

The right to internal self-determination of the Uyghur minority in
the Xinjiang Uyghur Autonomous Region, 1949 – 2019:
Implications for the evolution of Uyghur-Chinese state relations

A dissertation presented

by

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I declare that this dissertation was composed by myself, that the work contained herein is my own except where explicitly stated otherwise in the text.

Prohlašuji, že jsem tuto disertační práci vypracoval samostatně na základě uvedených zdrojů.

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List of abbreviations

APRF	Archive of the President of the Russian Federation
AR	Autonomous Region
ASPI	Australian Strategic Policy Institute
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CPC	The Communist Party of China
CPPCC	Chinese People's Political Consultative Conference
CRC	Convention on the Rights of the Child
CWIHP	Cold War International History Project
EL	Education Law of the PRC
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IJOP	Integrated Joint Operations Platform
IMAR	Inner Mongolia Autonomous Region
LL	Legislation Law of the PRC
NEAC	Natioanl Ethnic Affairs Commission of the PRC
NMAR	Inner Mongolia Autonomous Region
NPC	National People's Congress
NPCSC	National People's Congress Standing Committee
OBOR	One Belt One Road
PLA	People's Liberation Army
PLC	Central Committee Politics and Law Commission
PRC	People's Republic of China
PSC	Politburo Standing Committee
RAR	Religious Affairs Regulations
RFA	Radio Free Asia
RGASPI	Russian State Archive of Socio-Political History
RMB	Renminbi
RNAL	Regional National Autonomy Law
ROC	Republic of China (Taiwan)
RXR	Regulations of XUAR on Religious Affairs
SAR	Special Administrative Region
SCIO	State's Council Information Office
SEAC	State Ethnic Affairs Commission
SEZ	Special Economic Zone
TAR	Tibetan Autonomous Region
UFWD	United Front Work Department
UNDRIP	Declaration on the Rights of Indigenous Peoples
XUAR	Xinjiang Uyghur Autonomous Region

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Editorial note

For the transliteration of Chinese, Hanyu Pinyin is used. Chinese characters are used in their simplified form. Uyghur names are transliterated using the Latin Script Uyghur (Uyghur Latin y ezigi, ULY), developed at Xinjiang University and amended in 2008 by the Xinjiang Uyghur Autonomous Regional Working Committee of Minorities' Language and Writing. The only exception is the city of Kashgar, which is well known to Anglophone readers, so its ULY transliteration as Qeshqer could cause confusion.

1. Introduction

I do not see how anyone can possibly understand the law or know anything of it, except memoriter, without getting a clear idea of how it is in fact generated in society and adapted from age to age to its immediate needs and uses.

(Woodrow Wilson, Annual Meeting of the American Bar Association 1894)

1.1. General background

During the twentieth century, the notion of self-determination became one of the drivers that changed the world map beyond recognition. Nowadays, the right to self-determination is considered to be one of the cornerstones of human rights law built on the autonomy and equality of all human beings. It is to some extent recognized as the foundational principle by numerous international documents, including the United Nations Charter, the International Covenant on Economic, Social and Cultural Rights, and the Declaration on the Granting of Independence to Colonial Countries and Peoples. However, its complex and multifaceted nature also makes it one of the most controversial aspects of international law at the same time. Self-determination enables people to decide about their destiny, free them from oppression, or build a new country; but it can also cause the opposite, breaking up an existing nation and damaging other people's lives. The problematic nature of this right is illustrated by the case of Xinjiang Uyghur Autonomous Region (XUAR) located in the north-western part of the People's Republic of China (PRC).

Xinjiang as a case study was chosen for various reasons. It is the largest administrative region of the PRC, but is also one of the "autonomous regions" with a eponymous group other than Han. Inter-ethnic relations between the Uyghurs and the Han, and the relationship between the Uyghurs and the Chinese state, have been problematic since the establishment of the PRC, and will be discussed in detail in the following paragraphs.

However, developments in the region over the last two decades show that the situation has significantly worsened. Numerous violent protests and the existence of mass incarceration camps for the ethnic and religious minorities suggest the ongoing struggle of the Uyghurs for self-determination, and the Chinese government for territorial integrity. As the following paragraphs and chapters will show, these two endeavours have been divergent, rather than convergent.

PRC's approach to human rights has been evolving since its establishment. From 1949 until the death of Mao Zedong and the rapid policy shift in the late 1970s and early 1980s, the Marxist class-based notion of rights with Maoist additions was applied throughout the country (Biddulph and Rosenzweig 2019, 3) and human rights were rejected as a "capitalist-bourgeois repertoire of ideas that socialism and communism were meant to overcome" (Pils 2019, 36). The Third Plenum of the 11th CPC Central Committee in November – December 1978 confirmed the new direction for China by accepting the "Four modernizations"¹ as official policy and Deng Xiaoping as a de facto ruler of the country. With the policy of "Reform and opening up"², China began to embrace more aspects of human rights law in its national laws. This was illustrated by the enactment of the new 1982 Constitution, and later in the 1989 Administrative Litigation Law, which in theory enabled citizens to sue the government (Pils 2019, 38) by establishing a principle that the government is also subject to the rule of law (Ma and Wang 2018, 3). Starting in the 1980s, China also increased its active role in the UN, as well as engagement within the international human rights system, and adopted many of basic human rights treaties (Biddulph and Rosenzweig 2019, 3). However, the increasing level of economic freedoms and prosperity was not equally matched by

¹ The modernization of agriculture, industry, defence, and science and technology was promoted by Deng Xiaoping and implemented after the death of Mao Zedong.

² *Gaige kaifang* 改革开放 was a Chinese economic reform under the auspices of Deng Xiaoping.

increasing levels of civil and political freedoms, which were ideologically blocked by the so-called “Four cardinal principles”³ set by Deng in order to protect the legitimacy of the CPC as a sole ruling party. This disparity started to seep through Chinese society. People’s discontent with the situation, fuelled by the economic crisis, began to mobilise the masses in the mid-1980s and culminated at Tiananmen Square in 1989.

During the Hu-Wen administration⁴ in 2004, the NPC amended the Constitution to include an explicit reference to human rights by adding a sentence to the existing Article 33, which reads that “[t]he State respects and preserves human rights” (Pils 2019, 41). The Xi Jinping administration is in many ways reversing the political attitudes of his predecessors. Instead of further opening up, the regime is closing; instead of approximating international human rights norms, the government is altering direction toward its own version of human rights “based on its national conditions” while “sabotaging” the existing international human rights system (Borger 2018). Furthermore, China envisages exporting this contested version of human rights to other countries, where the liberal-democratic form of governance is not compatible with undemocratic regimes (Pils 2019, 45). This strategy can be illustrated by the 2017 Beijing Declaration of the South-South Human Rights Forum. Its Article 8 states that “[t]he politicization, selectivity and double standards on human rights issues, and the abuse of military, economic or other means to interfere in the affairs of other countries are contrary to the purpose and spirit of human rights” (Xinhua 2017). However, what is actually meant by politicization and interference are international human rights

³ *Sixiang jiben yuanze* 四项基本原则: these four principles were presented by Deng Xiaoping on March 30, 1979, where he stated that China has to keep to the socialist road, uphold the dictatorship of proletariat, uphold the leadership of the Communist Party, and uphold Marxism-Leninism and Mao Zedong Thought (Deng 1979).

⁴ The PRC leadership of President Hu Jintao and Premier Wen Jiabao, 2003–2013.

control mechanisms, and global concerns and criticisms about the state of human rights in the PRC.

According to the PRC State Council's whitepaper titled *China's ethnic policy and shared prosperity and development of all ethnic groups*⁵, China is a unified multi-ethnic country jointly created by the people of all its ethnic groups, which live in unity and harmonious coexistence. However, it is not a secret that this harmonious coexistence is highly contested in many regions, not only in Xinjiang, but also in Tibet, or in Inner Mongolia. The *Regional Ethnic Autonomy Law of the People's Republic of China*,⁶ which came into effect on October 1, 1984 and was amended on February 28, 2001, states in Article 2 that the “[r]egional autonomy is practiced in areas where ethnic minorities live in concentrated communities. Ethnic autonomous areas are classified into autonomous regions, autonomous prefectures and autonomous counties. All ethnic autonomous areas are integral parts of the People's Republic of China” (NPC 2001). China has 5 autonomous regions, 30 autonomous prefectures, 120 autonomous counties (including banners) and 1,256 ethnic townships. 44 of the ethnic minorities have their own autonomous areas, which altogether cover 64% of the area of the PRC (State Council 2009a).

The XUAR⁷, or simply Xinjiang (lit. New Territory), is the PRC's most extensive administrative region with the area of 1.6 million sq. km. Already in the 2nd millennium BC, “Xinjiang was a Eurasian crossroads with a diverse population” (Millward 2006, 17). Various non-Han ethnic groups, some of which together form the current Turkic-

⁵ *Zhongguode minzu zhengce yu ge minzu gongtong fanrong fazhan* 中国的民族政策与各民族共同繁荣发展

⁶ *Zhonghua renmin gongheguo minzu quyue zizhifa* 中华人民共和国民族区域自治法

⁷ *Xinjiang Weiwuer zizhiqu* 新疆维吾尔自治区

speaking majority⁸ group in the region, called the Uyghurs, came to the territory of Xinjiang as nomads in the 9th century from the area of what is Mongolia today. There were no Uyghurs at the dawn of the 20th century (Thum 2018, 2) and the present Uyghur ethno-identity is a 20th-century phenomenon. As Dru Gladney explains, “nomadic steppe peoples known as the ‘Uyghur’ have existed since before the 8th [century], this identity was lost from the 15th to 20th centuries” (Gladney 1996, 458). Nowadays, Uyghurs are predominantly Muslims, but before their Islamicization began in the 10th century, the Turkic peoples of Central Asia including the Uyghurs had been exposed to various religious traditions, such as Persian Manicheism, Buddhism, and even Nestorian Christianity (Gladney 2003, 456).

The Uyghurs were recognized as a nation by both the USSR and the ROC in mid-1930s (Brophy 2016, 1). However, as Justin Rudelson notes, “Uyghur identity was more fragmented by social group (intellectuals, peasants, and merchants) and occupation than by family type, descent, or ethnicity” (Rudelson 1997, 8). This led to an absence of national history and creation of various separate histories of local heroes (Thum 2012b, 627).

The modern Uyghur identity can be also seen as a reaction to the influx of millions of Han Chinese into the region and the policies that were imposed on the “local” Xinjiang people by “others.” The Turkic people living nearby the oases scattered around Xinjiang, and traditionally differentiating themselves from each other, started to perceive their shared identity in contrast to the Han Chinese (Moneyhon 2004, 6). Their different ethnic background, language, and religion contributed to an early mistrust from the Han Chinese majority. This can be illustrated by Wolfram Eberhard, citing a

⁸ According to the 2019 XUAR Statistical Yearbook, 11,678,600 Uyghurs live in Xinjiang, which is 51,14% of the total population in the region.

description of the situation by a “Turk of the small town of Lükchün”,⁹ who told him that “[t]here was an old town, in which the local Dungans and the Chinese lived, and a new town, in which Turks lived...[t]he Turks seemed to feel that the presence of Chinese merchants was responsible for the flourishing prostitution, lesbianism, and bestiality in the area” (Eberhard 1982, 63). The Chinese, on the other hand, accused the East Turkistanese of “mistrust, cunning, deceit, laziness, and ignorance” (Ercilasun 2018, 25). However, such a “colonial” division of urban space could be found all over Xinjiang, and also in Central Asia, the Middle East and so on.

Xinjiang’s vast and predominantly arid landscape was incorporated into Qing China in the mid-18th century. However, its remoteness from the power centre and the non-existence of modern transportation networks left Xinjiang on the edge of Beijing’s interests, also during the power struggles of the first half of the 20th century. Although neglected by the Qing authorities, Xinjiang’s strategic location and strategic importance made it a prominent theatre for the strategic rivalry between the British and Russian Empires for supremacy in Central Asia in the 19th century (Cameron 2014, 47). Owen Lattimore called the region a “pivot of Asia”, a new centre of gravity, and “a whirlpool, in which meet political currents flowing from China, Russia, India and the Moslem Middle East” (Lattimore 1975, 3).

During the Republican Era, Xinjiang was officially ruled by three subsequent Han governors Yang Zengxin¹⁰ (1911–28), Jin Shuren¹¹ (1928–33), and Sheng Shicai¹² (1934–44). However, similar to Qing rule, the centre of the Republic of China viewed other matters as more important than Xinjiang and therefore the governors, i.e. the

⁹ This is most probably the small town Lukeqin 魯克沁, near Turpan.

¹⁰ 杨增新 (1864–1928)

¹¹ 金树仁 (1879–1941)

¹² 盛世才 (1895–1970)

warlords (Forbes 1986), were the sole rulers of the area. During this period, Xinjiang “was ruled by Chinese but not really by China” (Barnett 1963, 244). The 1930s and 1940s also saw two ephemeral attempts by Xinjiang’s minorities to establish a sovereign entity, independent of the Republic of China. The First East Turkestan Republic, with its capital in Kashgar, existed for about four months between 1933 and 1934 but had little influence outside Kashgar and no international recognition (Dillon 2014, 36–37). Its survival was further thwarted by Stalin, who did not wish to have any Turkic and Muslim country nearby the Central Asian Republics (Catris 2015, 41). Nevertheless, its mere existence served as an important historical precedent for the Uyghur nationalists (Ibid).

The Second East Turkestan Republic (ETR), with a capital in Ghulja, existed between 1944 and 1949 in the present-day Ili, Tarbaghatay and Altay districts of the XUAR. Soviet acquiescence and weapons used by the East Turkestan armies were crucial for the establishment of the ETR (Benson 1990, 39). However, after the top leaders of the East Turkestan Republic died in the plane crash en route to Beijing, the ETR army was incorporated into the PLA and the Second East Turkestan Republic was integrated into the emerging PRC (Benson and Svanberg 1998, 86).

The situation changed after the establishment of the PRC in 1949 and the consolidation of its powers in following years. It was a period when the roots of anti-PRC sentiment were put down among the non-Han population in Xinjiang. The former leaders were purged, re-educated, or executed, and new cadres were installed in the leading positions. Although many non-Han officials joined the new government organs at lower levels, they remained subordinate to Han, who occupied all the posts with decisive power (Millward 2007, 239). Many religious institutions were closed and the role of Muslim judges called *qadi*, who interpreted and rendered decisions according to the religious

law of Islam, was overtaken by People's Courts in both civil and criminal matters (McMillen 1979, 114). The Chinese state reinterprets Islamic law as harsh and barbaric compared to the enlightened and secular law of the PRC (Erie 2016, 73–74).

The considerably quick consolidation of the vast region of Xinjiang would not have been possible without extensive help coming from the Soviet Union. On June 27, 1949, a Chinese delegation met with I. V. Stalin to discuss Soviet aid, including 300 million dollars with one percent annual interest. One of the topics discussed at this meeting was the question of Xinjiang. Stalin urged his Chinese counterparts not to wait with the occupation of Xinjiang, because any delay could possibly lead to interference by the English in the affairs of Xinjiang. He further commented that the English could “activate the Muslims, including the Indian ones, to continue the civil war against the communists, which is undesirable, for there are large deposits of oil and cotton in Xinjiang, which China needs badly” (APRF 1949). He also suggested that it would be necessary to resettle Chinese populations in the region, bringing it to 30% in order to strengthen border protections in this rich region, and that this strategy should be applied to all of China's border regions (Ibid.).

Up to 500,000 troops were designated to enter Xinjiang; however due to the poor quality and low density of the railroads, the Chinese asked the Soviets for 30–50 transport aircraft to carry food, clothes, and some key personnel and troops. The Chinese stated that if they could not manage to transport their troops to Xinjiang before November, they would have to wait until the next spring when weather conditions would allow them to proceed with transport (RGASPI, 1949a). However, planes cannot fly without fuel, and so Mao also had to ask Stalin for more than a thousand tons of fuel in order to keep the transport planes airborne (RGASPI, 1949b). It is one thing to bring a half-million soldiers to a certain area, but it is another thing to keep them fed and

loyal. In order to avoid pillaging of the resources of the poor local inhabitants, Mao asked Stalin for another favour: 10,000 tons of grain shipped to Xinjiang, to which Stalin agreed (RGASPI, 1949c).

When designing the institutional structure of the PRC, the Soviet Union played a crucial role as a model. However, the PRC version included various modifications to fit its own needs, something similar to Chinese adjustments of Marx-Leninism ideas, that were constantly infuriating the Soviet Union. Hence, regional autonomy did not follow the pattern of Soviet Republics; instead, the highest autonomous unit became an autonomous region that is an inalienable part of the PRC. The new Constitution, which was adopted 20 September 1954, confirms this position in its Article 3, which reads:

The People's Republic of China is a single multi-national state. All the nationalities are equal. Discrimination against, or oppression of, any nationality, and acts which undermine the unity of the nationalities are prohibited. All the nationalities have freedom to use and foster the growth of their spoken and written languages, and to preserve or reform their own customs or ways. Regional autonomy applies in areas where people of national minorities in compact communities. National autonomous areas are inalienable parts of the People's Republic of China. (NPC 1954, Art. 3)

Since 1979, China has 56 officially recognized ethnic groups, including the Han majority. The 55 minority nationalities make up 8,4% of the population. The Chinese concept of “nationality”¹³ follows Stalin’s 1913 definition, such that “nation is a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture” (Stalin 1953, 307). However, in China there are only few nationalities that would actually fulfil all these criteria. For example, there are only few Manchu people who can speak the Manchu language; Hui people do not have a unique language, nor a

¹³ As Heberer (2017, 11) points out, Chinese does not distinguish between people, nation, nationality, or ethnicity (all can be translated as *minzu*); therefore there is a problem with defining terms and especially translating them into Western languages.

common territory, although the Ningxia Hui Autonomous Region was established in 1958. Despite this, they do not constitute the majority of population there, live dispersed across the whole of China, and speak the local dialects of their particular area. In other words, the government applies the ethnonym Hui to refer to Muslims without their own language (Gladney 1991, 20). These ambiguities are connected with what Thomas Mullaney calls the Ethnic Classification Project¹⁴ in the early 1950s, whose main task was to determine the ultimate ethno-national composition of the PRC (Mullaney 2011, 3). In the 1953–1954 census, there were more than 400 calls for a separate *minzu* identity; however only 55 were recognized (Ibid.). It was necessary for researchers to adjust their theoretical frameworks to the Stalinist formulation of the *natsiia*. Nevertheless, they managed to circumvent the Stalinist model and apply it more loosely. Therefore, many of the *minzu* were officially recognized even though they did not fulfil all the Stalinist criteria, but had the potential to become a full-fledged *minzu* in the future (Ibid., 80–85). The ethnic identification project was suspended during the Cultural Revolution and resumed in the late 1970s, to reaching the final number of 55 ethnic minorities by 1979 (Mackerras 2003, 2). James Leibold comments that the Chinese state “could no longer afford to wait for the ‘barbarians’ to *laihua*¹⁵,” but the newly established *minzu* “needed to be integrated into centralized state structures and narratives of national unfolding through an active process of *Hanhua* ... lest their territory be lost to competing nation-states” (Leibold 2007, 5).

Xinjiang had the longest border with the Soviet Union, and considering Soviet involvement in the Ili Rebellion in 1944 against Kuomintang rule, the Communists

¹⁴ *Minzu shibie* 民族识别

¹⁵ 来化 – come and be transformed, a Confucian belief that the Chinese culture could attract and absorb the neighbouring “barbarians” by “civilizing” them and incorporating them into the Great Unity *Datong* 大同.

were aware of the potential threat constituted by its Soviet neighbour. This issue became apparent during the Sino-Soviet split in the 1960s, when the former brothers in arms became the worst enemies. Therefore, consolidation of power in the region was necessary to eliminate any Soviet infiltrations and efforts to stir disturbances leading to separatist tendencies.

To strengthen the Han Chinese presence in the region, the Xinjiang Production and Construction Corps (XPCC)¹⁶ or so-called *bingtuan* were established on October 7, 1954. After the end of the civil war, it was necessary to reduce the military and therefore more than 100,000 soldiers and other men were transferred to civilian work in the *bingtuan*, but the organization kept its hybrid civilian-military character (McMillen 1981, 65). As an essentially Han institution, it served as a reserve force in case of any unrest in the region (Seymour 2000, 172) and as a base for the sinicization of the at that time predominantly non-Han area. *Bingtuan* nowadays are mostly civilian, occupying 30% of arable land in the region with only 12% of Xinjiang's population (Cliff 2016, 29). On October 1, 1955, Xinjiang province became an autonomous region, suggesting greater autonomy for this region under Beijing's rule. The establishment of the autonomous region was a logical move to evoke the spirit of differentiation inherent in the administrative status during Qing rule, where this region, a non-Han dependency, had a little in common with the predominantly Han heartland (Jacobs 2016, 175–6). Nevertheless, this declared autonomy only meant that the “representatives of the various recognised nationalities serve[d] on local representative bodies (not popularly elected) and as functionaries and officials in government offices” (Millward 2007, 245).

¹⁶ *Xinjiang shengchan jianshe bingtuan* 新疆生产建设兵团

It is difficult to assess how peaceful the first three decades of PRC rule over Xinjiang were, in terms of cohabitation between the Han and non-Han population. Numerous protests and uprisings went unreported, with some exceptions, e.g. in the southern part around the city of Xoten¹⁷ between 1954 and 1956, where the so-called Xoten uprising took place. One of the triggers was the ongoing Land Reform Campaign,¹⁸ and therefore disturbances were organized under slogans like “Allah commands us to fight for religion, and the Communists have stolen the land, food, minerals and property of the Muslims” (Dillon 2004, 54). The Movement to reduce rents and oppose local despots¹⁹ caused significant troubles for the traditional system in which mosques, tomb complexes, and personnel were funded by religious land endowments called *waqf*²⁰ (Millward and Tursun 2004, 88–89; Dillon 1997, 81). During the Anti-Rightist Campaign²¹ in 1957–59, hundreds of local cadres with suspected ties to the ETR and USSR were persecuted as “local nationalists” or “revisionists” and sent to labour camps (Millward, Tursun 2004, 92–93).

Most of the upheavals in the region corresponded with the adventurist campaigns of the Great Leap Forward (1958–62) and the Cultural Revolution (1966–76), which hit all of the China and resulted in serious identity crises for the regime (Millward 2004, ix). In Xinjiang, religion, language and even local cuisine was severely suppressed. Mosques

¹⁷ Chinese *Hetian* 和田, also spelled Hotan or Khotan, a city in south-western Xinjiang predominantly inhabited by Uyghurs

¹⁸ The Land Reform Campaign followed the enactment of the PRC Land Reform Law on June 30, 1950. However, it was enforced in the areas already governed by the Communists before the establishment of the PRC. The peasantry was divided into five groups: landlords, rich peasants, middle peasants, poor peasants, and farmers, following the Marxian principle of labour and exploitation (Ong 1953, 35). Rage against landlords and rich peasants resulted in millions of deaths.

¹⁹ “The movement to eliminate bandits, oppose local despots, reduce rent rates and make landlords return tenants’ security money” (*Qingfei fanba jianzu tuiya yundong* 清匪反霸减租退押运动), a campaign which began in 1950 in southern provinces of Yunnan and Sichuan (Deng 1994, 189).

²⁰ A charitable endowment of property with the intention of prohibiting any use of the property outside that specific purpose.

²¹ The Anti-Rightist Campaign (*Fanyou yundong* 反右运动) followed the Hundred Flowers Campaign (*Baihua qifang* 百花齐放) of 1956, in which Mao called for open criticism of the government. However, critics were later labeled as rightists and purged.

were destroyed and religious texts burnt; religious leaders and their followers were criticized and humiliated (Davis 2008, 17). Many minority intellectuals were branded “nationality chauvinists”²² and the question of nationality was subordinated to the goals of proletarian revolution (McMillen 1979, 117). Following the unsuccessful experiment of the Great Leap Forward, natural disasters, the Sino-Soviet split, and an enormous influx of Han Chinese to Xinjiang fleeing famine, more than sixty thousand Uyghurs and Kazakhs fled to the Soviet Union in the so-called Yi-Ta Incident in 1962 (Toops 2004, 40; Niu 2005, 23; Iredale, Bilik, and Guo 2003, 95). The XPCC dispatched more than 17,000 workers to tend the farmland of those who fled, because of “difficulties in livelihood”, political rumours, or interference by the Soviet Union (PRC FMA 1962). The Cultural Revolution in Xinjiang was a chaotic period of time, full of factional wars between various groups of Red Guards. The most radical groups, coming from other parts of China with little or no knowledge of Xinjiang and Uyghurs, violently clashed with the locally established Red Guards, who called them outsiders, opportunists, and counterrevolutionary (Catris 2015, 54).

The post-Cultural-Revolution decade saw more benevolent policies that helped the revival of the region. Xinjiang’s economy grew in the 1980s after the territory opened for international trade and tourism. However, rapid economic growth and urbanization also increased regional inequality. The unequal stream of investments further divided Xinjiang into two socio-economic zones: the predominantly Han municipal areas in the north and the cities and rural minority areas in the south (Cao 2010, 979).

The 1980s was also a period of cultural and religious revival. Locals were allowed to build new mosques and more books about Xinjiang written by Uyghurs were published

²² *Minzu shawenzhuyizhe* 民族沙文主义者

(Rudelson, Jankowiak 2004, 307). After fifteen years, in October 1979, Uyghurs were allowed again to go to Mecca on *hajj* (Shichor 2005, 122; Smith Finley and Zang 2015, 8) and various traditional Muslim practices reappeared, including the *meshrep*, a religious community gathering (Becquelin 2000, 88). During this period, Uyghurs and other minorities had more freedom in their linguistic affairs, and minority schools flourished in Xinjiang (Reny 2009, 502).

After years of oppressive and discriminatory policies, this liberalization together with improving transportation, modern methods of communication, and a growing number of contacts with the West caused the opposite of what the PRC government had projected. The outcomes were, among others, a widening of the differentiation between Uyghurs and Han Chinese (Moneyhon 2004, 8), ethnic revitalization (Gladney 1995, 243), and an influx of thoughts from various “foreign” Islamic traditions.

The relatively liberal attitude towards minorities began to change in the 1990s. The widespread social unrest of the late 1980s, culminating in 1989 at Tiananmen Square, gave way to a conservative group of leaders with more hard-line policies. Moreover, the PRC’s efforts to be self-sufficient in strategic raw materials led to vast investments in the oil industry in Xinjiang and an increased influx of Han Chinese migrant workers. Xinjiang, therefore, became even more strategically important and amplified security measures reflected this governmental change. The Baren, Xoten, and Ili uprisings of 1990, 1995, and 1997 led to a massive crackdown on the officially labelled separatists and jihadists under the Strike Hard campaign,²³ resulting in the imprisonment,

²³ *Yanda gaoya taishi* 严打高压态势, ‘strike hard, maximum pressure’. Campaigns have repeatedly appeared throughout China since the 1980s, implementing hard-line policies and harsh punishments for committing crimes. In the context of Xinjiang, these campaigns target individuals charged with separatism, religious extremism, or terrorism. Another Strike Hard campaign followed the uprising in Ürümqi in 2009. In 2014, Chinese government launched in Xinjiang the Strike Hard Campaign against Violent Terrorism (*Yanli daji baoli kongbu huodong zhuanxiang xingdong* 严厉打击暴力恐怖活动专项行动).

execution, or extra-judicial killing of thousands of Uyghurs (Rudelson and Jankowiak 2004, 316–7). This series of violent incidents further strengthened the interethnic boundaries between Uyghurs and Han Chinese, further alienating their paths (Han 2010, 253).

With the fall of the Berlin Wall and the dissolution of the Soviet Union in late 1991, followed by the establishment of the new Central Asian Republics, the socialist camp and China's position internationally was significantly weakened. As a consequence, a new security dilemma arose for Beijing. The establishment of these new republics with Turkic speaking Muslims as their eponymous groups echoed among the Uyghurs. Moreover, the existence of porous borders between Xinjiang and these countries was perceived as a potential threat to the PRC's security and territorial integrity. Therefore, a need to deal with the potentially unwelcomed rapprochement between Uyghurs in Xinjiang and other groups across the border, brought closer either by religion or language, became imminent. For all these reasons, Beijing swiftly recognized the newly established post-Soviet republics and tried to “co-opt them into China's economic growth and political stability” (Bachman 2004, 160). After a few years of consultations, the Shanghai Five group was established in Shanghai on April 26, 1996. The founding member states were, apart from China, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. After Uzbekistan joined the group, the so-called Shanghai Cooperation Organization (SCO) was established on June 15, 2001. One of the first declarations signed by all six members was the Shanghai Convention on Combating Terrorism, Separatism, and Extremism (SCO 2001).

The general attitude toward Muslim minorities worsened after the September 11, 2001 terrorist attacks in the United States. Already since the 1990s, the PRC government had begun to link Islam to terrorism and Uyghur separatism (Bellér-Hann and Brox 2014,

9). Therefore, Beijing felt that its ongoing crackdown on separatist movements was now more internationally permissible and that it was necessary to intensify it in order to protect China from an influx of religious extremism from the Middle East (Davis 2008, 17). In 2004, at the Tashkent summit of the SCO, Chinese president Hu stated that "...we must jointly fight the 'three forces' of terrorism, separatism and extremism, firmly deter and eradicate threats posed by drug trafficking and proliferation of weaponry, so as to create a secure and stable environment for socioeconomic development of all the member states" (China Daily 2004). Beijing changed its rhetoric from calling the Uyghur problem a domestic issue and turned it into a global concern.

Beijing has been trying to win over the Uyghurs with preferential treatment, including a relaxed form of family planning (the one-child policy), eased university admission, affirmative action in employment, and various financial subsidies, however with limited success (Koch 2006, 16; Sautman 1998). Enormous investments in infrastructure, industry, and housing started to flow in Xinjiang under the so-called Great Western Development²⁴ in the early 2000s, as a necessary policy to mitigate unbalanced development within the PRC and to speed up China's poorest regions. Although the billions of US dollars injected into the region helped to modernize infrastructure and speed up industrialization of the region, its GNP growth still lags behind the Eastern provinces and therefore the gap between East and West is continuously widening. The problem is not the only the wealth distribution within the PRC; it is also the disparity between the parts of the XUAR. The differences are striking, according to the 2019 XUAR Statistical Yearbook: per capita disposable income of

²⁴ *Xibu da kaifa* 西部大开发, sometimes also called the China Western Development, a project proclaimed by Jiang Zemin in 1999 which aimed to mitigate the disparity between the coastal provinces and the western part of China by investing in infrastructure, improving education, attracting foreign investors, etc.

urban residents was 32,764 RMB, while for rural residents it was about a one third of that, 11,975 RMB (XSB 2020, 10–10). This striking imbalance is evident not only in the urban-rural divide, but also the north-south divide. The per capita disposable income of urban residents of Ürümchi was 40,101 RMB, while in Kashgar it was only 25,631 RMB (Ibid., 10–2). If we look at the two extremes, the urban per capita income in Karamay of 41,850 RMB and the rural per capita income in Kizilsu Kyrgyz Autonomous Prefecture of 7,190 RMB, we can clearly see the seriousness of income disparity and wealth distribution in Xinjiang. Many Uyghurs see the investments in the oil and gas industry and transportation as method of internal colonization, where the dominant group of Han Chinese takes resources from the minority region but keeps the profits for themselves (Gladney 1998, 1). Dibyesh Anand even calls China a proponent of modern colonialism instead of the victim of it (Anand 2018, 129–130). To address the unfavourable situation in the region, which resulted in the mass riots in Ürümchi in 2009, President Hu Jintao launched the first Xinjiang Work Forum in May 2010. It concluded that rapid development and political and social stability are the key factors to solve the Xinjiang problem (Chaudhuri 2018, 140). It was decided that 19 provinces and cities would join the “pairing assistance” programme and grant 0,3%–0,6% of their annual budget to the XUAR every year (Shan, Weng 2013, 75). The new Special Economic Zone was established in Kashgar to facilitate and boost trade, in particular with Central Asian Countries, and paired with the SEZ Shenzhen, one of China’s economic miracles from Deng Xiaoping’s politics of “opening up to the West” (Ibid., 76).

However, Debasish Chaudhuri further comments that within two years after the meeting, social stability became a non-negotiable duty and social management turned into counterterrorism and stability preservation work (Ibid., 250). In May 2014, the

Second Xinjiang Work Forum took place in Beijing under the new president Xi Jinping. The results indicated a significant departure in the Party's approach to the region, which James Leibold characterizes as an intended "erosion of ethnic differences" (Leibold 2014). The forum concluded that apart from economic development, it is necessary to strengthen "bilingual education", political work, and the "blending"²⁵ of the population of Xinjiang (Xinhua 2014).

With the beginning of the so called One Belt One Road (OBOR)²⁶ development strategy, first formulated by President Xi Jinping in his speech at the Nazarbayev University in Nur-Sultan²⁷ in 2013, Xinjiang's importance for the Central government increased again. China decided to turn its vulnerability into a strategic asset and turn the region into a pivot toward Eurasia (Burrows and Manning, 2015). The action plan of the OBOR issued by the National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce of the People's Republic of China stated that "[w]e should make good use of Xinjiang's geographic advantages and its role as a window of westward opening-up to deepen communication and cooperation with Central, South and West Asian countries, make it a key transportation, trade, logistics, culture, science and education centre, and a core area on the Silk Road Economic Belt" (China Daily 2015). Becoming a "core area" meant increased security, surveillance, and harsher treatment of any expression of disloyalty or disagreement with governmental policies. As Ondřej Klimeš puts it, "central authorities have shelved the overly economy-focused perspective held by previous administrations and have instead accentuated the stability and security aspect of the Xinjiang problem" (Klimeš 2018,

²⁵ *Jiaqiang minzu jiaowang jiaoliu jiaorong* 加强民族交往交流交融, 'strengthening the blending of ethnic groups' contacts and exchanges'

²⁶ *Yi dai yi lu* 一带一路

²⁷ During Xi Jinping's visit the city was called Astana. It was renamed in 2019 after former President of Kazakhstan Nursultan Nazarbayev.

433). However, the attempted securitization of the region by the Chinese state might in fact generate dynamics of insecurity among the Uyghurs and deepen the security dilemma (Clarke 2007, 324).

Almost seventy years of the PRC's rule over the region can be roughly separated into alternating periods of indifference and periods of tightened control and subjugation, or the so-called *fang-shou* cycle of loosening and tightening²⁸ (Baum 1997, 338; Shambaugh 2016, 37). Baum concludes that a period of *fang*, characterized by reform and liberalization is followed by increased public demand and results in disorder and a backlash by the conservatives. This leads to a period of *shou*, which halts or even reverse previous reforms (Baum 1997, 338).

From the historical perspective and by today's accounts, it seems that every "benevolent" period in Xinjiang has been followed by a more oppressive regime than in the past. The current situation is quite different. The deterioration significantly accelerated after the ethnic riots that erupted in 2009 in the region's capital of Ürümchi (Leibold 2020, 49) and has been accompanied by a rapid development of surveillance technologies which "enhance" it. Xinjiang seems to serve the government as a testing site for new or refurbished surveillance technologies and methods. DNA sampling, facial recognition methods, mass re-education camps, forced labour, or credit systems evaluating a person's reliability have been reportedly tested in the region, some being officially publicized, others being declared by the central government as the fabrications and "fake news" of Western media and NGOs (Yang and Petersmann 2020). However, without any doubt, the strictness and comprehensiveness of the policies aimed at the Uyghurs have been increasing rapidly. We can only speculate what the next step will

²⁸ *Fang* 放 'to release', *shou* 收 'to restrain'

be if the re-education strategy fails. The history of the 20th century can give us some chilling examples of such solutions.

Discrimination, injustice, and vaguely formulated policies over the last few decades have led to the current state of affairs. The population's obedience is achieved (with limited success) by intensive surveillance and repression and by the massive deployment of police and military in the region. However, as Vivienne Shue has pointed out, “[a]lthough a monopoly over the legitimate means of coercion in society can be regarded as the sine qua non of effective state sovereignty, constant reliance upon coercion to ensure popular compliance is not only an inefficient and expensive strategy, but probably ultimately a self-defeating one” (Shue 1991, 218). Without a certain degree of social support, military force cannot maintain the regime forever (Walzer 1980, 121–2). Therefore, we might consider the organized mass migration of Han Chinese to the region as a governmental strategy to create a non-negligible group supporting the securitization of the region in order to protect their own lives and property. Considering this, we could end up theorizing whether a certain level of tension in the XUAR, which requires or at least justifies heightened security measures in this strategically extremely important region, is not favoured by the government. However, at this point, there is no proof supporting such a hypothesis, at least in the sense of official governmental documents and data.

