Many Uyghurs are discouraged by what they see as the lack of equal opportunity in education, health care, and employment. Unlike their Chinese counterparts, many Uyghur schools and hospitals are in disrepair. In some villages, Uyghur schools are reported to be so poorly funded and equipped that students sit and write on the earthen floor.<sup>215</sup> Due to annual fees for many elementary, middle, and high schools, many

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<sup>211</sup> Chen, p. 2.

<sup>212</sup> Ibid., p. 5.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> “Gross Violations,” p. 6.

families cannot afford to send their children to school. Additionally, only 3 percent of Uyghur high school graduates are able to attend higher education.<sup>216</sup>

Xinjiang is one of the unhealthiest provinces in China, because of widespread pollution, ecological damage, nuclear testing, and poverty.<sup>217</sup> The Uyghurs suffer the most from this environment. In Xinjiang, 80 percent of health care facilities are concentrated in the cities.<sup>218</sup> Because of the shortage of hospitals and other medical facilities in most villages in Xinjiang, many people rely on folk medicines or unregistered medical clinics. These clinics often fail to meet even the lowest health standards, but are still crowded with Uyghurs who have no other options. The majority of doctors working in Xinjiang are Han Chinese who do not speak Uyghur, which makes it difficult for many Uyghur patients to explain their problems. Partly because of the inadequate medical care available in Xinjiang, the average life expectancy has fallen from 65 years in 1949 to 45 years today.<sup>219</sup> Perhaps the most serious medical problem confronting the Uyghurs is HIV/AIDS. Since 1994, widespread heroin use in the region has resulted in an HIV/AIDS crisis, making Xinjiang the most seriously infected region and the Uyghurs the most seriously infected population in all of China.<sup>220</sup> This problem is further complicated because in Xinjiang there are no anti-retroviral drugs available, no hospitals prepared to treat patients with full-blown AIDS, and testing is prohibitively expensive.<sup>221</sup>

In spite of the economic development in Xinjiang in recent years, many Uyghurs are unemployed. Many of the newly established industrial plants monopolize scarce resources at the expense of the indigenous population, but hire primarily Han Chinese who recently migrated to the region. Only 10 percent of the 200,000 industrial workers in Urumqi are Uyghur.<sup>222</sup> Many Uyghurs live in poverty. According to 1992 statistics, the per capita income of Kashgar, Hotan, and Kezhou were below the Xinjiang average,

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<sup>216</sup> East Turkestan Guidebook, p. 17.

<sup>217</sup> Ruth Ingram, "Health in Xinjiang," 1 August 2002, Internet. Available from [http://www.cacianalyst.org/August\\_1\\_2001/August\\_1\\_2001\\_Xinjiang\\_Health.htm](http://www.cacianalyst.org/August_1_2001/August_1_2001_Xinjiang_Health.htm); accessed 10 June 2002.

<sup>218</sup> *Ibid.*

<sup>219</sup> East Turkestan Guidebook, p. 13.

<sup>220</sup> Justin Rudelson, "Xinjiang's Uyghurs in the Ensuing US-China Partnership," Internet. Available from <http://www.cecc.gov/pages/roundtables/061002/rudelsonStatement.php3>; accessed 22 July 2002.

<sup>221</sup> *Ibid.*

at 669 RMB, 453 RMB, and 431 RMB, respectively.<sup>223</sup> Even Uyghurs with higher education have difficulty finding jobs, which reduces the incentive for other youths to pursue advanced degrees.

#### **4. Coercive Birth Control Policies**

Many Uyghurs complain about the coercive birth control policies enforced by the government in an effort keep China's population under control. Furthermore, Amnesty International is concerned that the implementation of the government's policy has resulted in numerous human rights violations, including forced abortions and sterilizations and arbitrary arrests made in the aftermath of attacks on family planning offices or birth control officials.<sup>224</sup> The primary victims of these violations are women, and forced abortions have allegedly been carried out on women nine months pregnant.<sup>225</sup> Uyghur women who would have six or seven children under normal circumstances, but are only allowed two or three according to the government's policies, typically undergo ten abortions during their lifetime.<sup>226</sup>

#### **5. Cultural Genocide**

Many Uyghurs feel they are slowly losing their cultural identity because of Beijing's policies toward their religion, language, interracial marriages, and other cultural traditions. Islam is an important part of the Uyghur identity, yet Uyghurs are not able to practice their beliefs freely. The use of the Uyghur language is also deteriorating, in schools as well as in literary publications. Only 16 percent of all publications in Xinjiang are in the Uyghur language, and there are no modern encyclopedias or contemporary dictionaries published in Uyghur.<sup>227</sup> Many Uyghur scholars fear they will be accused of promoting "nationalism" or "separatism" if they write on topics that do not directly support the CCP, such as Uyghur history and culture.<sup>228</sup> Beijing's encouragement of interracial marriages, by paying special bonuses to those who participate, further dilutes

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<sup>222</sup> East Turkestan Guidebook, p. 20.

<sup>223</sup> Yuan, p. 4.

<sup>224</sup> "Gross Violations," p. 28.

<sup>225</sup> *Ibid.*

<sup>226</sup> Ingram, p. 1.

<sup>227</sup> East Turkestan Guidebook, p. 18.

<sup>228</sup> *Ibid.*

Uyghur culture. Children of these marriages are registered as only Chinese, and typically grow up learning little about their Uyghur heritage. Finally, in recent months the government has increased its scrutiny of Uyghur cultural events. According to an official from the Communist Party office of Yili, a government circular on January 3, 2002 called on officials to step up surveillance of local religious and folk customs.<sup>229</sup> The circular specifically targeted weddings, funerals, circumcision ceremonies, house-moving rituals, and the wearing of earrings in an effort to establish “spiritual civilization” and eradicate “feudal, superstitious, and backward ideas.”<sup>230</sup>

## **6. Nuclear Testing**

Xinjiang is home to the world’s largest nuclear test site, the Lop Nor Nuclear Weapons Test Base, which extends over 100,000 sq km, with over 2,000 km of highways.<sup>231</sup> Lop Nor is located only 265 kilometers southeast of Urumqi, the capital of Xinjiang.<sup>232</sup> The PRC began construction of the site on April 1, 1960, and conducted its first test in 1964. The site consists of three underground testing zones and one for atmospheric testing. The latter became inactive after October 16, 1980, but the former remained in use until 1996. Between 1964 and 1996, the PRC conducted 45 nuclear tests at Lop Nor. Of these, the most detrimental to the local environment were the 23 atmospheric tests, the largest of which occurred on 17 November 1976 and weighed four megatons.<sup>233</sup> The total amount of plutonium-239 released between 1964 and 1995 is estimated at 3,300 curies, approximately 48 kilograms in weight.<sup>234</sup> This material is extremely harmful. It only takes one-millionth of a gram of plutonium-239 to cause cancer.<sup>235</sup> Other harmful materials believed to have been released include cesium-137

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<sup>229</sup> “AFP: Circular Urges Scrutiny of Muslim Religious, Folk Ceremonies in China’s Xinjiang,” 8 January 2002, Hong Kong AFP, FBIS Document CPP20020108000099, 8 January 2002.

