***Slow Destruction of Tibetan Culture: Is This Genocide?***

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***Introduction***

Beginning in 1949, the Chinese People's Liberation Army (PLA) invaded and annexed the country of Tibet. Over the course of its occupation for more than 70 years, the Chinese Communist Party (CCP) has engaged in a campaign of cultural genocide through violent destruction of monasteries to more subtle disruptions of Tibetan culture. The CCP argues that their policies are geared toward “national unity.” However, these policies appear to be geared toward eliminating Tibetans as a group, and thus, meet the requisite “intent to destroy” definition of genocide as stated in the 1948 Convention on the Prevention and Punishment of the

Crime of Genocide (Genocide Convention).

**Map, Tibet in China**

In part I, we examine the concept of “natural localness” in framing the definition of cultural genocide. In part II, we analyze the Chinese government’s policies against Tibetan culture to determine whether it constitutes the legal definition of genocide. In part III, we present possible solutions to hold the Chinese government accountable for its human rights violations against the Tibetan people.

***Tibet’s Natural Localness and Cultural Genocide***

Culture, by definition, is an elastic, dynamic term that encompasses identity. “Culture isn’t a matter of either/or, of hard-and-fast boundaries, but of permeable membranes exchanging influences that help shape the whole.”[[1]](#footnote-1) Any perspective on culture is always in reference to a particular community or group. All communities have cultural codes to signify their most important shared agreements and values. Religion, arts, and language serve as essential symbolic ways of transferring cultural values amongst generations within a community.[[2]](#footnote-2)

Tibet is a nation of immense cultural and historical importance. The Tibetan civilization developed unique forms of architecture, astrology, calendars, medicine, science, arts, and agriculture.[[3]](#footnote-3) Between the 7th and 13th centuries, Tibet incorporated the spiritualism of ancient India into its own culture. This conscious decision to incorporate Buddhism and its universal values of non-violence and compassion set the nation on a path to create its own form of Tibetan Buddhism as a bedrock of its culture.

Tibetan culture took at least 1,300 years to develop. It has taken only 70 years, starting in 1949 when the PLA occupied the region, to threaten the continued existence and vitality of Tibetan culture. Because culture can have such a significant effect on the people whom it touches, for individuals to be stripped of cultural identity can be a profoundly traumatic experience. To prevent an entire people from engaging in deep cultural traditions and practices only multiplies this damage. It has the effect of erasure, which is an element of genocide.

The idea of the systematic and deliberate annihilation of culture as an element of genocide is not a new concept. It was recognized by Raphael Lemkin, a Polish-Jewish lawyer and public prosecutor, as early as 1933. Lemkin described widespread acts of vandalism and barbarity as new crimes that warranted punishment under international law. He officially introduced the term *genocide* in 1944, during the Holocaust. Genocide can be “committed either through barbarity (physical genocide) or vandalism (cultural genocide).”[[4]](#footnote-4)

Lemkin understood the intertwining of a group’s cultural identity with its physical existence. The importance of protecting culture has been present in the human rights field since the development of the 1948 Universal Declaration of Human Rights (UDHR). The harm to cultural identity has become a marker of intent to commit genocide within the work of the International Criminal Tribunal for the former Yugoslavia.[[5]](#footnote-5) When it comes to criminal prosecution, however, the Genocide Convention provides the basis for prosecuting individuals who commit physical genocide. However, declarations against cultural genocide merely call upon entities to cease their behavior and to pay compensation. [[6]](#footnote-6) Thus, “if you cannot hold human perpetrators responsible in a tangible way, you have no leverage against these acts.”[[7]](#footnote-7)

Davidson (2012) uses the concept of *natural localness,* which fosters an in-group social identity, as an explanation for why communities participate in the purposeful targeting of out-group cultures to destroy or weaken them during conquest or domination. In Brewer’s (2001) theory of social identity, she argues that social groups are organized into in-group and out-group classifications.[[8]](#footnote-8) The culture of the group creates natural boundaries of those who belong and those who do not, and it defines acceptable behaviors and the very parameters of thought. While this proximal focus fosters community cohesion, it also fosters intergroup conflict because groups outside of the boundaries are either viewed with indifference, or under certain circumstances, with fear and hatred. According to Davidson, cultural genocide is the purposeful weakening and ultimate destruction of cultural values and practices of outgroups:

The goal of cultural genocide can be the withering away of the enemy group...If natural localness is a starting point for group identity and cultural solidarity, powerful groups seeking to attract feared out-groups may well see it as logical to attempt to destroy the foundations of localness of these enemies. Thus, short of physical genocide, destruction of the basis for identity and culture seems to be a viable tactic.[[9]](#footnote-9)

Regarding Tibet, the CCP has strategically worked to destroy Tibet’s natural localness for China’s own economic, political, and national identity, as explained below. The question is whether the slow erosion of the Tibetan culture can be considered genocide.