This situation further aggravates the antipathy between the Han and the Uyghurs in the region, which has been already filled with various stereotypes and constructed boundaries. The relationship between Han and Uyghurs is certainly full of racist attitudes (Kaltman 2007, 64–94). Many Han Chinese would consider the Uyghurs as backward, less civilized, engaging in crime, and living from the social welfare provided by the government (Mackerras 2001, 299; Kaltman 2007, 73). Especially since 2009,

they also see them as knife-wielding terrorists, religious fanatics, or in Joanne Smith Finley's words, "ungrateful, disloyal and dangerous" (Smith Finley 2013, 50). Many Uyghurs, in contrast, see the Han as unwelcomed colonizers, backed by the government and its repressive bodies, but otherwise inferior in terms of morale and intelligence (Bellér-Hann 2002, 67; Smith Finley 2013, 33–35). Both ethnic groups see themselves as underprivileged. However, the fact is that political, economic, and military power stands with the majority Han population.

1.2. The scope of the study

This study examines the evolution of the right to self-determination in the context of international human rights law. There are numerous ways to address the right to self-determination and some of the approaches will be introduced in Chapter 2. Nevertheless, this dissertation focuses on the most common subdivision of the right into the internal and external self-determination (Summers 2013, 229). The internal and external aspects of the right are interconnected by nature and therefore it is not possible to solely focus on just one of the aspects without referring to the other one. As discussed in Chapter 2 and 3, the Remedial Right theory addresses this coherence. Moreover, this theoretical approach supports this study's narrowing of the focus to internal self-determination, which the theory sees as of primary concern, and external self-determination (secession) as a remedy of last resort, in case the former suffers grave breaches (Buchanan 1997, 34–35).

Some scholars have pointed out the asymmetry in the internal-external self-determination relationship by noting that when external self-determination is fulfilled, the internal aspect is simultaneously included, but not the other way around (Fisch 2015, 51). Jörg Fisch in particular is highly critical about the internal and external differentiation, which is misleading according to him. He sees internal self-

determination as only partial self-determination, because only when one can realize self-determination externally it only can be called self-determination (Ibid. 52). Fisch's argument is logical, but as a matter of fact, his criticism seems to deal more with terminology than the actual content of the right. Furthermore, his thesis avoids taking into consideration the fact that internal, or in his words, partial self-determination can be desired by the majority of people and, compared to external or full self-determination, can be the most attainable option, preferred by existing states as well.

There are numerous arguments for such narrowing of the research project's focus. I argue that the fulfilment of internal self-determination (a) is attainable, by following the rules of international law, (b) is less controversial, because it does not directly challenge states' territorial integrity, and (c) can significantly improve the living conditions and life quality of the people concerned. Hence, this study critically evaluates the normative principles and top-down policies concerning internal self-determination and, by looking at a case-study analysis, assesses the current state of affairs in the examined region. It is geographically defined by the current borders of the Xinjiang Uyghur Autonomous Region, located in the western part of the People's Republic of China.

1.3. Aims of the study

The primary objective of this research is to study the level of implementation of the right to internal self-determination in the context of the PRC, with a specific focus on the Uyghur minority living in the XUAR. Because the right to internal self-determination lies at the intersection between law and politics, this study aims to approach this issue from a socio-legal perspective. Therefore, a comprehensive study of the historical and political background, as well as legal and policy documents, is necessary for the correct assessment of the current situation. Moreover, such an

approach allows an examination of how self-determination falls short of international law in theory and practice and what aspects influence this discrepancy.

Another purpose of this study is to understand the mechanisms which influence the limited adherence to legal norms in the XUAR. The correct understanding of such factors can lead to policy adjustment suggestions, which could improve the right's broader acceptance and enforcement by the authorities and influence the lives of millions of people living not only in the XUAR but also in other parts of the PRC.

1.4. Research questions

The central questions of this research are:

- 1) What constitutes the right to internal self-determination, and how is this right protected by the PRC, in particular in the XUAR?
- 2) Is the PRC adhering to its obligations under international law?

Other relevant sub-questions within this dissertation are as follows:

- A. Are there any inconsistencies between the normative law and its enforcement in the XUAR? If yes, what are these inconsistencies and what are their causes?
- B. To what extent is the provincial government unreservedly following orders from Beijing?
- C. How does the (non-) implementation of the right to internal self-determination influence the relationship between Uyghurs and Han Chinese in the region?

The main argument of this dissertation is that the PRC's adherence to international human rights norms has nominally improved since the policies of opening up in the late 1970s. However, the actual commitment and political will to fully implement and enforce these norms by the Chinese government and its various governmental agencies is significantly limited. Thus, the right to internal self-determination of the Uyghurs in

the XUAR is substantially constrained. Moreover, I argue that under the current presidency of Xi Jinping, adherence to international human rights norms has been further deteriorating.

1.5. Methodology

This dissertation is multifaceted, and while its first part elaborates on the legalistic argument and historical overview, it does embrace aspects of socio-political science in the second part, a case-study analysis. It utilizes the socio-legal approach, which sees the account of doctrinal legal rules as incomplete unless it is based on empirical data about their usage in practice, ideally through a detailed case study. Robert Baldwin further comments that “the legal form of a rule is only of limited help as an indication of its legal effect or governmental role” (Baldwin 1995, 9). The socio-legal approach contests the implementation of law taken for granted and further examines the law and policy construction in a given time. It significantly contributes to the critical assessment of “discrepancies between ‘the law on the books,’ or formal, written law, and ‘law in action’” (Chiarello 2013, 432). The main task of socio-legal scholarship is to overthrow the so-called normal science of law “by revealing the work of the conventional paradigm in shaping the understanding of law held by both the public and many participants ... by identifying the gaps ... between the legal world as described by the prevailing legal paradigm and the world as described by empirical research, [and] by producing an alternative paradigm for producing legal knowledge” (Simon 1999, 170). For researching the PRC’s legal affairs in particular, this socio-legal approach offers more advantages than the pure doctrinal approach, because even though legal rules may apply in principle, they are often bypassed or selectively enforced in actual practice. The socio-legal approach analyses how the law and legal institutions affect human attitudes and their impact on society (Vibhute and Aynalem 2009, 87). The theoretical

framework considers one specific area of international law: the right to self-determination and its sub-unit internal self-determination, and engages a doctrinal approach combining textual analysis with case-study references to illustrate the ongoing evolution of the right. The doctrinal method can be characterized as “a critical conceptual analysis of all relevant legislation and case law to reveal a state of the law relevant to the matter under investigation” (Hutchinson 2014, 584). In the words of Rob van Gestel and H. W. Micklitz, the doctrinal method’s “arguments are derived from authoritative sources, such as existing rules, principles, precedents, and scholarly publications” (van Gestel and Micklitz 2011, 26). Therefore, the data used for the theoretical framework of this analysis are based on sources of international law defined in the Statute of the International Court of Justice (ICJ) as “(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; (b) international custom, as evidence of a general practice accepted as law; (c) the general principles of law recognized by civilized nations; (d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law” (ICJ Statute, Art. 38/1).

Theoretically, research progresses towards analysing the uncertainty in implementing, interpreting, and applying international laws and relevant human rights instruments through examination of the extent of the practice of the principle of internal self-determination. The primary goal of this dissertation is to go beyond this doctrinal approach. Even though international law is considered superior to a sovereign state’s will, the lack of law enforcement makes such superiority somewhat theoretical. It is necessary to understand the actual law enforcement in the context of national and international politics.

The second part of this dissertation evaluates the normative framework, governmental policies, and their impact on the realization of the right to internal self-determination in the Xinjiang Uyghur Autonomous Region. Apart from the doctrinal approach, focusing on the PRC's legal documents and assessing its responsibilities under the international law system, other aspects influencing the current situation are taken into account. A comprehensive analysis of the historical and political background of the so-called Xinjiang problem is essential to comprehend the current state of affairs and to understand all the variables which can have an impact on the actual law enforcement. For this purpose, the historiographical literature and a content analysis of numerous sources forming the policy towards Xinjiang are incorporated into this part. Analysed documents include official announcements, speeches, governmental white papers, archival materials, and statistical data acquired through both official and unofficial sources. Valuable resources and information were obtained during field research conducted in the PRC in 2015 (one month in Xinjiang) and 2017 (one month in Beijing), but due to the problematic security situation, predominantly by non-participant observation and unstructured interviews with locals (both Uyghurs and Han), conducted predominantly in Chinese.

1.6. Dissertation outline

This study is divided in two main parts. The first part discusses the nature of the right to self-determination in the context of international law and the second part shifts the focus to the Xinjiang Uyghur Autonomous Region.

Chapter 2 contextualizes the right to self-determination within the system of international law. It introduces the development of the right to self-determination from the historical perspective and describes the gradual shift from a colonial to a postcolonial understanding of the right. It traces the roots of the right back to the 18th

century American Declaration of Independence and French Constituent Assembly. But it mostly focuses on the evolution of this concept during the 20th century. It further illustrates the gradual shift from the general principle to the actual right, especially after the 1960s when “colonialism ended”. Since then, the usage of the right went beyond its anti-colonial meaning and began to tackle the question of indigenous people and ethnic minorities. The chapter introduces various concepts and theories about the right and discusses the limits of its exercise, based on the current legal practice and political situation.

Chapter 3 discusses the internal manifestation of the right to self-determination and looks closely at the division of the right into its internal and external aspects. Instead of viewing the right to self-determination as a single right, it illustrates that the internal manifestation could be more attainable and less controversial in its implementation. Most importantly, based on legal research, this chapter defines the core values which constitute the internal aspects of the right to self-determination. These include non-discrimination and freedom in the political, economic, social, and cultural pursuits of the people. The internal aspect of the right, however, cannot be completely detached from the external manifestation. This chapter shows that when injustices against a group of people seriously threaten the group’s survival, external self-determination could serve as a remedy of last resort and as such be justifiable under international law.

The second part of the dissertation focuses on the situation in the XUAR from a legal perspective, as in Chapter 4, and the governmental policies, as in Chapter 5, examining whether the core requirements for the internal self-determination are fulfilled. Chapter 4 focuses on the question of self-determination within the context of PRC law. It introduces the legislative system in China and analyses several Chinese legal documents, including the Constitution, the Law on Regional Ethnic Autonomy,

Religious Affairs Regulations, Regulations of XUAR on Religious Affairs, and Regulations of Xinjiang Uygur Autonomous Region on De-radicalization, and the Counter-Terrorism Law of the PRC. The primary purpose of this chapter is to illustrate whether there are legal guarantees of the right to self-determination and protection mechanisms in the Chinese legal system and whether they are consistently implemented. This chapter confirms the nominal existence of such provisions and legal guarantees; however, it disputes their actual implementation.

Chapter 5 focuses on Chinese government policies towards the Xinjiang region. It discusses Beijing's policies targeting the region and its population. It analyses all officially issued governmental whitepapers directly addressing the XUAR, as well as other relevant sources. This chapter points out the most frequently appearing themes, such as the question of history and legitimacy, the cultural and linguistic situation, religion, ethnic unity and territorial integrity, and human rights, and describes the official version presented by the Chinese government. The official Chinese narrative is challenged by other primary and secondary sources, consisting of research articles, journalistic articles, and other relevant materials. This chapter illustrates the dichotomy between the official Chinese narrative presented to the international audience and the actual situation in the region.

Chapter 6 concludes with a discussion about the realization of the right to self-determination in the region and China in general. It also addresses some of the implications for the relationship between the Uyghurs and the Chinese state in contemporary Xinjiang in this regard.

1.7. Literature review

The right to internal self-determination beyond the traditional scope of the decolonization movement has been receiving more attention in the last few decades by

legal specialists, as well as legal practitioners. However, due to the controversial nature of this right and its potential to contest the territorial integrity of the state, the scholarship tends to focus on legal theory and international human rights law as a whole, with less emphasis on the right to self-determination and even less on the internal scope of the right. Exceptions would be Antonio Cassese's seminal work *Self-Determination of Peoples: A Legal Reappraisal* (1995), Hurst Hannum's *Autonomy, Sovereignty, And Self-Determination: The Accommodation of Conflicting Rights* (1996), and *International Human Rights Law*, edited by Daniel Moeckli, et al. (2010). Ulrike Barten (2015) in her book examines the connection between self-determination and minority rights in the European context.

Joshua Castellino's (2014) chapter in Christian Walter and Antje von Ungern-Sternberg's edited volume dedicated to the question of self-determination and secession in international law addresses the self-determination of indigenous people and minorities. The position of self-determination in the context of international law is extensively examined by Robert McCorquodale (2000), and alternatives to secession, which is a menace to most of the states, are discussed in a volume by Asbjørn Eide (1993). The internal and external aspects of self-determination are discussed in a chapter by James Summers, which is part of the edited volume by Duncan French (2013). By contrast, Jörg Fisch (2015) criticises this divide by suggesting that that one aspect of the right cannot be separated from the other one.

Albert Chen offers important resources for understanding the Chinese legal system (2015). Jianfu Chen (2008) and Pitman B. Potter (2013) illustrate the legal system's development and transformation. The question of the rule of law in China is addressed in volumes by Huaide Ma and Jingbo Wang (2018) and Mary E. Gallagher (2017), who further discusses the concept of authoritarian legality. Kwai Hang Ng and Xin He (2017)

debate judicial decision making in the PRC, while Sarah Biddulph (2015) notes that the Chinese legal system is under the direct influence of the stability imperative, which outweighs any notion of an independent and unbiased judiciary and creates a Chinese version of the rule of law. In their recent edited volume, Sarah Biddulph and Joshua Rosenzweig (2019) offer a comprehensive overview of human rights in China and the relevant legal provisions. Reports and overviews from human rights organizations such as Amnesty International (2019), Human Rights Watch (2005, 2019), Freedom House (2017, 2019), or the Congressional-Executive Commission on China (CECC) provide important sets of reference about the situation in China, as well as official Chinese documents in case of the CECC. Articles on the Radio Free Asia (RFA) and Bitter Winter websites serve as a valuable source of information about the current situation in the region. But similar to the official sources coming from the Chinese government or government-controlled media, we must keep in mind that all these documents might have a political purpose and therefore confront them critically and rather than treating them as the sole authoritative texts.

The empirical materials concerning legal affairs utilised in this dissertation consist of both international and national legal instruments. A content analysis of these normative texts constitutes the core of this dissertation's argument. These sources on international law include UN declarations such as the *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States* from 1970, the *Declaration on the Granting of Independence to Colonial Countries and Peoples* from 1960, the *Declaration on the Rights of Indigenous Peoples* from 2007, and the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* from 1992. International conventions and covenants such as the *CAT*, *CEDAW*, *CRC*, *ICCPR*, *ICESCR*, and *ICERD* are also extensively used.

Moreover, UN GA resolutions, treaties, case laws, judicial decisions and judicial opinions are widely referenced in the text. Among these, the *Reference Re Secession of Québec* from 1998 plays a crucial role as a judicial decision, discussing the relationship between the internal and external aspect of the right to self-determination. Materials concerning the Chinese national law cover NPC laws, State Council regulations, and XUAR People's Congress Standing Committee regulations and their amendments. Among these, the *Constitution of the PRC*, the *Law of the PRC on Regional National Autonomy*, *Religious Affairs Regulations*, *Regulations of XUAR on Religious Affairs*, and *Regulations of XUAR on De-radicalization* are thoroughly analysed in the following chapters. These documents were analysed in Chinese; however if there was an official English translation, I took it into consideration and employed its phraseology.

Other empirical materials concerning the official government policy towards the region draw significantly from the ten officially issued whitepapers about Xinjiang published between 1991 and 2019 by the State Council Information Office (SCIO). They cover a wide range of topics regarding the history of the region, its development, the human rights situation, religious affairs, the fight against terrorism, etc., and offer the official Chinese narrative about the situation in the region and Beijing's attitude towards Xinjiang and its people. For an introduction to the historical background, various archival sources have proven to be useful. The highly problematic accessibility of Chinese archival sources was partially overcome by using Russian/Soviet archives, e.g. the *Russian State Archive of Socio-Political History* and *Archive of the President of the Russian Federation*, made available online by the Wilson Center in Washington, DC. East Turkestan was in the sphere of Russian/Soviet interest a long time before the establishment of the PRC; and besides, the Soviets later played a crucial role in helping Mao to gain control over the region. Therefore, these archival sources proved to contain

relevant information about the situation in the late 1940s. An appreciable amount of data came from my research trip to the region, which I conducted in March 2015. During this trip, I visited the cities of Qumul, Turpan, Kucha, Kashgar, Yerkent, Xoten, Ürümchi, and Ghulja and engaged in informational interviews. These interviews were conducted in Chinese, and my respondents were both Hans and Uyghurs. Together with non-participant observation in the places I visited, data from the interviews helped shape my understanding of the inter-ethnic relationship between these two groups.

Scholarship about Xinjiang has been growing rapidly, with many excellent works appearing since the 1990s. Therefore, this section only mentions a small portion of the cited material of this dissertation. Ethnic minorities in China are broadly discussed by Colin Mackerras (1999, 2003), while James Millward (1994, 2004, 2007), Frederic Starr's edited volume (2004), and Gardner Bovington (2010) analyse political history and developments in the region. Ildikó Bellér-Hann (2008) takes a historical anthropology approach, looking at history "from below" by analysing rich written sources and oral-history data. Dru Gladney (1994, 1995, 1996, 1998), Justin Rudelson (1997), David Brophy (2016), Rian Thum (2012, 2018), and Ondřej Klimeš (2015) explore the emergence of national consciousness among the Uyghurs before the founding of the PRC and the historical complexity of constructing identities. Ildikó Bellér-Hann (2002), Gardner Bovington (2005), Joanne Smith Finley (2007, 2015), Nicholas Becquelin (1997, 2000), and Tom Cliff (2016) look at modern-day Uyghur-Han relations, but also analyse their historical causes and contemporary consequences. Socio-economic disparities and the relationship between the centre and peripheries are discussed by Alessandra Cappelletti (2020). The Xinjiang problem's political challenges to Chinese rule are discussed by Yitzhak Shichor (2005, 2015). Chinese government policies towards the region are widely discussed in the special issue of

Chinese Law & Government, edited by Bill K. P. Chou (2014). Recent policy developments under the Xi administration are introduced by Ondřej Klimeš (2018), and information about the increased securitization, surveillance and existence of re-education camps in the region are provided by Joanne Smith Finley (2019), Adrian Zenz (2018, 2019b) and James Leibold (2020).

The right to internal self-determination in China is not addressed explicitly by current academics; therefore this dissertation aims to fill the gap in this regard. The only exception is a recent book by Linzhu Wang (2019), who argues that legislative and financial autonomy under Regional Ethnic Autonomy are not effectively implemented, but “the cultural rights of the minorities seem to be tolerated and encouraged” (Wang 2019, 6). In the following chapters, I will try to illustrate that Wang’s argument does not stand the test of time. Various partial aspects of the right, such as the question of autonomy, religious rights, and cultural protection are discussed in several publications. Michael Dillon (1997, 2004, 2015) analyses religious policies in China and illustrates the ongoing repression of religious practices, while Rian Thum (2020) talks about the destruction of Uyghur historic and holy sites in Xinjiang. Language policies in the region are addressed by Timothy Grose (2010, 2019), Eric Schluessel (2007), and Zuliyati Simayi’s chapter (2013) in the edited volume by James Leibold and Yangbin Chen. The question of Xinjiang’s so-called autonomy is addressed by Matthew D. Moneyhon (2002, 2004), Gardner Bovingdon (2004a) and Maria Lundberg (2009). Haiting Zhang (2012) discusses legal norms and practices in ethnic minority autonomous regions, and Barry Sautman questions ethnic minority policies (1998, 1999, 2014), suggesting that self-representation instead of self-determination of minorities could mitigate the ethnic problems in China.

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2. The right to self-determination: The evolution and establishment of a right in international law

"Self-determination is not a mere phrase. It is an imperative principle of actions which statesmen will henceforth ignore at their peril."

(W. Wilson, Address to the Congress, February 18, 1918)

2.1. Introduction: The concept of self-determination

Self-determination as a general principle, and later as an actual right, has been one of the most controversial and vigorously discussed topics in modern international law, as well as in (inter-) national politics, particularly because of its potentially disruptive power. Its vague formulation can be easily interpreted in many contradictory ways. The enforcement of the right can, on the one hand, support states and help them protect their sovereignty and territorial integrity; on the other hand, it can cause the complete opposite, forcing states to split and encourage foreign intervention (Summers 2013, 229).

This chapter aims to briefly describe the evolution of self-determination from a concept that appeared in the 18th century American Declaration of Independence and the decree of the French Constituent Assembly of May 1790 to an actual legal right that facilitated the end of colonialism in the late 1960s. Moreover, it goes beyond the understanding of self-determination as a right applicable only to decolonization and focuses on the current legal practice by viewing it as a core and human right, not restricted by the existence of political entities. An understanding of the motives behind the emergence and evolution of the right to self-determination is necessary to fully realize its complexity, but also its ambiguity and potential challenge to the current world order.

Once the right was established within the context of international law in the 20th century, a new wave of uncertainty arose. Is the right restricted only to colonized nations, or

does it also concern other peoples, such as minority groups, within already established states? The continuous shift from a “decolonization only” attitude towards a general application of the right has been a fascinating and still ongoing aspect of modern international law.

The right to self-determination was called and campaigned for by the left and right, Nazis and Bolsheviks, as well as revolutionaries in the Third World, for various reasons and with different objectives in mind (Berman 1988, 59). Legal documents discussed in this chapter will illustrate the arduous process of finding an accepted definition of the right to self-determination, which is not yet complete, as well as its exact scope and relationship with other rights, which has not yet been settled satisfactorily.

2.2. Evolution of the right in international law

Numerous legal scholars view the right to self-determination as an extension of the Grotian principle of *jus resistendi ac secessionis*,²⁹ by which Grotius argued that the people can overthrow colonial oppressors and aspire to freedom (Castellino 2014, 31; Castellino and Doyle 2018, 11; Higgins 1992, 277–9).

The historic roots of the concept of self-determination can be traced back to the American Declaration of Independence and the decree of the French Constituent Assembly of May 1790 referring both to the rights of man and the rights of peoples (Brownlie 1988, 4–5) and asserting the rights of people (non-rulers) against the tyranny of “ancien régime” (Sureta 1973, 17; Ronen 1979, 25). The American Declaration of Independence states that all men are created equal and endowed with certain unalienable rights, such as life, liberty, and the pursuit of happiness. It further proclaims

²⁹ The right to secede as a form of resistance to oppression.

that the government derives its just power from the consent of the governed people and that it is their right to alter or to abolish the government.

The Peace of Westphalia in 1648 brought the emergence of nation states and the roots of modern international relations. Developing nationalism during the late 18th and entire 19th century and the self-determination movements of “national” groups reflected both assimilationist policies and the military and political weakening of central authorities in the Ottoman, Austrian, German, and Russian empires. “National” group demands for greater autonomy and self-government often led to demands for complete independence (Hannum c1996, 27).

Beginning in 20th century, the right to self-determination was, on the one hand, demanded by a group of policy makers, most notably the U.S. president Woodrow Wilson, who called it “an imperative principle of actions which statesmen will henceforth ignore at their peril” (Congressional Record 56 1917–8, 1937). On the other hand, another group was concerned about the possible negative outcomes if the right to self-determination would begin to be enforced generally. J. M. Keynes said that Wilson “had no plan, no scheme, no constructive ideas whatever for clothing the flesh of life the commandments which he had thundered from the White House” (Keynes 1919, 39).

The U.S. Secretary of State Robert Lansing echoed this concern by stating that:

The more I think about the President’s declaration as to the right of ‘self-determination’ the more convinced I am of the danger of putting such ideas into the minds of certain races...[what] effect will it have on the Irish, the Indians, the Egyptians and the nationalists among the Boers? Will it not breed discontent, disorder, and rebellion? Will not the Mohammedans of Syria and Palestine and possibly Morocco and Tripoli rely on it? How can it be harmonized with Zionism, to which the President is practically committed?

The phrase [self-determination] is simply loaded with dynamite. It will raise hopes which can never be realized. It will, I fear, cost thousands of lives. In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempt to put the principle in force. What a calamity that the phrase was ever uttered! What misery it will cause! (Lansing 1921, 97–98)

It is quite obvious that the notion of “self-determination” did not fit well into the mindset and general attitudes of colonial powers at that time. Especially if we keep in mind racial segregation and discriminatory laws in practice in many so-called developed western countries, even in the second half of the twentieth century, it is not surprising that self-determination was not accepted as a general principle “for all” and was therefore omitted from the Covenant of the League of Nations (Brownlie 1988, 4–5). It was largely seen as a political rather than legal tool, challenging the established order and provoking anarchy (Sureta 1973, 25–6). President Wilson’s proposal was not criticized only because of its potential risk for the established states, but also for its lack of clarity regarding the exact meaning of self-determination and the main addressees of the right, “peoples” and “nations”. Almost four decades after the proclamation of self-determination, Ivory Jennings commented that President Wilson “enunciated a doctrine, which was ridiculous, but which was widely accepted as a sensible proposition, the doctrine of self-determination. On the surface it seemed reasonable: let the people decide. It was in fact ridiculous because the people cannot decide until somebody decides who are the people” (Jennings 1956, 56).

Despite the criticisms of Wilson’s liberal idea of government by consent, however, the immediate post-First World War Period was particularly crucial for formulation of the right to self-determination in the legal context, at least nominally (McCorquodale 2000, xiii–xiv). In Europe, it became a leitmotiv for the creation and justification of newly

established nation states. It was promoted as a way to protect the interests of national minorities after the collapse of the Habsburg imperium. To be more precise, the Allies promised provisional recognition to national councils and other representative bodies of smaller nations to stimulate resistance against their “oppressors”, in order to stimulate their claims for self-determination (Sureda 1973, 21; Sinha 1973, 263). However, it is important to note that although the idea of self-determination received particular prominence during this period, the actual post-Versailles map-making of new Europe had little to do with the demands of people, “unless those demands were consistent with the geopolitical and strategic interests of the Great Powers” (Hannum 1996, 28–9). In other words, the success of national revolts was due to the backing of strong military power and not because of the concept of self-determination *per se* (Sinha 1973, 266). Therefore, the original pledges were overturned by the economic and strategic needs of the Allied powers.

The notion of self-determination was not only part of the Euro-American “liberal” discourse. It also received significant attention in the “East”, particularly from Lenin, whose discussions about and support for the principle of national self-determination could be seen as an ideological strategy against colonial oppressor nations, reaching beyond the “purely European context” (Mayer 1967, 298). Importantly, the main driving force for supporting the idea of self-determination was the backing of class struggle within those oppressive states, but not supporting the bourgeois of oppressed nations, who would seek agreements with the bourgeois of the dominant nation (Lenin 1964, 147). In 1916 he wrote:

The right of nations to self-determination implies exclusively the right to independence in the political sense, the right to free political separation from the oppressor nation. Specifically, this demand for political democracy implies complete freedom to agitate

for secession and for a referendum on secession by the seceding nation. This demand, therefore, is not the equivalent of a demand for separation, fragmentation and the formation of small states. It implies only a consistent expression of struggle against all national oppression. (Lenin 1964, 146)

Both the Wilsonian and Leninist idea of self-determination addressed people directly over their governments, offering them the right to self-determination and a vision of changing the world order, but by different means: Lenin by overthrowing bourgeois democracy with class self-determination and Wilson by spreading bourgeois democracy (Ronen 1979, 34).

2.3. Colonial context

During the two decades between the mid-1950s and the 1970s, the UN General Assembly (UN GA) was largely dominated by the doctrines of the socialist block and its views on human rights. It privileged economic and social aspects of the right over the civil and political aspects favoured by the west. It gained momentum after the emergence of the so-called “Third World” countries and their growing influence, particularly after the *Bandung Conference* held in 1955 (Dominíguez-Redondo 2012, 121–2). Six years later, the president of Yugoslavia Josip Broz Tito, the president of Egypt Gamal Abdel Nasser, the first prime minister of India Jawaharlal Nehru, the president of Ghana Kwame Nkrumah, and the president of Indonesia Sukarno, founders of the so-called Non-Aligned Movement, met in Belgrade for the first official summit of the Non-Aligned Movement with representatives of another 22 states. Among others, they decided to work together on the democratization of the UN and use the advantage of their large representation in the UN General Assembly (Prashad 2007, 96). In the Belgrade Declaration, all states agreed that all nations have the right to self-determination and that they can freely determine their political status as well as their

economic, social, and cultural development. It further stated that that people have the right to freely dispose of natural resources and cannot be deprived of their own means of subsistence (Belgrade Declaration 1961, Art 13). During the so-called First Development Decade, numerous declarations referring to the right to self-determination were proclaimed.³⁰

Although during the first half of the 20th century the right was viewed as referencing only the question of decolonization, by looking closely at the United Nation Charter, we can see that this preference was influenced more by political motives rather than legal documents. The UN Charter mentions the self-determination of peoples twice. Article 1 states that one of the purposes of the United Nations is to “[t]o develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace” (UN Charter 1945, Art. 1 para. 2). The second reference can be found in Article 55, which states that “[w]ith a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote...” (UN Charter 1945, Art. 55). With the following Article 56, all parties to the charter pledge their support of Article 55. There is no mention of decolonization in these two articles with connection to the right to self-determination; decolonization itself is dealt with in Article 73 and 76.

³⁰ Among them are the Declaration on the Granting of Independence to Colonial Countries and Peoples, UN GA Resolution 1514 (XV) of 14 December 1960, UN GA Resolution 1803 (XVII) of 14 December 1962 on Permanent Sovereignty over Natural Resources, and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations UN GA 2625 (XXV) of 24 October 1970.

If we further look at the Core International Human Rights Instruments, or the so-called Bill of Human Rights³¹, we can understand more about the changing attitude regarding the right to self-determination. The Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly on 10 December 1948. It encompasses 30 articles, which cover the most fundamental human rights, including both civil and political as well as social and cultural rights. It condemns discrimination (Art. 1-2), slavery and servitude (Art. 4), and torture and inhumane treatment (Art. 5). It also contains the rights to freedom of thought, conscience, and religion (Art. 18), opinion and expression (Art. 19), and association (Art. 20). The social, economic, and cultural rights are represented for example by the right to have a cultural life (Art. 27), the right to rest (Art 24), or the right to work (Art. 23). There is no direct mention of the right to self-determination, compared to the other two covenants. This deliberate omission has to be understood in the historical context of pre-World-War-Two Europe.

The right to self-determination for minority groups was used as justification by Nazi Germany to invade its neighbours in 1938–9. Therefore, it is understandable that attention shifted from collective rights to individual ones, also because the decolonization movement happened mostly after 1948 (Brown 2016, 46). The declaration *per se* is not legally binding, but it should be understood “as a common standard of achievement for all peoples and all nations” (UDHR Preamble). Although lacking legally binding power, the declaration gives important guidance to states, but also a blueprint to following international human rights covenants.

³¹ The Bill of Human Rights includes the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

In the Economic, Social and Cultural Rights Covenant and the Civil and Political Rights Covenant, self-determination is being referred to as “right”. Article 1 in both covenants states that:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

There is quite obvious link between self-determination and economic, social and cultural development in the first two paragraphs, whereas the explicit reference to decolonization is only in the third paragraph. Its wording implies that not only administrators of “Non-Self-Governing and Trust Territories”, but also state parties to the covenant may have obligations by reference to the right of self-determination (Crawford 1988, 58).

Another important document which further elaborates on internationally agreed basic principles of international law is the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations adopted by the UN General Assembly at its 25th session in 1970. It states that the UN GA is “[c]onvinced that the subjection of peoples to alien

subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security, Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,” it further comments that “[e]very State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.” However it also sets a limit to the scope of self-determination by stating that “[n]othing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour” (UN GA Resolution 2625 1970). This part is especially important and will be further elaborated in the chapter dealing with the partition of self-determination into the internal and external aspect. From the wording, it is obvious that the self-determination of a certain group should not lead to the separation of a sovereign state’s territory, in other words severing its territorial integrity. But from another point of view, this declaration mentions that such a state should be representing all of its population, all of the races, etc. But what if the state was not conducting its affairs in such manner? Would that enable the right to self-determination to prevail over the right of a sovereign state to territorial integrity?

More about the content of the right to self-determination can be understood from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the UN GA on 13 September, 2007. Self-determination is mentioned expressly in Articles 3–5. According to Article 3, “[i]ndigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” The other two articles elaborate more on socio-economic as well as political aspects, but in the context of self-government and autonomy, rather than secession. Article 4 says that “[i]ndigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions”; according to Article 5, indigenous peoples have “...the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State” (UNDRIP A/61/295 2007). We can see the right to self-determination as a rule which requires international institutions to determine who is or is not entitled to self-determination, on one hand to prevent dangerous fragmentation of sovereign states and on the other to have practical significance (White 2000, 169).

The notion of self-determination played a crucial role in the decolonization movement as manifested by the Declaration on the Granting of Independence to Colonial Countries and Peoples, which was adopted by the General Assembly as General Assembly Resolution 1514 on December 14, 1960. The main goal of this document was to speed up the unconditional end of colonialism and reaffirm that “[a]ll peoples have the right to self-determination; by virtue of that right they freely determine their

political status and freely pursue their economic, social and cultural development” (Art. 2).

The International Court of Justice played an important role in the decolonization process, which consistently reaffirmed the scope of the right to self-determination, which applies to all people in the so-called non-self-governing territories. In the *Namibia Opinion*,³² the Court stated that “the subsequent development of international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them” (Namibia Opinion 1971, para 52). This understanding was confirmed by the *West Sahara Case*, in which the Judge Hardy Dillard expressed that “[t]he pronouncements of the Court thus indicate, in my view, that a norm of international law has emerged applicable to the decolonisation of those non-self-governing territories which are under the aegis of the United Nations” (Western Sahara Case 1975, 121). It has been argued that this consistent state practice and lack of any denial by states, constituted the right to self-determination to be a *jus cogens* (McCorquodale 2010, 372).³³

However, the right to self-determination was considered by many to have a temporary character; in other words, once self-determination was achieved by a colonized people and the new independent state was established, the right was fulfilled and ceased to exist (UN Doc. A/AC.125/SR.68 1967, 8). This argument was endorsed by so-called “equality theories of self-determination”, which view the right as not being a “universal legal abstraction” but rather as addressing a particular situation on the basis of substantive analysis (Berman 1988, 65).

³² *Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

³³ From Latin, meaning “coercive law”, this is a fundamental rule or principle (peremptory law) in international law that binds all states without any exception.

2.4. Self-determination beyond the colonial context

As mentioned in the previous subchapter, although the right to self-determination was generally utilized as a tool to facilitate the notion of decolonization, and such an understanding received the majority of attention, it could be seen as a strategic and politically motivated selectiveness. McCorquodale comments on this, stating that “since 1960 the right of self-determination has not been expressed in any international or regional instruments solely in the context of colonial territories but as a right of ‘all peoples’” (McCorquodale 2010, 373). The Preamble of the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations states “that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security” and “that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality” (UN GA Res 2625, 1970).

State practice shows that the right has been applied outside the colonial context as well. In the Treaty on the Final Settlement with Respect to Germany signed on September 12, 1990, the UK, USA, France, the USSR and both Germanys recognized “that the German people, freely exercising their right of self-determination, have expressed their will to bring about the unity of Germany as a state so that they will be able to serve the peace of the world as an equal and sovereign partner in a united Europe” (Treaty on the Final Settlement with Respect to Germany 1991). What enforces this notion of self-determination above the decolonization practice in particular is that four of five permanent members of the UN Security Council agreed upon this.

The European Council declaration regarding the formal recognition of new states in Eastern Europe, after the dissolution of the USSR, also referred to this right. It reads that “[t]he Community and its Member States confirm their attachment to the principles of the Helsinki Final Act and the Charter of Paris, in particular the principle of self-determination. They affirm their readiness to recognize, subject to the normal standards of international practice and the political realities in each case, those new States which, following the historic changes in the region, have constituted themselves on a democratic basis, have accepted the appropriate international obligations and have committed themselves in good faith to a peaceful process and to negotiations” (European Community 1992, 1487). The International Court of Justice in its advisory opinion regarding the Occupied Palestinian Territory stressed that by facing new developments in international law, the right to self-determination applies to non-self-governing territories (*Legal Consequence of the Construction of a Wall in Occupied Palestinian Territory* 2004, paras 88 and 118) and that the right of peoples to self-determination constitutes one of the essential principles of contemporary international law as a right *erga omnes*³⁴ (East Timor Case 1995, para 29).