<sup>230</sup> *Ibid.*, p. 1-2.

<sup>231</sup> “Lop Nur Nuclear Weapons Test Base,” Internet. Available from <http://nti.org/db/china/lopnur.htm>; accessed on 10 June 2002.

<sup>232</sup> “China’s Nuclear Weapons and Testing Programme.” Internet. Available from <http://www.greenpeace.org/~comms/rw/cbrief.html>; accessed on 11 June 2002.

<sup>233</sup> “China’s Nuclear Testing,” Internet. Available from <http://www.nti.org/db/china/testpos.htm>; accessed on 10 June 2002.

<sup>234</sup> “China’s Nuclear Weapons and Testing Programme.”

<sup>235</sup> *Ibid.*

and strontium-90, which have radioactive half-lives of 30 and 29 years.<sup>236</sup> Although cesium-137 normally passes out of the body in two years, strontium-90 attaches to the bones and consequently stays in the body, transferring radiation doses over a longer period.<sup>237</sup>

China ended its nuclear testing program on September 24, 1996, just prior to signing the Comprehensive Test Ban Treaty, however, it has done little to address the health concerns of the local population. Beijing insists that its atmospheric testing did not cause any radioactive harm to neighboring countries or its own regions of Beijing, Lanzhou, or Dunhuang.<sup>238</sup> Although the government denies it, the high levels of radioactive pollution has caused widespread cancer in the Lop Nor area and many Uyghur children are born with horrific birth defects. The negative effects of nuclear testing also contribute to the alarmingly low life expectancy for the region.

## **7. Episodes of Violence**

Given these circumstances and the lack of institutionalized methods to express anger and dissatisfaction in China's political system, there some Uyghurs in Xinjiang have resorted to violence to redress their situation. What is curious is what accounts for the dramatic increase in violence in the region that occurred over the past decade. Undoubtedly, the breakup of the Soviet Union in 1991 and the subsequent creation of the independent Muslim states of Kazakhstan, Kyrgyzstan, and Tajikistan inspired renewed efforts toward an independent Uyghur state. However, another major contributing factor to the violence in Xinjiang is Beijing's repressive policies themselves. This is particularly evident in the spontaneous episodes of violence that erupted in protest of specific government policies or actions.

In the past decade, two types of violence have plagued Xinjiang. First have been the small-scale acts of violence claimed by or attributed to Uyghurs who belong to organizations that either want to establish an independent Islamic state or simply want to secede from the PRC. Examples of this type of violence include the February 25, 1997 bus bombing in Urumqi that coincided with Deng Xiaoping's memorial service and killed

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<sup>236</sup> Ibid.

<sup>237</sup> Ibid.

<sup>238</sup> "China's Nuclear Testing."

nine people, and the March 7, 1997 bus bombing in Beijing, which wounded thirty people and was attributed to but never proven to be the work of Uyghur separatists.<sup>239</sup> The second category of violence includes large-scale, spontaneous protests against either the local or central government that are typically held in protest of specific government policies or actions. The three largest incidents of this type include the Baren uprising, the Hotan uprising, and the Yining (Gulja) uprising.

The Baren uprising, named after the township near Kashgar where the uprising occurred, reportedly started as protests against the closing of mosques. In a Xinjiang television report aired on April 21, the government attributed the disturbance to “extremely reactionary political forces whose aim was to undermine the motherland’s unification and unity among nationalities and practice splittism of nationalities,” rather than to religious tensions.<sup>240</sup> Furthermore, the report stated that the evidence suggested the main threat to stability in Xinjiang came from “splittist forces within and outside the country.”<sup>241</sup> The Hotan uprising, which occurred on July 7, 1995, was allegedly sparked by the arrest of a young imam and involved a major confrontation between Uyghurs and armed police.<sup>242</sup> A group of Muslims arrived the local Mosque for prayer only to find the imam had reportedly been arrested. Several hundred people went to the nearby government offices to ask for the imam’s release, but after this failed to produce results, they occupied the compound. A violent confrontation ensued, culminating the arrival of 20 lorries full of riot police, who closed the door of the compound, fired tear gas, and arrested the protesters.<sup>243</sup> According to Amnesty International, several hundred people were arrested that day and many more during the following weeks.<sup>244</sup>

The Yining uprising consisted of large-scale street demonstrations that occurred February 2-7, 1997 during the final week of Ramadan, resulting from months of severe

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<sup>239</sup> Dru C. Gladney, “Internal Colonialism and China’s Uyghur Muslim Minority,” Internet. Available from <http://www.isim.nl/newsletter/1/regional/01AC23.html>; accessed on 23 April 2002, p. 3.

<sup>240</sup> “Minority Affairs,” *The China Quarterly*, September 1990, n. 123, p. 583.

<sup>241</sup> Ibid.

<sup>242</sup> “Xinjiang, China’s Restive Northwest,” Internet. Available from <http://www.hrw.org/press/2000/11/sinjiang1113-bck.htm>; accessed on 20 March 2002.

<sup>243</sup> “Gross Violations,” p. 9.

<sup>244</sup> Ibid., p.10.

religious repression. By February 6, a large number of riot squads and troops had arrived in the city, and soon after a curfew was imposed, the airport and railway station were closed, and the city was sealed for two weeks.<sup>245</sup> During the suppression, many people were killed or injured. Amnesty International reported over 50 people were sentenced at public rallies in Yining following this incident; 30 of them were sentenced at a rally held on April 24, 1997, including three Uyghurs who received death sentences.<sup>246</sup> The remaining individuals received prison terms ranging from seven to 18 years, excluding one who received a life sentence for “hooliganism.”<sup>247</sup> Although Beijing emphasizes the former type of violence in order to label the Uyghurs as terrorists and Islamic extremists and justify its repressive policies in Xinjiang, it is the latter type that more clearly communicates the sources of Uyghur unrest.