***Legal framework to examine the destruction of Tibetan culture***

The definition of genocide has remained essentially unchanged since the 1948 Genocide Convention. Cultural genocide, “unlike its more recognized and bloodier counterpart, physical genocide, is not yet illegal under international law.”[[10]](#footnote-10) Physical genocide requires a showing of the *dolus specialis -* the “special intent” requirement of genocide - consisting of:[[11]](#footnote-11)

(1) intent to destroy

(2) in whole or in part

(3) a national, ethnic, racial, or religious group

(4) as such.

Additionally, proof of one or more underlying crimes or acts is required:

1. Killing member of the group.
2. Causing serious bodily or mental harm to members of the group.
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
4. Imposing measures intended to prevent births within the group; or
5. Forcibly transferring children of the group to another group.

These requirements have been codified through the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Court (ICC), and the Extraordinary Chambers in the Courts of Cambodia (ECCC). The ICTY Appeals Chamber in *Prosecutor v. Krstic* clarified that destruction must intend or seek the “physical or biological” destruction of the group or groups, distinguishing this from cultural destruction:

[A]n enterprise attacking only the cultural or sociological characteristics of a human group in order to annihilate these elements which give to that group its own identity distinct from the rest of the community would not fall under the definition of genocide.[[12]](#footnote-12)

However, non-fatal actions may still be included under the umbrella of destruction. The Appeals Chamber in *Krstic* explained:

[T]he cardinal question is whether the intent to commit genocide existed...the offence of genocide does not require proof that the perpetrator chose the most efficient method to accomplish his objective of destroying the targeted part. Even where the method selected will not implement the perpetrator’s intent to the fullest, leaving that destruction incomplete, this ineffectiveness alone does not preclude a finding of genocidal intent.[[13]](#footnote-13)

Further, the law delineates between *intent to destroy* versus *motivation* behind the destruction. “[I]n genocidal cases, the reason why the accused sought to destroy the victim group has no bearing on the guilt.”[[14]](#footnote-14) However, *intent to destroy* can be **inferred** by the destruction of cultural and religious property which “may legitimately be considered evidence of an intent to physically destroy the group.”[[15]](#footnote-15) Based on this legal framework, does the CCP have the requisite “intent to destroy a group, in whole or in part as such” in their cultural destruction of Tibet or does this demonstrate, instead, motivation to “unify” the Tibetans under Chinese rule? Does their disruption of Tibet’s “natural localness,” paired with an inference of an “intent to destroy” *vis-a-vis* that disruption and destruction, constitute genocide?

*Between Motivation and Intent: The Tibetan Case*. The “special intent” side of the spectrum is replete with examples of groups that undertook an explicit course of action that directly resulted in genocide.[[16]](#footnote-16) There are also cases where the *mens rea* required for the crime of genocide, a specific intent to commit genocide, is present and obvious through the direct words or documentation of the perpetrators. On the other end of the spectrum are the cases of mass killings of an entire class of people where the crimes’ requirement of *specific intent* is not as easily identifiable.[[17]](#footnote-17) On this spectrum, somewhere between the specific intent to commit genocide and the motivation to commit genocide, lies the collective experiences of the people of Tibet.

In many ways, the evidence of genocide in Tibet, cultural or otherwise, is obvious. That evidence mirrors in many ways the genocide that took place in the Ukraine, the Holodomor. Stalin’s goal was the destruction of the Ukrainian spirit as a step towards the bankrolling of Soviet industrial expansion. Raphael Lemkin identified the four prongs of Stalin’s efforts in the Ukraine: The first was the execution of Ukraine’s leaders and intellectuals; second was the liquidation of the Ukrainian Orthodox Church and clergy; third, the extermination of the Ukrainian farmer, or the Kulaks; and fourth, the culmination of the first three steps was the cultural colonization of Ukraine by Russia, filling the void the Soviets had created. Stalin attacked the “brain,” the “soul,” and the “body” of Ukraine.

What the CCP has done in Tibet is much the same. The Chinese government has disrupted and inserted the state into Tibet’s Buddhist institutions. The CCP has disrupted millennia-old nomadic agricultural practices and caused starvation through agricultural collectivization policies.[[18]](#footnote-18) In so many ways, as highlighted below, the CCP has denigrated, attacked, and devalued Tibetan culture in favor of Han Chinese culture. Like the Holodomor genocide, the CCP has attacked the head, the heart, and the body of Tibet. However, the CCP has yet to explicitly demonstrate the *specific intent* required for a successful prosecution of genocide carried out against the Tibetan people. The reason is that despite having met many of the elements required of genocide, there is scant evidence that the CCP has done it with the “intent to destroy, in whole or in part, a national, ethnic, racial or religious group.” However, as we will show, it may be possible to infer the requisite intent.