2.5. Concepts of self-determination

Article 1 of the ICCPR and ICESCR distinguishes four concepts of self-determination, namely the political, economic, social, and cultural. Some authors view the issue, with political lenses, as closely related to the political ideologies of nationalism, Marxism, Wilsonian self-determination, decolonization (race), ethno-nationalism or sub-nationalism (Ronen 1979, 26); see Figure 1. Patten differentiates conceptions of self-determination as statist, democratic, and nationalist. The statist concept focuses on the

³⁴ From Latin meaning “towards all,” in international law this refers to obligations towards all states, because the legal fulfilment of such a right is in their legal interest. Breach of such right is considered a wrongful act not only by the victimized state but also the whole community.

self-determination of the state, the democratic on the self-determination of the state's citizens, and the nationalist approach deals with peoples associated with or understood as sociocultural group with its own sense of national identity (Patten 2016, 122–3).

Buchanan's differentiation of secession theories can as well be applied to self-determination. He differentiates Remedial Right Only Theories and Primary Right Theories. Primary Right Theories can be further divided into Ascriptive and Associative Group Theories, but both of them have in common that they are built on the ideal situation, which does not reflect the actual state of affairs. Ascriptive Group Theories suggest that a group with distinctive characteristics has the right to external self-determination even without suffering any injustices. Associative Group Theories do not require the group to have distinctive characteristics, but instead the members of the group need to voluntarily form an independent political unit that would have the right to secede.

Remedial Right Only Theories suggest that the right to external self-determination, for Buchanan meaning the right to secede, is plausible only as a remedy of last resort, when injustices against a group of people are serious, prolonged, and threaten the group's survival (Buchanan 1997, 36–40). From this argument we can deduce that the internal aspect of the right to self-determination is crucial and unless it is gravely breached, the external aspect (secession) is not legally conceivable under the current practice of international law.

Figure 1 Manifestations of self-determination (SD) according to Ronen

Label	Type	Dominant period	Main Geographic location
Nationalism	National SD	1830s to 1880s	Europe
Marxism	Class SD	mid 19 th to early 20 th c.	Europe
Wilsonian SD	Minority SD	1916 to 1920s	Central/Eastern Europe
Decolonization	Racial SD	1945 to 1960s	Africa, Asia
Ethno-nationalism	Ethnic SD	mid-1960s to present	World

Source: Ronen 1979, 26, modified by the author

2.6. Exercising the right and its limitations

The judgement of the *Western Sahara* Case emphasized that “the application of the right of self-determination requires a free and genuine expression of the will of the peoples concerned” (*Western Sahara*, no. 19, para 55). However, this requirement faces numerous problems and even among the so-called advanced democracies, governmental support to negotiate self-determination claims is limited by awarding people certain levels of autonomy, whether it is cultural, economic, political, or some combination of them. The will of the people can be expressed by popular consultations, referenda, or elections (McCorquodale 2010, 378). Nevertheless, this is not often the case with regions to which geostrategic importance is attached. There are many examples illustrating this phenomenon, e.g. the case of Hong Kong where no one asked its inhabitants whether they wanted to remain with the United Kingdom, become independent, or join the PRC. One of the reasons was that the last option did not have any substantial support among Hong Kong residents, but it was the one Margaret Thatcher and Deng Xiaoping decided. Therefore, geopolitics prevailed again over human rights, in particular over the right to self-determination. Although temporary guarantees for self-government and autonomy were given to Hong Kong, it was

motivated more by protecting the viable financial hub's future than a concern about people's livelihoods. As Stefan Oeter points out, the modalities of autonomy need to remain flexible, because "[i]f the federation or autonomy is drastically changed or abolished without the consent of the entity concerned, the question of self-determination is revived," leading to calls for the restoration of the previous state of affairs or, if the oppression is violent and brute, claims for independence (Oeter 2014, 57).

Excepting the absolute rights, all human rights have limitations on their exercise, in order to protect the rights of others; this includes the right to self-determination, which is not considered to be an absolute right. Both the ICCPR and the ICESCR provide that nothing "may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant" (ICESCR and ICCPR, Art 5). The most obvious limit on the right arises from its contradictory nature with the state's right to territorial integrity, which is perceived as one of the guarantees of the international peace and stability and confirmed in the Declaration on Principles of International Law (UN GA Res 2625 1970). In this light, self-determination is perceived as a potential cause of anarchy in international life (Hannum 1996, 29–30). However, provisions of the same declaration could be also read differently, such that the protection of a state's territorial integrity is legally justifiable only if the state enables full internal self-determination to people living within its borders (McCorquodale 2010, 380).

2.7. Conclusion

The first half of the 20th century was a critical period not only for the establishment of the right to self-determination but also for the international legal system in general. The

evolution of the right was gradual, and its roots can be traced to the vague and somewhat idealistic Wilsonian idea that “all people should freely decide about their future.” As the century evolved, the necessity to define self-determination as a universal right became evident.

After the collapse of the Austro-Hungarian, Russian, and Ottoman Empires during the first two decades of the 20th century, followed by the various nationalist movements, and especially with the speedy process of decolonization after the end of World War Two, the right to self-determination was significantly remodelled. Its codification in a number of international covenants and by state legal practices set universal rules for the process of decolonization and justified notions of establishing new sovereign states. However, widespread application of the right to self-determination to colonial issues did not hinder the gradually emerging discussion about its scope reaching beyond actual decolonization.

During the second half of the 20th century, the right to self-determination began to be perceived in a much broader sense, not exclusively relating to oppressed people living under colonial dominance, but as a normative principle built on the autonomy and equality of all human beings (Valadez 2001, 150). Nowadays, the prevailing understanding of the right is based on the premise that when a particular group holds power within a state and uses it to dominate other groups in the area by oppressive and exploitative means and undermines the dignity of oppressed groups, such disadvantaged groups may seek the right to self-determination. Any form of subjugation, domination, or exploitation is against the peoples’ right to self-determination in both colonial and non-colonial territories. Selective application of the right only on colonial territories and not the others would go against the basic concept of human rights (McCorquodale 2010, 374).

In his dissenting opinion to the *Genocide Case*, judge ad hoc Milenko Kreca stated that “[although] the right to external self-determination has been linked to non-self-governing territories it cannot be interpreted as a limitation of the scope of the right to self-determination *ratione personae*,³⁵ but as an application of universal law *ad casum*”³⁶ (Application of the Convention on the Prevention and Punishment of the Crime of Genocide 1996, 740). This understanding supports the thesis that people living in colonies are one, but not the only category of people with the right to self-determination (Raič 2002, 225). Hence, all peoples, regardless of the politically or geographically defined unit they are part of, have the right to self-determination, which is “[a] multifaceted notion that involves constraints on institutional orders as well as recognition of various individual, though sometimes collectively mediated, rights” (Valadez 2001, 150).

Although the gradual evolution of the right to self-determination towards its universal applicability can be seen as a positive development in international human rights law, many aspects continue to convolute its clarity and enforceability. The general vagueness of its formulation and its solely ad hoc application hinder the full-fledged incorporation of the right into international human rights law. In Cassese’s words, “self-determination is attractive so long as it has not been attained ... [and] attractive so long as it is applied to others” (Cassese 1995, 5).

The following chapter discusses the further evolution of the right and its partition into its internal and external form. This differentiation enables, at least in theory, greater applicability of the law in various geopolitical contexts, without inflicting the fear of territorial disintegration.

³⁵ Because of the nature or position of the relevant person

³⁶ Relating to the case or cause of action

3. Internal self-determination

3.1. Introduction

As I briefly mentioned in the introduction, the differentiation of the right to self-determination into its external and internal manifestation is considerably a new strategy, although some of the documents analysed in this chapter will prove that this distinction has been present, at least in theoretical discussions, for decades. Because of the ambiguity of the right to self-determination and the possibility of contradictory interpretations, it may be more plausible to divide it into “more manageable pieces which can be more readily defined” (Summers 2013, 229). This chapter analyses the evolution of the internal manifestation of the right to self-determination by looking at the development of the jurisprudence in the 20th century. It discusses the differentiation between the internal and external aspects of the right and destigmatises the right to self-determination as solely inflicting secession and separatism.

The external aspect of the right to self-determination implies the creation of a new political entity and the state-forming process. Nevertheless, external self-determination is often equated to secession, which is a misleading oversimplification of the fact that numerous territories exercised their right to self-determination by other means and not only the violent struggle for independence. Many examples can be found among former colonies merging and creating new states, e.g., Cameroon³⁷ or Somalia,³⁸ or by free association with the United States in the case of Palau and the Marshall Islands. These different expressions of external self-determination were not solely connected to colonies and the post-colonial order but can also be observed among sovereign states

³⁷ On October 1, 1961, the British Cameroon joined the French Cameroon which had gained independence in the previous year.

³⁸ On July 1, 1960, the British Somaliland Protectorate and the Italian Trust Territory of Somaliland united and formed the Somali Republic. The French Somaliland (Djibouti) decided in a referendum to keep its association with France instead of joining the newly established Republic.

in non-colonial situations, e.g., the unification of the two Yemens in 1990 or the free association of the Autonomous Region Bougainville with Papua New Guinea (McCorquodale 2010, 375).

The internal aspect of the right to self-determination implies that the question of self-determination is dealt with in a given territory and thus avoids the state-forming process and the creation of new political entities. The issue of what the internal aspect of the right includes has evolved during the 20th century, similarly to the right to self-determination itself. The notion of internal self-determination was, at the beginning, a tactical approach. It could, on the one hand, protect fundamental human rights without touching upon terms such as secession and separatism, traditionally not recognized by the international community, or in Cassese's words the "small circle of 'civilized nations' which constituted the international legal order" (Cassese 1995, 5), for breaching the primal value of territorial integrity and peaceful coexistence among states (Oeter 2014, 50).

Nevertheless, this chapter later elaborates on the fact that the absolute detachment of the internal and external manifestations of the right to self-determination is not possible; on the contrary, legal practice shows their interdependence in various aspects. Apart from an analysis of the development of the right, a crucial part of this chapter is to identify a universally acceptable definition of the right to internal self-determination based on the current legal practice and developments of legal norms. Identified core values of the right will be used as a blueprint for the analysis of the situation in China and the XUAR in particular.

3.2. Evolution of the right

Correspondingly with the right to self-determination, the internal and external differentiation was not established because of the need to protect people's human rights,

but for political and geostrategic reasons. Although not explicitly formulated with the terms internal and external self-determination, we can already see the formation in the political and legal arena in the early 1920s. In the Åland islands question report from July 12, 1920, the International Committee of Jurists stated, “the principle of self-determination of peoples may be called into play. New aspirations of certain sections of a nation, which are sometimes based on old traditions or on a common language and civilisation, may come to the surface and produce effects which must be taken into account in the interests of the internal and external peace of nations” (Report of the International Commission of Jurists 1920, 6). The report submitted by the commission of rapporteurs to the Council of the League Nations reads:

The idea of justice and liberty, embodied in the formula of self-determination, must be applied in a reasonable manner to the relations between States and the minorities they include. It is just that the ethnical character and the ancient traditions of these minorities should be respected as much as possible, and that they should be specially authorised to practise freely their religion and to cultivate their language. This postulate marks one of the most noble advances of modern civilisation and, it is clear that there can be no lasting peace apart from justice, constitutes one the most powerful means of strengthening peace and combating hatred and dissensions both within the State and in international relations.

(The Aaland Island Question Report B7 [C] 21/68/106 1921, 28)

The South Tyrol/Alto Adige Case dealt with a similar situation and addressed the issue of self-determination, although not explicitly, from the perspective of the internal and external division. After the collapse of the Austrian empire, according to the Treaty of Saint-Germain, the German-speaking area of South Tyrol was given to Italy without any plebiscite among the inhabitants. Although at the beginning the minority population could keep their traditions and language, with the onset of fascism in Italy, Italianization began to reach the area and the government abolished protective measures regarding

linguistic minorities, such as elementary and secondary teaching in the mother tongue. The situation improved after the end of the Second World War, when Italy and Austria entered into the so-called De Gasperi-Gruber Agreement on September 5, 1946. According to its provisions, the German-speaking population was entitled to complete equality of rights in order to safeguard the “ethnic character and the cultural and economic development”, which among others included the return of German family names which were Italianized (Art. 1) and also the right to the “exercise of autonomous legislative and executive regional powers” (Art. 2) (Petersen, Slany, and Gleason 1970, 810–11). From the merits of this agreement, we can deduce that the fulfilment of what we now understand as internal self-determination would be sufficient to avoid challenges regarding the territorial integrity of existing states for the sake of the rights of ethnic or linguistic groups to determine their international status (Cassese 1995, 104–5).

The first direct usage of this division is attributed to the post-war situation in Indonesia. Identification of the internal and external aspect of the right was a part of the Dutch strategy to divide the Indonesian political scene to maintain its influence on the islands (Summers 2013, 245). A report to the Security Council mentions that the Provisional Constitution of the United States of Indonesia made the only provision with respect to the “internal right of self-determination, that is, the right of populations to determine, by democratic procedure, the status which their respective territories shall occupy within the federal structure of the Republic of the United States of Indonesia.” According to the same paragraph, there is no provision regarding external self-determination, which constitutes “the right of the populations to disassociate their respective territories from the Republic of the United States of Indonesia” (Special Report to the Security Council on the Round Table Conference S/1417 1949, para 52).

Both internal and external aspects of the right should be understood in light of the Dutch strategy to retain its influence as much as possible. The Dutch preferred the federation of states with a loose union with the Netherlands, but their insistence on the existence of external self-determination suggested that a state from the federation could eventually separate and associate with the Netherlands. In the joint draft resolution of January 21, 1952, the Syrian representative stated that the right to self-determination should be considered from a domestic and international point of view. The domestic aspect meant that people could choose the form of government, whereas the international lead to independence (UN GA A/C.3/SR.397 1952, para 5).

In most cases, however, proponents of the internal and external differentiation of the right were from colonial powers, the Netherlands serving as one of the prominent leaders in this endeavour (Summers 2013, 245). In the recommendations concerning international respect for the self-determination of peoples from November 18, 1952, the representative of the Netherlands stated that “the principle of internal self-determination, or self-determination on the national level, should be distinguished from that of external self-determination, or self-determination on the international level. The former was the right of a nation, already constituted as a State, to choose its form of government and to determine the policy it meant to pursue. The latter was the right of a group which considered itself a nation to form a State of its own” (UNGA A/C.3/SR.447 1952, para. 4).

Colonial powers tried to divide self-determination as a manoeuvre to “undermine the notion of alien domination as synonymous with colonialism” (Summers 2013, 246) and argued that the denial of this right was not exclusive to colonial situations but “ignored by the most fervent adherents of external self-determination” (UNGA A/C.3/SR.642 1955, para 25). Another colonial power, Belgium, argued that non-self-governing

territories could effectively exist within a state which would still “assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government” (UNGA A/C.4/SR.419 1954, para. 20).

The OSCE declaration confirmed that self-determination could be exercised by external and internal methods. It stated that “[b]y virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development” (Helsinki Final Act 1975, Principle VIII).

The contours of the right to internal self-determination started to get more evident by the end of the 20th century. However, many legal scholars continued to understand the internal aspect of the right as the right to be independent of foreign domination, but without implications that minorities or “non-colonial people” within an existing state had also acquired the right to independence or self-determination under international law (Hannum 1995, 48–9).

3.3. Content of the right

As I mentioned above, the exact definitions, content, and scope of numerous international human rights tend to be in many ways obscure, vague, or ambiguous, including the right to self-determination. There are obvious political reasons behind it. However, the strategy of differentiating the internal and external aspects of the right can mitigate such confusion. The internal aspect of the right could, in most cases, avoid discussions regarding sovereignty, territorial integrity, and independence and help to escape the vicious circle of secessionist claims by providing a more productive alternative to diplomatic mediators (Oeter 2014, 56). A standard choice to resolve

disputes concerning the determination outside the colonial context is territorial autonomy and self-governance within an existing state (Weller 2008, 78).

Cassese views internal self-determination as the right to freely choose the political and economic regime as a way of authentic self-government (Cassese 1995, 101). Oeter further delineates the addressees of the right as “majority populations of certain historical entities with ethnic, linguistic, cultural, and/or linguistic characteristics different from those of the ‘state nation’ ... [who shall] enjoy a high degree of self-government without involvement in counterproductive quarrels over statehood, territory, boundaries, and citizenship” (Oeter 2014, 56).

Some of the positive approaches addressing this issue were suggested in Geneva during the Commission on Security and Cooperation in Europe (CSCE) meeting of experts on national minorities from 1 to 19 July, 1991 which include:

- advisory and decision-making bodies in which minorities are represented, in particular with regard to education, culture and religion;
- elected bodies and assemblies of national minority affairs;
- local and autonomous administration, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies chosen through free and periodic elections;
- self-administration by a national minority of aspects concerning its identity in situations where autonomy on a territorial basis does not apply;
- decentralized or local forms of government;
- for persons belonging to national minorities, provision of adequate types and levels of education in their mother tongue with due regard to the number, geographic settlement patterns and cultural traditions of national minorities;

- funding the teaching of minority languages to the general public, as well as the inclusion of minority languages in teacher-training institutions, in particular in regions inhabited by persons belonging to national minorities;
- provision of financial and technical assistance to persons belonging to national minorities who so wish to exercise their right to establish and maintain their own educational, cultural and religious institutions, organizations and associations;
- governmental assistance for addressing local difficulties relating to discriminatory practices (e.g. a citizen's relations service);
- encouragement of grassroots community relations efforts between minority communities, between majority and minority communities, and between neighbouring communities sharing borders, aimed at helping to prevent local tensions from arising and address conflicts peacefully should they arise; and
- encouragement of the establishment of permanent mixed commissions, either inter-State or regional, to facilitate continuing dialogue between the border regions concerned (excerpted from the CSCE Meeting Report 1991).

Although these points can serve as a blueprint for addressing the situation in the PRC in the following two chapters, it is necessary to note that they are predominantly applicable to democracies, in particular the so-called consociational democracies built on the principle of sharing executive power and self-administration for each group (Eide 1993, 165), which PRC is not, even if it claims otherwise. Another reference to the content of internal self-determination can be understood from the Belfast Agreement of 1998, which significantly calmed the situation in Northern Ireland. Christine Bell and Kathleen Cavanaugh identified several points in it, such as protection for civil, political, social, economic, and cultural rights, an assembly with power-

sharing and mutual vetoes, and cross-border linkages for “minorities with kin groups in neighbouring states” (Bell and Cavanaugh 1999, 1354).

A Canadian Supreme Court judgment about the justifiability of the potential secession of Québec from the rest of Canada under international law gave a landmark as well as normatively powerful statement regarding the scope of the right to internal self-determination. It further elaborated on its linkage to the external aspect of the right, which will also be developed in the following section of this chapter.³⁹ The Court was asked to consider whether a right to unilateral secession exists under international law.

In its statement, the Court concluded that

...a right to secession only arises under the principle of self-determination of people at international law where “a people” is governed as part of a colonial empire; where “a people” is subject to alien subjugation, domination or exploitation; and possibly where “a people” is denied any meaningful exercise of its right to self-determination within the state of which it forms a part. In other circumstances, peoples are expected to achieve self-determination within the framework of their existing state. (*Reference Re Secession of Québec* 1998, Question 2)

About the situation in Québec and in particular regarding the rights of Quebecers to pursue their own political and economic goals and protect their distinct culture, it concluded that

[t]he population of Quebec cannot plausibly be said to be denied access to government. Quebecers occupy prominent positions within the government of Canada. Residents of the province freely make political choices and pursue economic, social and cultural development within Quebec, across Canada, and throughout the world. The population of Quebec is equitably represented in legislative, executive and judicial institutions. In short, to reflect the phraseology of the international documents that address the right to self-determination of peoples, Canada is a “sovereign and independent state conducting itself in compliance with the principle of equal rights and self-determination of peoples

³⁹ Landmark judgment of the Supreme Court of Canada regarding the legality of unilateral secession under the Canadian and international law from August 20 1998.

and thus possessed of a government representing the whole people belonging to the territory without distinction”. (*Reference Re Secession of Québec* 1998, para 136)

From this judgment, we can extract the core values which constitute the internal aspects of the right to self-determination, such as non-discrimination and freedom in the political, economic, social, and cultural pursuits of the people. The Court is indicating that secession as an exercise of the right to self-determination cannot serve as a legitimate first step under international law, and even if the majority of Quebecers favoured secession, it would not be legally plausible without negotiations with the other parts of Canada. However, in the judgment, the Court considers the “colonial people” not only as potential addressees of the right, but also as people who cannot achieve “a meaningful existence” within the given state. Therefore, if the circumstances, such as a state’s denial of the right to internal self-determination are severe, the call for the external right to self-determination can be seen as a right of the last resort, or a Remedial Only Right in Buchanan’s words (Buchanan 1997, 34–35) not explicitly banned under international law (McCorquodale 2010, 377).

In the concurring opinion in the *Loizidou v Turkey* Case,⁴⁰ judges Luzius Wildhaber and Rolv Ryssdal commented that in the recent years “a consensus has seemed to emerge that peoples may also exercise a right to self-determination if their human rights are consistently and flagrantly violated or if they are without representation at all or are massively under-represented in an undemocratic and discriminatory way. If this description is correct, then the right to self-determination is a tool which may be used

⁴⁰ This was a legal case between Cyprus and Turkey regarding properties left behind by Cypriot refugees in the parts of Cyprus occupied by the Turkish army. Cypriot national Loizidou filed the application against Turkey on July 22, 1989. The final judgement by the ECHR was made on December 18, 1996, ruling out Turkey as being responsible for human rights violations and thus obliged to compensate the claimant.

to re-establish international standards of human rights and democracy” (*Loizidou v Turkey* 1997, 24).

3.4. Conclusion

This chapter illustrates the fact that the “feared” secession is only one expression of the right to self-determination and that there are numerous other options to exercise the right without disturbing the given order. The right to internal self-determination is chosen as an example and the main “theme” of the text, because it offers a viable solution to problems faced by multi-ethnic states around the world.

The right to internal self-determination is not just a partial or half-hearted concession to the criticisms of human rights abuses in multicultural societies. On the contrary, it depicts it as a substantial right with direct impact on the people concerned. To avoid reductionist tendencies, which select one aspect of the right as the core concept and overlook the others as less important, it is necessary to view the whole idea of the right as a complex set of mutually reinforcing components including economic, cultural, social rights as well as civil and political rights (Valadez 2001, 150).

To fully realize the right to internal self-determination, the state has to take positive action. It is necessary that anti-discrimination laws concerning education, employment political participation are fully enforced, and various disadvantages which could arise from previous injustices need to be actively mitigated by subsidies and affirmative policies (Buchanan 2006, 143). The external aspect of the right to self-determination is concerned with the people’s relations to another state, but the internal dimension deals with the relationship between people and the country they live in (Cassese 1995, 101).

Internal self-determination, cleared from the nationalist rhetoric, could ensure the people of a state “govern[ing] themselves in a democratic manner” (Hannum 1995,

504). However, this is the ideal situation, which regrettably in the majority of cases does not depict the reality of self-determination struggles around the world. States that attempt to address this issue responsibly often face the outcomes of the past hundreds of years of oppression, discrimination, and racism, hand in hand with nationalistic and populist rhetoric. These “sins of the past” make the whole quest for self-determination more arduous and protracted, and often result in unsatisfactory outcomes. Discontent with governmental policies, perceived injustice, or lack of interest are often the triggers for independence demands and secessionist violence. However, in most instances, it brings the opposite outcomes, such as harsh countermeasures from the government, intensified surveillance, and curbing or even jettisoning of existing preferential policies. This vicious circle is hard to break, and any attempts face the inherent fear that someone, be it an ethnic, religious, or linguistic minority, is continually trying to tear the state’s territory apart and endanger the existence of the country.

This chapter discusses the connection between the internal and external aspects of self-determination in situations when the minority might not have any other option than to strive for external self-determination as the last resort. It is clear that the right to secession as a legal mechanism is legally defensible. In particular, in cases when a state intentionally obstructs the realization of the right to internal self-determination, disintegrates “existing arrangements of autonomy, and takes recourse to brutal forms of violent oppression, ending in gross and consistent patterns of crimes against humanity, forms of ‘ethnic cleansing’, and perhaps even genocide” (Oeter 2014, 57).

Nevertheless, some governments took a different path in dealing with their people’s right to self-determination, be it forceful assimilation, denial of minority rights, denial of the existence of substantial minority group, or even ethnic genocide. The Chinese government is a clear example. The following chapter analyses Chinese government’s

normative documents and points out changes in their narratives concerning minority issues in China, with particular focus on the Uyghurs in the XUAR.

4. Self-determination in the context of PRC law

4.1. Introduction

The main intention of this chapter is to discuss the legal situation in the PRC by looking at the principal legal documents concerning the right to self-determination. As the focus of my research centres around the XUAR, except for the generally applicable PRC Constitution,⁴¹ Regional National Autonomy Law (RNAL),⁴² Religious Affairs Regulations (RAR),⁴³ the Counter-Terrorism Law,⁴⁴ Regulations on De-radicalization of the XUAR,⁴⁵ and Regulations of XUAR on Religious Affairs (RXR)⁴⁶ will be discussed substantially in this chapter. Although the PRC's political elite is aware of the necessity of the rule of law (Li 2016, 392), and the rule by law has been reiterated by Xi Jinping at numerous occasions,⁴⁷ any actual reform of the system that would lead to it is unforeseeable. For that reason, the existing discrepancy between the law and reality will be discussed as well. Law in the PRC is a policy instrument of the CPC and as such it is constantly interpreted and intervened in by the party-state apparatus (Potter 2013, 2).

Following the discussion in the previous chapter about the content of the right to internal self-determination, the crucial task of this chapter is to analyse the Chinese legislation regarding whether it provides legal guarantees for the right. To paraphrase the Supreme Court of Canada decision in the *Reference Re Secession of Québec* from 1998, can the *Uyghurs* freely make their political choices and pursue economic, social,

⁴¹ *Zhonghua renmin gongheguo xianfa* 中华人民共和国宪法

⁴² *Minzu quyue zizhi fa* 民族区域自治法

⁴³ *Zongjiao shiwu tiaoli* 宗教事务条例

⁴⁴ *Fan kongbuzhuyi fa* 反恐怖主义法

⁴⁵ *Xinjiang Weiwuer zizhiqu jiduanhua tiaoli* 新疆维吾尔自治区去极端化条例

⁴⁶ *Xinjiang Weiwuer zizhiqu zongjiao shiwu (guanli) tiaoli* 新疆维吾尔自治区宗教事务(管理)条例

⁴⁷ E.g. in the 2014 Fourth Plenum of the 18th Central Committee Decision on several major issues concerning the comprehensive promotion of the rule of law (Yang and Yan 2014).

and cultural development within the XUAR, across the PRC, and throughout the world? Is the population of Xinjiang equitably represented in legislative, executive and judicial institutions? Does China as a sovereign and independent state conduct itself in compliance with the principle of equal rights and self-determination of peoples and thus possesses a government representing the whole people belonging to the territory without distinction?

4.2. Legislative processes

Legislative processes in modern states are arduous and lengthy and require a considerable amount of political will. They differ slightly in method from country to country, but usually follow a similar pattern of agenda setting, writing and drafting, approving (by parliamentary committees, parliament, and the president), and implementing. The legislative discussion and decision-making process generally poses the biggest hindrance to the successful approval of a given law, since it is mostly dependent on the support of various political factions and is therefore prone to political wheeling and dealing. In theory, this should not apply to the legislative process in the PRC, which is an authoritarian party-state with power concentrated in the hands of the Communist Party. However, ambiguities within the law-making system, the size of the forums through which legislation has to pass, and the possibility of intra-Party factionalism all mean that the process is not as smooth as one would expect.

The legislative process in China is a multi-site and multi-stage process that requires a significant amount of time (Tanner 1995, 39). Its stages include: 1) agenda setting; 2) writing and drafting; 3) inter-agency review; 4) top leadership approval; 5) National People's Congress (NPC) review, debate, and passage; and 6) implementation (Ibid.,

45).⁴⁸ The whole process “is populated by self-interested actors with uneasy power relationships who engage in institutional turf wars at virtually every stage of the law-making process” (Paler 2005, 301). According to the Chinese Constitution, the NPC and its Standing Committee (NPCSC) is the supreme legislative body, but the State Council, People’s congresses at the provincial level and in autonomous regions, Special Economic Zones (SEZ), and Special Administrative Regions (SAR) also hold legislative power. Laura Paler primarily attributes this confusing situation to the division of authority among the NPC, State Council, and sub-national people’s congresses (Ibid.).

Figure 2 Legislative bodies and their powers

Legislative body	Legislative powers
NPC	enact and amend the Constitution; enact laws; supervise national legislative operations; exercise its power in other legislative efforts.
NPC SC	enact and amend laws; interpret the Constitution, interpret laws by NPC and NPCSC; nullify any out-of-place administrative acts, local rules, as well as provincial autonomous rules and specific regulations.
State Council	implement and amend administrative rules and regulations; draft administrative rules and regulations; submit drafts for laws to the NPC and its Standing Committee; make provisions through authorization; change or cancel any unsuitable decisions and orders made by its subsidiary departments and local governmental administrative organs at different levels.
Provincial NPC and SC	make and amend local rules and regulations in accordance with the Constitution and other national laws and regulations
Legislation in Ethnic Autonomous Areas	make and amend local rules and regulations in accordance with the Constitution (with plausible exceptions), reported to and approved by NPCSC; legislation only applies within the ethnic autonomous area.
Legislation in SEZ	make laws or regulations for implementation in the SEZ; legislation in these zones must conform to the Constitution, laws, administrative rules and regulations.
Legislation in SAR	The Legislative Council has the power to make, amend, and abrogate laws.

Source: CIIC, “The Legislative System of China”, Constitution of the PRC, and Xue, “China’s legislative system...,” p. 325.

⁴⁸ Tanner identifies only five stages, but here I follow the US-China Business Council in adding a “writing and drafting” stage, see “The PRC Legislative Process,” 2009.

There are numerous types of regulations by the State Council including rules,⁴⁹ provisions,⁵⁰ measures,⁵¹ regulations,⁵² orders,⁵³ decrees,⁵⁴ instructions,⁵⁵ resolutions,⁵⁶ decisions,⁵⁷ notices,⁵⁸ and announcements⁵⁹ (Luo 1996, 405). Particularly confusing is the legal hierarchy between the national and local level. Although none of the laws or regulations can contravene the Constitution and state law, there are some exceptions in the case of autonomous regions, where they “may not be completely in line” (CIIC 2003). This is explained by the specific character of these regions and the protection of their autonomy. However, as will be shown later in this chapter, it can also serve as an artful excuse not to adhere to certain rights otherwise guaranteed by the Constitution, e.g. religious freedoms.

For the purpose of this chapter, national laws⁶⁰ adopted by the NPC as well as laws adopted by the State Council and by the sub-national people’s congresses are analysed. This hierarchical difference is the reason why legal documents from the latter two institutions are called regulations *tiaoli* in Chinese legal terminology. They are part of the administrative regulations and rules⁶¹ of the State Council, and the local regulations⁶² of the provincial people’s congress. Although State Council regulations are third in the legal hierarchy after the Constitution and NPC laws, some scholars

⁴⁹ *Guize* 规则

⁵⁰ *Guiding* 规定

⁵¹ *Banfa* 办法

⁵² *Tiaoli* 条例

⁵³ *Mingling* 命令

⁵⁴ *Faling* 法令

⁵⁵ *Zhishi* 指示

⁵⁶ *Jueyi* 决议

⁵⁷ *Jueding* 决定

⁵⁸ *Tongzhi* 通知

⁵⁹ *Gonggao* 公告

⁶⁰ *Falü* 法律

⁶¹ *Xingzheng fagui* 行政法规

⁶² *Difangxing fagui* 地方性法规

regard the State Council as the “*de facto* most powerful law-making institution in China” because of its extensive legislative powers (Chen 2008, 183). The vertical hierarchy does not necessarily mean that decisions made at lower levels are in conformity with higher ones. The Legislation Law,⁶³ adopted by the NPC in 2000 and amended in 2015 aimed to solve this discrepancy, but with unsatisfactory results (Paler 2005, 318).

4.3. The Constitution

In theory, the Constitution is the supreme law in the PRC. But this and the following chapter will illustrate that in practice, legal provisions contained in the Constitution lack the necessary enforceability. The current version was adopted by the Fifth National People’s Congress in 1982, but amended numerous times in 1988, 1993, 1999, 2004, and 2018. The latest amendment consists of four chapters and 143 articles.

It is necessary to look back at the period of struggles between the Communists and the Kuomintang to fully understand the evolution of the Constitution and the policies regarding self-determination in the PRC. During this period, numerous ideas of governance crystallized among communist leaders and many of them came into practice after the establishment of the new republic in 1949. However, many were later modified or even reversed for obvious reasons. After the victory of the Communists over the Kuomintang, it was not necessary anymore to lure people into supporting the communists by “promising them the moon.” On the contrary, after the establishment of the PRC, it was essential to ensure the existence of the regime by rebuking any previous promises that could endanger the unity of the newly established country, including

⁶³ The Legislation Law of the PRC was adopted at the Third Session of the Ninth National People's Congress on March 15, 2000. It was amended by the decision at the Third Session of the Twelfth National People's Congress on March 15, 2015.

thoughts of “too much” self-determination for numerous ethnic and religious groups, or the question of secession.

This change in attitude is quite obvious when looking at the “communist” constitution before and after the establishment of the PRC. In 1931, in the so-called Jiangxi Soviet, the constitution was proclaimed and its Article 14 reads:

The Soviet government of China recognizes the right of self-determination of the national minorities in China, their right to complete separation from China, and to the formation of an independent state for each national minority. All Mongolians, Tibetans, Miao, Yao, Koreans, and others living on the territory of China shall enjoy the full right to self-determination, i.e. they may either join the Union of Chinese Soviets or secede from it and form their own state as they may prefer. The Soviet régime of China will do its utmost to assist the national minorities in liberating themselves from the yoke of imperialists, the KMT militarists, *t'u-ssu* [tribal headmen], the princes, lamas, and others, and in achieving complete freedom and autonomy. The Soviet régime must encourage the development of the national cultures and of the respective national languages of these peoples. (Art. 14)

The following Constitutions of the PRC, however, changed the wording significantly. Article 4 of the 1954, 1975, 1978, and 1982 Constitutions states that the PRC is a unitary multi-national state and that in the areas where minorities live in compact communities, regional autonomy is applied; however, all autonomous areas are inalienable parts of the country (Art. 4, 1954). After the communist victory, Zhou Enlai reiterated that every nationality has a right to self-determination, but because of the imperialists trying to split Tibet, Taiwan, and Xinjiang from China, the People’s Republic of China is not a federation (Jacobs 2016, 171). Those who opposed this establishment either fled or were imprisoned or executed (Ibid., 172). This policy shift,

compared with pre-PRC rhetoric, is considerably pragmatic and not necessarily contradictory with the idea of self-determination in its internal expression.

The PRC's Constitution Preamble states that "[t]he People's Republic of China is a unitary multi-national State created jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and to combat local national chauvinism. The State will do its utmost to promote the common prosperity of all the nationalities."

If we continue reading Article 4 of the Constitution, we find out that "discrimination against and oppression of any nationality are prohibited" and that the "[s]tate assists areas inhabited by minority nationalities in accelerating their economic and cultural development." Moreover, Article 4 further adds that "all nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs."

Basic human rights attributed to the right to internal self-determination are guaranteed by the PRC Constitution, which is the supreme law of the country and can be contravened by "no law or administrative or local rules and regulations (Art. 5/3)." According to the Constitution, all citizens of the PRC are equal before the law (Art. 33). Xi Jinping himself declared the authority of the PRC Constitution on numerous occasions; in 2012 he stated that the "CPC should govern and behave in accordance with the PRC Constitution" (Li 2016, 393; Wang 2014) and that the authority of Constitution is dependent on its actual implementation (Chen 2012). However, this is again a double-edged sword for the CPC. On one hand, the existence of a politically independent constitutional body could legitimize the regime, but on the other hand,

anything beyond the reach of the Party is seen as highly suspicious and potentially disruptive (Lewis 2015, 134).

