Ellen J. Kennedy: It'll take more than food aid to counter Uyghur genocide

Members of the Uyghurs community, a mainly Muslim ethnic group originating from central and east Asia, rally against the Chinese government at the U.S. State Department on Sept. 15, 2021, in Washington, D.C.
Kevin Dietsch/GettyImages/TNS

Opinion by Ellen J. Kennedy
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What do you do in the face of genocide? It would have been ludicrous to send rice to Auschwitz. People were marched from arriving trains directly into large rooms where they died from inhaling poison gas, and their corpses were shoved into ovens and turned to dust. Rice would not have stopped the murders.

Today, Uyghurs and other Turkic Muslims in Xinjiang, western China are subjected to atrocities that experts name as genocide.

We know this through published reports over the past five years and the work of the Independent Uyghur Tribunal, headed by Sir Geoffrey Nice, Q.C. past prosecutor at the United Nations International Criminal Tribunal for former Yugoslavia.

The Tribunal heard testimony about abuses against the Uyghurs: torture, incarceration, surveillance, forced sterilization and abortion, rape and other sexual violence, forced harvesting of body organs, disappearances, slave labor, and extra-judicial killings.

On Dec. 9, 2021, the anniversary of the ratification of the UN Genocide Convention, the Tribunal announced that the violence against the Uyghurs constitutes genocide and crimes against humanity.
What is being done? The equivalent of sending rice.

On Dec. 6, 2021, the US announced that American diplomats would not attend the Beijing 2022 Winter Olympics.

The US has passed two pieces of legislation. The Uyghur Forced Labor Prevention Act of 2021 prohibits importing some Chinese-made goods that use Uyghurs’ slave labor.

The intent was good, but some American firms successfully lobbied to weaken restrictions that would have dented their supply chains and their profit margins.

Last year Congress passed the Uyghur Human Rights Policy Act. It requires federal agencies to report on human rights abuses by the Chinese Communist Party (CCP) against the Uyghurs in Xinjiang province, China.

This, too, sounds helpful. However, the CCP moved thousands of Uyghurs from Xinjiang to at least nine other provinces throughout China. The bill applies to abuses ONLY in Xinjiang — and it requires nothing more than a report.

The Global Magnitsky Human Rights Accountability Act was invoked in July 2020. “The United States is committed to using the full breadth of its financial powers to hold human rights abusers accountable in Xinjiang and across the world,” said then-Secretary of State Steven T. Mnuchin, freezing any assets that four CCP officials might have in the US.

At the same time, the U.S. Departments of State, Treasury, Commerce, and Homeland Security issued the Xinjiang Supply Chain Business Advisory, “advising businesses with potential supply chain exposure to Xinjiang to consider the reputational, economic, and legal risks of involvement with entities that engage in human rights abuses in Xinjiang, such as forced labor,” according to the U.S. Treasury website.

On May 22, 2020, the U.S. Department of Commerce added nine Chinese entities related to human rights abuses in the Xinjiang region to 28 already on the Commerce Entity List.

In October 2019, the U.S. Department of State announced visa restrictions for officials responsible for human rights abuses in Xinjiang.

In July 2019, 22 countries, including the UK but not the US, wrote a letter to the UN’s top human rights official calling on China to end its “mass arbitrary detentions and related violations” of Uyghurs. A week later, 50 countries, led by Saudi Arabia and Russia, released a response defending China’s actions in Xinjiang. Saudi Arabia’s UN ambassador announced, “We support the developmental policies of China that have lifted people out of poverty.”

So it’s rice to Auschwitz — reports, warnings, sanctions. China’s global economic power silences critics. Four Chinese leaders can’t access financial accounts in the US — if they
even have any. Businesses are advised — watch your reputations and your supply chains. U.S. government entities — write reports. And it doesn’t matter if diplomats miss the Olympics.

Rice, rice, and more rice — while people are dying.

Why not prosecute China’s officials? China is a signatory to the UN Genocide Convention. The International Court of Justice (ICJ) in The Hague, Netherlands adjudicates cases between states over broken treaties and conventions. Theoretically, another signatory country to the Genocide Convention could charge China with genocide at the ICJ. However, this isn’t possible. When China ratified the Genocide Convention, it included a ‘reservation,’ exempting China from ever submitting to ICJ jurisdiction. There are no courts that can prosecute the CCP for genocide.

A recent Vox article suggests several U.S. actions.

- Form a strong coalition to enforce restrictions and cause China significant economic and political pain.
- Lead a full boycott of February’s Olympics.
- Counter China at the UN.
- Welcome Uyghur refugees.

This genocide is on our watch. We must do more than send rice.

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