***The Path of Cultural Genocide in Tibet***

China’s leaders justify their claims to Tibet as a liberation of the Tibetan people from their feudal monastic overlords and those who try to split Tibet from China.[[19]](#footnote-19) After early dramatic attempts to end Tibetan cultural resistance, CCP officials have taken a more tactical approach, allowing certain forms of Tibetan culture to remain while co-opting and appropriating other elements to serve China's official policies. This co-opting and appropriation of Tibetan culture, paired with a now all-too-familiar massive top-down economic development, has led to severe "cultural dislocation."[[20]](#footnote-20)

Following the 1949-50 invasion of Tibet, Chinese attacks on and destruction of Tibetan culture took three key forms. The first was “democratic reforms” that attacked a central pillar of Tibetan culture, Tibetan Buddhism. Chinese officials also brutally cracked down on Tibetan dissent in the face of these reforms. In addition, there was also a preventable famine that occurred because of collectivization during China’s "Great Leap Forward."[[21]](#footnote-21)

Eastern districts of Tibet that had been designated with "autonomous" status were the first to undergo these "democratic reforms.” Part of these reforms involved overt attacks on Tibetan religion and monasteries. Hugh Richardson writes in *A Short History of Tibet* that “[a]ttacks on religion became more violent. Lamas, teachers of Tibetan Buddhism, were assaulted and humiliated; some were put to death.[[22]](#footnote-22) The ordinary people who refused Chinese orders to give up the practice of religion were beaten, and their goods were confiscated.”[[23]](#footnote-23)

Monasteries were targeted in part because China’s People’s Liberation Army saw the monasteries as exploitative landlords and because of the perception that they were bulwarks for Tibetan culture and continued Tibetan control.[[24]](#footnote-24) Monks, Lamas, and other religious figures were regularly harassed and killed, and to date, more than 6,000r monasteries have been bombed and plundered.[[25]](#footnote-25) In places where monasteries were not physically destroyed or depopulated, PLA authorities targeted the inhabitants for additional ‘patriotic re-education.’[[26]](#footnote-26) Many of Tibet's Buddhist masters were either killed outright or fled into exile.

Ruined Tibetan monastery

By 1960, the PLA had assessed that after killing 1,100 people, injuring 4,800, and arresting more than 4,100 others involved in uprisings springing from monasteries and other centers of religion, the rebellion had been successfully put down.[[27]](#footnote-27) During this time, vast roundups of people suspected of taking part in rebellions were carried out. The percentage of Tibetans who were locked up is estimated at between 10-15% of the population.[[28]](#footnote-28) Inhumane conditions persisted in many of these prisons. Inmates were often brutally beaten, poorly clothed, shipped between high and low elevation prisons to deprive their bodies of the ability to acclimate, and forced to work at extremely hard labor.[[29]](#footnote-29)

After this early violent success, PLA officials continued the "democratic reforms" in tandem with the "Great Leap Forward."[[30]](#footnote-30) Tibet's first recorded famine occurred shortly thereafter. In scenes reminiscent of the Holodomor in Ukraine, foodstuffs from peasants were seized, homes were ransacked, and agricultural and nomadic traditions that had developed in Tibet over thousands of years collapsed under systems of "efficient taxation."[[31]](#footnote-31)

One of the most damning pieces of evidence of the horrors imposed on the Tibetan people during this period of "reform" and the Great Leap Forward comes from the 10th Panchen Lama.[[32]](#footnote-32) He was originally an avowed supporter of the Chinese state and had worked with CCP officials to carry out their mission in Tibet. By 1961, however, he had become alarmed by the devastation the Tibetan people had suffered.

In a secret communique to Chinese Premier Zhou Enlai titled “70,000 Character Petition,” he described how “the democratic campaign, which was carried out in conjunction with suppression of the rebellion, was a large-scale, fierce, acute, and life-and-death class struggle, which overturned heaven and earth."[[33]](#footnote-33) He was even more critical of the effect that Chinese policies were having on Tibetan Buddhism. He wrote that after “democratic reforms” were concluded, there was a 93% reduction of monks and only 70 of the original 2,500 monasteries remained.[[34]](#footnote-34) On this topic, the Panchen directly connected Chinese policies with the "elimination of Buddhism in Tibet."

10th Panchen Lama

Chinese officials also made subtle changes to the Tibetan language and its grammar. For instance, Tibetans were prohibited from using the Tibetan word *Gyanak,* their customary term for China.[[35]](#footnote-35) “Nationalities institutes” were established to teach Tibetans Chinese socialist ideology, while simultaneously de-emphasizing the Tibetan language and denigrating the culture.