4.3.1. Religion

Religion is vaguely discussed in Article 36 of the Constitution. Compared with the 1979 Constitution, it lacks any call for promoting atheism and therefore suggests the liberalization of religious freedoms in China in early 1980s (MacInnis 1989, 7). According to it, citizens of the PRC enjoy freedom of belief (Art. 36/1) and cannot be discriminated against based on religion (Art. 36/2). The same paragraph also states that “[n]o state organ, public organization, or individual may compel citizens to believe in, or not to believe in, any religion.” The third paragraph adds that “[t]he state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state,” the fifth that “religious bodies and religious affairs are not subject to any foreign domination.”

4.3.2. Regional Autonomy

Instead of declared rights to self-determination in the 1931 Constitution, the PRC Constitution contains provisions about regional autonomy for the areas with a significant proportion of non-Han population. However, these provisions follow a similar structure as other legal human rights guarantees. The right awarded in one paragraph is usually constrained or completely contradicted in the following section. In Article 4, we can read that “Regional autonomy is practised in areas where people of minority ethnic groups live in compact communities; in these areas organs of self-government are established to exercise the power of autonomy. All ethnic autonomous areas are integral parts of the People’s Republic of China.” However, Article 115 clearly explains what is meant by “autonomy”. It states that “[t]he organs of self-

government of autonomous regions, prefectures and counties exercise the functions and powers of local organs of state ... [but] [a]t the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional Ethnic Autonomy and other laws and implement the laws and policies of the state in the light of the existing local situation.”

4.4. Regional National Autonomy Law (RNAL)

The Regional Ethnic Autonomy System is one of the most important aspects of the PRC's central-local relations (Zhang 2012, 249) and a “basic political system of the State” (RNAL, Preface). Although the existing Regional National Autonomy Law offers a more elaborate legal basis than the Constitution, its actual enforcement is problematic. The main reason for this is the non-existent legal consequences of its violation by a state organ and no legal remedies. According to Bovington “a basic law like this is constitutional by nature and as such, like PRC constitution itself, it is not actionable” (Bovington 2005, 51). Therefore, instead of being masters of their land, the population faces various restrictions and limitations. These constraints make them feel more like “eunuchs serving at the pleasure of the Communist Court in Beijing” (Phan 1996, 85).

The Regional National Autonomy Law came into effect in 1984, during the period which can, from today's perspective, be called the “renaissance” of ethnic consciousness in the PRC. It was also a period with the most benevolent policies towards ethnic and religious minorities in general. It was later amended in 2001, after a decision made at the 20th Meeting of the Standing Committee of the Ninth National People's Congress. It contains a preamble, seven sections and 74 articles (the last section contains a supplementary provision about the law's implementation and

adoption). In 2005, Provisions on Implementing the Regional National Autonomy Law were enacted.

According to the preamble, minority nationalities can practise regional autonomy in areas where they live in concentrated communities. However, they can set up organs of self-government to exercise the power of autonomy only under unified state leadership. The PRC government portrays the system of regional ethnic autonomy as a drive for China's socialist modernization, unity, and prosperity.

4.4.1. Content of the Law

Articles provided in the General Provisions (Section I) of the Regional National Autonomy Law, reiterate similar arrangements as in the Constitution. For example, although regional autonomy and self-government should be established in areas where minority nationalities live, these areas are nevertheless integral parts of the PRC (Art. 2). Moreover, state laws and policies limit the power of autonomy (Art. 4) and must uphold the unity of the country (Art. 5). Article 6 provides a certain flexibility to adopt appropriate policies and measures according to local conditions,⁶⁴ to develop the area, and promote socialist modernization. It further states that the fine traditions of ethnic cultures⁶⁵ should be continued. However, at the same time, self-government organs must seek to build a “socialist society with an advanced culture and ideology and with national characteristics, and steadily raise the socialist consciousness⁶⁶ and scientific and cultural levels of the people....” (Art. 6). This article can help us understand the whole structure of the rights and provisions in this law. The right given to the organization or person is vaguely formulated, e.g. what is a “fine tradition”? How is it

⁶⁴ *Genju bendifang de qingkuang* 根据本地方的情况

⁶⁵ *Minzu wenhua de youliang chuantong* 民族文化的优良传统

⁶⁶ *Shehuizhuyi juewu* 社会主义觉悟

measured? By whom? Officials can interpret the exact content according to current political needs. This article also shows that although the PRC government awards minority areas a certain flexibility, this is not intended to further their culture or folkways. Instead, it is designed to give them more time to adjust to and adopt the “socialist consciousness” and attain the “cultural level” of the majority population.

Article 7 further shows that autonomy is nothing more than paper autonomy. According to this article, the state’s interests should be placed above anything and tasks from the state must be fulfilled. Article 9 guarantees protection from discrimination to promote “equality, unity and mutual assistance.” However, the same paragraph adds that “any act that undermines the unity of the nationalities or instigates national division⁶⁷ shall also be prohibited” (Art. 9). The act of “undermining the unity” or “dividing the people” can be interpreted according to the current needs of the central government. As will be discussed later, undermining unity or dividing the people is one of the standard charges used to arrest people and send them to re-education camps across Xinjiang.

In the autonomous areas, minority nationalities shall have the freedom to use and develop their language and “to preserve or reform their folkways and customs” (Art. 10). Social and cultural developments, together with economics and self-governance play a crucial part when assessing the internal self-determination of Uyghurs. The right to use a minority language is an important aspect of group identity (Eide 2001, para. 59) and is guaranteed by various international law instruments to which China is a signatory. ICCPR Article 27 stipulates that “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own

⁶⁷ *Pohuai minzu tuanjie he zhizao minzu fenlie* 破坏民族团结和制造民族分裂

culture, to profess and practise their own religion, or to use their own language.” CRC⁶⁸ Article 30 has similar wording and provides the same rights directed towards children. On December 18, 1992, without a vote, the General Assembly adopted Resolution 47/135 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It was largely inspired by Article 27 of the ICCPR, cited above. It consists of only nine articles, which explain the content Article 27. The declaration states that persons belonging to minorities “have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination (Art. 1/1).” In a commentary to the declaration, Asbjørn Eide further clarifies that the “[p]romotion of the identity of minorities requires special measures to facilitate the maintenance, reproduction and further development of their culture. Cultures are not static; minorities should be given the opportunity to develop their own culture in the context of an ongoing process. That process should be an interaction between the persons belonging to the minority themselves, between the minority and the State, and between the minority and the wider national society” (Eide 2001, para. 29).

In reality, to speed up the sinicization of the region, education in minority languages has practically disappeared in recent years. Independent local publishing houses and book shops were largely closed, and many prominent publishers jailed (UHRP 2018; RFA 2018). Signs in Uyghur script even began to disappear from public space (Wu 2019; Wyatt 2019). The part about “preserving and reforming” is also interesting, as we can see nowadays the whole culture being “reformed” to fit into the idea of “core

⁶⁸ The PRC ratified the CRC in 1992.

socialism”. Freedom of religion is “guaranteed” by Article 11, which borrows the same wording from the Constitution’s Article 36.

The following article of the declaration stipulates that “[s]tates shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (Art. 2/2),” and let them “have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue. (Art. 2/3).”

Section 2 of the law discusses the establishment of autonomous areas and the organs of self-government. Chinese officials often use the realization of articles provided in this section as proof that the autonomous regions in the PRC are genuinely independent. Article 14 stipulates that without legal procedures, no autonomous area can be abolished or merged. However, by reading further, we learn that to actually do so, only “full consultation⁶⁹ with the organ of self-government” is required. Legally speaking, not only in the Chinese context, consultation does not imply that the final decision comes from a negotiation; on the contrary, it means that the already-made decision is merely transmitted to or consulted on with the “self-government.” The article also stipulates that there should be deputies from the nationality exercising regional autonomy and an appropriate representation of other nationalities in the People’s Congress of the autonomous area. It adds that “among the chairman and vice-chairman of the Standing committee of the People’s Congress of a national autonomous area, shall be one or more citizens of the nationality exercising regional autonomy in the area” (Art. 16). The “chairman of the autonomous region, the prefect of an autonomous prefecture or the head of an autonomous county shall be a citizen of the nationality

⁶⁹ *Chongfen xieshang* 充分协商

exercising regional autonomy in the area” (Art. 17). The following table shows the ethnic background of chairpersons of the autonomous regions. It illustrates that although they all come from an ethnic minority background, the real power lies in the hands of local party secretaries, who are always from the Han majority.

Figure 3 Ethnicities of current chairpersons and party secretaries of the autonomous regions (as of December 2019)

Autonomous region (AR)	Chairperson, ethnicity		Party secretary, ethnicity	
Guangxi Zhuang AR	Chen Wu	Zhuang	Lu Xinshe	Han
Inner Mongolia AR	Bu Xiaolin	Mongolian	Shi Taifeng	
Tibet AR	Che Dalha	Tibetan	Wu Yingjie	
Xinjiang Uyghur AR	Shohrat Zakir	Uyghur	Chen Quanguo	
Ningxia Hui AR	Xian Hui	Hui	Chen Run'er	

Compiled from official AR websites (<http://www.gxzf.gov.cn>; <http://www.nmg.gov.cn>; <http://www.xizang.gov.cn>; <https://www.xinjiang.gov.cn>; <https://www.neac.gov.cn>)

Section 3 discusses the powers of the self-government organs. Its numerous articles provide self-government organs with certain flexibility and autonomy. However, this declared “autonomy” is immediately taken back by Article 19. It states that “[t]he regulations on the exercise of autonomy and separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People’s Congress for approval before they go into effect.” Such requirement puts the “autonomous” regions in a less favourable position than the “regular” provinces. The following articles in this section stipulate the possible localization of the regulations in the autonomous region, e.g. usage of other languages, training of local cadres and specialized personnel, and even preferential treatment for minority nationalities (Art. 20–23). Although the “autonomous” organs can adjust economic production, manage natural resources (Art. 28), arrange construction projects (Art. 29), administer

enterprises under local jurisdiction (Art. 30), administer the financial sector (Art. 32), administer taxation (Art. 34), etc., all these have to be done “under the guidance of State plans, in accordance with State provisions, or with approval of the State Council.” Therefore, any important decision by the autonomous government cannot pass without being in line with central government policies. The following articles in this section call for the elimination of illiteracy, and the improvement of education at all levels by the autonomous administration. Article 37 clearly states that textbooks in minority languages shall be used, as well as the minority language as the media of instruction. At the same time, it also talks about the promotion of *Putonghua* and standard Chinese characters at primary schools. Article 38 states that the autonomous organs shall independently develop literature, art, radio and TV broadcasting, and other cultural undertakings “with characteristics unique to the ethnic groups” (Art. 38).⁷⁰ Nevertheless, these characteristics are not decided by the minority population, but prescribed from above. Therefore, the portrayal of Chinese ethnic minorities tends to be limited to colourful dresses, folk dances, and music performances. Other aspects of their life are ignored or intentionally omitted.

Section 4 elaborates on People’s Courts and Procuratorates. According to its provisions, courts and procuratorates are autonomous, but in reality, their work is supervised by the Supreme People’s Procuratorate and by the People’s Procuratorates at a higher level. Section 5 sets provisions to foster good relations among nationalities in autonomous areas. It, for example, stipulates that Han cadres should learn minority languages, and cadres of ethnic minorities should learn *Putonghua* (Art. 49). According to Article 50, self-government in a national autonomous area should assist nationalities in the area to develop economically, but also culturally, keeping in mind the characteristics and needs

⁷⁰ *Minzu xingshi he minzu tedian* 民族形式和民族特点

of a group. Issues concerning minorities should be consulted on with their representatives and their opinions respected (Art. 51). The self-government organ shall ensure that all people in the area enjoy the rights contained in the Constitution. At the same time, they should also educate them to perform their duties as citizens of the PRC (Art. 52). The following Article 53 adds that self-government organs “shall promote the civic virtues of love of the motherland, of the people, of labour, of science and of socialism and conduct education among the citizens of the various nationalities in the area in patriotism, communism and State policies...” (Art. 53). It also calls for respect for minority “spoken and written languages, folkways and customs and religious beliefs in a joint effort to safeguard the unification of the country and the unity of all the nationalities” (Ibid.).

Section 6 contains 19 articles dealing with the responsibilities of state organs at higher levels. According to their provisions, the state should engage in preferential policies aimed at the autonomous regions. It should proactively direct more funds, investments, and development projects toward these regions. The state shall also compensate the areas for natural-resource exploitation (Art. 65), consider their interests, and protect and improve local living conditions and ecological environment in them (Art. 66). Article 71 reiterates preferential treatment in education for students with an ethnic minority background, such as lower admission standards and requirements and awarding such students financial support to pursue their studies.

The Provisions on Implementing the Regional National Autonomy Law from 2005 reiterate the same provisions, dealing mostly with the economic development of the regions in light of the Great Western Development. Although this project has been portrayed as a governmental strategy to alleviate poverty in the western part of China since its commencement in the early 2000s, instead it is an “attempt to quell ethnic

unrest, solidify the nation, and legitimize the current regime by taming the ‘wild west’” (Moneyhon 2003, 492).

4.4.2. Content evaluation

The Regional National Autonomy Law is considered one of the cornerstones of the Chinese legal system. In theory, its provisions award the autonomous areas and populations living there with an extensive set of rights, such as the independence of the economy, finance, education, culture, and even the judiciary. The RNAL in many ways covers these aspects according to international standards; however, in reality, the situation is more complicated. The PRC’s political regime insists on having overall control of every thinkable aspect of its citizens’ lives. Therefore, real autonomy would go against this premise and pose a potential threat to the establishment. For the central government, maintaining this control means the assurance of regime continuation.

There is a certain flexibility and benevolence awarded to the autonomous regions by this law. Nevertheless, such an attitude is solely in the hands of the ruling elite and can shift significantly depending on current political circumstances, internal and external factors, or the economic situation. Each time, the “entitlement” given to the autonomous region in one paragraph of the law is constrained in the following sentences (Moneyhon 2002, 137–139). Everything has to be done according to the state’s policies, under the guidance of state plans, or with approval from Beijing. According to the law, the state’s policies concerning the autonomous regions should be consulted on with their representatives. But it is necessary to keep in mind that these representatives in power do not necessarily represent the needs of ethnic groups in the region. Most of them are the loyal members of the CPC who follow the Beijing wishes unconditionally. Any critical voices discussing Beijing’s policies towards the autonomous regions have been persistently silenced. The role of the RNAL is certainly limited by its own lack of

autonomy. Although the Legislation Law (LL) provides that “[w]here an autonomous decree or special decree varies the provision of national law, administrative regulations or local decrees, the provisions of the autonomous decree or special decree shall prevail in the said autonomous area” (LL, Art. 81), in reality all the “self-governing regulations and separate regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect” (RNAL, Art. 19).

4.5. Religious Affairs Regulations (2004, 2017)

Religious Affairs Regulations (RAR) were adopted at the 57th Executive Meeting of the State Council on July 7, 2004 and came into effect on March 1, 2005. The law is comprised of 48 articles organized into 7 chapters: I. General Provisions; II. Religious Bodies; III. Religious Activity Sites; IV. Religious Personnel; V. Religious Assets; VI. Legal Responsibility; and VII. Supplementary Provisions. Its amendment was adopted at the 176th executive meeting of the State Council on June 14, 2017 and came into effect on February 1, 2018. It increased the number of chapters to 9 (new chapters are in bold): I. General Provisions; II. Religious Bodies; **III. Religious Schools**; IV. Religious Activity Sites; V. Religious Personnel; **VI. Religious Activities**; VII. Religious Assets; VIII. Legal Responsibility; and IX. Supplementary Provisions. The number of articles increased significantly to 77.

According to Article 1, the main goal of the Religious Affairs Regulations is to “ensure citizens’ freedom of religious belief, maintain harmony among and between religions, maintain social harmony, regulate the administration of religious affairs, and increase the level of rule of law in work on religion” (Art. 1).⁷¹ The last sentence was added to

⁷¹ *Tigao zongjiao gongzuo zhizhijia shuiping* 提高宗教工作法治化水平

the recent amendment to the law, giving us a clue about changes in the regulation of religious affairs during the 2010s, which were characterized by a tightened control of religion hidden behind an ostensible increase in the rule of law, as will be shown in the case of the Regulations of the XUAR on Religious Affairs in the following subchapter.

Article 2 states that citizens have freedom of belief and cannot be discriminated against on the pretext of religion. No individual or organization can compel citizens to believe in or not believe in a religion. This article can be seen as protecting both the right to believe and the right not to believe. However, it also implies that any form of proselytization is illegal. This is explicitly reiterated in the newly added Article 44, which prohibits proselytization as well as the practice of religious activities, the establishment of religious organizations, or setting up religious-activity sites in schools or educational bodies other than religious schools.

Article 3 was added to the last amendment and can be understood as a response to international concerns regarding the situation of religious groups in China.⁷² It states that the management of religious affairs shall suppress extremism, resist infiltration, and fight crime. According to the following Article 4 (an expanded version of the previous Article 3), religion should fit in with socialist society and religious groups, religious schools, religious-activity sites, and citizens shall practice “core socialist values”.⁷³ Furthermore, religion must not “endanger national security, disrupt public order, impair the health of citizens or obstruct the state educational system; and must not be used for illegal activities, including those that harm state or societal interests, or citizens’ lawful rights and interests” (Art. 4). Article 4 also stipulates that it is forbidden to intensify contradictions and conflicts within religion and between religions or

⁷² The PRC’s government has reiterated that hostile foreign forces are trying to infiltrate the country. See Bai 2015.

⁷³ *Shehuizhuyi hexin jiazhi guan* 社会主义核心价值观

between religious and non-religious citizens or to advocate, support, or fund religious extremism. Religion, it asserts, must not be misused to “undermine ethnic unity, divide the nation or carry out terrorist activities.” These provisions form the kernel of Chinese legitimation attempts and perhaps even the motivation for the internment of many Uyghurs, Kazakhs, and other “problematic” groups. The implementation of provisions contained in Article 4 can be further illustrated by the Four Advances campaign,⁷⁴ which requires that mosques raise the national flag, promote the Chinese Constitution and laws (including the amended RAR), learn and practice core socialist values, and promote China’s outstanding traditional culture (Yu 2018).

Article 5 reiterates the necessity for religions to be “independent” and “self-governing”, by which it means that no foreign forces can in any way control or influence religious activities. The same metric does not apply to the Chinese government, which heavily controls and restricts religious affairs that need to be managed in the interest of the state (Art. 6).

Chapters II to VII set up control mechanisms and restrictions on various aspects of religious affairs. Religious activities can be conducted only at designated religious sites, including temples, churches, and “other fixed locations” (Ar. 19). This provision establishes that religious activity must take place at an officially monitored venue, rendering private religious activity, for example in the home, illegal. Religious sites must have necessary funds from legal sources and have a reasonable configuration that meets urban and rural planning requirements and regulations (Art. 20). They should also avoid anything that could be seen as extravagant. The 2017 amendment explicitly bans the building of large outdoor religious statues outside temples or on church

⁷⁴ *Sijin* 四进

grounds (Art. 30), and states that construction or renovation of buildings intended for religious activities can proceed only with the approval of the Religious Affairs Department at appropriate levels (Art. 33).

Governmental control of religious personnel is especially strict. In order to become a priest, monk, or imam, a person must be confirmed by the supervising religious affairs department and registered. These rules even apply to the succession of reincarnate lamas in Tibetan Buddhism, who need to be reported. Similarly, Catholic bishops have to be approved by the Religious Affairs Department under the State Council (Art. 36). Without state approved “religious professional credentials”,⁷⁵ any religious activity is forbidden for such a person (Ibid.).

Although various laws and policies have significantly constrained religious affairs, the number of believers⁷⁶ has been steadily rising in China (CPG 2009).⁷⁷ The government had overlooked private financial support for religious affairs, and by the 2000s, numerous religious organizations, temples, and churches had become noticeably rich and influential, at least at the local level (McCleary and Barro 2019, 25). The 2017 RAR amendment can be seen as a legal confirmation of the policy shift that ended this period of “negligence”. The newly added Article 52 states that “religious groups, religious schools, and religious activity sites are non-profit organizations” and therefore their “assets and income shall be used in activities consistent with their religious purpose and in public interest charitable matters, and they must not be distributed” (Art. 52). Charitable activities must not be used to proselytize (Art. 56). Religious groups must not accept foreign donations with attached conditions and when the amount

⁷⁵ *Zongjiao jiaozhi ren yuan zige* 宗教教职人员资格

⁷⁶ *Zongjiao xintu* 宗教信徒

⁷⁷ In regard to five officially recognized religions of China. However, according to Wenzel-Teuber (2017, 27–28), the number of Muslims in China is declining.

exceeds 100,000 RMB, it must be reported to the religious affairs department for review and approval (Art. 57).

Moreover, they must “establish and complete audits, financial reporting, financial disclosures” and government departments “may organize finance and asset inspections and audits” (Art. 58).

Chapter VIII of the amended law brought stricter punishments and fines for RAR offenses. It also newly includes passages regarding the prosecution of people “advocating, supporting, or funding religious extremism, or using religion to harm national security or public safety, undermine ethnic unity, divide the nation, or conduct terrorist activities and separatism” (Art. 63). Fines for conducting religious services illegally can reach 300,000 RMB (Art. 64) and unlawful gains and illegal assets can be confiscated (Art. 65). The Chinese government seems to have deduced that control mechanisms had to be adjusted for 21st century “threats”. Therefore, a new paragraph in Article 68 forbids internet-based religious information services that are unauthorized or that exceed the approved scope.

Modifications and additions in the legal paragraphs help us to understand changes in society, new challenges and opportunities for the central government, and shifts in attitude toward specific questions. Similarly, the omissions also speak volumes and can signify significant policy shifts. For example, the new version does not contain the provision that “organizations can organize enterprises and undertakings for self-support... [and] religious supplies, religious artworks and religious books can be sold in places of religious activities” (Art. 18). In other words, religious organizations are no longer explicitly permitted to strive for self-sufficiency. The government’s previous encouragement of self-support was not necessarily in the interest of religious authorities, but it can be argued that self-sufficiency made it more difficult for state authorities to

control religious organizations' day-to-day operations and limited the pressure they could exert on religious affairs. Another paragraph that disappeared from the amended version, which had been contained in Article 23, allowed religions to “conduct friendly exchanges with foreign religious groups and religious figures with the consent of relevant departments of the State Council.” Under current circumstances, contacts with religious organizations or religious personnel abroad can be interpreted as a potential threat to “stability” and “ethnic unity” and as such are punishable.

The Chinese government's approach towards its citizens is often characterized as “stick and carrot.” The obedient citizen is rewarded for good behaviour while the disobedient citizen is punished. Article 26 in the 2004 version of the RAR stated that “religious organizations, religious-activity sites, and religious personnel who have earnestly implemented these regulations and contributed to ethnic unity, social stability...shall be rewarded.” The 2017 amendment contains no such provision, allowing us to deduce, in line with other evidence pointing in the same direction, that the policy approach of the Xi administration is becoming “less carrot and more stick”.

4.5.1. Content evaluation

The 2017 amendment to the Religious Affairs Regulations expands overall control over religious affairs by the religious-affairs departments. Approval and reporting of certain religious activities were transferred from the district level to the provincial level, which means that fewer religious matters are dealt with locally.⁷⁸ This followed the general line of Xi Jinping's governance in increasing the centralization of power and control as well as introducing more restrictive policies on religious personnel, religious assets and income and expenditure, the publishing of religious material and provision of

⁷⁸ See, for example RAR 2004, Art. 27, and RAR 2017, Art. 36.

information services, and the content of online fora. Religion is viewed and tolerated as an obsolete aspect of Chinese culture, and thus it has to be controlled by the ‘modern and atheistic’ Party. The law also enables demolition of religious properties in the name of public interest or urban planning, which is being increasingly implemented across China (Cook 2017). Another striking difference between the 2004 and the 2017 versions is the rapid increase in articles dealing with punishments for violation of the regulations. This suggests that punishment has assumed a greater role in the management of religion and that religious tolerance has been circumscribed.

4.6. Regulations of XUAR on Religious Affairs (1994, 2014)

Regulations of XUAR on Religious Affairs (RXR) was adopted by the 9th meeting of the Standing Committee of the 8th National People's Congress of the XUAR on July 16, 1994 and came into effect on October 1, 1994. It contained 33 articles that were not divided into chapters. The amendment was adopted by the 11th meeting of the Standing Committee of the 12th People's Congress of the XUAR on November 28, 2014 and came into effect on January 1, 2015. It remodelled and divided the RXR into 8 chapters: I. General Provisions; II. Religious Groups; III. Religious Activity Sites; IV. Religious Personnel; V. Religious Activities; VI. Religious Assets; VII. Legal Responsibility; and VIII. Supplementary Provisions. The amended law contains 66 articles in total. They apply only to the XUAR (Art. 2) and demonstrate the importance of religious affairs in the state’s regulation and control of Xinjiang. As I will discuss, an analysis of their content also demonstrates their influence on the revision of the national RAR in 2017.

The amendment doubled the number of articles. Twenty years had passed since the RXR had taken effect, by 2014 it had become necessary to address new challenges that religion and Xinjiang itself began to pose for Beijing. After Xi Jinping assumed power, a number of violent incidents took place outside the borders of the XUAR that were

attributed to Uyghur Muslims. Seven months after Xi became president, a car attack involving a suspected suicide bombing occurred at Tiananmen square in the heart of Beijing. According to Chinese police reports, five people died, among them three Uyghurs inside the car. The Turkistan Islamic Party reportedly claimed responsibility and warned of future attacks (Kaiman 2013). The following year at Kunming railway station, eight people armed with knives killed 31 people and injured more than 140 civilians. According to China's official state-run news agency, Xinhua, the attackers were Uyghur separatists (Wu 2014).

4.6.1. Content of the law

The regulations guarantee the freedom to believe or not believe in any religion (Art. 2). Article 4 states that: “Religious affairs adhere to the principles of protecting lawfulness, stopping illegality, curbing extremes, resisting infiltration, and cracking down on crimes, managing religious affairs in accordance with the law, and actively guiding religious groups, religious personnel, religious citizens in promoting patriotism, unity and progress, national harmony and religious harmony. Actively guide religion to adapt to the socialist society” (Art. 4).⁷⁹ The regulations ban the use of religion to “split the country, spread religious extremism, incite national hatred, undermine national unity, disrupt social order, and impair the physical and mental health of citizens” or to “hinder administrative, judicial, educational, cultural, marital, family planning, inheritance and other systems ... [and] endanger national security and interests, and public social interests” (Art. 5). Article 5 stipulates that foreigners cannot interfere with religious affairs, but it does allow academic exchanges⁸⁰ with foreign religious entities after approval has been gained from relevant supervising institutions.

⁷⁹ *Jiji yindao zongjiao yu shehuizhuyi shehui xiang shiyong* 积极引导宗教与社会主义社会相适应

⁸⁰ *Xueshu jiaoliu* 学术交流

All religious activities have to be monitored; therefore, only officially approved scripture schools are allowed (Art. 12–14). Articles 12–14 ban religious home schooling, including theology classes or scripture readings. It is forbidden for religious groups, activity sites, or individuals to accept titles or appointments from overseas organizations, receive instructions from foreign organizations, call for the restoration of “feudal privileges”, have self-proclaimed preachers, conduct the search for reincarnate lamas without authorization, or commit other acts prohibited by laws and regulations (Art. 25). It is interesting that the provision on reincarnate lamas is included in the RXR, since Buddhism does not play an important role in contemporary Xinjiang.

It is not illegal to be a religious specialist in “communist” China. However, numerous regulations make it a very arduous ordeal and religious personnel are required to undergo political education. According to Article 29, “the religious affairs department of the people’s government at or above the county level should formulate a training plan for religious personnel...and regularly hold training courses to improve their national consciousness, civic awareness, legal awareness, and religious knowledge and interpretation.”⁸¹

Although religious activities can be carried out in officially designated places, the regulation does not define “religious activity.” It is forbidden in governmental facilities, schools, and public institutions (Art. 31). Article 37 stipulates that minors cannot participate in religious activities and are banned from religious activity sites (see Figure 4). Although this is one of the shortest articles, it carries the most far-reaching consequences for Xinjiang’s Muslims. According to Chinese civil law, the age of majority is 18. This limitation on the one hand, and the ban on religious home-

⁸¹ *Zongjiao xueshi he jiangjingjiejing nengli* 宗教学识和讲经解经能力

schooling on the other, clearly shows the official attempt to uproot religion from society and everyday life. Without being able to get any religious education, experience religious practice at home, or attend religious activities until the age of eighteen, faith may cease to be an integral part of a citizen's life.

Barring minors from religious activities and religious education is contrary to international human rights instruments, which China has not only signed but also ratified. Article 14 of the CRC says that the state "shall respect the right of the child to freedom of thought, conscience and religion" (CRC, Art. 14/1). Similar to this provision, with an emphasis on children with minority backgrounds, Article 30 states that "[i]n those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language" (CRC, Art. 30). ICESCR Article 13 says that the state should "...have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities..." (ICESCR, Art. 13). However, there is no other option for the parents than to send their children to public schools (Schluessel 2007, 260); moreover any religious schooling for minors is prohibited and considered extremist.

Figure 4 Gate of a mosque compound with a sign stating “No entry for minors or students”



Photo taken by the author in Ghulja, 2015

Article 38 states that “no organization or individual may ... use religious activities to interfere in normal production and business activities ... minority customs and habits such as weddings and funerals, ... [or] in cultural, literary, sport, and other activities.” It also stipulates that “religious ceremonies shall not be held for marriages that have not been legally registered... [and] no grooming, clothing, signs and symbols shall be used to render religious fanaticism and extremism” (Art. 38). The implementation of this regulation is illustrated in Figure 5, a poster that depicts “abnormal” and “imported” styles that are supposed to be signs of extremism, such as burqas, veils and even long beards. This is one of many examples of Chinese Communist Party trying to control and standardize or homogenize another aspect of a minority culture according to its own vision. James Leibold and Timothy Grose comment on Islamic veiling in Xinjiang, stating that “[w]hat one wears is no longer a matter of personal or community standards but an overt political act” (Leibold and Grose 2016, 101). Note that the clothes in the

bottom right of the picture bear the symbol of a crescent moon and star, forbidden because it is associated with pan-Turkism, separatism, or even terrorism.

Figure 5 Poster on a wall in Ürümchi, headlined: “‘Abnormal clothing’ prohibited, strive to be the most beautiful person in Ürümchi!”



Photo taken by author, 2015

The increasing interconnectedness between Uyghurs in Xinjiang and other Muslims in Central Asia and the Middle East, as well as new types of media and information channels, led the Chinese authorities to “modernize” restrictions on religious publications and extend them to media other than the written text. The sole medium was no longer a written text. According to the newly added Article 40, the content of religious publications and audio-visual materials must not 1) undermine national unity, social stability, economic development, or scientific and technological progress; 2)

incite national hatred or racial discrimination, or undermine ethnic unity; 3) promote separatism, religious extremism and terrorism; 4) affect religious harmony, causing disputes between and within religions; 5) endanger social morality or Chinese outstanding cultural traditions; or 6) violate other laws and regulations (Art. 40). Article 41 forbids the “use [of] satellite ground receiving facilities to listen to, watch, or disseminate domestic and foreign religious radio and TV programs” (Art. 41).

The amended regulations contain a whole section on punishments (VII). In the previous version, only four articles dealt with regulatory violations and did not specify fines. In contrast, the 2014 amendment contains twenty such articles. Penalties are calculated between 3,000 to 30,000 RMB, on top of which is added a fine of between one and three times the amount of any “illegal income” or “illegal gains” (Art. 47, 52, 53). To ensure that religious affairs departments are obedient and diligent, Article 63 stipulates that sanctions will be imposed if members of staff abuse their powers for personal gain or neglect their duties; if a crime is committed, criminal charges will be filed (Art. 63).

4.6.2. Content evaluation

The issuance of specific religious affairs regulations for XUAR shows how important the region is to the central government. No other autonomous region in the PRC has such a law, although there are specific Tibetan Buddhist affairs regulations for Tibetan autonomous prefectures in Qinghai province (CECC 2010). It is also noteworthy that the amendment of this law predates the amendment of the national regulations (RAR). Its structure and some of its provisions suggest that the RXR at least inspired the latest revision of the national RAR. In other words, the national law was partially modelled after a more restrictive and locally specific law. This might suggest that Xinjiang is a testing site for new policies, not just new surveillance methods.

The amendment shows the government's attempts to de-internationalise religious practices in China by constraining international cooperation and potential foreign influence in religious matters. Any religious content without official approval or deflecting the official narrative is illegal and even a possessor of such material is criminally liable. It seems that religions need to be controlled and modified—partly secularized—to fit into the system of “socialist values”. Religious organisations and personnel are forced to be more and more dependent on state funding, therefore becoming easier to control through religious administration. Many of the provisions are phrased very vaguely, allowing local authorities to interpret them in various ways, apply them to many situations, and have the final say on what is deemed ‘normal’ religious activity, rituals, and even clothing and what is illegal (Klimeš 2018, 429). Xinjiang's religious affairs regulations are not explicitly aimed at Muslims, but since Muslims represent the majority of the region's non-Han population, the main target group is clear. It is arguable that stricter regulations are imposed on people in the XUAR than in other parts of the country. Banning minors from all religious activities can be understood as a regulatory attempt to systematically eradicate religion in the region by disconnecting youth from their religious traditions and practices.

4.7. Regulations on de-radicalization of the XUAR and Counter-Terrorism Law of the PRC

Regulations on de-radicalization of the XUAR were adopted on March 29, 2017 at the 28th meeting of the Standing Committee of the 12th People's Congress of the Xinjiang Uyghur Autonomous Region. It consists of six chapters: I. General Provisions; II. Manifestations of Extremism; III. Prevention, Containment and Elimination of Extremism; IV. Duties of the Government and relevant Departments; V. Responsibilities of the Society; and VI. Legal Liability.

Extremism is defined as “expressions and behaviours influenced by extremism, rendering radical religious ideas, and rejecting and intervening in normal production and life” as well as propositions or actions inciting hatred, discrimination, or advocating violence (Art. 3).

Particularly interesting is the second chapter listing the behaviour which is considered extremist. According to Article 9 it is forbidden:

1. to promote and disseminate extremist ideas
2. to interfere with the freedom of religious belief of others, to force others to participate in religious activities, or to force others to provide property or services to religious venues or religious personnel
3. to interfere with activities such as weddings, funerals, or inheritance
4. to interfere with personal relations between people from other ethnic or religious groups living together or to force people from other ethnic or religious groups to leave their homes
5. to intervene in cultural and recreational activities or to reject public goods or services such as radio or television
6. to generalize the concept of halal, to expand the concept of halal outside the field of halal food, or to reject non-halal and interfere with the secular life of others
7. to veil or force others to veil or wear extremist symbols
8. to render religious fanaticism with an abnormal beard or name
9. to fail to perform legal procedures in a religious wedding or divorce
10. to not allow children to receive national education or to hinder the implementation of the national education system

11. to intimidate or induce others to resist the enjoyment of national policies, to deliberately destroy national statutory documents such as resident ID cards or household registrations, or to defile or destroy the RMB
12. to deliberately destroy public or private property
13. to publish, print, distribute, sell, produce, download, store, copy, consult, exchange or possess articles, publications, audio, or video containing extreme content
14. to deliberately interfere with or undermine the implementation of the family planning policy
15. to otherwise speak or behave extremely

These “fifteen signs of extremism” can help us understand numerous governmental campaigns during the last few years, such as the anti-halal movement, controls on whether households watch Chinese TV, or enforcement of drinking and smoking etc. This set of suspicious behaviours is considerably briefer than the 75 types of religious extremism published in Xinjiang in 2014. Some of the “suspicious signs” contradict religious freedoms that the Chinese government claims to protect in its laws discussed above; others might seem bizarre. Among them are suddenly quitting drinking and smoking; not participating in sports such as football, basketball, or volleyball; closing restaurants during Ramadan; storing large amount of food; teaching Urdu, Turkish, or Arabic; buying and storing dumbbells, barbells, boxing gloves, grips, and other equipment, as well as maps, compasses, telescopes, ropes, or tents; purchasing large amounts of pesticides, steel pipes, plugs, matches, gasoline, timers, or remote controls; not drinking, smoking, or dancing at weddings; refusing to watch state TV or listen to state radio, etc. (CSSN 2014).

The De-Radicalization Regulations were widely discussed after being promptly amended on October 9, 2018. In this new version, Article 33 was rewritten to recognize and legitimize, *de facto*, the existence of re-education camps. The amended version of the regulations says that “vocational education and training centres and other educational transformation institutions shall teach the national common language, laws and regulations, and vocational skills. They shall organize and carry out anti-extremist ideological education, psychological correction, and behaviour correction to transform the thinking of the trainees so as to help them return to society, and to their family” (Art. 33). This change was criticized by numerous UN Special Rapporteurs, but without concrete results (ISHR 2018).