## **C. BEIJING’S VIEW OF XINJIANG**

### **1. The Value of Xinjiang**

Xinjiang is important to Beijing for numerous reasons. First, it is strategically located as China’s most northwestern territory, with a border that stretches 5400 km and borders eight countries. Historically, this region has served Beijing as a buffer against hostile forces. Today, Xinjiang serves as a gateway to Central Asia and its many natural resources. However, this also leads it open to influence from foreign countries, such as Kazakhstan, Kyrgyzstan, and Tajikistan. Second, Xinjiang is home to large quantities of natural resources, which Beijing badly needs to sustain its economic development. The value of Xinjiang’s resources was not lost on early PRC leaders, as evidenced by Mao’s statement on April 25, 1956:

The population of the minority nationalities in our country is small, but the area they inhabit is large. The Han people comprise 94 per cent of the total population, an overwhelming majority...And who has more land? The minority nationalities, who occupy 60 per cent of the territory. We say China is a country vast in territory, rich in resources and large in population; as a matter of fact, it is the Han nationality whose population is large and the minority nationalities whose territory is vast and whose

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<sup>245</sup> Ibid., p. 11.

<sup>246</sup> Ibid., p.18.

<sup>247</sup> Ibid.

resources are rich, or at least in all probability their resources under the soil are rich.<sup>248</sup>

Mao's assessment proved accurate, and the PRC has exploited Xinjiang's seemingly unending supply of natural resources for decades. In October 1999, the official Chinese news agency Xinhua announced that another large oilfield had been discovered in the northern part of the Tarim Basin, possibly holding as much as a billion tons of crude oil.<sup>249</sup> Xinjiang also contains large reserves of coal, copper, and gold.<sup>250</sup> The PRC government's systematic exploitation of Xinjiang's natural resources, among other policies, led some China scholars to characterize its behavior as "internal colonialism."<sup>251</sup> Beijing continues to construct new factories with little regard for the effects on the local environment.

Mao's comment also referred to a third benefit gained by control over minority territory: living space for the Chinese people. China's population totals an astounding 1.3 billion, and in spite of the government's strict one-child policy, its population continues to grow. Over the years, Beijing found other uses for the land as well, including a home for its massive *lao gai* prison system and nuclear test facilities. Understandably, neither of these developments made the indigenous people happy.

Finally, if the Uyghurs achieved independence, it would have implications for other minorities who are unhappy with their status as part of the Chinese state. Therefore, it is important for Beijing to keep Xinjiang firmly under control. Other large minority ethnic groups who clamor for freedom from China include the Tibetans and Inner Mongolians. Furthermore, if Beijing is unable to hold onto Xinjiang, it ultimately has implications for Beijing's claim on Taiwan. A fragmenting of mainland China might give impetus to the independence movement of the Taiwanese. For these reasons, China has been particularly sensitive to any threats to its territorial integrity in Xinjiang.

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<sup>248</sup> Mao Tse-tung, "On the Ten Major Relationships," Selected Works of Mao Tse-tung, Internet. Available from <http://www.marx2mao.org/Mao/TMR56.html>; accessed on 11 June 2002.

<sup>249</sup> Erling Hoh, "Hear Our Prayer," *Far Eastern Economic Review*, vol. 163, n. 15, (13 April 2000), p. 25.

<sup>250</sup> Ibid.

<sup>251</sup> Gladney, "Internal Colonialism."

## 2. The Uyghur Threat

There are a number of reasons why Beijing perceives the Uyghurs as a threat. First, the Uyghurs have a centuries long history of rebellion against the Chinese state. Throughout the rule of the Qing, the Republic of China, and finally, the PRC, the Chinese government regarded Xinjiang as a province prone to separatist revolts. Second, in spite of all of Beijing's efforts since 1949 to assimilate the Uyghurs and other Muslim minorities into a multinational unitary Chinese state, Uyghurs continue to espouse their desire for independence. The 1990s witnessed renewed efforts toward independence, including some instances of violence.

Third, these episodes of social instability play upon the government's traditional fears of "popular unrest within and foreign aggression without," which further exacerbate Beijing's security concerns in Xinjiang. All Chinese dynasties fell victim to one or both of these threats, primarily because as the power of the dynasties waned, they were more susceptible to uprisings and foreign attacks. These events frequently occurred simultaneously, and over time, heralded the coming end of the dynasty. Beijing's concern that an outside country could use the Uyghurs as an instrument to topple the CCP is evident in the leadership's tendency to blame Uyghur unrest on the influence of "international counterrevolutionary forces."<sup>252</sup>

Fourth, Beijing's perception of the Uyghur threat is influenced by the legacy of foreign religions, particularly ones Western in origin, as ideological basis for rebellion against the state, which continues to haunt Beijing. The influence of Western religious beliefs spawned some of the greatest uprisings in Chinese history, such as the Taiping Rebellion. The long-standing and deep-seated suspicion of religion and foreign influence is manifested in the 1982 PRC constitution, which states that religion may not be used to "destroy the social order, damage the health of citizens or obstruct the activities of the state educational system," and that "religious organizations and religious work must not be controlled by foreign forces."<sup>253</sup> Beijing believes that the Uyghurs embody all three traditional threats: domestic unrest, affiliation with foreign states, and a persuasive

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<sup>252</sup> "Chinese Communist Party Document #7," Internet. Available from <http://www.freerepublic.com/forum/a3856d2176c1d.htm>; accessed on 23 April 2002, p. 1.

<sup>253</sup> Article 36, PRC Constitution.

religion that eludes Beijing's control. Furthermore, the Uyghurs' history of rebellion against the Chinese state, their stated goals of independence and their recent uses of violence toward that end, their Islamic beliefs, and their affiliations with other Islamic peoples seem to confirm Beijing's suspicions.

To the extent that Uyghur separatists employ violent means, the PRC government has a legitimate concern that it should protect against. However, the majority of Uyghurs who advocate independence do not resort to violence. Yet Beijing's policies fail to discriminate between those individuals who bomb a bus and those individuals who comment that they would rather not be part of China. Furthermore, many Uyghurs are pragmatic and realize they will not likely achieve independence in the near future, or possibly ever. They are, however, increasingly dissatisfied with their lack of political autonomy, low standards of living, inability to practice their religious beliefs, and denial of cultural rights. They desire better housing conditions, health care, and more work opportunities, which Beijing has yet to deliver. Although Beijing has pumped considerable capital into the area to foster economic reform, Han Chinese rather than Uyghurs or other minorities realize most of the benefits from these policies. In addition, Beijing's policy of sponsoring a massive migration of Han Chinese into Xinjiang and the disparity between the standard of living and opportunities provided to the Uyghurs and other minorities compared with those afforded to the Han further exacerbate the tensions in the region. In these respects, the sources of Uyghur unrest are found within Beijing's policies themselves rather than in Islamic beliefs or foreign influence.