Tibetan scholar Muge Samten, who lived through the Cultural Revolution, wrote:

Almost all the universities and schools in Tibet were shut down, Tibetan language classes were banned, bits of Tibetan used in propaganda material were so-called ‘reformed language’ created in the name of destroying the ‘four olds,’ opposing the bourgeoisie and to be closer to ‘people’s language.’... Anyone using the standard Tibetan language was attacked by having them branded as ‘revisionists and counter-revolutionary.[[36]](#footnote-36)

For his criticisms, CCP elites punished and detained the Panchen. Chairman Mao called the letter a “poisoned arrow” and labeled the Panchen as a “class enemy.”[[37]](#footnote-37) Estimates of how many Tibetans died during the period of 1949-1965 from famine, fighting, torture, execution, or suicide range from 500,000 to 800,000. [[38]](#footnote-38)

As explained above, the CCP has engaged in a process of abolishing the Tibetan language, placing restrictions on traditional practices, destroying religious and spiritual institutions and objects, persecuting spiritual teachers, and attacking cultural figures and intellectuals.[[39]](#footnote-39) The attacks the CCP have undertaken against Tibet and the destruction they have wrought on the cultural pillars of Tibetan society easily constitute cultural genocide.

In addition to the explicit violence wrought on Tibet, the CCP has enforced harmful economic and population policies onto the country.

***Population Shift*.** While Tibetan culture and people were facing challenges and repression, the CCP was laying the groundwork for a vast population transfer into the region. In 1952, Chairman Mao told a delegation of visiting Tibetans that “Tibet covers a large area but is thinly populated. Its population should be increased from the present two or three million to five or six million, and then to over ten million.”[[40]](#footnote-40) Part of China’s strategy to “develop” Tibet was, and is, to increase the population of the country to support economic development. The CCP strategy is to do this by encouraging ethnic Han Chinese to take jobs and settle in Tibet. Early results of China’s 2020 census reveal that Han Chinese now make up around 12% of Tibet’s population.[[41]](#footnote-41)

Because of the vast influx of Han Chinese into Tibet, there has been an equally vast degradation of Tibetan culture, as it has been supplanted and rendered secondary to Han Chinese culture. Tibetan writer and activist Lhasang Tsering writes:

I do not see that we have long before we reach the point of no return. I am not saying all Tibetans are going to disappear but by then there will be so many Chinese in Tibet, it will no longer be realistic for the Tibetan people to regain Tibet for Tibetans. What has happened to the Native Americans, to the native Australians, is happening in Tibet.[[42]](#footnote-42)

***Resource Cursed.*** Starting in the 1960’s, Chinese geologists began crisscrossing Tibet, conducting geological surveys to search for Tibet’s vast wealth of mineral deposits. What they found in dried-up lake beds in Tibet’s alpine deserts were vast quantities of lithium salt.[[43]](#footnote-43) In addition to lithium, Chinese geologists also found oil, asbestos, lead, zinc, and other minerals needed for the development of submarine-based nuclear weapons.[[44]](#footnote-44) Extraction of these minerals has brought significant pollution and environmental degradation to the region and has taken a physical toll on the population.

People in eight villages in the region were sickened when the water flowing through their pipes became muddy and foul smelling, leading to “monks and local people bec[oming] nauseous, their bodies became listless, and they felt dazed and some even had to be hospitalized from drinking the water.[[45]](#footnote-45)

As the years have gone on, the CCP’s desire to develop Tibet, and many other western regions the CCP lays claim to (such as Xinjiang), has grown. In 1999, Chinese President Jiang Zemin launched the Western Development Plan.[[46]](#footnote-46) With over 50% of China’s landmass falling under the purview of this plan, its objectives were modernization; changing the ‘relative backwardness’ of the western region’s outlook; narrowing the development gap between regions; building a prosperous economy, social progress, a stable life, national unity, beautiful landscape; and bringing prosperity to the people of the western regions.[[47]](#footnote-47) Interestingly, one of the economists from Tsinghua University who helped develop the plan noted that part of what the party was trying to avoid by implementing this development regime was “China fragmenting like Yugoslavia... Already, regional (economic) disparity is equal to—or worse than—what we saw in Yugoslavia before it split.”*[[48]](#footnote-48)*

Since the plan went into place, heavy government subsidies have flown into Tibet, which has led to some of the highest GDP growth rates in the country. However, much of the wealth and prosperity created from this development has gone to non-Tibetan Han migrants attracted to jobs in lucrative government-subsidized industries. In fact, many of the Han Chinese who come into Tibet are motivated by government messaging that emphasizes a sense of service to the nation and development of Tibet. For this reason, coupled with Tibet’s official label as a “difficult” region, the CCP incentivizes people who volunteer to work in Tibet with significantly higher pay than in other parts of China.[[49]](#footnote-49)