The Counter-Terrorism Law of the People’s Republic of China was passed by the 18th Session of the Standing Committee of the 12th National People’s Congress on December 27, 2015 and took effect on January 1, 2016. It consists of 97 articles in 10 Chapters: I. General Provisions; II. Designation of Terrorist Organizations and Personnel; III. Security and Prevention; IV. Intelligence Information; V. Investigation; VI. Response and Handling; VII. International Cooperation; VIII. Safeguard Measures; IX Legal Responsibility; and X. Supplementary Provisions.

The law defines terms such as terrorism, terrorist activities, terrorist organization, terrorist personnel, and terrorist incident. According to Article 3, terrorism means “actions that create social panic, endanger public safety, violate person or property, or coerce national organs or international organizations, through methods such as violence, destruction, intimidation, so as to achieve their political, ideological, or other objectives.” Terrorist activities are “1) activities that seriously harm society such as organizing, planning, preparing for, or carrying out any of the following conduct so as to cause injuries to persons, major property damage, damage to public facilities, or

havoc in public order; 2) advocating terrorism, inciting others to commit terrorist activities, unlawfully possessing items that advocate terrorism, or compelling others to wear or bear clothes or symbols that advocate terrorism in a public place; 3) organizing, leading, or participating in a terrorist organization; 4) providing information, capital, funding, labour, technology, venues or other support, assistance or facilitation for terrorist organizations, terrorist activity personnel, or the commission of terrorist activities; and 5) other terrorist activities” (Art. 3).

These definitions, however, pose a serious problem in the context of Chinese law. Provisions contained in this article are vaguely formulated and allow the labelling of any type of public disobedience, domestic protest, “unwanted” religious activity, or display of a different identity or culture as terrorism. Such vague formulation is intentional and contrary to the UN Basic Human Rights Reference Guide on Conformity of National Counter-Terrorism Legislation with International Human Rights Law from October 2014 (OHCHR 2014, para. 41) and other legal opinions, such as Martin Scheinin’s report on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which states that the “adoption of overly broad definitions of terrorism ... carries the potential for deliberate misuse of the term—including as a response to claims and social movements of indigenous peoples—as well as unintended human rights abuses” (A/HRC/16/51, para. 26).

Another highly problematic issue arises from Article 15, which stipulates that designated terrorists or terrorist organizations “may apply for a review through the administrative body of the national leading institution for counter-terrorism efforts.” This institution should be established according to Article 7 and “the responsible localities’ anti-terrorism efforts are under the leadership and command of higher-level leading institutions on counter-terrorism efforts.” However, there is no independent

judicial recourse to appeal, because the “leading groups involved in overseeing the new law are overseen by the executive branch of government” (FIDH 2016, 18).

The third chapter of the law permits “network security systems and information content monitoring systems” in order to avoid dissemination of extremist or terrorist content (Art. 19). In reality, this article stipulates total online control of citizens. Xinjiang citizens are reportedly forced to install the *JingWang Weishi*⁸² app on their smartphones, which is supposed to block “terrorist content” but instead monitors the user’s online activity. People can be detained if they are caught at a checkpoint without this app (Lam 2017). This compulsory app seems to be a tiny segment of the Integrated Joint Operations Platform (IJOP)⁸³ used for mass surveillance in Xinjiang. This system not only gathers personal data but also combines it with other information, e.g. regarding unusual usage of electricity, package deliveries, access to suspicious online tools such as WhatsApp, VPNs, religious and political inclinations, or even stopping usage of smartphones. According to Maya Wang from Human Rights Watch, “Xinjiang police are using illegally gathered information about people’s completely lawful behaviour—and using it against them” (HRW 2019a, b).

Article 30 from the same chapter stipulates that before completing a prison sentence for “terrorist or extremist crimes”, prisoners are assessed, and if they are deemed dangerous to society, receive an educational placement after completing their sentence (Art. 30). These “educational placements”, in other words vocational training centres, or in more honest words, the re-education or concentration camps already mentioned in the De-Radicalization Regulations above.

⁸² 净网卫士 ‘guardian of a clean web’

⁸³ *Yitihua lianhe zuozhan pingtai* 一体化联合作战平台

Another controversy arises from Article 71, which states that “the State Council Public Security Department and National Security Department may assign people to leave the country on counter-terrorism missions” and that the “PLA and Chinese People's armed police forces may assign people to leave the country on counter-terrorism missions as approved by the central military commission”, enabling possible targeting and persecution of Chinese dissent outside the PRC.

4.7.1. Content evaluation

Both the Regulations of Xinjiang Uygur Autonomous Region on De-radicalization and the Counter-Terrorism Law of the PRC present themselves as necessary tools to fight the imminent threat of extremism and terrorism in China. No matter how exemplary such attempts and intentions to protect innocent civilians from brutal attacks might be, in the context of the Chinese legal system, they convey more profound meanings. Hand in hand with the declared protection comes increased surveillance, which along with technological advances begins to create an Orwellian digital dictatorship.

In many aspects, Xinjiang has been serving as a guinea pig regarding the securitization and digitalization of the surveillance regime in the whole of China. Xinjiang became a testing site of various interconnected systems, including population biometrics, DNA sampling, a wide network of security checks, and cameras with facial recognition. Moreover, the government has also been experimenting with a social credit system in the region (Zand 2018). The social credit system is supposed to provide rewards or punishments based on various aspects of person's life, such as the lawfulness and morality in economic, social, and political conduct (Creemers 2018, 2). However, in the case of Xinjiang, some reports show that the Uyghurs are penalized for being religious, having relatives or contacts abroad, or simply having a beard or wearing a veil (Leibold 2020, 56). This social credit system is nicknamed by some observers

“Orwell’s nightmare” for its resemblance with George Orwell’s famous novel *1984* (Asan Institute for Policy Studies 2017). This “Xinjiang experience” can be seen as a blueprint for future implementation across the whole of China.

4.8. Conclusion – Changing Legal Narratives

Xi Jinping portrays China as a country which is undergoing a transition to the rule of law (Wang 2014; Yang and Yan 2014; WP 2016, Ch. 7), a process that gives legitimate authority to the Communist Party of China and Xi’s government. According to Max Weber, legitimacy may be either achieved by a voluntary agreement of interested parties on relevant terms or “imposed on the basis of what is held to be a legitimate authority over the relevant persons and a corresponding claim to their obedience” (Weber 1964, 130). In this regard, Xi’s government is certainly not seeking legitimacy through “voluntary agreement”.

Changes in legal narratives show gradual, but thorough modification of official attitudes toward various issues concerning the Uyghurs in the XUAR. These changes are especially apparent in regard to religious affairs, not just in Xinjiang but in China as a whole. Recent legislative amendments suggest that the speed of such changes has accelerated under Xi Jinping’s leadership. The reasons behind this are likely diverse but might include Xi’s interest in building his own legacy and curbing any potential threat to Party legitimacy in light of China’s worsening economic outlook.

Under Xi Jinping’s leadership, Beijing has adopted a more legalistic attitude towards its citizens, introducing more restrictive laws increasingly based on punishments rather than on rewards. This change in attitude is not completely surprising. Xi is reportedly an admirer of Qin Shi Huang, the first emperor, who adopted a restrictive and legalistic

approach to unite China in the 3rd century BCE (Crane 2018), and of Xun Kuang⁸⁴, a Confucian philosopher who promoted a pragmatic and legalistic approach in his teachings during the 4th and early 3rd centuries BCE (Yu 2016). The changes in legal narratives illustrate that under Xi's rule, China has become a less tolerant environment for religion and that the central government is willing to adopt drastic measures with immediate results. This strategy is oriented towards speeding up the homogenization of Chinese society, leading among other things to the establishment of incarceration camps in Xinjiang. Moreover, it endeavours to homogenize diverse religions into a socially insignificant, somewhat socialist "religion" with Chinese characteristics or, William Yang argues, a religion guided by atheism that differs mainly in its surface symbolism (Yang 2019). This argument is supported by a recent and obscure bit of information published in the Chinese Global Times, which mentions the existence of a five-year plan outline for the sinicization of Islam (Liu 2019). This document, however, is not available to the public, and therefore we can only speculate on its contents.

There is an obvious and significant discrepancy between the law on the books and the law in practice on a national level in China (Gallagher 2017, 4–5). Moreover, this can also be said about the discrepancy between China's declared international human rights commitments and the reality. These differences are further strengthened by the inconsistent application of laws and government policies across the country and the lack of effective control mechanisms that would ensure their universal enforcement and implementation (Cook 2019, 324).

⁸⁴ Xun Kuang 荀况, also known as Xunzi 荀子, lived approximately 316–237 BC.

5. The PRC's policy discourse towards Xinjiang and the Uyghurs and its impact on the relationship between the Uyghurs and the Chinese state

5.1. Introduction

According to Eide, there are five different forms of relationship between a state and its minorities: elimination, assimilation, toleration, protection, and promotion (Eide 2001, para. 21). When we look at the PRC's policies towards its minorities since 1949, we can see that state-minority relations have gone through most of these phases to a certain level, but mostly oscillating between limited toleration and assimilation. Although some would argue about the ongoing ethnocide in the region, I would argue that the intention is not the physical elimination of the minorities, therefore falling into the enforced assimilation type of relationship. Risse, Ropp, and Sikkink (1999, 2013) in their spiral model suggest similar, yet different phases of the state and its minority relations: repression, denial, tactical concession, prescriptive status, and rule-consistent status. From this perspective we can see that the tactical concession period of the 1980s was swiftly replaced by the prescriptive status.

Eide describes four requirements for minority protection: protection of their existence, non-exclusion, non-discrimination, and non-assimilation of the groups concerned (Eide 2001, para. 23). He stresses that minority group identity cannot be protected only by tolerance and acceptance; rather, it is necessary to actively support policies of cultural pluralism and respect for the distinctive characteristics of various minorities living within the borders of a state. In legal terminology, the protection should be both in positive terms, e.g. proactively protecting, and negative terms, e.g. not interfering.

Under current president Xi Jinping, policies toward ethnic minorities have been changing rapidly. These changes occur not only rhetorically, or policy-wise, but they

also cover significant institutional changes. For decades, the State Ethnic Affairs Commission of the People's Republic of China (SEAC)⁸⁵ served as the main institution connecting Beijing with minority issues across the country. It was established on October 22, 1949, shortly after the founding of the PRC. According to its official website, its main tasks include implementation of the CPC policies on nationality research and education as well as supervising the regional autonomy system. It is also responsible for protecting the rights and interests of minorities (State Council of the PRC 2014). Except for the period between 1970 and 1978, when its existence ceased, the commission has been handling the minority issues agenda. Its great importance for the central government was demonstrated by its positioning as an agency directly governed by the State Council of the PRC. However, it has functioned more as a political gesture towards the outside world to show that the issues of national minorities get a significant amount of attention from the central government; in reality, the two “most restive” regions, Tibet and Xinjiang, were governed by different agencies, Tibet by the United Front Work Department of the CPC (UFWD) and Xinjiang by the Central Committee Politics and Law Commission (PLC).

However, this situation changed after the National People's Congress and the Chinese People's Political Consultative Conference (CPPCC) on March, 21 2018. It was decided that the Ethnic Affairs Commission, the State Administration for Religious Affairs, and the Overseas Chinese Affairs Office of the State Council would be directly managed by the CPC's United Front Work Department (UFWD) (Xinhua 2018b). This shift signals not only the importance of the agenda these units represent for the current leader Xi Jinping, but also illustrate the tightening grip of the party over the

⁸⁵ *Zhonghua renmin gongheguo guojia minzu shiwu weiyuanhui* 中华人民共和国国家民族事务委员会

government's executive. Some commentators see this change as a return of assimilationist policies and party leadership over religion from the Mao era (Groot 2018).

This chapter outlines the official policy discourse on some key issues concerning the region that were reflected in the normative, legal discourse in the previous chapter. It also offers a more comprehensive view by giving concrete examples of actual policy implementation. It also comprises the broader historical context of the official discourse since the establishment of the PRC, with an emphasis on the post-Mao period. Governmental whitepapers explicitly addressing the territory of Xinjiang, published between 2003 and 2019 by the State Council Information Office (SCIO), serve as the main, but not exclusive, source of data.

5.2. Regional autonomy in theory and practice

Although the official name of Xinjiang is the Xinjiang Uyghur Autonomous Region (XUAR), the autonomy implied by this designation has nothing to do with real autonomy as we understand it in the North-Atlantic context. It could be better called autonomy with Chinese characteristics, or we could just leave out the word autonomy completely to avoid any confusion. Numerous scholars addressed this issue by referring to this autonomy as less than “paper autonomy” or as a sham (Phan 1996, 84; Stein 2003, 13–14). Others view the existence of autonomy in Xinjiang as precluded by ideological constraints as well as by the intrusive nature of the centre (Becquelin 1997,19); still others have observed a certain level of autonomous characteristics and practices (Sautman 1999, 300).

Generally speaking, autonomy is seen as referring to “independence of action on the internal or domestic level, as foreign affairs and defense normally are in the hands of the central or national government” (Hannum and Lillich 1980, 860). According to

Hannum and Lillich's study on the concept of autonomy in international law, principles for a fully autonomous territories should include: 1) a locally elected body with a certain level of legislative power over matters including health, education, social services, local taxation, internal trade and commerce, environmental protection, etc., which are not subject to a central veto power; 2) a locally elected local executive; 3) an independent local judiciary; 4) central control over specific areas such as foreign relations, national defence, security of borders, etc.; and 4) power-sharing arrangements between the central power and the autonomous government (Ibid., 886–87).

The PRC's official statement on Regional Autonomy for Ethnic Minorities in China from 2005 stresses that 1) autonomous areas can independently manage an ethnic group's internal affairs; 2) autonomous areas enjoy the right to formulate self-government regulations and separate regulations; 3) autonomous areas can use and develop the spoken and written languages of ethnic groups; 4) freedom of religious beliefs for the ethnic groups is respected and guaranteed; 5) the folkways and customs of these groups is respected and guaranteed; 6) the self-government may adjust production, economic structure, and local development; and 7) the self-government may develop educational, scientific and technological and cultural undertakings (State Council 2005).

However, the reality is much different and if we apply the characteristics suggested by Hannum and Lillich to China, we can conclude that four of five would not fulfil the criteria. The centre and the Party retain veto power over all issues and influence governance down to the lowest village committees; there is no independent judiciary in China, let alone in the autonomous regions. The logic of governmental guarantees follows the same pattern as any Chinese legal documents dealing with human rights issues. The "right" is always followed by numerous constraints which in fact make it

impossible to fully realize such rights (this will be elaborated in detail in the following chapter). Moneyhon calls this situation “give-and-take autonomy” and adds that “legislative power for the autonomous regions ... resides in Beijing [and] [u]nder this system, the autonomous areas begin to appear more like ‘political eunuchs’ than ‘masters of their own areas’” (Moneyhon 2002, 138). Instead of granting autonomy, the central government actually imposes tighter legislative controls on the autonomous regions compared to the regulations imposed on provinces and municipalities (Ibid., 138–9).

5.3. A Soviet model of ethno-regional autonomy with Chinese characteristics

As discussed in the introductory chapter, Chinese leaders implemented and modified numerous strategies from the Soviet Union, and regional autonomy was not an exception. They believed that a considerably free expression of various ethnic identities would gradually eliminate interethnic tensions and result in a more harmonious society. This would eventually lead to the emergence of a more homogenous culture; therefore, the government strategy to eliminate ethno-national characteristics had to begin with allowing them to exist without repression (Dreyer 1976, 262).

To understand the Soviet model applied to China, it is quite interesting to introduce Bahenský’s “Bolshevik ten precepts” (Bahenský 2010, 21). Bahenský’s analysis focuses on the Soviet Russian dilemma of whether to promote cultural autonomy based on cultural and linguistic autonomy within the system and its borders or to promote national-territory autonomy based on ethnicity and language, creating a territory defined by these borders. The latter strategy prevailed, in part because of its most powerful proponent Lenin, who saw it as the only way to strengthen the centre and unity. However, because the biggest motivation for this self-determination movement

was to strengthen the centre and serve the government in Moscow, ethno-regional autonomy was artificially engineered with little concern about the actual situation in the area. The logic behind these conditions regarding regional autonomy in the Soviet Union can be also found within the Chinese system of ethno-regional autonomy, which was modelled after the Soviet example.

According to Bahenský, the first rule is never to create a big administrative unit in a strategically important region. Already, the first rule might lead us to question the applicability of the Soviet policy to China. Xinjiang is indeed a strategically important region; moreover, the XUAR itself is the largest administrative region in the whole PRC, which makes up one-sixth of China's total area. However, as will be further discussed, the XUAR is divided into smaller sub-autonomous areas, which cover more space than the land dedicated to the Uyghur ethnic group, the eponymous group of this autonomous region. Therefore, although the XUAR is the largest administrative region, in reality a large proportion is cut out as self-contained subunits with different eponymous ethnic groups.

Bahenský's second rule is to create a big administrative unit in scarcely inhabited areas with no danger of political unrest. Among the four largest administrative regions in China with the lowest population density, there are three autonomous regions: Xinjiang, Tibet (TAR), and Inner Mongolia (IMAR). The only province with a large area and low population density is Qinghai province, bordering both the TAR and the XUAR.

The third and fourth rules state that if there exists a large population with related languages, it is necessary to stress the differences between dialects to construct distinctive ethnolinguistic identities, and that one autonomous unit should be designated for two statutory nations. This was, in particular, the case of the newly established "Turkic" republics within the Soviet Union such as Uzbekistan,

Türkmenistan, Kazakhstan, and Kyrgyzstan. In China, the constant fear of pan-Turkism and pan-Islamism, linguistic similarity and cultural affinity lead to the recognition of Kyrgyz, Kazakh, and Uzbek as official ethnic minorities living in the Xinjiang area. As mentioned before, although the name of the autonomous region includes “Uyghur,” the many sub-autonomous units favour other minorities such as Hui, Mongol, Kazakh, and Kyrgyz, over the Uyghurs.

The fifth precept states that in a border region, the state should create autonomous units in competition with its neighbours. In China, this can be illustrated by the Kyrgyz and Kazakh autonomous prefectures bordering Kyrgyzstan and Kazakhstan or the Tashkurgan Tajik Autonomous County bordering Tajikistan.

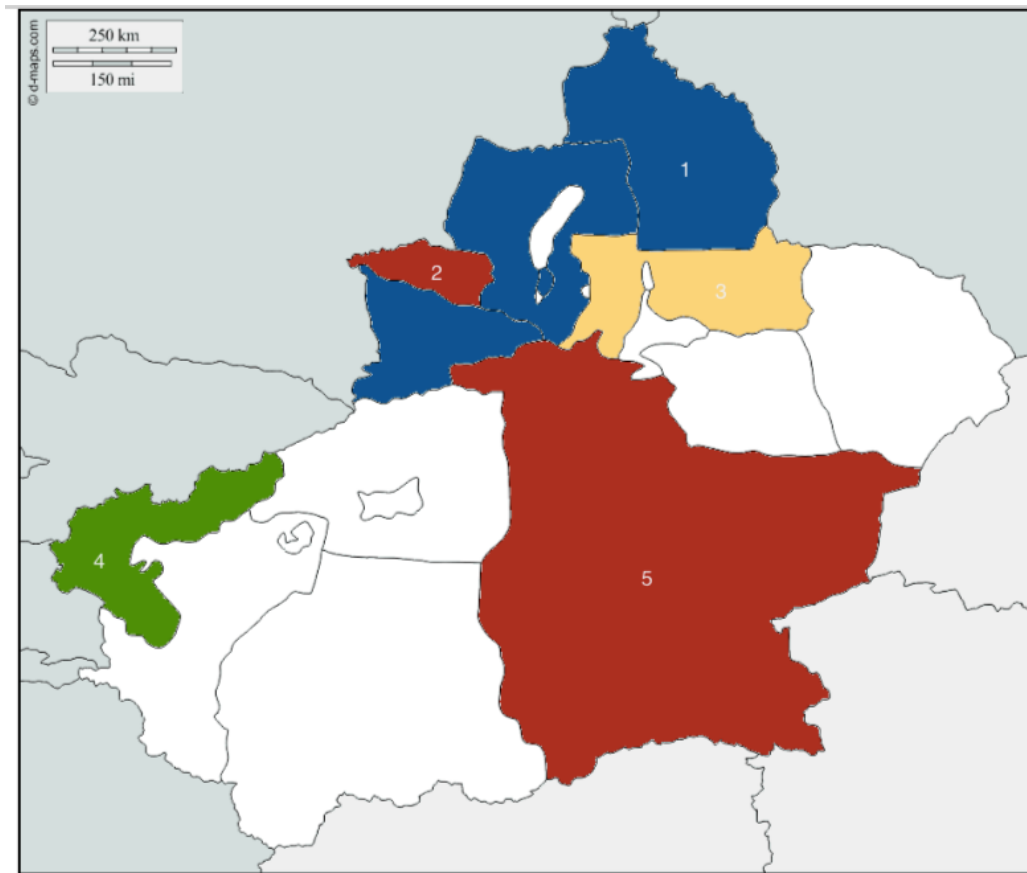
The sixth rule, gaining international sympathy and financial support, might not be fully applicable in the Chinese context. In the Soviet case, Bahenský illustrates this strategy with the establishment of the Jewish Autonomous Oblast in the north of the Chinese Heilongjiang province. It was established in an area not inhabited by any Jews; however, during a time when the “West” could not proceed with the establishment of a Jewish state, even though its founding was declared in Palestine by the Balfour Declaration of 1917. China has always been trying to spread an image of itself as a multi-ethnic country, where all minorities live together in harmony. However, the news about its oppressive measures in Tibet and more recently in Xinjiang make such Chinese proclamations hard to believe.

The seventh criterion, creating administrative units so that a given territory is not ethnically homogenous, is illustrated by Figure 6. It shows the six autonomous prefectures and six autonomous counties within the XUAR proper.

To never practice the same policy towards all of the autonomous regions is the eighth rule. If we look at the five autonomous regions in the PRC, we can notice quite significant differences. This situation is evident by looking at the TAR and the XUAR, which are not managed by the SEAC but by the UFWD and PLC. In these territories, the intensity of security measures and control policies are diametrically different. Moreover, the treatment of Muslims in Xinjiang and Muslims elsewhere in China further illustrates how different governmental responses can be within China.

The ninth rule states that there has to be an option for the central government to modify or even reverse autonomy. According to Article 14 of the Law of the People's Republic of China on Regional National Autonomy, "[w]here abolition or merger or alteration is really required, it shall be proposed by the relevant department of the State organ at the next higher level after full consultation with the organ of self-government of the national autonomous area before it is submitted for approval according to legal procedures" (NPC 2001, Art. 14). Although the situation should be consulted with the organ of self-government, the law itself does not provide any leverage for the local government to disapprove of such a notion. The last precept endorses the government not to precisely and clearly define the distribution of competencies between the central and the local government.

Figure 6 Autonomous prefectures in the XUAR



1. Ili Kazakh Autonomous Prefecture; 2. Bortala Mongol Autonomous Prefecture; 3. Changji Hui Autonomous Prefecture; 4. Kizilsu Kyrgyz Autonomous Prefecture; 5. Bayingolin Mongol Autonomous Prefecture

Source: d-maps.com, modified by the author

Figure 6 explains the current sub-autonomous division of the XUAR. In 1955 when the autonomous region was established, seven nationalities were awarded a certain level of autonomy at the county, prefectural, and regional levels: Uyghurs received one region and five districts, Mongols two prefectures and one county, Kazakhs one prefecture and two counties, Hui one prefecture and one county, Kyrgyz one prefecture, and Tajik and Sibe one county each (Jacobs 2016, 181).

Quite interestingly, if we sum the area of autonomous prefectures within the XUAR, it covers more than 54,3% of the total area (approx. 904,720 sq. km.). Therefore, more than a half of the territory of the XUAR is actually dedicated to other minorities than Uyghurs. This gerrymandering strategy by the central government to weaken Uyghur claims over the territory of the XUAR became even more obvious in 1960, when Mao decided to enlarge the Bayingolin Mongol Autonomous Prefecture by almost 425,000

sq. km of the Korla district, predominantly inhabited by the Uyghurs (Atwood 2004, 38–39).

Figure 7 Party Secretaries and Chairpersons of the Regional Government

REGIONAL PARTY SECRETARY	CHAIRPERSON OF THE REGIONAL GOVERNMENT
Wang Zhen 1949–1952 王震	Burhan Shehidi 1949–1955 ⁸⁶ بۇرھان شەھىدى 包尔汉·沙希迪
Wang Enmao 1952–1967 王恩茂	Seypidin Ezizi 1955–1966 سەيپىدىن ئەزىزى 赛福鼎·艾则孜
Long Shujin 1970–1972 龙书金	Long Shujin 1968–1972 龙书金
Seypidin Ezizi 1972–1978 سەيپىدىن ئەزىزى 赛福鼎·艾则孜	Seypidin Ezizi 1972–78 سەيپىدىن ئەزىزى 赛福鼎·艾则孜
Wang Feng 1978–1981 汪锋	Wang Feng 1978–1979 汪锋
Wang Enmao 1981–1985 王恩茂	Isma'il Ehmed 1979–1985 ئىسمائىل ئەھمەد ئىسمائىل 司马义·艾买提
Song Hanliang 1985–1994 宋汉良	Tömür Dawamet 1985–1993 تۆمۈر داۋامەت 铁木尔·达瓦买提
	Ablet Abdurishit 1993–2003 ئابلەت ئابدۇرىشىت 阿不来提·阿不都热西提
Wang Lequan 1994–2010 王乐泉	Isma'il Tiliwaldi 2003–2007 ئىسمائىل تىلىۋالدى 司马义·铁力瓦尔地
Zhang Chunxian 2010–2016 张春贤	Nur Bekri 2007–2014 نۇر بەكرى 努尔·白克力
Chen Quanguo 2016– 陈全国	Shöhret Zakir 2014– شۆھرەت زاكىر 雪克来提·扎克尔

Compiled by the author from various sources

⁸⁶ Chairman of the Xinjiang Provincial People's Government

5.4. Whitepapers on Xinjiang

Throughout its history, up to the present day, the PRC has been considered a secretive regime where top decisions are discussed behind the closed doors of the Politburo Standing Committee (PSC). For outside observers, it is especially difficult to comprehend many of the policies because of the sometimes-perplexing motivations of the PRC's top leaders, which remain classified. One of the most valuable sources for understanding current political stances towards diverse issues are officially published governmental white papers. These documents reflect existing policies and legal matters but their content can also retrospectively help us to understand the government's motivations for the new legal documents. Thus, it is important not to just set them to the side as another propaganda pamphlet. By analysing the whitepapers, we can learn more about actual (or desired) impacts on the examined region and the identity formation of the people living there, albeit not from the perspective of the local people, but from the government's point of view. The SCIO's whitepapers are only one type of official Chinese documents, which represent PRC's strategy towards *duiwai* 'the outside world' (Brady 2008, 12). While keeping their main purpose in mind, these can still offer a valuable insight into the current propaganda or publicity work and give us more input to understand the official Chinese discourse.

The first whitepaper ever is attributed to the United Kingdom and the Winston Churchill document on the situation in Palestine from 1922 (Correspondence with the Palestine Arab Delegation and the Zionist Organisation). Since then, however the function as well as content of whitepapers has varied significantly. In the Chinese context, a whitepaper⁸⁷ is an authoritative, persuasive, and concise report that informs readers

⁸⁷ *Zhengfu baipishu* 政府白皮书, 'government's white-wrapped book'

about a complex topic and conveys the issuing organization's philosophy on the matter, sometimes providing solutions.

Issuing a whitepaper is a relatively new phenomenon in the PRC. The first one was published in 1991 and dealt with the human rights situation in the PRC as a response to worldwide criticism of human rights abuses following the Tiananmen Square massacre in 1989. The institution responsible for issuing these documents is the State Council Information Office of the PRC, which was established in 1991 to “inform the outside world about China, its domestic and foreign policies, economic development, history, technology, education, and culture” (SCIO). The SCIO came into existence after the merger of the State's Council Information Office⁸⁸ and the External Propaganda Leading Group.⁸⁹ It is another example of the so-called “one organ, two signboards”,⁹⁰ because it is formally under the State Council, but at the same time overseen by the CPC (Diamond and Schell 2018, 141). It follows the Party's strategy to retain its control over the most important institutions and prevent any political competitors (Vuori 2014, 60). Since its formal establishment until 2019, SCIO has published 130 whitepapers dealing with wide range of topics. In 2010, some of the WP were published bilingually, and since 2011 all of them have been.

⁸⁸ *Xinwen bangongshi* 新闻办公室

⁸⁹ *Duiwai xuanchuan lingdao xiaozu* 对外宣传领导小组

⁹⁰ *Yi ge jigou liang kuai paizi* 一个机构两块牌子

Figure 8 The number of whitepapers published during the tenure of each GS of the CPC, 1991 – 2019



Data collected from the SCIO website (<http://www.scio.gov.cn/zfbps/index.htm>), drawn by the author

Since 2003, when the first ‘Xinjiang’ whitepaper appeared, ten of them have been published at the time of writing. They are Xinjiang History and Development⁹¹ from 2003, Xinjiang Development and Progress⁹² from 2009, The History and Development of the Xinjiang Production and Construction Corps⁹³ from 2014, Historical Witness to Ethnic Equality, Unity and Development in Xinjiang⁹⁴ from 2015, Freedom of Religious Belief in Xinjiang⁹⁵ from 2016, Human Rights in Xinjiang: Development and Progress⁹⁶ from 2017, and Cultural Protection and Development in Xinjiang⁹⁷ in 2018. 2019 has been a record year regarding the number of whitepapers concerning Xinjiang.

⁹¹ *Xinjiang de lishi yu fazhan* 新疆的历史与发展

⁹² *Xinjiang de fazhan yu jinbu* 新疆的发展与进步

⁹³ *Xinjiang shengchan jianshe bingtuan de lishi yu fazhan* 新疆生产建设兵团的历史与发展

⁹⁴ *Xinjiang ge minzu pingdeng tuanjie fazhan de lishi jianzheng* 新疆各民族平等团结发展的历史见证

⁹⁵ *Xinjiang de zongjiao xinyang ziyou zhuangkuang* 新疆的宗教信仰自由状况

⁹⁶ *Xinjiang renquan shiye de fazhan jinbu* 新疆人权事业的发展进步

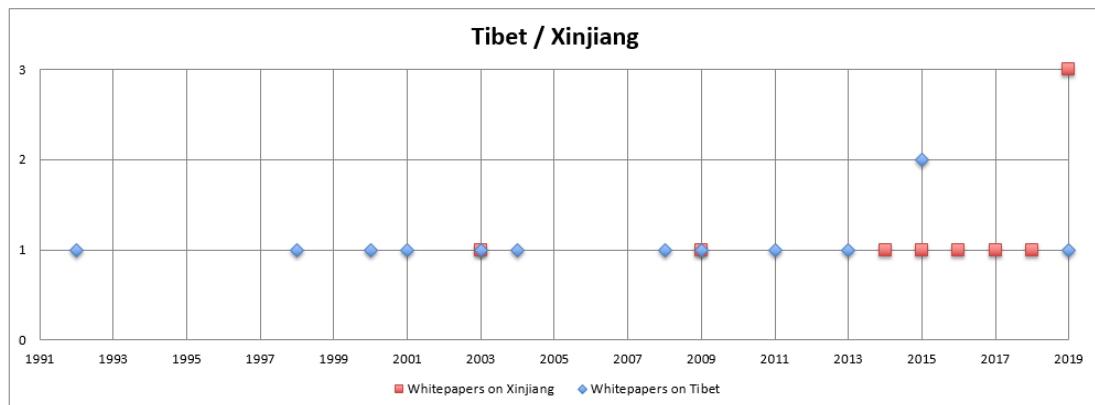
⁹⁷ *Xinjiang de wenhua baohu yu fazhan* 新疆的文化保护与发展

The SCIO published *The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang*⁹⁸ in March as the first whitepaper of 2019, followed by *Historical Matters Concerning Xinjiang*⁹⁹ in July. The most recent whitepaper on *Vocational Education and Training in Xinjiang*¹⁰⁰ was published in August 2019.

Bearing in mind that the PRC government uses whitepapers as self-defence and self-justification for its policies if there is any international criticism of its actions, it was only a matter of time before the government would issue a document reacting to the worldwide condemnation of the ongoing ethnocide and cultural genocide in Xinjiang.

As we can see, since 2014 there has been an annual whitepaper addressing certain topics concerning Xinjiang which can already give us a hint about the rising importance of the region for the central government. Although the Tibet-focused whitepapers still outnumber Xinjiang with 13 examples, however they do not appear yearly; therefore, we can deduce that Beijing’s policy emphasis has shifted from Tibet to Xinjiang.

Figure 9 The number of Tibet and Xinjiang whitepapers published, 1991 – 2019



Data collected from the SCIO website (<http://www.scio.gov.cn/zfbps/index.htm>), drawn by the author

⁹⁸ *Xinjiang de fankong, qu jiduanhua douzheng yu renquan baozhang* 新疆的反恐、去极端化斗争与人权保障

⁹⁹ *Xinjiang de ruogan lishi wenti* 新疆的若干历史问题

¹⁰⁰ *Xinjiang de zhiye jineng jiaoyu peixun gongzuo* 新疆的职业技能教育培训工作

Although it is certainly not the goal of SCIO, just by looking at the titles of the whitepapers and “reversing” their meaning, we can see what troubles the Chinese government the most. Attempts to assess Xinjiang’s history differently than the official authorities, ethnic disunity, abuse of human rights (cultural and religious rights included), separatism, and calls for real autonomy are the main themes repeatedly appearing in these documents. Therefore, this chapter does not discuss each of the whitepapers separately, but analyses these reappearing topics and addresses them in the following subchapters.

Governmental whitepapers are intended for a foreign audience; therefore their overall message is positive, justifying the government’s actions as necessary for the general good, usually while omitting any potential controversies. Praise for the Party and the government’s policies is not equally mirrored by negative and dishonouring attacks against opponents and critics.

5.4.1. History and legitimacy

The existence of competing narratives about Xinjiang’s history pushes the Chinese government into a constant reiteration of its own version of historical events and contemporary issues. This propaganda and thought work have been systematically modernized since 1989 and enabled the Party and state to regain and strengthen the CCP’s legitimacy to rule (Brady 2008, 202). These efforts to “set the record straight” increased after September 11, 2001 and led to the printing of new officially commissioned publications (Fällman 2017, 184).

Before justifying any actions in the area, the government has to reaffirm that the region has been an inseparable part of Chinese territory since ancient times.¹⁰¹ To make this

¹⁰¹ *Xinjiang zigu jiu shi Zhonguo lingtu* 新疆自古就是中国领土

statement appear more credible, governmental whitepapers offer various evidence, such as that Xinjiang became part of Chinese territory in 60 BC, when the Western Han government established the Western Regions Frontier Command in Xinjiang (WP 2003, 2015, 2018, 2019, Ch. 1), and that “by the end of the dynasty, Han residents could be found in scattered settlements in Xinjiang, with garrison reclamation points forming compact communities. The Han thus became one of the earlier peoples who inhabited Xinjiang” (WP 2009, Ch. V). It further adds more evidence about the continuous relationship practically up to the founding of the PRC in 1949. The 2014 whitepaper on the *History and Development of the Xinjiang Production and Construction Corps* states that the establishment of *bingtuan* followed the practice 2,000 years ago during the Western Han Dynasty, the so-called *tuntian*.¹⁰² However, the only evidence supporting this official Chinese discourse is included in the examined whitepapers, with nothing that would suggest the opposite, e.g. the situation in the 19th century and the first half of the 20th century. The historical evidence offered by the government suggests that Chinese rule over Xinjiang passed from the Qing to the Communists without any complications. This peculiarity illustrates the internal contradictions of the CPC’s legitimization strategies. As Peter Perdue comments, the legitimacy of control is built on multiple historical and geopolitical discourses. The current leadership on the one hand builds territorial unity on the legacy of Qing dynasty territorial contests, but on the other portrays China as a victim of foreign colonialist attempts. At the same time, it uses the revolutionary narrative that challenges Qing rule on the grounds of fighting feudal exploiters to create a new nation state (Perdue 2009, 102–103).