Not only has Beijing misjudged the sources of Uyghur unrest, it has also misjudged the extent to which the Uyghurs are a threat.<sup>254</sup> There have been fewer than five security-related incidents in Xinjiang since 1998. Although the Uyghurs have had some success in conducting small demonstrations, the Uyghur independence movement is severely limited by a number of factors. Domestically, the immense amount of PLA regulars, People's Armed Police, and other state security forces located in Xinjiang are better trained, better armed, and vastly outnumber Uyghur secessionists. Internationally, the Uyghurs are not nearly as well known, organized, or connected as the Tibetans.

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<sup>254</sup> "Chinese Cleanup."

Whereas the Tibetan Dalai Lama provides clear leadership for the Tibetan movement, the Uyghurs have no equivalent spokesperson. Shortages of funding and low levels of education further limit the Uyghur independence movement. In this light, the government's assessment of the threat in Xinjiang is likely overstated. Beijing's policies, largely determined by the perceived security threat in the region, are increasingly harsh and result in increased human rights violations and resentment toward the central government.

#### **D. BEIJING'S SOLUTION TO THE UYGHUR QUESTION**

In order to counter the perceived Uyghur threat, Beijing has designed a number of policies. Domestically, Beijing's policies aim to integrate the predominantly Muslim Uyghur population into a multinational, unitary state. Internationally, Beijing wants to isolate the Uyghur secession movement from international support.

##### **1. Domestic Policy**

Since the Qing dynasty first conquered Xinjiang, successive Chinese governments have encouraged the migration of Han Chinese into the region as one method of incorporating the new territory into the Chinese state. However, the PRC was the first to initiate mass migration policies, which have been quite successful over the last four decades. Whereas in 1949 the Uyghurs constituted approximately 90 percent of the total population in Xinjiang, by 1997 that number had dropped to 47 percent. In contrast, the percentage of Han Chinese in Xinjiang rose from about 6 percent to 38 percent during the same period. Recent efforts include Jiang Zemin's "go west" program, which aims to attract Han Chinese from the Three Gorges Dam area to Xinjiang. The second major strategy the PRC government employed was to implement economic reforms designed to help integrate the local populations into the Chinese state. The government spent large amounts of money during the past two decades toward this end. Since 1981, each five-year plan has allocated more funds for development in Xinjiang, growing from 8.2 billion RMB to 17.9 billion RMB in 1986 to 34.5 billion RMB in 1991.<sup>255</sup> In June 1999, Beijing launched the "great western development"

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<sup>255</sup> "Xinjiang Reading Notes: Population, Economy, Environment, Minorities Policy," Internet. Available from <http://www.usembassy-china.org.cn/english/sandt/xjnotes.htm>; accessed on 11 June 2002.

program, which allocated an additional 420 billion RMB to Xinjiang.<sup>256</sup> Beijing's development plan includes building up the region's infrastructure and communication capabilities and constructing a natural gas pipeline from Xinjiang to Shanghai.<sup>257</sup> In spite of these efforts, little seems to have changed for the Uyghurs in Xinjiang. Many continue to live in abysmally low standards of living and tensions between the Uyghurs and Han are only increasing.

Following the increased instances of violence in the early 1990s, on March 19, 1996, Jiang Zemin hosted a meeting of the CCP Politburo Standing Committee in Urumqi, the capital of Xinjiang.<sup>258</sup> Its purpose was to discuss the Uyghur question. The proceedings, laid out in a top secret party document known as CCP Document No-7, reveal the extremes to which Beijing feels threatened by the Uyghurs and details the lengths to which Beijing is prepared to go to protect its hold over Xinjiang. The document stated, "national separatism and illegal religious activity are the main threats to stability in Xinjiang," and "the main problem is that international counterrevolutionary forces led by the United States of America are openly supporting the separatists activities inside and outside of Xinjiang."<sup>259</sup> In the document, CCP leaders acknowledged that "maintaining the stability of Xinjiang is a long term, complicated, and difficult task."<sup>260</sup>

After laying out the problems in Xinjiang, the document outlined Beijing's solution. First, Beijing called on every party and government organization to "strengthen the construction of all levels of government, especially on the basic level of government, and create a team of cadres who are politically dependable."<sup>261</sup> Next, Beijing directed officials to "implement comprehensively and correctly the ethnic and religious policy of the party and strengthen the legal control of ethnic and religious affairs."<sup>262</sup> Third, the party should employ strong propaganda and investigate and organize schools in order to

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<sup>256</sup> "Xinjiang, China's Restive Northwest," Human Rights Watch Backgrounder 20 November 2000, Internet. Available from [www.hrw.org/press/2000/11/xinjiang1113-bck.htm](http://www.hrw.org/press/2000/11/xinjiang1113-bck.htm); accessed on 20 March 2002.

<sup>257</sup> Ibid.

<sup>258</sup> "CCP Document #7" p. 1.

<sup>259</sup> Ibid.

<sup>260</sup> Ibid., p. 2.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

“stabilize the ideological and cultural stronghold against separatism.”<sup>263</sup> In addition, the government should strengthen security organizations in the region, such as Public Safety and National Security, the Xinjiang Production and Construction Corps, and the People’s Liberation Army.<sup>264</sup> Next, the party should employ diplomacy to urge countries such as Turkey, Kazakhstan, and Kyrgyzstan to “limit and weaken the activities of separatists forces inside their borders.”<sup>265</sup> Finally, the party should continue the economic development of the region.<sup>266</sup> Overall, the strategy outlined in CCP Document No-7 severely restricted the rights of the Uyghurs and other minorities living in Xinjiang and imposed harsh policies to counter any resistance. As a result, almost all human rights violations in Xinjiang are linked to Beijing’s efforts to curb Uyghur separatist activity.

Shortly after this meeting was held, in April 1996, Beijing launched the first “strike hard” campaign. In larger China, this campaign was designed to target “major common criminals,” but in Xinjiang and other minority regions, authorities focused on “national splittests, violent terrorists, and religious extremists.”<sup>267</sup> The campaign resulted in increased arbitrary arrests, public sentencing rallies, and executions numbering in the thousands. On April 3, 2001, Jiang Zemin initiated a second “strike hard” campaign, making it clear that the Chinese government was determined to preserve social stability.<sup>268</sup> Again, this campaign resulted in more arrests, detentions, and executions. Between April – June 2001, local authorities arrested 605 suspects and held over 100 mass sentencing rallies. Following the September 11 attacks, the Chinese government further intensified its crackdown in the XUAR. The authorities imposed new restrictions on religious freedom, closed down mosques, and subjected Islamic clergy to intensive scrutiny and “political education.”<sup>269</sup> Amnesty International estimated that between

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<sup>263</sup> Ibid., p. 3.