***Belt and Road Initiative.*** Fears about China’s exploitation of Tibet’s natural resources and the damaging environmental effects of Chinese commercial interests in the nation have grown exponentially with the advent of the Belt and Road Initiative (BRI). In 2016, China's Deputy Director General of the Department of External Security Affairs, Liu Yongfeng, called Tibet the ‘gateway to South Asia’ during a talk on its role in the Belt and Road plan.[[50]](#footnote-50) However, other analysts and commentators have cast doubt on exactly what role Tibet will play. What is certain is that despite Tibet’s relative lack of industries with the capacity to export goods, the BRI, and the transportation and industrial infrastructure that it brings, will result in greater exploitation of Tibet’s natural resources.[[51]](#footnote-51) Lobsang Sangay, the head of Tibet’s government in exile, said, in reference to the BRI, that “for us, one road leads to the colonization of Tibet, one road leads to extraction of all kinds of minerals and natural resources. Hence, for us, the one road leads to net loss.”[[52]](#footnote-52)

***Chinese cultural genocide in Tibet: the requisite intent of a formal charge of genocide***

We believe the CCP’s actions in Tibet constitute genocide. Even though the *mens rea* required to meet the legal definition of genocide is arguably not *explicitly* met, it can be inferred. As indicated in *Krstic,* the destruction of cultural and religious property can “legitimately be considered evidence of an intent to physically destroy the group.”[[53]](#footnote-53) The evidence presented above allows us to infer the intent to physically destroy the Tibetan people.[[54]](#footnote-54) If that inference holds, then a case can be made that the CCP is, in fact, guilty of genocide against the Tibetan people.

The means through which this genocide has been perpetrated have varied but the effect has been the same: the genocidal destruction of Tibetan culture, and thus, its people.[[55]](#footnote-55) No other government is simultaneously detaining a million members of an ethnic minority for forced indoctrination (Uighurs), instituting cultural genocide in Tibet, and attacking anyone who dares to challenge its repression. The Human Rights Watch 2020 report stated that while other governments commit serious human rights violations, no other government flexes its political muscles with such vigor and determination to undermine the international human rights standards and institutions that could hold it to account. “If not challenged, Beijing’s actions portend a dystopian future in which no one is beyond the reach of Chinese censors, and an international human rights system so weakened that it no longer serves as a check on government repression.”[[56]](#footnote-56)

An example of the Chinese government’s extensive reach is a court case brought against China in Spanish courts using the legal process of universal jurisdiction.[[57]](#footnote-57) In June 2005, Thubten Wangchen Sherpa, a Tibetan victim-survivor of genocide in Tibet and a Spanish national, filed a complaint before the Spanish National Audience (Audiencia Nacional), the national court, accusing former Chinese government and military officials of committing, *inter alia*, acts of genocide and torture in Tibet.[[58]](#footnote-58) He was joined in this action by several Madrid-based nonprofits.

In response to Thubten’s testimony, the Chinese Foreign Ministry immediately protested, declaring that the allegations were “a complete defamation and absolute lie,” and that the charges were orchestrated by the “Dalai Lama’s clique.”[[59]](#footnote-59) Under political pressure from China, the Spanish

Audiencia Nacional

Criminal Code was amended so that claims under universal jurisdiction needed to have “some important connection with Spain.”[[60]](#footnote-60) In February 2010, a judge held that the Tibet issue did not meet the amended statute’s requirement, as there was not a sufficiently strong link between Spain and Tibet. Further, it was unsurprising “[c]onsidering that China owns twenty percent of Spain’s debt (80 billion euros) and that Spanish companies are significantly invested in projects within China…when in June 2014, the National Audience voted to once again shelve the Tibet cases due to an insufficient connection between Spain and Tibet.”[[61]](#footnote-61) China is Spain’s single largest trading partner outside of the European Union.[[62]](#footnote-62) It has been argued that Spain capitulated under China’s political and economic pressure, thus potentially closing a critical avenue for the Tibetan people to seek justice.

***What can be done to hold the CCP accountable?***

***Counter China’s Belt and Road Initiative.*** The Chinese government is using BRI funding to lock countries into the Chinese system, leaving countries more susceptible to CCP political pressure and thus giving China a greater ability to project its power widely.[[63]](#footnote-63) “By becoming a major creditor to the developing world, China is accruing leverage to exert pressure on BRI countries to be silent on China’s position on strategic issues, human rights, or Chinese domestic politics.”[[64]](#footnote-64) Because of a lack of transparency of BRI funding, it is unclear how much has been invested into various developing countries. Estimates range from as little as $1 trillion to as much as $8 trillion. However, the reach of BRI is notable, with over 140 countries considered BRI members, and more than 100 countries and regions are members of the China-led Asian Infrastructure Investment Bank.[[65]](#footnote-65) Thus, the BRI is creating political cover for Chinese abridgement of human rights all over the world, including in Tibet.