Another interesting aspect of the official narrative about the Xinjiang history are the missing two decades of the 20th century. The whitepapers stop at the establishment of

¹⁰² 屯田

the XUAR on October 1, 1955 and resume with the beginning of Deng Xiaoping's reforms in the late 1970s. This deliberate omission is to avoid the most problematic part of the PRC's history, significantly challenging the legitimacy of the Communist Party of China. The period of the Great Leap Forward (1958–1962), which caused the Great Famine and the deaths of millions of Chinese citizens, was followed by the Cultural Revolution (1966–1976), which destroyed cultural heritage and forced people to renounce their own culture, religion, or language. However, this information would not fit into the official portrayal of the CPC as peacefully liberating people from their great suffering (WP 2009, Foreword). The Communist Party of China has never come up with a unified and comprehensible narrative about both the Great Leap Forward and the Cultural Revolution.¹⁰³ The only exception is a 2014 whitepaper, which mentions the Cultural Revolution¹⁰⁴ as a period when the XPCC could not properly fulfil their tasks in “cultivating and guarding the border areas” (WP 2014, Ch. 1). Moreover, from 1975 to 1981 the XPCC was dissolved, and the province-level “Xinjiang Uygur Autonomous Region Reclamation Bureau” took over its major land holdings (Seymour 2000, 180). It was Deng Xiaoping who called for restoration of *bingtuan*, which he considered an “important force” to stabilize the region (Wu 1998, 5).

The legitimacy of territorial claims is one of the most crucial and sensitive issues when studying contemporary Xinjiang and Beijing's strategy towards this region and its people. The fear of separatism threatening the territorial integrity of China is taken seriously and often oversensitively by the ruling elite. Suggesting that Xinjiang was not part of China before the Qing conquest in the 18th century, that separate states were established on its territory by the end of the 19th century and the first half of the 20th

¹⁰³ For more details about the Cultural Revolution in Xinjiang, see the Ph.D. Dissertation by Sandrine E. Catris (Catris 2015).

¹⁰⁴ Quotation marks are used in the whitepaper.

century,¹⁰⁵ or that Chinese rule over the region of Xinjiang before 1949 was only nominal, would be considered as inciting national disunity and threatening ethnic unity. The history of Xinjiang is highly contested and the official Chinese historiography claims that Chinese rule over the region since the Han dynasty or even longer is confronted by similarly exaggerated Uyghur ethno-nationalist statements. Therefore, Sino-centric texts about 5,000 years of China's involvement in Xinjiang are confronted with Uyghur texts claiming 6,000 years of Uyghur history in the region (Bovingdon 2010, 24–25). For example, the Uyghur historian Turghun Almas claimed that Central Asia has been the Uyghur homeland for thousands of years and actually was one of “world culture's most ancient, most celebrated golden cradles” (Bovingdon 2004b, 364).

Extremely sensitive for the government is the issue of the East Turkestan, or the notion of pan-Turkism or pan-Islamism, although these two -isms have never had much traction in the XUAR. The official Chinese attitude can be illustrated by the following paragraph from a 2009 whitepaper.

In the early 20th century and later, a small number of separatists and religious extremists in Xinjiang, influenced by the international trend of religious extremism and national chauvinism, politicized the unstandardized geographical term “East Turkistan”, and fabricated an “ideological and theoretical system” on the so-called “independence of East Turkistan” on the basis of the allegation cooked up by the old colonialists. They claimed that “East Turkistan” had been an independent state since ancient times, its people with its history of almost 10,000 years being “the finest nation in human history”. They incited all ethnic groups speaking Turkic languages and believing in Islam to join hands to create a theocratic state. They denied the history of the great motherland jointly built by all the ethnic groups of China. They clamoured for “opposition to all ethnic groups other than Turks” and for the “annihilation of pagans”, asserting that China had been “the enemy of the ‘East Turkistan’ nation for 3,000 years”. After the “East Turkistan” theory came into being, separatists of all

¹⁰⁵ The official Chinese narrative is that these attempts to establish East Turkistan republics were only disturbances supported by “hostile foreign forces” (WP 2009, Ch. IV).

shades raised the banner of “East Turkistan” to carry out activities aimed at materializing their vain wish of establishing an “East Turkistan state”. (WP 2009, Ch. IV)

To quote the former Confederacy Congressman George Graham Vest: “History is written by the victors and framed according to the prejudices and bias existing on their side” (Abilene Weekly Reflector 1891). In this case it is the Chinese state that frames the history of Xinjiang and deems other interpretations apocryphal. The questions about who was there first or how long the region has been part of China are not the only aspects of legitimising the current state of affairs in Xinjiang. Correspondingly, the thesis of development and progress under the guidance of the CPC is important.

5.4.2. Modernization

Three of the examined whitepapers (WP 2003, 2009, and 2014) are mainly dedicated to informing readers about the outstanding results in poverty reduction, swift illiteracy decreases, economic development, rapid GDP increases, improvement in healthcare or infrastructure, and any other imaginable aspects, supported data comparing Xinjiang in the 1950s and early 2000s. In many ways, the government is portrayed in a paternalistic fashion and a pastoral role, which legitimises its actions, including the use of force, and emphasizes its core role in “civilizing” and modernizing the region (Zhang, Brown, O’Brien 2018, 799–800).

Numbers provided by the government are undoubtedly impressive. Compared to 1952, the GDP in 2001 rose 42,9 times; since 1949, the number of health institutions in Xinjiang increased by 7,255; and the illiteracy rate dropped under 2% (WP 2003, Ch. V, VI). However, we need to remind ourselves about the incommensurable development China has gone through since the late 1970s, and that these numbers could be applied to other provinces too. In Xinjiang’s case, there is another feature

to consider. Whereas in 1950s the total population in Xinjiang was over 4,3 million, fifty years later it was already five times more (Statistical Bureau 1984 and 2010). This radical change happened not only in regard to the number of inhabitants, but in terms of the ethnic composition and therefore the overall landscape of Xinjiang.

There is a significant income divide between the predominantly Han “North” and Uyghur “South” of the Xinjiang region. The unequal development already began during the Qing dynasty, when a significant amount of the economic support was directed towards the North while the South lagged behind. This created a two-speed development of the region and dependency mechanisms that remain evident even today (Cappelletti 2020, 283). These factors make the comparison insubstantial and intentionally favourable to the CPC’s rule over the region. In fact, regional inequalities, structural inequalities in the labour market, and the relative deprivation of the Uyghur population pose a serious counter-narrative to the government’s claims.

Development of the region cannot succeed if the minority population is exploited or denied social and political rights (Cao 2010, 979). Numerous interethnic biases make it extremely difficult to achieve modernization. Similarly, the spatial distribution of minorities in Xinjiang, the north-south divide, and urban-rural income disparity pose a serious threat to any imagined “shared prosperity”. For many Chinese, Uyghurs are unemployable because many of them do not speak *Putonghua*; however, Uyghurs are convinced that they are discriminated against even if they do, on the basis of racial bias.

Apart from its protector image, the PRC is also portrayed as a provider of education, stressing the illiteracy in the region before China took over. However, some argue that especially the first three decades of CPC rule over the region actually “created illiteracy,

confusion, and ultimately discontent among members of Xinjiang’s Uyghur population” (Grose 2010, 98).

The main tool of education, however, is the standard language *Putonghua*. Although the RNAL clearly states that minorities have the right to use and develop their languages (RNAL, Art. 10), use them as a main language of communication (RNAL, Art. 21), and where there are mostly minority students, use minority languages in school should as the medium of instruction (RNAL, Art. 37). As positive as it might sound, the declared support for bilingual education in Xinjiang does not actually support the usage of minority languages; on the contrary, it strengthens the sole uncontested dominance of *Putonghua*. “Bilingual” education policies began to be tested in the late 1990s, followed by so-called Xinjiang classes¹⁰⁶ (Simayi 2013, 135; Yuan, Qian, and Zhu 2017, 2); however they soon became a large-scale strategy to transfer ethnic minority students from instruction in their mother tongue to instruction in Chinese (UHRP 2007). The 2009 whitepaper states that around 70% of ethnic minorities in Xinjiang have trouble with standard Chinese; such incompetence poses a threat to the development of the region. That is why the government decided to promote bilingual education among minority students in 2004. This new strategy meant that all subjects, with the exception of native languages, are taught in *Putonghua* (Simayi 2013, 135). It was decided, that all high school graduates have to master standard Chinese (WP 2009, Ch. 3).

The whitepaper on Cultural Promotion and Development in Xinjiang from 2018 illustrates the gradual shift in official policy regarding ethnic minority education.

¹⁰⁶ *Xinjiang neidiban* 新疆内地班 The best students with ethnic minority backgrounds are sent to other parts of China to attend boarding schools with classes solely in standard Chinese. This policy already began in the mid 80s for Tibetan students as *Xizang neidiban* 西藏内地班 (Zhu 2007, 95). In Xinjiang, the government launched this scheme in 2000 (Grose 2019, 18 – 20). In 2015 there were more than 34,000 pupils and 43,000 graduates (See Yuan, Qian, and Zhu 2017, 2).

According to it, “Xinjiang is a multilingual region, and historical experience shows that learning and using the commonly used standard Chinese as a spoken and written language has helped develop Xinjiang’s ethnic cultures” (WP 2018, Ch. 2). Compared with the 2009 whitepaper, it states that bilingual education already starts in preschool facilities, and it proclaims that by 2020, all ethnic minority students will be proficient in standard Chinese (Ibid.). We can see policy changes from some of the official proclamations after Xi Jinping became president of the PRC. When Xi Jinping visited Xinjiang in 2014, he stated that “[b]ilingual education for ethnic minority children has to be taken in hand ... [because]... [b]y learning Mandarin, it will be easier to find work in the future and, even more important, you can make a bigger contribution to promoting ethnic cohesion” (Buckley 2014). This is a more politically nuanced version of what former Xinjiang Party Secretary Wang Lequan said. According to him, minority languages cannot contain the modern vocabulary necessary for modern science and technology, and therefore instruction has to be in *Putonghua* (UHRP 2014). These policies are legally supported by the amended Education Law of the PRC, which states that “[t]he standard spoken and written Chinese language shall be the basic language used by schools and other educational institutions in education and teaching, and schools and other educational institutions shall use standard spoken and written Chinese language in education and teaching. Schools and other educational institutions dominated by ethnic minority students in ethnic autonomous areas shall, according to the actual circumstances, use the standard spoken and written Chinese language and the spoken and written language of their respective ethnicities or commonly used by the local ethnicities to implement bilingual education.” (EL 2015, Art. 12). The clear message from this article is that under certain circumstances, students may be taught in their minority language, but also they may not. This is a tiny change in words but a

significant shift from the Constitution's and the RNAL's usage of "should" to purely optional "may". This situation can be illustrated by the 2017 Standard Plan for Bilingual Education Curriculum in the Compulsory Education Phase of the Autonomous Region,¹⁰⁷ which sets standard Chinese as the only language of instruction already from the first year of elementary education (MREDU 2017).

Since the mid-2010s, the Chinese government has been introducing more restrictive policies which have significantly reshaped its "educational" plans aimed at the Uyghurs. It intensified indoctrination, *Putonghua* monolingualism, detention *en masse*, and brainwashing. There are very disturbing reports of an increasing number of highly secured boarding school facilities, including boarding preschools. These are supposedly created not only for children whose parents were detained or are in the so-called vocational training facilities, but also for those from rural areas, who can see their parents only on weekends or holidays (Zenz 2019a). The purpose of such a policy could be the intended intergenerational separation, to make sure that children with ethnic minority backgrounds receive the "correct" education without potentially "dangerous" influences from their relatives.

Plans to educate a new Xinjiang elite, which would be loyal to the Communist Party of China, patriotic, and a stabilising element in the XUAR have been the main goals of the Xinjiang classes. The result, however, is a "mix of compliance and resistance" (Grose 2019, 49). Although students educated in *neidi* get excellent education and fluency in *Putonghua*, compared with their opportunities in rural Xinjiang, they have also reinforced their "otherness" and renewed their interest in Uyghur language, culture, and Islam (Ibid., 70–71). Students of the Xinjiang class are aware that although they

¹⁰⁷ *Zizhiqu yiwu jiaoyu jieduan shuangyu jiaoyu kecheng shezhi fangan* 自治区义务教育阶段双语教育课程设置方案

have got an excellent education compared to their peers in Xinjiang, they would still face discrimination and have problems securing meaningful employment, as the private sector blatantly favours Han people, even with lower education (Ibid., 115). The Uyghurs are on the one hand expected to recognize *Putonghua* as their language and the language of modernity to become a modern Chinese citizen, and on the other, the majority continues to view them with suspicion as not fully Chinese (Bovingdon 2015, 195).

According to Eide, denying minorities the right to learn their own language and receive instruction in it or excluding from their education the “transmission of knowledge about their own culture, history, tradition and language” would constitute “a violation of the obligation to protect their identity” (Eide 2001, para. 28).

5.4.3. Cultural protection

The CPC is always portrayed as a liberator of previously oppressed people who suffered at the hands of imperialist forces. To strengthen the image of not just a liberator, but also an embodiment of good governance, a significant part of the examined whitepapers discuss the vast improvements Xinjiang underwent after the establishment of the PRC. But these improvements alone cannot make the CPC a legitimate ruler; protection of and respect for the culturally and ethnically diverse inhabitants of Xinjiang is another aspect of the “mandate”.

The governmental whitepapers stress that after the establishment of the PRC, enormous efforts were made to protect, restore, and support both the tangible and intangible heritage of all ethnic groups residing in Xinjiang. Similar to the explanation of Xinjiang’s history, the period of the Great Leap Forward and the Cultural Revolution is not mentioned, because during that period numerous sites of historical importance,

cultural relicts, and books were destroyed, and people were persecuted for manifesting their cultural differences.

In the whitepapers we can read that the government allocated substantial sums for maintenance of some of the most famous historical sites in Xinjiang, e.g. the Afaq Xoja¹⁰⁸ Mazar and Heytgah (Idkah) Mosque in Kashgar and Sulayman's Minaret in Turpan (WP 2009). However, apart from UNESCO heritage sites or AAAAA sites,¹⁰⁹ many valuable and historically important places were lost, either pulled down, or "refurbished" in a somewhat exotic style to attract Han Chinese tourists. In recent years, the "Chinese state has destroyed and desecrated Uyghur historical and holy places at a scale unprecedented in the history of Xinjiang" (Thum 2020). The Australian Strategic Policy Institute (ASPI) estimated that approximately 16,000 mosques in Xinjiang were destroyed or damaged, included those under Chinese law protection. The ASPI report states that since 2017, 30% of Islamic sacred sites, such as shrines, cemeteries and pilgrimage routes have been demolished and another 28% have been damaged or rebuilt (Ruser, et al. 2020). This illustrates contradictions in policy implementation, where the protection of cultural heritage often contradicts the government's vision of modernization and policies to fight superstition and illegal practices. For example, tourist brochures available at the Tomb of the Fragrant Imperial Concubine (Xiang Fei) in the Afaq Xoja Mazar repeat that Xinjiang has been an integral part of China for hundreds of years. Another purpose of the publicity is to attract Han Chinese tourists with the romanticized story of the legendary consort of the Qianlong emperor, which began to circulate in the early 20th century as an example of Chinese "orientalism" (Millward 1994, 427, 450). According to one of the versions, Xiang Fei was

¹⁰⁸ Kashgar's prominent ruler-saint, 1626–1674 (Thum 2012a, 293).

¹⁰⁹ In the PRC's rating system for tourist attractions, 5A is the highest rating for the most important sites in the PRC.

involuntarily taken from Xinjiang to become a concubine of the Qianlong emperor in Beijing, for her reported beauty and the mysterious fragrance her body emitted. The emperor tried to win her heart by bringing her presents from her homeland and even building a mosque and bazaar across the street so she could watch the scene from her chambers. However, the Empress Dowager Nihuru had her strangled for her defiant behaviour before the emperor could save her. The remains of Xiang Fei were transported back to Xinjiang to be enshrined in the Afaq Xoja Mazar (Ibid., 428–431), symbolizing the myth of ethnic harmony and the friendship of various *minzu* in China.

One of the most controversial projects was launched in 2009, the so-called Uyghur Historic and Cultural Preservation Project – Renovation of Dilapidated Buildings in the Old Kashi City Proper.¹¹⁰ In the 2015 whitepaper, we can read that large-scale conservation was necessary to ensure the safety of the buildings and their earthquake resistance and to improve the living conditions and hygienic standards of the people living there. At the same time, the whitepaper states that efforts will be made so that the original appearance, architectural, and cultural characteristics of the old town will remain after the renovation (WP 2009, Ch. IV). The whitepaper from 2015 states that “the project received grants amounting to 3 billion RMB and 31,000 households were renovated” (WP 2015, Ch. V).

The following Figure 10 shows the outcome of this so-called renovation. The broad streets are surrounded by unified houses with front shops displaying Uyghur, Chinese, and English banners. They do have a certain “exotic” appeal compared to other Chinese towns; however this is done to attract tourists. Therefore, the streets are equipped with Chinese and English guideposts and decorated with red lanterns, which are traditionally

¹¹⁰ *Weiwuerzu lishi wenhua baohu gongcheng—Kashishi laochengqu weijiufang gaizao* 维吾尔族历史文化保护工程—喀什市老城区危旧房改造

attributed to Han Chinese culture (Jiménez-Tovar and Lavička 2020, 258). Some scholars argue that there was something else behind the renovation project. According to Dillon, the old town of Kashgar was self-contained and practically inaccessible for the Han population. Such a homogeneous concentration of people was difficult for the authorities to control and influence and therefore posed a threat to their authority (Dillon 2015, 255). Moreover, Kashgar is perceived by Uyghurs as the symbolic centre of their culture. There were efforts by UNESCO to declare Kashgar a Silk Road Heritage site and to protect its “authentic core” from the municipal government’s plans for renovation, but the Chinese government opposed such proposals (UNESCO 2004, 25). The government began to perceive the old town of Kashgar as a potential sanctuary and refuge for terrorists, because of its maze-like structure, network of underground tunnels, and connected rooftops, which enabled movement of people without any need to access the streets (Liu and Yuan 2019, 36). Therefore, in the first phase of the “renovation” it was decided that about 10% of the population would be relocated to “modern” gated communities in the city’s outskirts; all the tunnels would be backfilled, buildings strengthened, and basic infrastructure improved. However, this phase’s results were perceived as unsatisfactory, so the more radical phase two began. It involved demolishing and rebuilding 7,555 households and permanently relocating 1,379. Moreover, the old town was rebuilt in a grid to enable better accessibility and easier control by the security apparatus (Ibid., 37–38).

Figure 10 Old-town Kashgar after the so-called renovation



Photo taken by author, 2015

From the cultural point of view, the Chinese government claims to have a crucial role in protecting and promoting Uyghur intangible heritage. According to a 2018 whitepaper, in the 1950s the government made recordings and “rescued the Muqam arts” (WP 2018, Ch. 4). The same chapter also states that the state established demonstration bases producing musical instruments, carpets, and atlas fabric. Moreover, “people in Xinjiang have the right to observe their own statutory festivals such as the Spring Festival, Qingming Festival, Dragon Boat Festival, Mid-Autumn Festival, Ramadan, and Corban” (Ibid.). Apart from the last-mentioned Corban and Ramadan festivals, all other listed holidays are perceived as predominantly Han Chinese celebrations. The last line from this chapter reaffirms the common strategy in Chinese laws and policies, “first give and then take”. It says that “... local government promotes mutual respect for folkways among all ethnic groups while encouraging appropriate and healthy lifestyles, wedding and funeral practices, and customs and rituals” (Ibid.).

What is appropriate and healthy is decided by the local authorities, depending solely on the current political atmosphere and demands from superiors. The Chinese way of protecting minority culture leads to its folklorization, because they impose their own definition of what it should mean and contain. The Uyghur culture is reduced and commodified into exotic songs and dances in colourful dresses and carpet and atlas fabric making. In official media, ethnic minorities are often depicted as exotic-looking people (often beautiful women) from the peripheries of China, dressed in colourful dresses, singing and dancing¹¹¹ to entertain and advance the modern, majority population (Gladney 1994, 97; Fällman 2017, 188). This reduction can also be found in the examined whitepapers. We read that “minority folk music and dances are a major cultural component in the culture of Xinjiang” (WP 2009, Ch. 4). Although customs and traditions are protected, people should follow “more scientific, civilized and healthy customs in relation to food, clothing, shelter, transportation, weddings, funerals and etiquettes” (WP 2015, Ch. 2), suggesting an invisible dividing line between the “bucolic” and “barbaric” (Zhang, Brown, and O’Brien 2018, 801).

Islam has become an integral part of Uyghur identity and culture, and therefore all life cycle, agricultural, and other rituals have a religious component. However, in recent years the Chinese government has made significant efforts to break this linkage and separate it completely. Therefore, holding wedding ceremonies without any singing and dancing, or funerals without banquets is considered a sign of religious extremist influences and a danger to stability, because some of these practices are proscribed by conservative clerics (Smith Finley 2019, 91; RFA 2020). Many practices considered by

¹¹¹ *Neng ge shan wu* 能歌善舞 ‘good at singing and dancing’

Uyghurs as inseparable from their culture have become forbidden as either extremist, unhealthy, or endangering social order and ethnic unity.

Generally speaking, the narrative of Han Chinese bringing education, modernity, social stability, and prosperity to their “backward” and somewhat “barbaric” minorities has been relatively common. People from ethnic minorities are seen as inferior and peripheral, but also civilizable (Harrell 1995, 13). Often hidden behind the younger-older brother¹¹² façade is a contempt for the non-Han population within the PRC proper. This attitude was already officially criticized by Mao Zedong in 1953 (Mao 1977, 87). However, so-called Han chauvinism¹¹³ is still evident in several official documents, including the whitepapers analysed above. The official Chinese narrative resembles the former Prime Minister of the United Kingdom Arthur James Balfour’s lecture on Egypt at the House of Commons in 1910, discussed in Edward W. Said’s seminal work *Orientalism*. To rephrase Balfour, the occupation of Egypt by the UK ended the social and economic degradation of Egypt and brought financial and moral prosperity. In Said’s words: “There are Westerners, and there are Orientals. The former dominate; the latter must be dominated, which usually means having their land occupied, their internal affairs rigidly controlled, their blood and treasure put at the disposal of one or another Western power” (Said 2019, 36). In the case of Xinjiang, the Westerners can be substituted by the Chinese state and the Orientals by the Uyghurs. Thus, we can describe this relationship as “internal orientalism”, in which the dominant representation is the Chinese state that “engages in domestic othering” (Schein 1997, 73).

¹¹² *Xiongdì minzú* 兄弟民族

¹¹³ *Dà Hanzú zhuyì* 大汉族主义

The governmental objective of creating a sense of shared national identity among ethnic groups is not fully effective, however. For example, the system still “classifies minority students according to their ethnicity and marks them as intrinsically different from their Han peers” (Simayi 2013, 150). Instead of homogenizing the population and achieving “national identification to the detriment of a single, shared sense of national belonging or civic being” (Ibid.), the system achieves the opposite. By banning and criminalizing various aspects of Uyghur culture, it strengthens their ethnic identity and consciousness.

5.4.4. Religion

Recent changes in the official legal discourse regarding religious issues in the region, as well as in general, were illustrated in the previous chapter. However, certain background information and historical context can help us understand the highly problematic status of religious freedoms in an increasingly authoritarian regime, which is deriving its legacy from the essentially atheist thought of Marxism-Leninism and Maoism. Han Chinese culture has been determinedly dominated by the secular ideology of Confucianism, which does not pay much attention to spiritual matters. But at the same time, religion has been crucial for minorities “dedicated to religion,” such as Tibetans and Uyghurs (Mackerras 1999, 25). Religious questions create tensions between autonomy and loyalty to government. In this sense religion epitomises shortcomings in the Party’s effort to legitimize its leading role through social policy (Potter 2003, 318).

The post-Mao period saw an increased liberalization and decriminalization of religious practices across China. But we must also consider the fact that basically any new policy after the period of the Great Leap Forward and the Cultural Revolution simply felt like a significant improvement. The 1980s and 1990s therefore saw a significant increase in the number of believers, but also in newly built religious sites, the number of printed

religious books, etc. (Flocruz, et al. 1999, 68–72). In spite of the growing number of governmental constraints on religious matters, the number of believers has been steadily rising in China (CGC 2009; Yang 2012, 93–95; Wenzel-Teuber 2017, 27–8). Religious revival in Xinjiang was fuelled by various external and internal factors. Increased linkage with the Muslim world and an influx of different teachings, often more conservative, resonated well with local conditions. Religious faith and religious ethics were perceived by many Uyghurs as the only thing left to them, differentiating them from the majority (Brophy 2016, 275–6).

The official attitude during this period can be understood from the so-called Document 19. Its translation appeared in Donald E. MacInnis’s study on *Religion in China Today: Policy and Practice*. Document 19,¹¹⁴ issued by the Central Committee of the Chinese Communist Party on 31 March 1982, provides a party-state view on religious issues in post-Mao China. According to this document, “people’s consciousness lags behind social realities [and] old thinking and habits cannot be thoroughly wiped out in a short period.” It defines religion as a “historical phenomenon” and “product of the history of society” that exists because of the “helplessness of the people” and the “oppressor classes [using] religion as an opiate” to control the masses. These oppressors were the ruling classes, feudal landowners, reactionary warlords, the capitalist class using Buddhism, Taoism and Islam for their own good, or the colonialists and imperialists controlling the Roman Catholic and Protestant churches. The document admits that the eradication of religion is a lengthy process and that for its success, it is necessary to radically improve material wealth, education, and culture. After achieving high levels of development after a long process of struggle, religion will disappear (Ch. 1).

¹¹⁴ The official title of the document is “The Basic Viewpoint and Policy on the Religious Question during Our Country’s Socialist Period.”

Chapter 4 states that the basic Party policy is to respect and protect freedom of religious belief, but Communist Party members must promote atheism. The document further states that “those who expect to rely on administrative decrees or other coercive measures to wipe out religious thinking and practices with one blow are even further from the basic viewpoint Marxism takes toward the religious question. They are entirely wrong and will do no small harm.” The idea is that coercion in dealing with people’s spiritual matters would be extremely harmful and bring no good results, but rather resentment (MacInnis 1982, 8–26). A further clarification of governmental policies towards religious issues was provided by another document issued by the Central Committee of CPC in the early 1990s, the so-called Document 6.¹¹⁵ It reiterated the provision from the Document 19 but further called for more control and stricter measures to curb any illegal activities associated with religion.

Various political statements and internal documents from this period can illustrate the general atmosphere and influences surrounding the creation of the 1994 Regulations of XUAR on Religious Affairs discussed in the previous chapter and the period of time that followed. For example, Luo Shuze’s internal document titled *Some hot issues on our work on religion*¹¹⁶ singles out the main dangers religion poses to the Chinese government and offers some suggestions for religious work. He says that the Chinese government has to be “vigilant against hostile international forces using religion to ‘Westernize’ and ‘divide’ [China]” (Spiegel 1997, 65). Luo also stresses that religions must be adapted to a socialist society by changing their “theology, conception, and

¹¹⁵ Its full title can be translated as Notice of the Central Committee of the Communist Party of China and the State Council on Several Issues Concerning the Further Improvement of Religious Work (*Guanyu jinyibu zuohao zongjiao gongzuo ruogan wentide tongzhi* 关于进一步做好宗教工作若干问题的通知).

¹¹⁶ An English translation of this document appears in Mickey Spiegel’s *China: State Control of Religion* as Appendix 1 (Spiegel 1997, 65–70).

organization” so that believers “love the motherland, support the leadership of the Chinese Communist Party, adhere to the socialist part, and act within the constitution and laws of the land” (Ibid., 67). He further stresses the importance of government regulation and control to curb illegal religious activities. Another important aspect discussed is the need to have a large number of religious personnel with the “correct” political consciousness in order to educate poorly educated believers in rural areas (Ibid., 68). At the same time, the Marxist view of religion and atheism should be energetically promoted and any publications hurting “national and religious feelings” banned (Spiegel 1997, 71).

Another internal document issued was written by Ye Xiaowen, the director of the Bureau of Religious Affairs of the State Council,¹¹⁷ and titled *China's current religious question: once again an inquiry into the five characteristics of religion*.¹¹⁸ Ye restates the concept of five characteristics of religion, dating back to the early 1950s when it was drafted by the United Front Work Department of the Central Committee. These characteristics stress the long-term character, mass character, national character, international character, and complex character of religion. Ye stresses the necessity to address all these characteristics adequately and simultaneously. According to this view, the government has to crack down on all activities that undermine social stability and endanger economic development, but at the same time Ye calls for certain compromises and concessions when guiding religions to adapt to socialist society (Spiegel 1997, 141). From the masses' point of view, Ye stresses that the government should recognize the fact that there are 100 million religious believers and that these people need to be educated in Marxist philosophy and pulled over to “our” side instead of pushing them

¹¹⁷ 叶小文 (1950–)

¹¹⁸ English translation of this document appears in Mickey Spiegel's *China: State Control of Religion* as an Appendix 10 (Spiegel 1997, 116–144).

away (Ibid., 142). Ye stresses the necessity of following Jiang Zemin’s “three sentences”¹¹⁹ about religious work to enforce CPC policies on religion, strengthen administrative control mechanisms, and adapt religions to socialist society (Potter 2003, 323). After these guidelines, the State Council promulgated a series of regulations to protect “normal” religious activities from arbitrary intervention (Guo and Teng 2012, 138).

The PRC government attempts to gain overall control of all religious matters, however, goes against the essence of religions. To institutionalize central government control, five official national religious organizations were established, namely the Buddhist Association of China, the Taoist Association of China, the Islamic Association of China, the Three-Self Patriotic Movement, and the Chinese Patriotic Catholic Association. Since 2018, all are overseen by the United Front Work Department, suggesting increased control over the religious work by the central government (Joske 2019). Religious organizations, communities, or personnel not registered in one of these organizations are branded illegal. However, attempts to control and sinicize religion and co-opt some religious leaders has not led to a complete containment of religious affairs. Numerous religious leaders collaborating with the government were attacked or assassinated, including Senior Mullah Abliz, imam of the Great Mosque in Kargilik (Yecheng) County in 1993, vice president of the Islamic Association of Xinhe County Hakim Sidiq Haji and vice president of the China Islamic Association and president of Xinjiang Islamic Association and *hatip*¹²⁰ of Id Kah Mosque in Kashgar Harunxan Haji in 1996, Senior Mullah Yunus Sidiq, member of the China Islamic Association, president of Aksu Islamic Association and imam of the Great Mosque of Baicheng

¹¹⁹ *San ju hua* 三句话 Jiang Zemin used this term during his speech at the 18th National Conference for United Front Work, organized in Beijing 3–7 November 1993 (Jiang 1993).

¹²⁰ An orator who delivers a sermon on Friday (Özdemir and Frank 2000, 196).

County in 1997, Abliz Haji, imam of the Great Mosque of Baicheng County in 1998, and Senior Mullah Jüme Tahir, vice president of Xinjiang Islamic Association and imam of the Id Kah Mosque in 2014 (WP 2019a, Ch. 3). Similar to other religions in China, the officially appointed Muslim religious leaders are perceived by many as traitors and therefore not respected as legitimate religious authorities.

Compared to the “patient persistence in Party policies of co-optation and control” (Potter 2003, 321) of the 1980s and 1990s, Xi Jinping’s policy has deviated from this strategy quite radically. Economic incentives and affirmative actions aimed at Xinjiang’s Uyghur population did not bring the desired outcomes. On the contrary, the perceived threat of separatism increased. In conjunction with the global war on terrorism, Beijing used the generally negative attitude towards Muslims as a cover to increase the securitization of the region under the pretext of fighting against the so-called “three evil forces” of terrorism, separatism, and religious extremism.¹²¹ Recently published secret documents suggest that Xi decided to speed up the hard-line policy toward the region after an alleged terrorist attack in Kunming on 1 March 2014 (Ramzy and Buckley 2019). Chen Quanguo, the former Communist Party secretary of the Tibet Autonomous Region (TAR), was appointed XUAR’s new party secretary in August 2016. During his term in the TAR, Chen was praised for the region’s economic growth and development, as well as for its securitization and the suppression of any resistance to Beijing’s policies, skills that were much needed also in Xinjiang.

The whitepaper on Freedom of Religious Belief in Xinjiang from 2016 portrays the CPC as a saviour of people living in Xinjiang who fled from protracted religious wars that caused their suffering and were only stopped by the establishment of the PRC.

¹²¹ *Sangu shili* 三股勢力

According to the whitepaper's foreword, because of the dire situation before the "liberation", people had no freedom of religion (WP 2016, Foreword). When touching upon questions of religion, whitepapers stress that Islam is not the only religion in the region and that other religions such as Buddhism and Zoroastrianism played important roles during the history of Xinjiang. Another clear message is that religion should adapt itself and achieve localization to be able to continue (Ibid., Ch. 1). We have seen this message in other political statements and even laws discussed above; however, numerous examined whitepapers stress that religion needs to adapt to survive, in this case to adapt to socialism with Chinese characteristics (WP 2018, Ch. 4), and also that clerics are not just the servants of God, but also of the PRC's government (WP 2016).

Although the 2016 whitepaper stresses that all "normal" religious activities are protected by law and that believers can freely attend religious services, fast, pray, or preach (WP 2016, Ch. 2), reports from the region show otherwise. Minors cannot participate in religious activities and government workers, as well as CPC members and university students, cannot attend either (Shan and Chen 2009, 18). In 2014, reports about the ban on fasting during the Ramadan appeared (Shichor 2015, 67), and since then every year there are governmental restriction on who can fast and who cannot, as well as increased surveillance to ensure that regulations are respected (AFP, 2015; Mortimer 2017; Shelton and Zhao 2019).

Whitepapers could be a valuable source of data which otherwise are not fully available to the public. Indeed, we cannot accept them as a completely credible source. However, they can still give us a general idea and help us to understand the government's point of view. The 2016 whitepaper offers a quantification of official religious venues and personnel. According to it, there are 24,800 religious venues with 29,300 religious personnel. However, there is an inconsistency in the provided data. There are supposed

to be 24,400 mosques, 59 Buddhist temples, 1 Daoist temple, 227 Protestant churches, 26 Catholic churches, and 3 Orthodox churches, totalling 24,715 venues. There is a similar discrepancy with religious personnel, where there are 335 more than the total number suggests (WP 2016, Ch. 3). Such inconsistencies might suggest that the provided data are either outdated or completely fabricated. However, it is still surprising that the government approved issuing a document with such a flaw.

In the whitepaper, we also read that no Chinese citizen in Xinjiang has been persecuted because of religion (WP 2016, Ch. 4). However, this statement is similar to the one saying that there are no political prisoners in China.¹²² Religious organizations are obliged to promote patriotism and unity and to spread Chinese cultural concepts. Religious believers should maintain the proper faith, do honest deeds, and resist extremism (WP 2016, Ch. 6), while religious circles should further the study of scripture with Chinese characteristics to “[carry] forward the fine traditions of patriotism, peace, unity, moderation, tolerance and benevolence, opposed violence and advocated the rule of law and order” (WP 2016, Ch.7).

Islam is targeted in the region because it is seen as a potential rallying point for separatists. Thus, the government exaggerates the threat of Islamic radicalism to justify Beijing’s heavy-handed policies in Xinjiang. However, religious repression is not about Islam per se, but about its instrumentalization. This can be illustrated by the different treatment of Uyghurs in Xinjiang and Hui in other parts of China. Instead of mentioning religious beliefs as a reason for prosecution, other official justifications are pointed out, for example religious extremism, terrorism, separatism, and so on. The whitepaper on Freedom of Religious Belief in Xinjiang concludes that all religious undertakings are

¹²² See the interview with Chinese Ambassador to the United Kingdom Liu Xiaoming (BBC, 2019).

based on the principle of independence and self-management (Ibid., Conclusion). However, independence in this context only means independence from foreign influences or interventions, not from those coming from the Chinese government.

5.4.5. Ethnic unity and dangers to territorial integrity

According to the Constitution, the People's Republic of China is a unitary multinational state built up jointly by the people of all its nationalities. The official state discourse of national unity and national equality is reiterated in official statements,¹²³ regulations, and propaganda posters in the streets of Chinese cities. However, when a government needs to convince its citizens or even itself with these methods, it is probably nothing more than wishful thinking or a "utopian vision" (Finley 2007, 628).