<sup>264</sup> Ibid., p. 4-5.

<sup>265</sup> Ibid., p. 5.

<sup>266</sup> Ibid., p. 6.

<sup>267</sup> “Xinjiang, China’s Restive Northwest,” 1998, Internet. Available from [http://www.hrw.org/campaigns/china-98/sj\\_xnj2.htm](http://www.hrw.org/campaigns/china-98/sj_xnj2.htm); accessed 18 April 2002.

<sup>268</sup> Mike Jendzejczyk, “China: Human Rights Conditions and US Policy,” 15 May 2001, Internet. Available from <http://www.hrw.org/press/2001/05/chinastatement.htm>; accessed 20 March 2002.

<sup>269</sup> “People’s Republic of China: China’s Anti-terrorism Legislation and Repression in the Xinjiang Uighur Autonomous Region,” Amnesty International, March 2002, p. 8.

October 2001 and March 2002 thousands of people were detained for investigations on political grounds and many were charged under the new Criminal Law adopted on December 29, 2001 by the Standing Committee of the National People's Congress.<sup>270</sup> The purpose of the new law was to "punish terrorist crimes, ensure national security and the safety of people's lives and property, and uphold social order."<sup>271</sup> However, due to the vague wording of the amendments, the new law could be applied to peaceful political opposition or religious groups.<sup>272</sup>

## **2. International Policy**

In keeping with the strategy outlined in CCP Document #7, since 1996 the Chinese government has used its foreign policy to isolate the Uyghur separatists from international support. Beijing maintains close relations with its neighboring countries in order secure their support against Uyghur secessionists. In 1996, the PRC, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan established the Shanghai Five, an association committed to quelling the threat of Islamic militants. On April 18, 2001, the Shanghai Five signed the Bishkek Protocol, which called for the establishment of an anti-terrorism center in Bishkek, where Russian, Chinese, and Central Asian officers will likely organize anti-militant operations in the region.<sup>273</sup> Beijing achieved some success through this organization. Kazakhstan has severely limited the activities of its Uyghurs, prompting one Uyghur spokesperson to remark, "Uyghurs can hardly breathe in Kazakhstan."<sup>274</sup> On June 14, 2001, the Shanghai Five incorporated Uzbekistan, and on 15 June 2001, adopted the new name Shanghai Cooperation Organization (SCO). The declaration establishing the SCO states the organization's purpose is "to strengthen mutual trust, friendship and good-neighborliness between the member States; to encourage effective cooperation between them in the political, trade and economic, scientific and technical, cultural, educational, energy, transport, environmental and other spheres; and to undertake joint efforts for the maintenance of peace, security and stability

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<sup>270</sup> Ibid., p. 19.

<sup>271</sup> Ibid., p. 3.

<sup>272</sup> Ibid.

<sup>273</sup> "Shanghai Five: Tackling Terrorism in Central Asia," 25 April 2001, Internet. Available from [http://www.stratfor.com/standard/analysis\\_view.php?ID=101600](http://www.stratfor.com/standard/analysis_view.php?ID=101600); accessed on 12 April 2002.

<sup>274</sup> Hoh, p. 25.

in the region, and the building of a new, democratic, just and rational international political and economic order.”<sup>275</sup> Undoubtedly, Beijing will continue to use this forum as a source of support for its crackdown in Xinjiang.

The September 11 terrorist attack on the United States prompted Beijing to call for support from the larger international community as well. On September 18, 2001, the Chinese government publicly equated Uyghur separatists with global terrorism and called for support from other nations for its efforts to combat “terrorism” in Xinjiang. To date, this strategy has not been as successful as Beijing hoped. Initially, Western diplomats disputed China’s claims that Uyghurs are linked with Osama bin Laden’s international terrorist organization.<sup>276</sup> Many human rights organizations feared that Beijing was using the international movement on combating terrorism to justify its human rights violations in Xinjiang. In October 2001, during a meeting with Jiang Zemin in Shanghai, United States President George W. Bush warned China against persecuting minorities in the name of the war on terrorism.<sup>277</sup> After a meeting on December 6, 2001 with Chinese Vice Foreign Ministers Li Zhaoxing and Wang Yi, United States Ambassador at Large for Terrorism Francis X. Taylor contended that “the legitimate economic and social issues that confront the people in Western China are not necessarily terrorist issues and should be resolved politically rather than using counter terrorism methods.”<sup>278</sup>

For over a year, Washington refused to acknowledge the Uyghurs as terrorists. However, it became increasingly difficult to deny some Uyghur extremists’ links to Osama bin Ladin’s terrorist network, particularly after U.S. forces encountered Uyghurs fighting alongside the Taliban in Afghanistan. Even so, the challenge remained for Washington to acknowledge this connection without giving Beijing blanket approval for its harsh and often inappropriate policies in the region. After much debate, the Bush

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<sup>275</sup> “Declaration on the Establishment of the Shanghai Cooperation Organization,” 15 June 2001, Internet. Available from <http://missions.itu.int/~kazaks/eng/sco/sco02.htm>; accessed on 19 June 2002.

<sup>276</sup> “Tarred with Bin Laden’s Brush,” *The Economist*, 28 March 2002, Internet. Available from at [http://www.economist.com/world/asia/displayStory.cfm?story\\_id=1057321&CFID](http://www.economist.com/world/asia/displayStory.cfm?story_id=1057321&CFID); accessed on 2 April 2002.

<sup>277</sup> Manolis Priniotakis, “China’s Designated Terrorists: China is Using the War on Terrorism to Brand the Uyghurs of Xinjiang,” 19 October 2001, Internet. Available from <http://www.prospect.org/webfeatures/2001/10/priniotakis-m-10-19.html>; accessed on 23 April 2002.