At the 2021 G-7 Summit in Cornwall, England, the United States, along with Canada, France, Germany, Italy, Japan, and the United Kingdom, proposed the "Build Back Better World" (B3W) plan as a strategy to counter China’s BRI. Analysts suggest that eventually the B3W may be able to match BRI’s financial firepower — if private sector funding can be secured. One possibility is to use B3W to work with BRI countries to promote partnerships with U.S. firms in transparent funding, sustainable practices, and employment of local work forces. Further, B3W could promote “soft” funding in countries receiving BRI money to disseminate information about the pros and cons of working with China and to offer alternative funding. While commendable as a first step, B3W is in its infancy with yet-to-be-defined mechanisms and financial and leadership resources.

***Promote coalition building - Strengthen multilateral organizations****.* The US could partner with other countries to demand more transparency in China’s BRI lending practices. In essence, there needs to be a shared understanding of how much vulnerable countries owe and on what terms. Further, there needs to be a strengthening of multilateral organizations to foster lending to BRI countries. For example, because of the US leadership status in the World Bank, that organization could be repositioned as an alternative lending source.

***Participate in the Inter-Parliamentary Alliance on China.*** The Inter-Parliamentary Alliance on China (IPAC) is an international cross-party group of legislators working towards reform on how democratic countries approach China. It is made up of legislators who are senior politicians drawn from a representative cross-section of the world’s major political parties. One of IPAC’s missions is to create an international framework to address China’s human rights abuses.[[66]](#footnote-66) In September 2020, IPAC, with over 60 signatories, co-published a report describing an apparent widespread system of forced labor in Tibet perpetrated by the Chinese government. The report raised “concerns about a large-scale mandatory ‘vocational training’ program, enlisting over 500,000 laborers in the region, together with accounts of enforced indoctrination, intrusive surveillance, military-style enforcement, and harsh punishments for those who fail to meet labor transfer quotas.”[[67]](#footnote-67) The program appears disturbingly like the coercive vocational training and mass labor transfers imposed by the Chinese authorities in the Uyghur region. The signatories demanded that democratic governments take the following immediate actions:[[68]](#footnote-68)

* Governments should impose targeted Magnitsky-style sanctions upon those responsible.
* Governments should advise businesses currently sourcing from areas affected by Chinese forced labor schemes to keep goods and services from being tainted with slave labor.
* Governments must call for reciprocal access to Tibet to conduct an independent international investigation into the situation of the Tibetan people.
* The Secretary General of the United Nations should install a Special Rapporteur to investigate forced labor and ethnic persecution in the People’s Republic of China.

***Reform the UN Security Council****.* As China becomes more economically and militarily powerful, its influence and presence in the United Nations likewise will wgrow. “China is interested in expanding its influence within the UN, not because it supports the founding principles of the UN, but in order to shift the values, programs, and policies of the UN in ways that benefit Chinese priorities.”[[69]](#footnote-69) Human Rights Watch 2020 reported:

China’s rulers see a potential precedent of rights enforcement that could return to haunt them. Using its voice, its influence, and sometimes its Security Council veto, the Chinese government seeks to block United Nations measures to protect some of the world’s most persecuted people...[[70]](#footnote-70)

The reality is that Beijing would rather turn its back on clear human rights violations because it would likely boomerang on its own repressive strategies. Further, the Chinese government is also leveraging its BRI funding. For example, in 2017, after receiving Chinese investment, Greece blocked a European Union statement in the UN criticizing China’s human rights record. That same year, Hungary — another big destination for Chinese investment — prevented the European Union from adding its name to a joint letter expressing concern about reports of lawyers in China being tortured in detention.[[71]](#footnote-71)

To challenge China on the CCP’s human rights record, coalition-building is a necessary strategy. The US, with other UN nations, should identify and vet candidates to leadership positions who have a proven track record of upholding the UN Charter’s oath to be impartial and independent. Further, a sustained effort by human rights organizations to maintain shadow reporting can be an effective approach to shine a light on Beijing’s human rights abuses, information submitted by non-governmental organizations (NGOs) to the treaty-monitoring bodies that addresses omissions, deficiencies, or inaccuracies in the official government reports. These shadow reports assist UN experts in assessing a government’s compliance with international human rights treaties.[[72]](#footnote-72)

***Will these strategies work?***

Perhaps these strategies taken collectively can counter the Chinese government’s record on human rights abuses against minority groups such as the Tibetans. The reality is that, as autocratic populism gains a foothold in many states, human rights fall to the wayside. There is a “perfect storm” that allows the Chinese government impunity with their human rights abuses: “a powerful centralized state, a coterie of like-minded rulers, a void of leadership among countries that might have stood for human rights, and a disappointing collection of democracies willing to sell the rope that is strangling the system of rights that they purport to uphold.”[[73]](#footnote-73) Coalition-building of various nation states to promote human rights and a sustained campaign to shed light on the Chinese government’s human rights atrocities in Tibet could make a difference.