The question of unity is particularly sensitive in a region such as Xinjiang, where it is highly contested not just by ethnic minority populations, but also the Han Chinese, who often feel disadvantaged and see the government's preferential treatment of ethnic minorities, e.g. in education, as discrimination (Simayi 2013, 143). In most of the official statements about Xinjiang, including the examined whitepapers, it is repeatedly emphasized that there have been many ethnic groups living in Xinjiang for a long time. Therefore, Xinjiang is not just a place belonging to Uyghurs, but a multi-ethnic region.¹²⁴ This argument is crucial for governmental policies in the region, which could be seen as anti-Uyghur. The Chinese government is obliged to protect and cater to the needs of all ethnic groups, not just the major ones.¹²⁵ Whereas in the late 1990s, there were reportedly 13 officially recognized ethnic groups living in Xinjiang (Bellér-Hann 1997, 88), the 2003 whitepaper mentions that out of the 56 ethnic groups, there are

¹²³ See Xi Jinping's speech on the eve of 70th anniversary of the founding of the PRC (Xinhua 2019).

¹²⁴ *Duominzu jujud* 多民族聚居地

¹²⁵ The Xinjiang census from 2010 states that the Uyghur population reached 45,84%, Han 40,48%, Kazakh 6,50%, and Hui 4,51%. However, the BBC's 2018 Xinjiang territory profile estimates the Uyghur population in Xinjiang to be approximately 42% (BBC 2018).

already 47 present in Xinjiang, predominantly Uyghur, Han, Kazak, Hui, and Mongolian (WP 2003, Foreword). In 2017, however, all of the 56 officially recognized ethnic groups were already residing in Xinjiang (WP 2017, Ch. 1), fulfilling the governmental idea of a multi-ethnic and heterogeneous region.

The image of the shared unity of all people in China proper is built on a notion of shared suffering imposed by either feudalistic or imperialistic elements prior to the founding of the PRC, after which Xinjiang “witnessed its peaceful liberation [so] the diverse peoples of Xinjiang ... became the masters of the state, and Xinjiang entered a new era of development” (WP 2009, Foreword). According to the same whitepaper, “[t]he diverse peoples of Xinjiang have formed deep friendships while living together for generations. Over the last 60 years, they have established, developed and consolidated strong ties of mutual respect, trust, support and harmony” (WP 2009, Ch. 5). This contradicts various texts (Cliff 2016, 147; Zhang, et al., 2013) discussing the distrust between Uyghur and Han, as well as interviews I conducted during my field research in Xinjiang in 2015.

Figure 11 Propaganda poster from 1955 by Ge Wei. The Chinese text states that “All nationalities of our nation have already united into a great family of independent and equal nationalities”.



Source: <https://chinese-posters.net/posters/e15-297>

The narrative of ethnic unity within the borders of the PRC is an important aspect to claim the territorial integrity of the country. Yet, there are many contesting narratives which the Chinese government vehemently denies. In many ways, whitepapers serve as a propaganda tool to spread the officially approved narrative, “debunking” and discrediting the competition, as explained below.

One of these competing narratives is the idea of pan-Turkism, which re-emerged and resonated in Central Asia, in particular after the dissolution of the Soviet Union. The imagining of Turkestan as a “new Ottoman Empire”, where all Turkic people unify politically and culturally, gained momentum in Central Asia in the 1990s (Xing 1998, 45; Hyman 1997, 347). This development has been perceived by the Chinese

government as a threat that could potentially jeopardize regional stability and endanger the territorial integrity of China by destabilizing the northwestern frontiers (Ding 2004, 10). One might wonder how the multi-ethnic and multi-religious Ottoman Empire can spark such fear in China today. Hand in hand with pan-Turkism comes pan-Islamism, which according to Zhang and Ma is a political and not a religious movement, aided by separatists (Zhang and Ma 2004, 7). The whitepaper stresses that people living in Xinjiang are not descendants of Turks, but “came into being in the long process of migration and ethnic integration” (WP 2019c, Ch. 1). Therefore, any calls for pan-Turkism sentiment or affinity towards the “West” instead of the “East” are false according to the official interpretation. Analogously, to expose the pan-Islam thesis, the Chinese official narrative emphasises that the region has been multi-religious since ancient times.¹²⁶ Hence, “Islam is neither an indigenous belief of the Uyghurs...nor the sole one of the Uyghur people”, which is a reason why “a fairly large number of people do not believe in religion or believe in religions other than Islam” (Ibid.).

The government repetitively links movements for pan-Turkism or pan-Islamism to the spread of violence, terrorism, and separatism. The whitepaper mentions the East Turkistan Islamic Republic and Republic of East Turkistan as examples of such activities, which were short-lived and strongly opposed by people of all ethnic groups in Xinjiang (WP 2019a, c, Art. 2). Although pan-Turkism and pan-Islamism are portrayed by the Chinese government as an eminent threat to regional stability, this most probably only serves as another justification for increased surveillance and military presence in the region. There are no records of broad support for these ideas among the population in the region. Instead, there is a deep-seated resentment toward

¹²⁶ *Duozhong zongjiao bingcun de diqu* 多种宗教并存的地区

governmental policies that can deteriorate into open defiance and insurgencies, which the Chinese government brands terrorism (Kerr and Swinton 2008, 137–8).

From the documents published so far, we can already sense certain patterns, and the reiteration of particular topics suggests their importance for the central government. The structure of the whitepaper on the Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang follows a similar storyline as previous texts. First of all, the common enemy of all humankind¹²⁷ has to be named. It is terrorism, which is a threat to world peace, security, and human rights, “slaughtering innocent people, endangering public security...creating fear and panic....” (WP 2019, Foreword). The villain is already here, but we need to introduce the hero. It is the Chinese government that “stands firmly against all forms of terrorism and extremism, and is relentless in striking hard, in accordance with the law...” (Ibid.). It is essential to stress that the government’s actions are according to the law,¹²⁸ and that China is a country with the rule of law,¹²⁹ which respects and protects¹³⁰ human rights according to the Constitution. This is the reaction to international criticisms of the PRC government’s policies in Xinjiang, calling them not just against international law, but also against Chinese law (Hurd 2018). Once again, the “paternalistic” narrative is employed by the government, defending its rightful presence in Xinjiang with the aim to protect and stabilise (Zhang, Brown, and O’Brien 2018, 800). The whitepapers reiterate that the government’s actions are consistent not just with the Chinese Constitution, but also with international legal standards, numerous international counterterrorism conventions, and the United Nations Global Counterterrorism Strategy.

¹²⁷ *Renlei shehui de gongdi* 人类社会的公敌 ‘human society public enemy’

¹²⁸ *Yifa* 依法

¹²⁹ *Fazhi guojia* 法治国家

¹³⁰ *Zunzhong he baozhang* 尊重和保障

To complete the whole set up, it is necessary to have a particularly undesirable or even dangerous situation in the area. This atmosphere is created by the statement that Xinjiang is “under combined influence of separatists, religious extremists and terrorists ... [which are] detrimental to the life and property of people of all ethnic groups in Xinjiang and have trampled on people’s dignity” (WP 2019, Foreword).

A significant portion of the whitepaper on the *Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang* lists terrorist acts and their casualties, as well as assassinations of religious leaders, attempts to hijack planes, and attacks on governmental institutions. The same document also states that the PRC government has been actively and fiercely combatting these extremists in accordance with the law. The whitepaper enumerates that since 2014, 1,588 violent or terrorist gangs were destroyed, 12,995 terrorists arrested, 2,052 explosive devices seized, 30,645 people punished for 4,858 illegal religious activities, and 345,229 copies of illegal religious materials confiscated (WP 2019a, Art. 4). To soften the overall impression, the government claims to adopt a policy which is balanced between compassion and severity.¹³¹ There is a serious dichotomy on the question of security in the region. On the one hand, governmental whitepapers say that Xinjiang is under a combined threat caused by separatists, religious extremists, and terrorists who carried out numerous attacks; on the other hand (WP 2019a, Foreword), official statements claim that Xinjiang is completely safe and under control. In July 2019, The Global Times¹³² published an article which stated that there had been no violent attacks in Xinjiang for nearly three years (Liu and Fan 2019). This would mean that all of the above-mentioned terrorists were arrested, and terrorist gangs destroyed, without committing any actual act of terrorism,

¹³¹ *Kuan yan xiang ji* 宽严相济

¹³² A tabloid newspaper under the direct control of the Chinese Communist Party’s People’s Daily newspaper.

something that was previously only possible in Hollywood blockbusters like *Minority Report* (2002).

Compared to the previous whitepapers with their positive-sounding contents, this whitepaper is different. Its content is more confrontational and it clearly serves as the PRC government's response to worldwide condemnation of governmental policies and escalating violations of the basic human rights of the non-Han ethnic groups in the XUAR. This vigorous response was probably provoked by the strong criticism coming not only from NGOs, academics, or human rights defenders, but also from governments, and international organizations in 2018. The way the Chinese government reacted in the whitepaper to such "foreign interference"¹³³ only signifies how sensitive and important this issue is and how critical it is for the PRC government to handle this situation quickly, without any further unwanted international publicity.

In 2017, reports about the existence of mass incarceration camps in Xinjiang began to circulate but were vehemently denied by Chinese government as completely false and spread by foreign hostile forces (Shih 2017; Chin and Bürge, 2017). With more and more evidence appearing (Zenz 2018, 2019b) Chinese official statements began to change. From complete denial at the beginning, we could later read about boarding schools or vocational and educational training centres, "places where young people who have committed minor crimes and who may be otherwise led into terrorist acts can master the national language, gain knowledge of the law and acquire professional skills" (China Daily 2018). In response to criticism raised at the UN Committee on the Elimination of Racial Discrimination, the spokesperson for China's United Front Department reportedly said that "[t]here is no arbitrary detention, or lack of freedom of

¹³³ *Waiguo ganshe* 外国干涉

religion and belief...[and] no such thing as re-education centers”. However, he continued by adding that criminals convicted of “minor offenses” are sent to “vocational educational and employment training centers with a view to assisting in their rehabilitation” (Griffiths and Westcott 2018). In October 2018, Xinhua published an interview with Shohrat Zakir, Chairman of the Government of XUAR, who stated that the purpose of these centers is to “to get rid of the environment and soil that breeds terrorism and religious extremism” and to make sure that people who are “vulnerable to the instigation and coercion of terrorism and extremism” because of their “limited command of the country’s common language and a limited sense and knowledge of the law” (Xinhua 2018a). In the name of securitization, the Chinese government has been employing, with limited success, a co-optation strategy of recruiting minority members into the security services, so “natives” watch over “natives” and the “colonial masters continue to pull the strings behind the scenes” (Zenz and Leibold 2020, 344).

The whitepaper on Vocational Education and Training in Xinjiang states that “rural residents in Xinjiang have a relatively weak sense of the rule of law, lack understanding of the law, and are vulnerable to instigation and intimidation by terrorist and extremist forces, resulting in criminal behaviour.” That is why the government is stepping in to “help through education” with the education and training centers,¹³⁴ that are established according to the law *yifa*. According to the document, these centres adopt a boarding school management system, and the trainees¹³⁵ can have home visits and ask for leave (WP 2019c, Ch. 4). These centres are also well equipped with indoor and outdoor sports and cultural facilities, staffed with doctors, instructors, and personnel for logistic services and management. Most importantly, the centres fully respect and protect the

¹³⁴ *Jiaopei zhongxin* 教培中心, abbreviated from *Zhiye jineng jiaoyu peixun zhongxin* 职业技能教育培训中心

¹³⁵ *Xueyuan* 学员

customs and habits of trainees from different ethnic groups, but according to the law, “the centres adopt a policy of separating education and religion [therefore] trainees may not organize and participate in religious activities at the centres.” The trainees learn standard Chinese to “acquire modern knowledge” and vocational skills to enhance their ability to find work (WP 2019c, Art. 5). This part of the document is clearly a response to international criticisms of the concentration camps and the growing number of witnesses¹³⁶ describing horrific experiences in these facilities. Moreover, the reiterated phrase “according to law” refers to a change in Article 33 in the Xinjiang Region’s Regulations against Extremism,¹³⁷ which officially acknowledged and legalized the existence of the so-called “transformation-through-education centres”.¹³⁸

It has been estimated that over one million people are being held arbitrarily at these centres, without committing any crime other than being Uyghur (or Kazakh, Kyrgyz, or even Hui in many cases). The recently leaked, so-called Karakax list gives further hints about the reasons for which people are sent to the re-education camps (Zenz 2020). Having too many children, having contacts or relatives abroad, veiling, or growing a beard—all could lead a surveyed person closer to the camp. Similar to previous leaks, Chinese officials denied these accusations and called the provided information “full of subjective assumptions” and “wishful conjecture” (Westcott 2020) “hyped up by anti-China scholar Adrian Zenz as a fabrication in collusion with ‘East Turkistan’ forces” (Xie and Bai 2020). There is evidence that Xinjiang’s intellectuals and intelligentsia have been locked up in the centres as well (RFA 2017, 2018). To answer these criticisms, the whitepaper states that only three types of trainees are “attending” these centres: those who “were incited, coerced or induced into participating in terrorist or

¹³⁶ See the Xinjiang Victims Database for thousands of testimonies (<https://shahit.biz/eng/>).

¹³⁷ *Xinjiang Weiwuer zizhiqu qu jiduanhua tiaoli* 新疆维吾尔自治区去极端化条例

¹³⁸ *Jiaoyu peixun zhongxin* 教育培训中心

extremist activities...that were not serious enough to constitute a crime”, those who participated in the same activities as the first group but whose actions “posed a real danger”, and a third group of people still a potential threat to society after the prison sentence. In other words, it states that no “truly innocent” person could be in a “training centre”. This official narrative can be explained by Michael Foucault’s biopolitics (Foucault 2008), which Sean R. Roberts applies to China’s war on terror in relation to Uyghurs. Roberts suggests that labelling the Uyghurs terrorists makes them a “virtual biological threat” to China’s “harmonious society” (Roberts 2018, 252). Such othering has a significantly negative impact on Uyghur-state relations, because it excludes them from “civilized” Chinese society. As a biological threat, “they must be suppressed, eliminated, or quarantined to save society” (Ibid., 234).

Nevertheless, the party-state is trying to silence criticisms that governmental policies are particularly targeting Turkic and Muslim groups in the region by stating that “counterterrorism does not target any specific region, ethnic group or religion...and any discrimination based on regions, ethnic groups, religions and other grounds shall be prohibited” (WP 2019, Art. 6). Quite interestingly, the whitepaper concludes that a “happy life is the most important human right”,¹³⁹ which is certainly an interesting addition to international human rights law. It can also help us understand the government’s stance toward the question of human rights in China.

5.4.6. Human rights

The Chinese government has been vehemently declaring its observance and implementation of international human rights norms, including both civil and political rights, as well as economic and cultural rights. The whitepaper on Human Rights in

¹³⁹ *Renmin xinfu shenghuo shi zui da de renquan* 人民幸福生活是最大的人权

Xinjiang: Development and Progress, published by the SCIO in 2017, supports this official narrative. The whitepaper's structure follows the main human rights documents, including the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) in Chapter 1 and 2, the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Chapters 3 to 6, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) in Chapter 8. However, it stresses that human rights are an ideal that all Chinese people are working hard to reach (WP 2017, Foreword). This wording gives the government a manoeuvring space to decline any criticism by stating that the human rights agenda is still in progress toward an ideal state of affairs.

Analogously to previously discussed topics, the Chinese government also claims that before the establishment of the PRC and the liberation of Xinjiang, people there were deprived of their basic human rights. The rapid improvement in human rights followed the reforms of Deng Xiaoping and socio-economic improvements in the whole of China (Ibid.).

The whitepaper claims that people's civil rights in the region are fully protected, that minorities can participate in public affairs, and that they have the right to vote or to be elected (Ibid., Ch. 1). It also states that civil rights, including the right to fair trial and freedom of expression, are fully protected (Ibid., Ch. 2). In regard to economic and social rights, "all the people share the fruits of development" (Ibid. Ch. 3) while their rights to social security, health, and education have reached unprecedented levels of protection (Ibid. Ch. 4). However, changes in the official legal narratives discussed in the previous chapter show otherwise.

China ranks at the lowest positions regarding freedom of speech, levels of censorship, and other liberties (Freedom House 2019). It has been repeatedly criticized by Amnesty International, Human Rights Watch, and other human rights organizations for breaching even the basic human rights of Chinese citizens and for retaining the death penalty.¹⁴⁰ The HRW report on China from 2019 singles out numerous topics, including the persecution of Turkic groups who face arbitrary detention, mistreatment, and increasingly pervasive control of their private matters. Human rights defenders face arbitrary detentions, bullying, and disappearance. The report names China an exporter of human rights violations, because of its strong influence in the UN, but also for development and export of surveillance system aimed at controlling the population of third-world countries with undemocratic regimes located in Africa (HRW 2019a).

It is difficult to talk about human rights protections in China, because without an independently functioning judicial system, there are no guarantees of fair trial and obtaining justice. The Chinese judicial system is controlled and influenced by the CPC and therefore, in problematic and sensitive cases, the law can be easily overruled by political pressure. As suggested before, Chinese law on the books and in practice are two completely different realms, while Chinese courts remain deeply embedded in an environment where judicial decision-making processes and other spheres of power are connected (Ng and He 2017, 15). Although the judicial system underwent significant developments and improvements in terms of professionalism in the last three decades, it was done without any intention of establishing an independent judiciary. This can be illustrated by Chief Justice and President of the Supreme People's Court of China (SPC) Zhou Qiang¹⁴¹. In a speech, he warned legal officials in Beijing that “[w]e should

¹⁴⁰ See the Amnesty International Country overview (<https://www.amnesty.org/en/countries/asia-and-the-pacific/china/>).

¹⁴¹ 周强 (1960–)

resolutely resist erroneous influence from the West: ‘constitutional democracy,’ ‘separation of powers’ and ‘independence of the judiciary’” (Forsythe 2017). Although the SPC is the highest judicial power in the hierarchical court structure in the PRC, it cannot interpret constitutionally-related matters, because this is carried out by the Standing Committee of National People’s Congress according to Articles 62 and 67 of the Chinese Constitution. Moreover, the SPC president is elected and supervised by the NPC and has to act within Party guidelines. He is obliged to submit an annual report to the NPC to be approved and also takes the NPC’s directives (Keith, Lin, and Hou 2014, 99).

5.5. Conclusion

This chapter provides an overview of the official Chinese policy discourse regarding some of the most critical issues concerning the Uyghurs living in the XUAR, reflected in governmental whitepapers. The scope of topics is wide-ranging. However, a reiteration of specific themes can direct us towards the most important ones, at least from the PRC government’s point of view. The interpretation of history is one of the most repeated topics. The official Chinese narrative stressing that Xinjiang has been part of China continuously since the Han dynasty serves as one of the justifications for PRC territorial integrity. The Party rewrites history and uses it as a political tool; to succeed, it has to employ constant censorship. In this regard, there is no place for objective history (Jacobs 2009). The Chinese official narrative stresses the high level of autonomy it awards to the region, including socio-economic rights, but also civil and political rights. However, this chapter illustrates that reality is considerably different from official proclamations. The so-called regional autonomy granted to Uyghurs is further divided into sub-autonomous areas for other minorities, creating something that Côté called a matryoshka-like autonomy system (Côté 1992, 172). Any contesting

counter-narratives of Xinjiang and Uyghur history are constantly silenced by the party-state apparatus (Bovindgon 2010, 171). What is important to keep in mind is that existing counter narratives may also contain more wishful thinking and less reliable historical knowledge (Rudelson 1997, 4–5; Fällman 2017, 189). Authors who deviate from the official line apply the same strategy as Chinese officials, but from the opposite body of opinion.

Another official narrative stresses the economic and social developments under the leadership of the CPC. The economic development of the region under the *Xibu da kaifa* program is undeniable. However, the vision that economic growth will strengthen political integration was too optimistic (Mackerras 2003, 58). The CPC is portrayed as a leading force which liberated people in the region from their previous oppressors and brought stability, security and modernity to the area. This narrative of good governance is probably the strongest and most recurrent in all of the examined whitepapers. According to it, Xinjiang has been flourishing economically, socially, and culturally as an autonomous region of the PRC. On the one hand, the CPC is portrayed as a modern atheistic party, and on the other it shows its benevolence and tolerance towards some minority “backwardness”, which includes minority languages, religions, and cultures. The Chinese government portrays the PRC as a responsible international actor abiding by international laws and norms. Whitepapers repeatedly stress the PRC’s adherence to international law and international human rights treaties and deny any “false rumours” spread by hostile foreign forces reporting otherwise. China is portrayed as an important regional as well as global player in the war on terror. The desired image of shared prosperity and a harmonious society described by governmental agencies in many instances, however, does not correspond with reality. The most prominent dichotomy

is in the law on paper and law in practice. All the guaranteed rights and freedoms awarded by international and national laws and regulations are heavily constrained.

Moreover, recent developments suggest an increased level of regulations, surveillance, and severity of punishments for showing any sign of disloyalty towards the regime. The law on paper in China is not enforceable due to the lack of constitutional freedoms and the substantial influence by the CPC on any imaginable aspect of the lives of the Uyghur population. Less tolerant attitudes towards different cultures, languages, and religious practices could mean hard-line policies toward the future homogenization of Chinese citizens into one nation, one culture, one language, and no religion.

The last narrative that should be addressed is about the ethnic unity and harmonious cohabitation of various ethnic and religious groups within China proper. Although there are numerous examples of problem-free coexistence between different ethnic groups in the region, including the Han, there are also various prejudices and biases shaping the general discourse. Since the establishment of the PRC in 1949, policies aimed at the Uyghur population have oscillated between enforced assimilationist tendencies during the Mao era to relatively liberal policies during the period of opening up in the 1980s and early 1990s. The rapid economic development in China was seen as a possible tool to win over minority populations in the borderland regions. Financial incentives, improvement in infrastructure, education, and healthcare should convince the community about the legitimacy of CPC rule and the shared destiny of all peoples of China. However, many Uyghurs did not consider the wealth distribution in the region fair, as governmental money went to predominantly Han-Chinese led industries and companies in the region. Although a quota system for hiring members of ethnic minorities exists in state owned companies, there is no such regulation for private enterprises (Smith Finley 2013, 50).

Moreover, the declared majority of Uyghur representation in the administration of the region is only nominal because Han Chinese occupy most decision-making positions. Therefore, hopelessness and resentment toward the Chinese government and the majority ethnic group is further deepening. Besides, the constant influx of Han Chinese in the region is changing the ethnic composition of the population in Xinjiang, slowly making the Uyghurs a minority in their homeland. For all these reasons, Uyghurs logically feel like second-rate citizens in their territory. They see the Han Chinese as invaders and unwelcome colonizers.

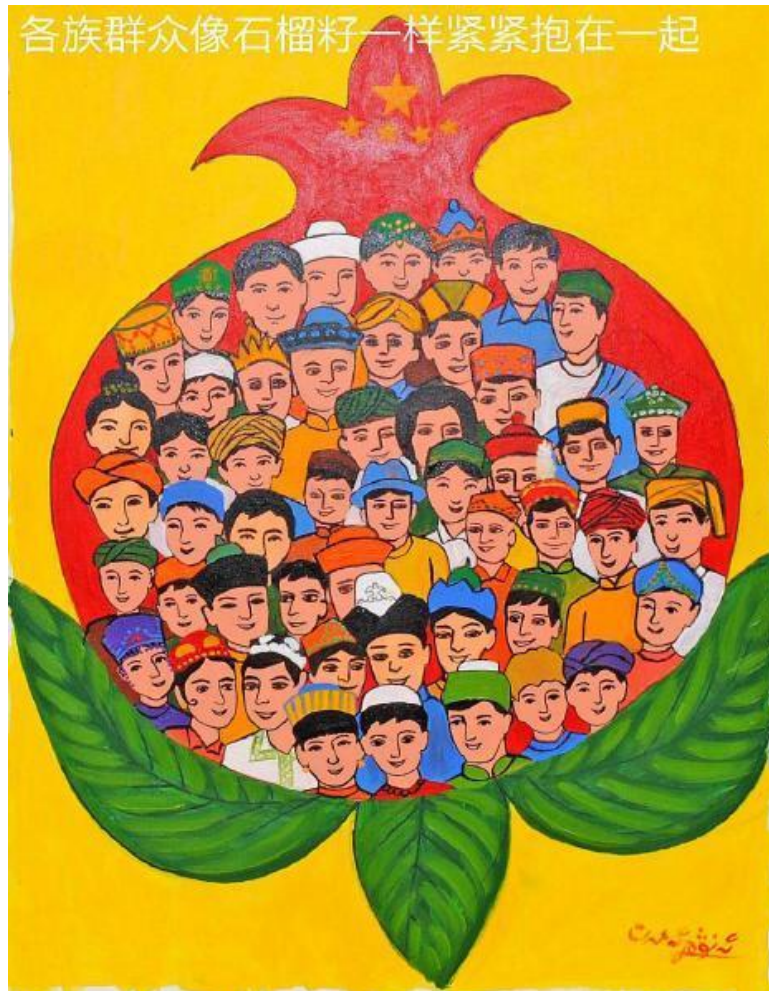
Many of the preferential policies which the government implemented to increase the competitiveness of people belonging to ethnic minorities in Xinjiang brought some positive results. The increased level of education among minority populations, improved material well-being, and better access to healthcare are the most significant ones. However, to many Han Chinese, this preferential treatment of certain groups is unfair and they feel disadvantaged.

At the 19th National Congress of the Communist Party of China on October 18, 2017, Xi Jinping stressed that public awareness of ethnic unity and progress will be heightened to create a “sense of community for the Chinese nation”. According to Xi, there will be more exchanges and interactions among the ethnic groups, so they will “remain closely united like the seeds of a pomegranate that stick together and work jointly for common prosperity and development” (China Daily 2017).¹⁴² The “pomegranate” metaphor became another propaganda symbol in the ethnic unity rhetoric; however, it can also be interpreted differently. The only thing that holds the seeds together is the firm skin of the fruit, without which it would fall apart. In other

¹⁴² *Gezu qunzhong xiang shiliuzi yiyang jinjin bao zai yiqi* 各族群众像石榴籽一样紧紧抱在一起

words, the seeds (ethnic groups) stick together not because they necessarily want to, but because they are forced to do so by the external skin (the PRC).

Figure 12 Poster saying “All ethnic groups remain closely united like the seeds of a pomegranate”



Source: NEAC (<http://www.neac.gov.cn/seac/c100507/201509/1085868.shtml>), 2015

6. Conclusion

This Ph.D. dissertation analyses the level of implementation of the right to internal self-determination in the context of the PRC, with a specific focus on the Uyghur minority living in the Xinjiang Uyghur Autonomous Region.

Following the introductory chapter, the second chapter discusses the establishment and development of the right to self-determination in the context of the 20th century and particularly in the period after the end of World War Two. It points out that the right began to be applied in a broader sense, not exclusively to the notion of decolonization. However, its applicability and enforceability is highly limited because of the connotation of secession and separatism. The third chapter addresses this perceived threat by discussing a possible division of the right into its internal and external form. In this text, the right to internal self-determination is understood as a viable solution which could have a significantly positive impact on the people, while not threatening the state's territorial integrity. Nevertheless, this chapter also admits that addressing even just the internal aspect of self-determination requires that the state take positive actions to mitigate any form of discrimination and also to fight various types of misconceptions and racial biases. The following chapter shifts attention towards the PRC. It analyses numerous legal documents to assess the extent to which the right to internal self-determination is guaranteed by Chinese law. By looking at changes in Chinese legal narratives, this chapter concludes that the discrepancy between the law on the books and in practice is enormous and that current leadership accelerates the widening of this gap. The last chapter complements the official legal narrative and discusses the government's policy towards the region and the Uyghurs by analysing different governmental resources, including officially issued whitepapers. This chapter illustrates a gradual shift in Beijing's policy towards the XUAR and the increasing

securitization and repression, directly opposing Beijing's claims of ethnic unity and harmony.

The central question of this dissertation is what constitutes the right to internal self-determination and whether there are legal guarantees and legal enforcement mechanisms for this right in the Xinjiang Uyghur Autonomous Region. The analysis shows that there are two layers of meaning when assessing the right to internal self-determination in China, the nominal and the actual.

The nominal layer can be characterized by Perry Link's "pretend world of official language" (Link 2013, 346). Beijing is acting as a responsible international actor. It portrays itself as a signatory to numerous international human rights conventions and declarations and as an active partner that internationally engages in human rights dialogue, e.g. with the EU. Beijing vehemently declares an ongoing improvement in its human rights record. Nevertheless, this imploringly built façade has been getting more and more cracked.

There is no political will to endorse and implement international human rights standards in China, nor to clarify the considerably vague formulations of the relevant legal provisions. This vagueness is indeed arbitrary, equipping the government and regional executive bodies with a high level of flexibility when implementing the laws. Thus, some of the geographically specific rules and regulations might seem to contradict national legislation, including the Constitution. In reality, such inconsistency is facilitated by the ambiguous wording of domestic laws, which award the right in one paragraph and constrain it in the following one. This flexibility further undermines the judicial system and its credibility. This dissertation points out the biggest obstacle for international human rights norms to be implemented in China, the dependent judiciary. There is no independent judiciary in China, and the government has clearly stated that

there is no need for it. This does not mean that there is no rule of law in China, and all people are denied some of the fundamental rights, including the right to a free trial. However, in politically sensitive cases, which include the question of self-determination and autonomy, the judiciary serves the needs of the Party. In sum, legality, based on the state's sponsored law, is not and cannot be a guarantee for human rights protections.

This dissertation identified the core values constituting the right to internal self-determination as non-discrimination and freedom in the political, economic, social, and cultural pursuits of the people. These values are nominally guaranteed and protected by China's jurisprudence, including the Constitution, the Regional National Autonomy Law, and other examined legal documents. Nevertheless, previous chapters explored the limits of these guarantees and pointed out the negative tendencies of further constraints and restrictions. From this observation, it is evident that the nominal guarantees and the reality are two very different things in the PRC.

Self-determination in its external and extreme form leads to secession, directly challenging the state's right to territorial integrity. However, this text leans toward the idea of remedial secession, which serves as the last resort for people who are denied their basic rights and freedoms that form the core values of internal self-determination. It was shown that China is not fulfilling its international human rights commitments and that instead of rectification we observe further tightening of restrictions. The UN, its agencies, and the international community should firmly demand that China, who is a signatory to the core international human rights instruments, complies with their provisions. However, even though we have already verified information about the incarceration camps in Xinjiang and the systematic erasure of Uyghur culture, no unified, global reactions of condemnation are directed towards the Chinese government.

This clearly illustrates the impotence of international law in the context of political and economic powers that China can exploit for its own benefit. If the system of international law cannot punish these powerful stakeholders, it is doomed to remain ineffective and powerless.

China has been creating new antagonistic mechanisms that undermine the existing approach to human rights. Xi's government attempts to establish a new order of international (human rights) law that would suit the national characteristics of the People's Republic of China and export it to other countries with problematic human rights records, mostly in Asia and Africa. These so-called national characteristics are nothing more than a survival tactic for the CPC and the Chinese government, justifying limited adherence to international human rights laws and norms. The Chinese version of the rule of law is far from the international perspective because the laws are made to protect the Party and the government. Civil and political rights, as understood in international law, threaten the existing system of the PRC. That is why these sets of rights are extremely constrained and side-lined compared to subsistence rights, which the PRC government claims are more important for China's citizens. Xi's regime is tightening control over all aspects of Chinese society. Xinjiang became a laboratory for Xi's increasingly authoritarian policies, which are expanding to the rest of China as well as to the diaspora abroad. What started as the persecution of Uyghurs and their culture in Xinjiang spilled over to the rest of China. The Chinese government utilizes modern technologies to monitor, censor, punish, but also reward citizens. By doing so, it creates an archetype of a Chinese citizen desired by the Party and the government. Any divergence from this model is considered potentially dangerous. Such danger has to be either corrected or eliminated. This approach is already visible in the Xinjiang Uyghur Autonomous Region, where the government implements strict control

mechanisms and re-education facilities to “clear the poison” from the minds of residents. These policies intend to eradicate anything that cannot be fully controlled by the party-state, such as religion. History, culture, and traditions are being rewritten to suit the official narrative, while any counter-narratives are viewed as illegal and therefore strictly punished. By targeting certain ethnic and religious groups, however, the government creates further tensions between populations in the region. The constant unequal treatment of specific groups of people deepens the mistrust and hatred between the ruling Han majority and other groups that perceive themselves as second class citizens.

Under the leadership of President Xi Jinping, the human rights situation in China, and particularly in Xinjiang, has considerably worsened. The government’s actions suggest that what is happening in Xinjiang is part of a larger scheme. Beijing needs to be sure that Xinjiang is “tamed” and inextricably tied to the rest of the country, so it is safe for Beijing’s pivotal role in the OBOR. Already limited freedoms have diminished, and there are no signs of improvement in the near future. Therefore, the internal self-determination of the people in Xinjiang is non-existent even though the “law on paper” and official political proclamations might suggest otherwise. It is not possible to talk about self-determination in China because the “self” has no place in contemporary Chinese politics. The “self” is perceived as a sign of individualism, which is in direct opposition to the CPC mantra of collective rule, rights, and goals. The Chinese government, therefore, regards it as a destabilizing factor and potential threat to the legitimacy of CPC rule.

The presented dissertation thesis is a predominantly law-based study which combines various interdisciplinary elements, such as politics and history. This approach “humanizes” the law and gives an opportunity for deeper understanding of legal affairs

in China and enables an interdisciplinary dialogue. This text focuses primarily on the Xinjiang Uyghur Autonomous Region; therefore, it would be interesting to approach other autonomous regions to see similarities and differences in the government's approaches. Another possible direction of further research could be an analysis of the actual legal implementation in the region, which could not be fully addressed in this work. Ethnic policies and laws are particularly sensitive topics. Moreover, it is now impossible to conduct field research in the region, which causes a scarcity of primary sources and first-hand experiences.

7. Bibliography

7.1. Primary Sources

7.1.1. Archival Sources

APRF. 1949. "Memorandum of Conversation between Stalin and CPC Delegation," June 27, 1949, History and Public Policy Program Digital Archive, APRF: F. 45, Op. 1, D. 329, Ll. 1–7. <http://digitalarchive.wilsoncenter.org/document/113380>.

Congressional Record 56. 1917–18. Washington: The Congress. <https://archive.org/stream/congressionalrec56dunit>.

CWIHP. 1962. "Telephone Reporting Points from Comrade Xu Huang, Deputy Director of the Department of Consular Affairs of the Ministry of Foreign Affairs," April 21, 1962, Cold War International History Project (CWIHP), PRC FMA 118-01109-02, 3–4. 1962. <https://digitalarchive.wilsoncenter.org/document/118183>.

RGASPI. 1949a. "Cable with Message from Mao Zedong to Stalin," September 26, 1949, History and Public Policy Program Digital Archive, RGASPI, f. 558, op. 11, d. 332, ll. 54–56. <http://digitalarchive.wilsoncenter.org/document/176341>.

RGASPI. 1949b "Cable with Message from Mao Zedong to Stalin," October 11, 1949b, History and Public Policy Program Digital Archive, RGASPI, f. 558, op. 11, d. 332, ll. 17–18. <http://digitalarchive.wilsoncenter.org/document/176343>.

RGASPI. 1949c "Cable from Gromyko to Kovalev," November 16, 1949c, History and Public Policy Program Digital Archive, RGASPI, f. 558, op. 11, d. 333, l. 74. <http://digitalarchive.wilsoncenter.org/document/176323>.

7.1.2. Other Sources

Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), [1971] ICJ Rep 12.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Dissenting Opinion of Judge ad hoc Kreca [1996] ICJ Rep. 91.

- Central Government of the People's Republic of China (CPG). 2009. "Zongjiao xinyang ziyou weida shijian—woguo 60 nian zongjiao gongzuo zongshu 宗教信仰自由的伟大实践—我国 60 年宗教工作综述 [The Great Practice of the Freedom of Religious Belief: A Summary of the 60 Year's Religious Affairs since the Establishment of New China]." September 4. http://www.gov.cn/jrzg/2009-09/04/content_1409389.htm.
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), G.A. res. 39/46, Annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46 (1979), 1249 U.N.T.S. 13, *entered into force* September 3, 1981.
- Convention on the Rights of the Child (CRC), G.A. res. 44/25, Annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* September 2, 1990.
- Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, G.A. res. A/RES/25/2625, *adopted* October 24, 1970.
- Declaration on the Granting of Independence to Colonial Countries and Peoples, G.A. res. A/RES/1514, *adopted* December 14, 1960.
- Declaration on the Rights of Indigenous Peoples (UNDRIP), G.A. res. A/RES/61/295, *adopted* September 13, 2007.
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, G. A. res. A/RES/47/135, *adopted* December 18, 1992.
- Deng, Xiaoping. 1979. "Uphold the Four Cardinal Principles." *Renminwang*, March 30. <http://en.people.cn/dengxp/vol2/text/b1290.html>.
- Deng, Xiaoping. 1994. *Deng Xiaoping wen xuan. Diyi juan 邓小平文选, 第一卷 [Selected Works of Deng Xiaoping, vol. 1]*. Beijing: Renmin chubanshe.
- East Timor, Portugal v Australia, Jurisdiction, Judgment*, [1995] ICJ Rep 90.