<sup>278</sup> Sean L. Yom, “Uyghur Muslims in Xinjiang,” Internet. Available from <http://www.selfdetermine.org/conflicts/uihur.html>; accessed 19 April 2002.

administration announced on August 26, 2002 that it had added the East Turkistan Islamic Movement (ETIM) to its list of designated foreign terrorist organizations. In a press conference in Beijing, U.S. Deputy Secretary of State Armitage explained, “after careful study we [the U.S. government] judged that it was a terrorist group, that it committed acts of violence against unarmed civilians without any regard for who was hurt.”<sup>279</sup> However, Secretary Armitage stressed to Chinese leaders that the PRC “still has an obligation to respect the human rights of its minorities, including the Uyghurs.”<sup>280</sup>

There was some speculation that Washington’s decision to designate ETIM as a terrorist organization was made in exchange for Beijing’s cooperation on the issue of weapons proliferation. On August 25 Beijing released the text of new missile and technology export regulations, which require Chinese firms to register with the government prior to exporting missiles and related technology.<sup>281</sup> However, on October 24, U.S. Attorney General John Ashcroft reiterated that Washington’s decision was not based on “political negotiations or a sense of timing,” but on “evidence that supports the designation.”<sup>282</sup> Beijing’s regulations on proliferation were more likely the result of sanctions imposed by the Bush administration earlier in the year. On July 24 the U.S. Department of State announced sanctions against eight Chinese companies and one individual for alleged sales to Iran and Iraq weapons or chemical and biological materials that could be used in weapons of mass destruction.<sup>283</sup>

Although Beijing was pleased with Washington’s decision to include ETIM on its list of international terrorist organizations, the situation in XUAR remains a point of contention. Washington remains concerned with the high number of human rights violations that reportedly occur in the region. On its part, Beijing remains upset by

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<sup>279</sup> “Armitage Says U.S. Does Not Support Taiwan Independence,” 26 August 2002, Internet. Available from <http://www.usembassy-china.org.cn/press/release/2002/1502-armitage.html>; accessed 7 December 2002.

<sup>280</sup> “Uighur separatist group added to terrorist list: Armitage,” *Tokyo Kyodo*, 26 August 2002, FBIS Document JPP20020826000128, 26 August 2002.

<sup>281</sup> “The Hidden Danger in China’s New Missile Policy,” 27 August 2002, Internet. Available from <http://www.stratfor.com>; accessed 6 December 2002.

<sup>282</sup> “Conclusion of China Visit,” 24 October 2002, Internet. Available from <http://www.usembassy-china.org.cn/press/release/2002/1024ASHpress.html>; accessed 7 December 2002.

<sup>283</sup> “China Sanctions May Be More Useful U.S. Policy Tool,” 29 July 2002, Internet. Available from <http://www.stratfor.com>; accessed 6 December 2002.

Washington's refusal to accommodate Beijing's request that several Uyghurs who were captured in Afghanistan fighting alongside the Taliban be returned to China so that they could be dealt with "according to the law."<sup>284</sup> Initially, U.S. officials stated that the detained Uyghurs would not be repatriated because Washington did not regard them as members of a terrorist organization.<sup>285</sup> Beijing cites Washington's continued refusal in spite of their recent designation as terrorists as another example of the United States' double standard concerning human rights.

#### **E. CONSEQUENCES OF BEIJING'S POLICIES**

The Chinese government designed its policies toward the XUAR to protect the territorial integrity of the PRC against the perceived threat of Uyghur separatism. However, Beijing has exaggerated the threat of the Uyghur movement and misjudged the causes for Uyghur separatism. The Uyghurs lack a unifying leadership, effective organization, adequate funding, and sufficient training and munitions compared to the PLA and other Chinese security forces in Xinjiang. Therefore, the Uyghur secession movement does not pose a credible threat to the Chinese government or justify its harsh policies in the region. Beijing asserts that its problems in the XUAR are largely due to Islamic fundamentalism and foreign influences. In reality, Islamic fundamentalism is rare among Uyghur Muslims, and the real reasons for Uyghur anger and violence are Beijing's repressive policies themselves. On September 1, 2001, Wang Lequan, the Secretary of the XUAR Communist Party Committee, and Abdulahat Abdurixit, the Chairman of the XUAR Regional government, told a group of Chinese and foreign reporters visiting Urumqi that "Xinjiang is not a place of terror" and "by no means is Xinjiang a place where violence and terrorist accidents take place often."<sup>286</sup> These statements cast doubt on the credibility of Beijing's claims made since September 11 concerning the Uyghur threat and the prevalence of terrorism in the region and its need to employ such harsh policies.

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<sup>284</sup> "Terrorism Definition Testing U.S.-China Ties," 14 December 2001, Internet. Available from <http://www.stratfor.com>; accessed 6 December 2002.

<sup>285</sup> Ibid.

<sup>286</sup> "China's Anti-terrorism Legislation," p. 7-8.

Beijing's primary goals regarding the XUAR were to integrate the Uyghurs into a multinational, unitary state and isolate the Uyghur secession movement from international support. Domestically, Beijing's policies are largely having the opposite effects. Beijing's denial of religious and cultural rights has fueled Uyghur anger toward the Chinese government, and Beijing's migration policies and failure to provide equal opportunities for Uyghurs and Han Chinese has exacerbated tensions in the region and caused a backlash against the local and central governments. As a result, in the last decade there have been increased instances of violence in Xinjiang and a dramatic increase in the number of human rights violations throughout the region. Internationally, Beijing has seen some success in limiting the Uyghurs' ability to operate in neighboring states, such as Kazakhstan, and has obtained limited support from the United States. However, the prevalence of human rights violations in Xinjiang has attracted much criticism from the international human rights regime. Beijing is keenly aware of the increased international attention given to its policies in the XUAR, and Chinese scholars have even contended that a nationalist separatist movement could result in a humanitarian intervention led by the United States, similar to what occurred in Kosovo in 1999.<sup>287</sup> Although this is unlikely, continued Chinese repression of the Uyghurs and other minorities in Xinjiang will likely remain a point of contention in Sino-American relations and could impede its relations with many of its Muslim neighbors as well.

If Beijing truly wants the situation in Xinjiang to improve, it needs to reevaluate the credibility of the Uyghur threat and the reasons for Uyghur unrest, and adjust its policies accordingly. Until Beijing is willing to address Uyghurs complaints concerning political persecution, religious repression, discrimination, coercive birth control, cultural genocide, and nuclear testing, the situation in the XUAR will only continue to deteriorate, and human rights violations will remain prevalent. The Bush administration was correct to designate ETIM as a terrorist organization, as there have been legitimate acts of violence in the XUAR. However, Washington should continue to stress that the war on terrorism should not be used to legitimize repression and other human rights violations, and that it does not condone Beijing's indiscriminate crackdown on the Uyghurs in the XUAR. Washington should pressure Beijing to uphold minority and religious rights in

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<sup>287</sup> Lawrence, p. 22.