***Conclusion***

We believe that the evidence of cultural genocide perpetrated by the CCP is sufficient to infer the specific intent element for the legal definition of genocide. While affixing the label *genocide* to CCP actions in Tibet is important, ultimately it matters less than what is done to prevent its continuation. The international community can impose pressure, extract concessions, and mediate a resolution. Whether these actions halt the erosion of the Tibetan culture remains to be seen.

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**Sources of Images**

*Map, Tibet in China*:

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*Ruined monastery:* [https://commons.wikimedia.org/wiki/File:Samye\_Monastery\_is\_still\_under\_maintenance\_because\_of\_the\_destruction\_by\_cultural\_revolution.jpg](https://commons.wikimedia.org/wiki/File%3ASamye_Monastery_is_still_under_maintenance_because_of_the_destruction_by_cultural_revolution.jpg)

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9. *Supra* note 5 at 19. [↑](#footnote-ref-9)
10. *Id.* at 2. [↑](#footnote-ref-10)
11. Jennifer Trahan, *Why the Killing in Darfur is Genocide,* Fordham Intern’l L. J. (2007), 998. [↑](#footnote-ref-11)
12. *Id.* at 1001 (quoting Krstic´, Case No. IT-98-33-A, Appeals Chamber Judgment, ¶ 25 (quoting Krstic´, Case No. IT-98-33-T, Judgment, ¶ 580)). [↑](#footnote-ref-12)
13. Krstic´, Case No. IT-98-33-A, Appeals Chamber Judgment, ¶ 32. [↑](#footnote-ref-13)
14. *Supra* note 11 at 1004. [↑](#footnote-ref-14)
15. Krstic´, Case No. IT-98-33-T, Judgment, ¶ 580. [↑](#footnote-ref-15)
16. The Holocaust and Rwandan Genocide are clear examples of this. [↑](#footnote-ref-16)
17. The slow-motion genocide in Darfur, where the motivation to commit genocide is present, yet the specific intent is more difficult to locate. [↑](#footnote-ref-17)
18. Recently this process of disrupting rural agricultural and pastoral traditions has been revamped with military style training. The program aims to reform the “backward thinking” ways of rural Tibetans and to instill knowledge of “work discipline” and the Chinese language. *See* Zenz, Adrian, *Xinjiang’s Militarized Vocational Training System Comes to Tibet*, [Xinjiang's Militarized Vocational Training System Comes to Tibet Adrian Zenz](https://ipac.global/wp-content/uploads/2020/09/Zenz-Tibet_Militarized_Labor__FINAL_SEPT_21_CLEAN_.pdf) [↑](#footnote-ref-18)
19. International Campaign for Tibet, *60 Years of Chinese Misrule: Arguing Cultural Genocide in Tibet,* 2012, 42. [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Id.* at 54. [↑](#footnote-ref-21)
22. Tibet Policy Institute, *Cultural Genocide in Tibet,* 2017, 56. [↑](#footnote-ref-22)
23. *Supra* note 19, at *60*. [↑](#footnote-ref-23)
24. Id.at 55. [↑](#footnote-ref-24)
25. https://www.umass.edu/rso/fretibet/education.html#:~:text=Up%20to%206%2C000%20monasteries%20and,close%20to%20being%20eradicated%20there. [↑](#footnote-ref-25)
26. *Id.* [↑](#footnote-ref-26)
27. *Supra* note 22 at64. [↑](#footnote-ref-27)
28. *Id.* at 36. [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. *Supra* note 22 at 56. [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. In Tibetan Buddhism, the Panchen Lama is second only to the Dalai Lama and tasked with recognizing the reincarnation of the next Dalai Lama. Free Tibet, *Free the PanChen Lama,* <https://freetibet.org/free-panchen-lama> [↑](#footnote-ref-32)
33. *Supra* note 22 at 58. [↑](#footnote-ref-33)
34. *Id.* [↑](#footnote-ref-34)
35. Because it implied a separate country from Tibet. *Id.* at 60. [↑](#footnote-ref-35)
36. *Id.* at 63. [↑](#footnote-ref-36)
37. *Supra* note 22 at *51*. [↑](#footnote-ref-37)
38. *Id. at* 59. [↑](#footnote-ref-38)
39. *Supra* note 19 *at 28.* [↑](#footnote-ref-39)
40. Jiang Zemin, Remarks at the Fourth Tibet Work Forum, published by Xinhua June 29, 2001. [↑](#footnote-ref-40)
41. Fischer, A.M. *Chinese Population Shares in Tibet Revisited.* International Institute of Social Studies, Abstract, 2021. <https://repub.eur.nl/pub/135639> [↑](#footnote-ref-41)
42. *Supra* note 19 at 98; From *The Sun Behind the Clouds*, a documentary on the Tibetan struggle for freedom by Ritu Sarin and Tenzing Sonam, two veteran filmmakers. Interestingly, this film does not seem to be viewable on any mainstream streaming services. [↑](#footnote-ref-42)
43. The lakes in the Tsaidam Basin contained levels of lithium that were some of the highest ever recorded. Lafitte, Gabriel, Tibet’s Resource Curse, 2011; <https://chinadialogue.net/en/business/4696-tibet-s-resource-curse/>. [↑](#footnote-ref-43)
44. *Id.* [↑](#footnote-ref-44)
45. *Id.* [↑](#footnote-ref-45)
46. *Supra* note 19 *at 90.* [↑](#footnote-ref-46)
47. *Id.* [↑](#footnote-ref-47)
48. *Id.* For a Tibetan activist to call to mind the Genocide of Native Americans and Australians, in addition to Chinese economists pulling on their memory of the breakup of Yugoslavia, is a chilling reminder that the memory of genocide is guiding both how both the perpetrator of this genocide as well as its victims are contextualizing events. [↑](#footnote-ref-48)
49. Hessler, Peter, *Tibet Through Chinese Eyes,* The New Yorker, 1999. [↑](#footnote-ref-49)
50. Chaudhury, Dipanjan, *BRI's impact on Tibet require far wider scrutiny*. Economic Times, 2019. <https://economictimes.indiatimes.com/news/international/world-news/bris-impact-on-tibet-require-far-wider-scrutiny/articleshow/69143542.cms> [↑](#footnote-ref-50)
51. Bhutia, Tshering, *Tibet and China’s Belt Road Initiative*. The Diplomat, 2016. <https://thediplomat.com/2016/08/tibet-and-chinas-belt-and-road/> [↑](#footnote-ref-51)
52. *Supra* note 49. [↑](#footnote-ref-52)
53. Krstic´, Case No. IT-98-33-T, Judgment, ¶ 580. [↑](#footnote-ref-53)
54. *Supra* note 11. [↑](#footnote-ref-54)
55. *Supra* note 13. Recall that a genocide need not be perpetrated via the most efficient means. Meandering and stumbling acts of genocide still constitute a genocide. [↑](#footnote-ref-55)
56. <https://www.hrw.org/world-report/2020/country-chapters/global> [↑](#footnote-ref-56)
57. Universal jurisdiction is exercised by states having virtually no relation to the territoriality or nationality of the perpetrator or victim of a crime, and is, instead, based solely on the nature of the crime. [↑](#footnote-ref-57)
58. Craig Peters, *The Impasse of Tibetan Justice: Spain’s Exercise of Universal Jurisdiction in Prosecuting Chinese Genocide,* Seattle University Law Review, 2015, Vol. 39, 166. [↑](#footnote-ref-58)
59. *Id.* at 185. [↑](#footnote-ref-59)
60. *Id.* at 187. [↑](#footnote-ref-60)
61. *Id.* at 194. [↑](#footnote-ref-61)
62. <https://www.oboreurope.com/en/spain-europe-bri/> [↑](#footnote-ref-62)
63. Jacob J. Lew and Gary Roughead et. al., *Independent Task Force Report No. 79,* Council on Foreign Relations (2021), 3-4. [↑](#footnote-ref-63)
64. *Id.* at 10. [↑](#footnote-ref-64)
65. GCR Staff, *G7 launches global infrastructure push amid China’s giant Belt and Road Initiative.* Global Construction Review. June 14, 2021.<https://www.globalconstructionreview.com/g7-launches-vague-global-infrastructure-push-amid/> [↑](#footnote-ref-65)
66. <https://ipac.global/about/> [↑](#footnote-ref-66)
67. *Id.* [↑](#footnote-ref-67)
68. *Id.* [↑](#footnote-ref-68)
69. Shaefer, Brett, *How the U.S. Should Address Rising Chinese Influence at the United Nations.* Heritage Foundation. August 20, 2019, <https://www.heritage.org/sites/default/files/2019-08/BG3431_0.pdf> [↑](#footnote-ref-69)
70. *Supra note 55.* [↑](#footnote-ref-70)
71. Dyer, Simon, *Europe divided, China gratified as Greece blocks E.U. statement over human rights.* Washington Post, June 19, 2017. <https://www.washingtonpost.com/news/worldviews/wp/2017/06/19/europe-divided-china-gratified-as-greece-blocks-e-u-statement-over-human-rights/> [↑](#footnote-ref-71)
72. *Why Do Shadow Reporting.* US Human Rights Network. April 2007. <https://www.njjn.org/uploads/digital-library/resource_492.pdf> [↑](#footnote-ref-72)
73. *Supra* note 55. [↑](#footnote-ref-73)