Xinjiang and to allow unrestricted visits to the region by UN and independent human rights monitors. Washington should encourage Beijing to acknowledge that Islamic fundamentalism is not the primary reason for violence in the XUAR and initiate a dialogue with Uyghurs that would address their complaints. Washington should provide funding for NGOs that preserve the Uyghurs cultural heritage and provide educational opportunities for Uyghurs. Washington should also provide funding for NGOs that can provide medical assistance in Xinjiang, particularly in regard to combating the HIV/AIDS epidemic. Finally, Washington should encourage U.S. businesses operating in the XUAR to initiate affirmative action programs that would provide additional employment opportunities to Uyghurs in an effort to reduce the economic disparity between Uyghurs and Han Chinese.

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## V. CONSTRUCTING A SUCCESSFUL HUMAN RIGHTS POLICY

From the late 1940s until the collapse of the Soviet Union, the Cold War largely determined the shape of the international system, and with it the focus of American foreign policy. The United States' struggle to preserve the American way of life and contain the threat of Soviet expansion dominated American foreign policy priorities. On February 27, 1972 the United States and the PRC signed the Shanghai communiqué, establishing the basis for Sino-American strategic cooperation, and the PRC became an integral component of the United States' containment policy in Asia. Consequently, the U.S. government, like the majority of the international community, largely ignored the human rights conditions in the PRC, and human rights did not occupy a prominent role in its China policy. However, following Beijing's brutal suppression of peaceful democracy advocates on June 4, 1989, many in the United States called for a policy review, asserting that Washington should take a harder stance against human rights abuses in China. The Tiananmen Square massacre, combined with the demise of the Soviet Union in 1991, marked a major turning point in Sino-American relations.

Without the strategic rationale for Sino-American cooperation, which had governed the relationship for nearly two decades, American policy toward China became hostage to the lack of consensus in Washington and the increasing influence of interest groups in the policy making process. As a result, a number of conflicting issues largely ignored during the era of Sino-American strategic cooperation emerged to complicate U.S.-China relations, including the issue of human rights. The dilemma the issue of human rights created between protecting national interests and upholding American values further complicated the task of constructing a successful China policy. Policymakers attempted to reconcile national interests, such as access to Chinese markets, protecting American intellectual property rights, reducing arms proliferation, and maintaining stability on the Korean peninsula, with equally important value-related issues, such as human rights and supporting Taiwan against PRC aggression.

In spite of these challenges, former President Bush recognized the importance of maintaining a constructive relationship with the PRC, and the Bush administration's engagement policy toward the PRC enabled the continuation of cooperation between American and Chinese leaders without sacrificing American interests. Although criticized by human rights activists in general for not reacting strongly enough to the Tiananmen incident and, in particular, for undermining the cause of human rights by secretly sending Scowcroft and Eagleburger to consult with Chinese leaders, Bush's policies ultimately resulted in a number of concessions from Beijing on human rights and other issues. However, under the former Clinton administration, in the absence of a clear and defining vision for Sino-American relations, China policy floundered and the U.S.-China relationship drifted without purpose. Initially, Clinton adopted a tough posture on human rights. However, by failing to enunciate a clear direction for the relationship and capitulating to pressure from the American business community, the Clinton administration's policies only exacerbated tensions with the PRC and reinforced the Chinese perception that human rights are not really an important goal in American foreign policy. As a result, Clinton made little progress toward real improvements in the human rights conditions in China.

During the first nine months of his presidency, President George W. Bush seemed to be taking the same ill-defined, crisis-driven approach to managing Sino-American relations as his predecessor. Similar to the Clinton administration, the Bush administration did not enunciate a post-Cold war vision for conducting relations with the PRC. Meanwhile, the EP-3E crisis, combined with what Beijing regarded as President Bush's often inflammatory rhetoric on Taiwan and other security issues, inhibited bilateral relations. However, in the wake of September 11, Washington decided that it could ill-afford an antagonistic relationship with Beijing. The United States faced the daunting task of simultaneously battling an al-Qaeda threat that spanned over 60 countries, sustaining a loosely knit government in Afghanistan, disarming Iraq, and reinvigorating the U.S. economy.<sup>288</sup> On its part, Beijing had its own reasons for welcoming improved relations with the United States. Confronted with rising crime and

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<sup>288</sup> David M. Lampton, "To Be Pragmatic is Glorious," 4 November 2002, *Time Asia*, Vol. 160, No. 17, Internet. Available from <http://www.time.com/asia/magazine/article/0,13673,501021104-384883,00.html>; accessed 12 December 2001.

unemployment, failing state-owned enterprises, a widening gap between rich and poor, rampant corruption, WTO obligations, and the challenges presented by a transitioning leadership, Beijing needs a stable international environment that allows it to focus on domestic concerns.

The ongoing international war on terrorism provided Washington and Beijing with a new strategic rationale for Sino-American cooperation, and the Bush administration appears to have finally formulated a clear vision to guide Sino-American relations in the twenty-first century. On December 5, 2002, in an address to the National Committee on U.S.-China Relations, Ambassador Richard N. Haass, the director of the U.S. Department of State policy planning staff, stated:

China is not imperial Germany. No "law" of history now pulls us inexorably toward dangerous and expensive competition, much less conflict. Cooperation is equally - I would argue, more - likely. But what will be central, what in large part will shape the future of our relations, will be how China's new leaders choose to use their country's growing power....The international community will be far better off if China is integrated into this system of shared interests and values, rather than languishing -- or, worse yet, contesting it from the outside. U.S. policy is guided by the principle that we can be more successful in confronting pressing security, economic, and human challenges by working with partners rather than working alone -- and by a belief that China has the potential to become one of our most important partners....If China is to be fully integrated into an international system of norms, rules, and common interests, it will need to use its emerging power to support the common objectives for which these regimes stand: nonproliferation of weapons of mass destruction; lower tariff and investment barriers; the rule of law; and the promotion of human rights.<sup>289</sup>

Haass' statement outlines the administration's new direction for China policy, which focuses on the integration of China into the international system. The administration may use this approach to successfully engage the PRC on a number of issues, including human rights. By approaching the subject of human rights not as a matter of forcing China to comply with U.S. standards or adopt American values, but as a matter of China's obligation to comply with international norms and standards, Washington could

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<sup>289</sup> Richard N. Haass, "China and the Future of U.S.-China Relations," Internet. Available from <http://www.state.gov/s/p/rem/15687.htm>, accessed 12 December 2002.

avoid one of the main points of disagreement with Beijing, which is how to define human rights.

The primary goal of Washington's human rights policy should be to reduce the number of human rights violations in China. Although Chinese leaders have worked to improve the perceptions of human rights in China, the PRC government remains authoritarian in nature and continues to withhold certain civil and political freedoms. As such, Washington should first focus on improving Beijing's human rights policies. As the basic premise of its human rights dialogue with the PRC, the United States should emphasize that China, as a responsible member of the international community, must adhere to international norms and standards related to human rights. The United States should remind Chinese leaders of their obligations to provide the freedoms guaranteed in the PRC constitution and the ICESCR and the ICCPR. Washington should press China to ratify the ICCPR. Toward this end, the United States should also sign and ratify both the ICESCR and ICCPR. Washington should emphasize that it is not interested in imposing the U.S. political system or American values on China; however, certain human rights are universal and should be respected by all governments. The United States should stress to Chinese leaders that in order to be recognized as a great power, China needs to behave in a responsible manner commensurate with that status. The United States should make human rights improvements, such as the release of political prisoners and access to Chinese prisons, Tibet, and Xinjiang by international human rights monitors, a pre-condition for Sino-American summits.

As a second focus of its human rights policy, the United States should work to better establish the rule of law in China. Following Deng Xiaoping's rise to power in 1978, Beijing initiated numerous legal reforms, primarily in an effort to attract foreign investment. During the Cultural Revolution, "bourgeois rights" were a key target of radical Maoist rhetoric that urged people to "smash the Public Security Bureau, the Prosecutors, and the Courts."<sup>290</sup> As a consequence, in the late 1970s respect for individual rights was at an all time low and China's legal system was in shambles. Initial reforms included the passage in 1979 of laws that formalized the institutions of the

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<sup>290</sup> "Congressional-Executive Commission on China: Annual Report 2002," Internet. Available from <http://www.cecc.gov/pages/annualRpt/2002annRptEng.pdf>; accessed on 17 December 2002, p. 11.

people's courts, the people's procuratorate, local people's congresses, and local people's governments.<sup>291</sup> In an effort to expand and professionalize China's lawyers and judges, and increase the peoples' awareness about their rights, legal studies departments and related programs were reinstated in China's universities. Other legislation established China's first formal Criminal Law and Criminal Procedure Law; however, it limited the role of the trial court to confirmation of the procuratorate's pre-trial determination of guilt rather than establishing a forum for determining fact and administering justice.<sup>292</sup>

Since these early reforms Beijing has made a concerted effort to improve its legal system and modify its criminal code. The government has passed hundreds of laws and attempted to revamp its court system. However, the country's legal system continues to be plagued by serious problems that contribute to its numerous human rights violations. These problems include the lack of due process, pervasive summary trials and executions, and the admission as evidence of confessions obtained via torture. Beijing's efforts to promote the rule of law have not entirely remedied the country's legal problems or eliminated its human rights violations. Even so, these efforts have strengthened certain institutions that are necessary to protect individual rights and ultimately improve the human rights conditions in China. Furthermore, Beijing has demonstrated a willingness to entertain suggestions and receive outside assistance in improving China's legal system. As such, supporting China's legal development is an excellent opportunity for the United States to increase cooperation with Beijing and foster better human rights policies. The United States should focus its efforts on areas such as the development of democratic institutions, reforming legal procedures and processes, improving the transparency of the legal system, treating individuals equally before the law, and establishing an independent judiciary.<sup>293</sup>

As it works to achieve these goals, Washington must maintain a firm and consistent stance toward the issue of human rights. If the Bush administration wants Chinese leaders to respond constructively to its human rights initiatives, human rights cannot be viewed as a means to an end. To date, Washington has found a balance

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<sup>291</sup> Ibid., p. 12.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid., p. 8.

between its need to secure Beijing's support for the war on terrorism and its efforts to promote human rights in the PRC. By acknowledging that some Uyghur extremists are associated with terrorist organizations, Washington merely admitted what most of the world already knew. However, by simultaneously admonishing Beijing that it should not use the war on terrorism as an excuse for an indiscriminate crackdown on the largely innocent Uyghur population in Xinjiang, Washington demonstrated its commitment to human rights. In future relations with Beijing, Washington must remain resolute in its efforts to promote human rights in the PRC.

Until Beijing is willing to subordinate itself to the rule of law and adopt a more liberal and pluralistic political system, which upholds civil and political liberties in practice as well as rhetoric, there will continue to be limitations to the rights guaranteed in the China. However, as demonstrated by the 1989 Tiananmen protests, internal pressures are at work within the PRC that may soon force the communist regime to implement limited political reforms that could pave the way for real improvement in the country's human rights conditions. The reforms of the Deng era have generated certain social tensions in China that the CCP leadership cannot afford to ignore. It is becoming increasingly difficult for Beijing to provide adequate food, housing, employment, social security, and medical care for all of its 1.3 billion citizens. This gives rise to discontent among those most effected, namely the country's 800 million peasants. The government estimates as many as 100 million peasants have "illegally" migrated into the cities in search of employment, which has exacerbated regional tensions and lowered real wages in the cities.<sup>294</sup> The workers of the failing state-owned enterprises, who along with the peasants are the party's traditional base of support, are also becoming increasingly dissatisfied with the regime. Demonstrations by laid-off and unpaid workers are becoming more prevalent, and some workers have attempted to organize unions outside that of the state controlled ACFTU.

Over the past decade third generation CCP leaders, led by President Jiang Zemin, successfully managed these tensions, through continued economic growth, raised living standards, cooptation of challenging sections of society, or when necessary, suppression.

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<sup>294</sup> Jack A. Goldstone, "The Coming Chinese Collapse," *Foreign Policy*, No. 99, (Summer 1995), p. 48.

Beijing's policies have effectively preserved the regime to date, but many challenges remain. Corruption is rampant among party officials. China's growing middle class is taking on the role of a fledgling civil society, which is typically a precursor to demanding more popular participation in politics. Meanwhile, the party's ability to directly control Chinese society has vastly diminished, and it is by no means a foregone conclusion that the increasingly professional PLA will support another crackdown on the Chinese people as it did in 1989. Additionally, outside influences, such as China's recent WTO membership, put additional pressures on the regime.

In many ways, the 1989 democracy movement proved that Chinese society cannot forever remain shackled by a repressive and undemocratic political system. CCP leaders recognize that if the party is to survive, it must continue to evolve to keep pace with the ongoing changes in Chinese society. Therefore, the CCP leadership recently appointed during the 16<sup>th</sup> Communist Party Congress will likely continue to introduce incremental political and economic reforms, which could eventually lead to real improvements in Beijing's human rights policies. Pressure applied by the United States, in the form of a firm and consistent policy that emphasizes Beijing's obligation to uphold international human rights standards as well as the importance of human rights and the rule of law, will help accelerate this process.

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