- Eide, Asbjørn. 2001. Commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. *ECOSOC. E/CN.4/Sub.2/AC.5/2001/2*. April 2, 2001.
- European Community. 1992. “Declaration on Yugoslavia and on the Guidelines on Recognition of New States in Eastern Europe and the Soviet Union.” *International Legal Materials* 31 (6): 1485–1487.
- International Court of Justice (ICJ). 1945. *Statute of the International Court of Justice*. Adopted on October 24, 1945. <http://www.icj-cij.org/en/statute>.
- International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), December 16, 1966, 21 U.N. GAOR Supp. (No.16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* March 23, 1976.
- International Covenant on Economic, Social and Cultural Rights (ICESCR), GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* January 3, 1976.
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), GA res. 2106 (XX), Annex, 20 UN GAOR Supp. (No.14) at 47, UN Doc. A/6014 (1966), 660 U.N.T.S. 195, *entered into force* January 4, 1969.
- Jiang, Zemin. 1993. “Gaodu zhongshi minzu gongzuo he zongjiao gongzuo 高度重视民族工作和宗教工作 [Pay Great Attention to Ethnic and Religious Work].” *National Ethnic Affairs Commission of the PRC*. Published online on June 28, 2004. <http://www.seac.gov.cn/seac/zcfg/200406/1071766.shtml>.
- Legal Consequence of the Construction of a Wall in Occupied Palestinian Territory*, Advisory Opinion, [2004] ICJ Rep 136.
- Lenin, Vladimir I., and Yuri Sdobnikov. 1964. *Collected Works: Vol. 22*. 4th edition. Moscow: Progress Publishers.
- Loizidou v Turkey, Judgement*, [1996] European Court of Human Rights Application no. 15318/89.
- Mao, Zedong. 1977. *Selected Works of Mao Tse-tung*. Beijing Foreign Language Press.

- National People's Congress (NPC). 1954. *Constitution of the People's Republic of China* [中华人民共和国宪法]. Promulgated on September 20, 1954. <http://www.lawinfochina.com/Display.aspx?lib=law&Cgid=52993>.
- National People's Congress (NPC). 2015. *Education Law of the People's Republic of China (EL)* [中华人民共和国教育法]. Promulgated on March 18, 1995, amended August 27, 2009, and December 27, 2015. <http://en.pkulaw.cn/display.aspx?cgid=b50e1d673a3faddfbdfb&lib=law>.
- National People's Congress (NPC). 2001. *Law of the People's Republic of China on Regional National Autonomy* [中华人民共和国民族区域自治法]. Promulgated May 31, 1984, amended February 28, 2001. http://www.npc.gov.cn/zgrdw/englishnpc/Special_NPC_Delegation/2007-12/13/content_1494002.htm.
- National People's Congress (NPC). 2000. *Legislation Law of the People's Republic of China (LL)*. [中华人民共和国立法法]. Effective July 1, 2000. <https://www.cecc.gov/resources/legal-provisions/legislation-law-chinese-and-english-text>.
- Organization for Security and Co-Operation in Europe (OSCE). 1975. *Final Act of the Conference on Security and Co-Operation in Europe*. Helsinki: Organization for Security and Co-Operation in Europe.
- Permanent sovereignty over natural resources. GA res. 1803 (XVII), 17 UN GAOR Supp. (No.17) at 15, UN Doc. A/5217 (1962), concluded December 14, 1962.
- Reference Re Secession of Québec*, [1998] 2 SCR 217, (1998) 37 ILM 1342.
- Report from the CSCE Meeting of Experts on National Minorities*. 1991. Geneva: Organization for Security and Co-Operation in Europe, July 19. <https://www.osce.org/hcnm/14588>.
- Report of the International Commission of Jurists*, League of Nations Official Journal, [1920] Special Supplement No. 3.
- Shanghai Cooperation Organization (SCO). 2001. *Shanghai Convention on Combating Terrorism, Separatism and Extremism* [打击恐怖主义、分裂主义和极端主

- 义上海公约]. Signed on June 15, 2001, effective on March 29, 2003. <http://www.lawinfochina.com/display.aspx?id=523&lib=tax>.
- State Council. 2003. *Xinjiang History and Development* [新疆的历史与发展]. May 26. <http://www.scio.gov.cn/zfbps/ndhf/2003/Document/307907/307907.htm>.
- State Council. 2004. *Religious Affairs Regulations (RAR)* [宗教事务条例]. November 30, 2004, effective March 1, 2005. http://www.pkulaw.cn/fulltext_form.aspx?Gid=56332.
- State Council. 2005. *Regional Autonomy for Ethnic Minorities in China* [中国的民族区域自治]. February 28. <http://www.scio.gov.cn/zfbps/ndhf/2005/Document/307890/307890.htm>.
- State Council. 2009a. *Ethnic Policy and Common Prosperity and Development of All Ethnic Groups* [中国的民族政策与各民族共同繁荣发展]. September 27. http://www.china.org.cn/government/whitepaper/node_7078073.htm.
- State Council. 2009b. *Xinjiang Development and Progress* [新疆的发展与进步]. September 21. <http://www.scio.gov.cn/zfbps/ndhf/2009/Document/418337/418337.htm>.
- State Council. 2014. *The History and Development of the Xinjiang Production and Construction Corps* [新疆生产建设兵团的历史与发展]. October 5. <http://www.scio.gov.cn/zfbps/ndhf/2014/Document/1382601/1382601.htm>.
- State Council. 2015. *Historical Witness to Ethnic Equality, Unity and Development in Xinjiang* [新疆各民族平等团结发展的历史见证]. September 25. <http://www.scio.gov.cn/zfbps/ndhf/2015/Document/1450410/1450410.htm>.
- State Council. 2016. *Freedom of Religious Belief in Xinjiang* [新疆的宗教信仰自由状况]. June 2. <http://www.scio.gov.cn/zfbps/ndhf/34120/Document/1479256/1479256.htm>.
- State Council. 2017. *Human Rights in Xinjiang – Development and Progress* [新疆人权事业的发展进步]. June 1. <http://www.scio.gov.cn/zfbps/ndhf/36088/Document/1554102/1554102.htm>.

- State Council. 2017. *Religious Affairs Regulations (RAR) [宗教事务条例]*. August 26, effective February 1, 2018. http://www.pkulaw.cn/fulltext_form.aspx?Db=chl&Gid=301551.
- State Council. 2018. *Cultural Protection and Development in Xinjiang [新疆的文化保护与发展]*. November 15. <http://www.scio.gov.cn/zfbps/ndhf/37884/Document/1641510/1641510.htm>.
- State Council. 2019. *The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang [新疆的反恐、去极端化斗争与人权保障]*. March 18. <http://www.scio.gov.cn/zfbps/ndhf/39911/Document/1649848/1649848.htm>.
- The Aaland Island Question Report Submitted to the Council of the League of Nations by the Commission of Rapporteurs*, [1921] League of Nations Doc. B7[C]21/68/106.
- Treaty on the Final Settlement of with Respect to Germany*, 12 September 1990, *International Legal Materials* 29 (5). 1991, 1187–1193.
- United Nations. 1945. *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI. <http://www.un.org/en/charter-united-nations>.
- United Nations. 1998. *The Universal Declaration of Human Rights (UDHR), 1948–1998*. New York: United Nations Dept. of Public Information.
- United Nations, *Statute of the International Court of Justice*, April 18, 1946. <http://www.icj-cij.org/en/statute>.
- United Nations Commission for Indonesia. 1949. *Special Report to the Security Council on the Round Table Conference*, S/1417, November 10, 1949.
- United Nations General Assembly, Ninth Session, Official Records, agenda item 31, A/C.4/SR.419 November 2, 1950.
- United Nations General Assembly, Seventh Session, Official Records, agenda item 30, A/C.3/SR.447 November 18, 1952.
- United Nations General Assembly, Sixth Session, Official Records, agenda item 29, A/C.3/SR.397 January 21, 1952.

- United Nations General Assembly, Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation among States, Summary Record of the Sixty-eight Meeting. A/AC.125/SR.68 December 4, 1967.
- United Nations General Assembly, Tenth Session, Official Records, agenda item 28, A/C.3/SR.642 October 24, 1955.
- United Nations High Commissioner for Human Rights (OHCHR). 2014. *Basic Human Rights Reference Guide: Right to a Fair Trial and Due Process in the Context of Countering Terrorism*. United Nations Department of Political Affairs. <https://www.ohchr.org/EN/newyork/Documents/FairTrial.pdf>.
- Western Sahara*, Separate Opinion by Judge Dillard, [1975] ICJ Rep 16.
- Xinjiang Statistics Bureau. 2020. *2019 Xinjiang Statistical Yearbook [新疆统计年鉴]*. Beijing: China Statistics Press.
- Xinjiang Uyghur Autonomous Region People's Congress Standing Committee. 1994. *Regulations of Xinjiang Uyghur Autonomous Region on Religious Affairs (RXR)* [新疆维吾尔自治区宗教事务管理条例]. July 16, effective October 10. <https://www.cecc.gov/resources/legal-provisions/xinjiang-uyghur-autonomous-region-regulation-on-the-management-of>.
- Xinjiang Uyghur Autonomous Region People's Congress Standing Committee. 2001. *Regulations of Xinjiang Uyghur Autonomous Region on Religious Affairs (Draft Amendments)* [新疆维吾尔自治区宗教事务管理条例正案（草案）]. HRW, April 11, 2005. <https://www.hrw.org/reports/2005/china0405/6.htm>.
- Xinjiang Uyghur Autonomous Region People's Congress Standing Committee. 2014. *Regulations of Xinjiang Uyghur Autonomous Region on Religious Affairs* [新疆维吾尔自治区宗教事务条例]. November 28, effective January 1, 2015. http://www.pkulaw.cn/fulltext_form.aspx?Gid=17713696.
- Xinjiang Uyghur Autonomous Region People's Congress Standing Committee. 2017. *Regulations of Xinjiang Uyghur Autonomous Region on De-Radicalization* [新疆维吾尔自治区去极端化条例]. March 29, effective April 1, 2017, amended October 9, 2018. <http://xj.people.com.cn/n2/2017/0330/c186332-29942874.html>.

7.2. Secondary Sources

- Abilene Weekly Reflector. 1891. "Vest on Secession." *Abilene Weekly Reflector* IX (1), August 27. <https://chroniclingamerica.loc.gov/lccn/sn84029386/1891-08-27/ed-1/seq-1/>.
- AFP. 2015. "China Bans Muslims from Fasting Ramadan in Xinjiang." *Aljazeera*, June 18. <https://www.aljazeera.com/news/2015/06/china-bans-ramadan-fasting-muslim-region-150618070016245.html>.
- Amnesty International. 2019. "Country Overview: China." *Amnesty.org*. <https://www.amnesty.org/en/countries/asia-and-the-pacific/china/>.
- Anand, Dibyesh. 2018. "Colonization with Chinese Characteristics: Politics of (In)security in Xinjiang and Tibet." *Central Asian Survey* 38 (1): 129–147.
- Asan Institute for Policy Studies. 2017. "Orwell's Nightmare: China's Social Credit System." *Asaninst.org*, February 28. <http://en.asaninst.org/contents/orwells-nightmare-chinas-social-credit-system/>.
- Atwood, Christopher Pratt. 2004. *Encyclopedia of Mongolia and The Mongol Empire*. New York: Facts on File.
- Bachman, David. 2004. "Making Xinjiang Safe for the Han? Contradictions and Ironies of Chinese Governance in China's Northwest." In *Governing China's Multiethnic Frontiers*, edited by Morris Rossabi, 155–85. Seattle: University of Washington Press.
- Bahenský, František. 2010. *Národnostní politika na teritoriu bývalého SSSR [Ethnic Policy on the Former USSR Territory]*. Praha: Etnologický ústav AV ČR.
- Bai, Tiantian. 2015. "Xinjiang Party chief warns of 'political struggle' in region." *Global Times*, June 16. <http://www.globaltimes.cn/content/927241.shtml>.
- Baldwin, Robert. 1995. *Rules and Government*. New York: Oxford University Press.
- Barnett, A. Doak. 1963. *China on The Eve of Communist Takeover*. New York: Praeger.
- Barten, Ulrike. 2015. *Minorities, Minority Rights and Internal Self-Determination*. London: Springer.

- Baum, Richard. 2011. "The Road to Tiananmen: Chinese Politics in the 1980s." In *The Politics of China: Sixty Years of the People's Republic of China*, edited by Roderick MacFarquhar, 337–467. Cambridge: Cambridge University Press.
- BBC. 2018. "Xinjiang Territory Profile." *BBC*, October 12. <https://www.bbc.com/news/world-asia-pacific-16860974>.
- BBC. 2019. "Ambassador Liu Xiaoming: China Not Frightened of Dissent." *BBC*, November 28. <https://www.bbc.co.uk/news/av/world-asia-china-50593441/ambassador-liu-xiaoming-china-not-frightened-of-dissent>.
- Becquelin, Nicolas. 1997. "Interethnic Tension and Endemic Poverty in the National Minority Areas: Trouble on the Marches." *China Perspectives* (10): 19–28.
- Becquelin, Nicolas. 2000. "Xinjiang in the Nineties." *The China Journal* 44 (July): 65–90.
- Bell, Christine, and Kathleen Cavanaugh. 1999. "'Constructive Ambiguity' or Internal Self-Determination? Self-Determination, Group Accommodation, and the Belfast Agreement." *Fordham International Law Journal* 22 (4): 1345–1371.
- Bellér-Hann, Ildikó. 1997. "The Peasant Condition in Xinjiang." *The Journal of Peasant Studies* 25 (1): 87–112.
- Bellér-Hann, Ildikó. 2002. "Temperamental Neighbours: Uyghur-Han Relations in Xinjiang, Northwest China." In *Imagined Differences: Hatred and the Construction of Identity*, edited by Günther Schlee, 57–81. Hamburg: LIT Verlag.
- Bellér-Hann, Ildikó. 2008. *Community Matters in Xinjiang 1880–1949*. Leiden: Brill.
- Benson, Linda. 1990. *The Ili Rebellion: The Moslem Challenge to Chinese Authority in Xinjiang 1944–1949*. Armonk: M. E. Sharpe.
- Benson, Linda, and Ingvar Svanberg. 1998. *China's Last Nomads: The History and Culture of China's Kazaks*. London: Routledge.
- Berman, Nathaniel. 1988. "Sovereignty in Abeyance: Self-Determination and International Law." *Wisconsin International Law Journal* 7 (1): 51–105.
- Biddulph, Sarah. 2015. *The Stability Imperative: Human Rights and Law in China*. Vancouver: UBC Press.

- Biddulph, Sarah, and Joshua Rosenzweig. 2019. "Introduction." In *Handbook of Human Rights in China*, edited by Sarah Biddulph and Joshua Rosenzweig, 1–13. Cheltenham, UK: Edward Elgar.
- Boer, Ben. 2016. *The Mekong, a Socio-legal Approach to River Basin Development*. Earthscan Studies in Water Resource Management. New York: Routledge.
- Borger, Julian. 2018. "China and Russia Accused of Waging 'War on Human Rights' at UN." *The Guardian*, March 27. <https://www.theguardian.com/world/2018/mar/27/china-and-russia-accused-of-waging-war-on-human-rights-at-un>.
- Bovingdon, Gardner. 2004a. *Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent*. Washington: East-West Center.
- Bovingdon, Gardner. 2004b. "Contested Histories." In *Xinjiang: China's Muslim Borderland*, edited by S. Frederick Starr, 353–374. Armonk, New York: M. E. Sharpe.
- Bovingdon, Gardner. 2005. *China's regional ethnic autonomy law: does it protect minority rights?* Roundtable before the congressional-executive commission on China, 109th Congress, first session. Washington: U.S. Government Printing Office.
- Bovingdon, Gardner. 2010. *The Uyghurs: Strangers in Their Own Land*. New York: Columbia University Press.
- Bovingdon, Gardner. 2015. "The Importance of Being Uyghur." In *Language, Education and Uyghur Identity in Urban Xinjiang*, edited by Joanne Smith Finley and Xiaowei Zang, 194–203. London: Routledge.
- Brady, Anne-Marie. 2008. *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China*. Plymouth: Rowman & Littlefield.
- Brophy, David. 2016. *Uyghur Nation: Reform and Revolution on the Russia-China Frontier*. Cambridge, Massachusetts: Harvard University Press.
- Brown, Gordon, ed. 2016. *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World*. Cambridge: Open Book Publishers.

- Brownlie, Ian. 1988. "The Rights of Peoples in Modern International Law". In *The Rights of Peoples*, edited by James Crawford, 1–16. New York: Oxford University Press.
- Buchanan, Allen. 1997. "Theories of Secession." *Philosophy and Public Affairs* 26 (1) (Winter): 31–61.
- Buchanan, Allen. 2006. "A Principled International Legal Response to Demands for Self-Determination." In *Identity, Self-Determination and Secession*, edited by Aleksandar Pavković, 139–154. Burlington, VT: Ashgate.
- Buckley, Chris. 2014. "In Xinjiang, Xi Pushes Vision of Uighur Integration." *The New York Times*, April 29. <https://uyghuramerican.org/article/xinjiang-xi-pushes-vision-uighur-integration.html>.
- Burrows, Mathew, and Robert A. Manning. 2015. "America's Worst Nightmare: Russia and China Are Getting Closer." *The National Interest*, August 24. <https://nationalinterest.org/feature/americas-worst-nightmare-russia-china-are-getting-closer-13661>.
- Calavita, Kitty. 2010. *Invitation to Law & Society: An Introduction to the Study of Real Law*. Chicago, IL: University of Chicago Press.
- Cameron, Sarah. 2014. "Violence, Flight, And Hunger: The Sino-Kazakh Border and The Kazakh Famine". In *Stalin and Europe: Imitation and Domination, 1928–1953*, edited by Timothy D. Snyder and Ray Brandon, 44–72. New York: Oxford University Press.
- Cao, Huhua. 2010. "Urban–Rural Income Disparity and Urbanization: What Is the Role of Spatial Distribution of Ethnic Groups? A Case Study of Xinjiang Uyghur Autonomous Region in Western China." *Regional Studies* 44 (8): 965–982.
- Cappelletti, Alessandra. 2020. *Socio-Economic Development in Xinjiang Uyghur Autonomous Region: Disparities and Power Struggle in China's North-West*. Singapore: Palgrave Macmillan.
- Cassese, Antonio. 1995. *Self-Determination of Peoples: A Legal Reappraisal*. Reprinted. Cambridge: Cambridge University Press.

- Castellino, Joshua. 2012. "Civil and Political Rights." In *An Introduction to International Human Rights Law*, edited by Aziz Rahman Chowdhury and Jahid Hossain Bhuiyan, 31–50. Boston: Brill.
- Castellino, Joshua. 2014. "International Law and Self-Determination: Peoples, Indigenous Peoples, and Minorities". In *Self-Determination and Secession in International Law*, edited by Christian Walter, Antje von Ungern-Sternberg and Kavus Abushov. Oxford, United Kingdom: Oxford University Press.
- Castellino, Joshua, and Cathal Doyle. 2018. "Who Are 'indigenous Peoples'? An Examination of Concepts Concerning Group Membership in the UNDRIP." In *The Un Declaration on the Rights of Indigenous Peoples: A Commentary*, 7–37. New York: Oxford University Press.
- Catris, Sandrine Emmanuelle. 2015. "The Cultural Revolution from the Edge: Violence and Revolutionary Spirit in Xinjiang, 1966–1976." Ph.D. Diss., Indiana University.
- CECC (Congressional-Executive Commission on China). 2010. "Tibetan Buddhist Affairs Regulations Taking Effect in Tibetan Autonomous Prefectures." *CECC*. <https://www.cecc.gov/publications/commission-analysis/tibetan-buddhist-affairs-regulations-taking-effect-in-tibetan>.
- Chaudhuri, Debasish. 2016. "China's Policy in Xinjiang, 1948–78". In *Xinjiang – China's Northwest Frontier*, edited by Kulbhushan Warikoo, 56–81. London: Routledge.
- Chaudhuri, Debasish. 2018. *Xinjiang and the Chinese State: Violence in the Reform Era*. London: Routledge.
- Chen, Albert. 2015. *Introduction to the legal system of the People's Republic of China*. Hong Kong: LexisNexis.
- Chen, Feng. 2012. "Xi Jinping shen xianfa quanwei weixianbijiu zhidu dai luoshi 习近平申宪法权威 “违宪必究” 制度待落实 [Xi Jinping Asserts the Authority of the Constitution Must be Implemented]." *DWnews*, December 7. <https://bbs.comefromchina.com/threads/1178303/>.
- Chen, Jianfu. 2008. *Chinese Law: Context and Transformation*. Leiden: Martinus Nijhoff Publishers.

- Chin, Josh, and Clément Bürge. 2017. "Twelve Days in Xinjiang: How China's Surveillance State Overwhelms Daily Life; The government has turned the remote region into a laboratory for its high-tech social controls." *Wall Street Journal*, December 19. <https://www.wsj.com/articles/twelve-days-in-xinjiang-how-chinas-surveillance-state-overwhelms-daily-life-1513700355>.
- China Daily. 2015. "Initiative offers road map for peace, prosperity." *China Daily*, March 30. https://www.chinadaily.com.cn/china/2015-03/30/content_19950699.htm.
- China Daily. 2017. "Full text of Xi Jinping's report at 19th CPC National Congress." April 11. https://www.chinadaily.com.cn/china/19thcpcnationalcongress/2017-11/04/content_34115212.htm.
- China Daily. 2018. "Reality of Xinjiang different from that portrayed by West: China Daily editorial." *China Daily*, October 18. <http://www.chinadaily.com.cn/a/201810/18/WS5bc87afaa310eff303283336e.html>.
- China Internet Information Center (CIIC). 2003. "The Legislative System of China." *China.org.cn*, September 28. <http://www.china.org.cn/english/features/legislative/75857.htm>.
- Chiarello, Elizabeth. 2013. "Contextualizing Consequences: A Socio-Legal Approach to Social Movement Outcomes in Professional Fields." *Mobilization* 18 (4): 429–451.
- Chou, Bill K. P. 2012. "Implementation Measures of China's Xinjiang Policies: Guest Editor's Introduction." *Chinese Law and Government* 45 (4): 3–8.
- Clarke, Michael. 2007. "China's Internal Security Dilemma and the 'Great Western Development': The Dynamics of Integration, Ethnic Nationalism and Terrorism in Xinjiang." *Asian Studies Review* 31 (3): 323–342.
- Cliff, Tom. 2016. *Oil and Water: Being Han in Xinjiang*. Chicago: Chicago University Press.
- Cook, Sarah. 2017. "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping." A Freedom House Special Report. *Freedom House*, February 2017.

https://freedomhouse.org/sites/default/files/FH_ChinasSprit2016_FULL_FIN_AL_140pages_compressed.pdf.

- Cook, Sarah. 2019. "Freedom of Religion and Belief." In *Handbook on Human Rights in China*, edited by Sarah Biddulph and Joshua Rosenzweig, 323–347. Cheltenham, UK: Edward Elgar.
- Côté, Isabelle. 2012. "Autonomy and Ethnic Diversity: The Case of Xinjiang Uighur Autonomous Region in China." In *Political Autonomy and Divided Societies*, edited by Alain G. Gagnon and Michael Keating, 171–184. London: Palgrave Macmillan.
- Crane, Sam. 2018. "Why Xi Jinping's China is Legalist, Not Confucian: The Philosophical Basis of China's 'New Era.'" *Los Angeles Review of Books: China Channel*, June 29, 2018. <https://chinachannel.org/2018/06/29/legalism/>
- Crawford, James. 1988. "The Rights of Peoples: 'Peoples' or 'Governments'?" In *The Rights of Peoples*, edited by James Crawford, 55–67. New York: Oxford University Press.
- Creemers, Rogier. 2018. "China's Social Credit System: An Evolving Practice of Control." *SSRN*, May 9. <https://ssrn.com/abstract=3175792>.
- Davis, Elizabeth Van Wie. 2008. "Uyghur Muslim Ethnic Separatism in Xinjiang, China." *Asian Affairs: An American Review* 35 (1): 15–30.
- Diamond, Larry and Orville Schell, eds. *Chinese Influence & American Interests: Promoting Constructive Vigilance*. Stanford: Stanford University Hoover Institution Press, 2018.
- Dillon, Michael. 1997. "Ethnic, Religious and Political Conflict on China's Northwestern Borders: The Background to the Violence in Xinjiang." *IBRU Boundary and Security Bulletin*, (Spring): 80–86.
- Dillon, Michael. 2004. *Xinjiang—China's Muslim Far Northwest*. New York: Routledge.
- Dillon, Michael. 2014. *Xinjiang and the Expansion of Chinese Communist Power: Kashgar in the Early Twentieth Century*. London: Routledge.
- Dillon, Michael. 2015. "Religion, Repression, and Traditional Uyghur Culture in Southern Xinjiang: Kashgar and Khotan." *Central Asian Affairs* 2 (3): 246–263.

- Ding, Jianwei. 2004. “ZhongYa yu wo guo xibei bianjiang diqu tongyang kuaguo minzu wenti 中亚与我国西北边疆地区同源跨国民族问题 [The Same Source of Problems with Transnational Minorities in Central Asia and Northwest Frontiers of China].” *Journal of the Second Northwest University for Nationalities* 61 (1): 5–11.
- Dominíguez-Redondo, Elvira. 2012. “Role of The UN in The Promotion and Protection of Human Rights”. In *An Introduction to International Human Rights Law*, edited by Aziz Rahman Chowdhury and Jahid Hossain Bhuiyan, 119–144. Boston: Brill.
- Dreyer, June Teufel. 1976. *China's Forty Millions: Minority Nationalities and National Integration in The People's Republic of China*. Cambridge, MA.: Harvard University Press.
- Eberhard, Wolfram. 1982. *China's Minorities: Yesterday and Today*. Belmont, CA: Wadsworth Publishing Company.
- Eide, Asbjørn. 1993. “In Search of Constructive Alternatives to Secession”. In *Modern Law and Self-Determination*, 1st ed., 139–176. Dordrecht: Martinus Nijhoff Publishers.
- Ercilasun, Güljanat Kurmangaliyeva. 2018. “A View from the Nineteenth Century: Eastern Turkistanese-Chinese Cultural Relations in Chokan Valikhanov’s Works.” In *The Uyghur Community: Diaspora, Identity and Geopolitics*, edited by Konuralp Ercilasun and Güljanat Kurmangaliyeva Ercilasun, 17–26. New York: Palgrave Macmillan.
- Erie, Matthew S. 2016. *China and Islam: The Prophet, the Party, and Law*. New York: Cambridge University Press.
- Falk, Richard. 1988. “The Rights of Peoples (In Particular Indigenous Peoples)”. In *The Rights of Peoples*, edited by James Crawford, 17–37. New York: Oxford University Press.
- Fällman, Fredrik. 2017. “Defining the Past and Shaping the Future: Reflections on Xinjiang Narratives, Uyghur-Han-Hui Relations, and the Perspectives of Research.” In *Kashgar revisited: Uyghur Studies in Memory of Ambassador*

- Gunnar Jarring*, edited by Ildikó Bellér-Hann, Birgit N. Schlyter and Jun Sugawara, 184–204. Leiden: Brill.
- Famularo, Julia. 2015. “Chinese Religious Regulations in The Xinjiang Uyghur Autonomous Region: A Veiled Threat to Turkic Muslims?” Arlington VA: Project 2049 Institute, 1–16. <https://project2049.net/2015/04/08/chinese-religious-regulations-in-the-xinjiang-uyghur-autonomous-region-a-veiled-threat-to-turkic-muslims/>.
- Fédération internationale pour les droits humains (FIDH). “China’s New Counter-Terrorism Law: Implications and Dangers for Tibetans and Uyghurs.” *FIDH*. https://www.fidh.org/IMG/pdf/20161103_china_ct_report_final_.pdf.
- Fisch, Jörg. 2015. *The Right of Self-Determination of Peoples: The Domestication of an Illusion*. New York, NY: Cambridge University Press.
- Flocruz, Jaimie A., et al. 1999. “Inside China's Search for Its Soul: The 50th Anniversary of Mao’s Revolution Finds the Nation Balancing a Rotting Ideology against a Hopeful Future.” *Time* 15 (14): 68–72.
- Foucault, Michel. 2008. *The Birth of Biopolitics: Lectures at the College de France*. New York: Palgrave Macmillan.
- Forbes, Andrew D. W. 1986. *Warlords and Muslims in Chinese Central Asia: A Political History of Republican Sinkiang, 1911–1949*. Cambridge: Cambridge University Press.
- Forsythe, Michael. 2017. “China’s Chief Justice Rejects an Independent Judiciary, and Reformers Win.” *The New York Times*, January 18. <https://www.nytimes.com/2017/01/18/world/asia/china-chief-justice-courts-zhou-qiang.html>.
- Freedom House. 2019. “Freedom in the World 2019: China.” *Freedom House*. <https://freedomhouse.org/report/freedom-world/2019/china>.
- French, Duncan. 2013. *Statehood and Self-Determination: Reconciling Tradition and Modernity in International Law*. New York: Cambridge University Press.
- Gallagher Cunningham, Kathleen. 2014. *Inside the Politics of Self-Determination*. New York: Oxford University Press, USA.

- Gallagher, Mary E. 2017. *Authoritarian Legality in China: Law, Workers, and the State*. Cambridge: Cambridge University Press.
- Gladney, Dru C. 1991. *Muslim Chinese: Ethnic Nationalism in the People's Republic*. Cambridge, MA: Harvard University Press.
- Gladney, Dru C. 1994. "Representing Nationality in China: Refiguring Majority/Minority Identities." *The Journal of Asian Studies* 53 (1): 92–123.
- Gladney, Dru C. 1995. "Economy and Ethnicity: The Revitalization of a Muslim Minority in Southeastern China". In *The Waning of the Communist State: Economic Origins of Political Decline in China and Hungary*, edited by Andrew G. Walder, 243–267. Berkeley, CA: University of California Press.
- Gladney, Dru C. 1996. "Relational Alterity: Constructing Dungan (Hui), Uyghur, and Kazakh Identities across China, Central Asia, and Turkey." *History and Anthropology* 9 (4): 445–477.
- Gladney, Dru C. 1998. "Internal Colonialism and the Uyghur Nationality: Chinese Nationalism and Its Subaltern Subjects." *Cahiers d'études sur la Méditerranée orientale et le monde turco-iranien* 25: 47–63.
- Gladney, Dru C. 2003. "Islam in China: Accommodation or Separatism?" *The China Quarterly* 174 (2): 451–467.
- Griffits, James, and Ben Westcott. 2018. "China Says Claims 1 million Uyghurs Put in Camps 'Completely Untrue'." *CNN*, August 15. <https://edition.cnn.com/2018/08/13/asia/china-xinjiang-uyghur-united-nations-intl/index.html>.
- Groot, Gerry. 2018. "The Rise and Rise of the United Front Work Department under Xi". *China Brief* 18 (17): 14–16. <https://jamestown.org/wp-content/uploads/2018/04/Read-This-Issue-in-PDF-1.pdf?x87069>.
- Grose, Timothy. 2010. "The Xinjiang Class: Education, Integration, and the Uyghurs." *Journal of Muslim Minority Affairs* 30 (1): 97–109.
- Grose, Timothy. 2019. *Negotiating Inseparability in China: The Xinjiang Class and the Dynamics of Uyghur Identity*. Hong Kong: Hong Kong University Press.

- Guo, Baogang, and Chung-Chian Teng. 2012. *Taiwan and the Rise of China: Cross-strait Relations in the Twenty-first Century*. Lanham: Lexington Books.
- Han, Enze. 2010. "Boundaries, Discrimination, and Interethnic Conflict in Xinjiang, China." *International Journal of Conflict and Violence* 4 (2): 244–256.
- Hannum, Hurst. 1996. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Rev. ed. Philadelphia: University of Pennsylvania Press.
- Hannum, Hurst, and Richard B. Lillich. 1980. "The Concept of Autonomy in International Law." *The American Journal of International Law* 74 (4): 858–89.
- Hansungule, Michelo. 2012. "The Historical Development of International Human Rights." In *An Introduction to International Human Rights Law*, edited by Aziz Rahman Chowdhury and Jahid Hossain Bhuiyan, 1–30. Boston, MA: Brill.
- Harrell, Stevan. 1995. "Introduction Civilizing Projects and the Reaction to Them." In *Cultural Encounters on China's Ethnic Frontiers*, edited by Stevan Harrell, 3–36. London: University of Washington Press, 1995.
- Heberer, Thomas. 2017. *China and Its National Minorities: Autonomy or Assimilation*. New York: Routledge.
- Higgins, Rosalyn. 1992. "Grotius and The Development of International Law in the United Nations Period". In *Hugo Grotius and International Relations*, 267–280. New York: Oxford University Press.
- Human Rights Watch. 2005. "Devastating Blows: Religious Repression of Uighurs in Xinjiang." *HRW*. <https://www.hrw.org/reports/2005/china0405/china0405.pdf>.
- Human Rights Watch. 2019a. "How Mass Surveillance Works in Xinjiang, China: 'Reverse Engineering' Police App Reveals Profiling and Monitoring Strategies." *HRW*, May 2. <https://www.hrw.org/video-photos/interactive/2019/05/02/china-how-mass-surveillance-works-xinjiang>.
- Human Rights Watch. 2019b. "Interview: China's 'Big Brother' App." *HRW*, May 1. <https://www.hrw.org/news/2019/05/01/interview-chinas-big-brother-app>.

- Hurd, Hilary. 2018. "China's Human Rights Abuses Against Uighurs in Xinjiang." *Lawfare*. <https://www.lawfareblog.com/chinas-human-rights-abuses-against-uighurs-xinjiang>.
- Hutchinson, Terry. 2014. "Valé Bunny Watson? Law Librarians, Law Libraries and Legal Research in the Post-Internet Era." *Law Library Journal* 106 (4): 579–592.
- Hyman, Anthony. 1997. "Turkestan and pan-Turkism revisited." *Central Asian Survey* 16 (3): 339–351.
- Iredale, Robyn R., Naran Bilik and Fei Guo. 2003. *China's Minorities on the Move: Selected Case Studies*. Armonk, NY: M. E. Sharpe.
- ISHR (International Service for Human Rights). 2018. "China: UN Experts Call for Repeal of 'De-Extremification' Regulations in Xinjiang." *ISHR*, November 13. <https://www.ishr.ch/news/china-un-experts-call-repeal-de-extremification-regulations-xinjiang>.
- Jacobs, Andrew. 2009. "China Is Wordless on Traumas of Communists' Rise." *The New York Times*, October 1. <https://www.nytimes.com/2009/10/02/world/asia/02anniversary.html>.
- Jacobs, Justin M. 2016. *Xinjiang and the Modern Chinese State*. London: University of Washington Press.
- Jaichand, Vinodh. 2012. "An Introduction to Economic, Social and Cultural Rights: Overcoming the Constraints of Categorization Through Implementation." In *An Introduction to International Human Rights Law*, edited by Aziz Rahman Chowdhury and Jahid Hossain Bhuiyan, 54–55. Boston: Brill.
- Jennings, Ivor. 2011. *The Approach to Self-Government*. Cambridge: Cambridge University Press.
- Jiménez-Tovar, Soledad, and Martin Lavička. 2020. "Folklorized Politics: How Chinese Soft Power Works in Central Asia." *Asian Ethnicity* 21(2): 244–268.
- Joske, Alex. 2019. "Reorganizing the United Front Work Department: New Structures for a New Era of Diaspora and Religious Affairs Work." *The Jamestown Foundation*, May 9. <https://jamestown.org/program/reorganizing-the-united->

front-work-department-new-structures-for-a-new-era-of-diaspora-and-religious-affairs-work/.

Kaiman, Jonathan. 2013. "Islamist Group Claims Responsibility for Attack on China's Tiananmen Square." *The Guardian*, November 25. <https://www.theguardian.com/world/2013/nov/25/islamist-china-tiananmen-beijing-attack>.

Kaltman, Blaine. 2007. *Under the Heel of the Dragon: Islam, Racism, Crime, and the Uighur in China*. Athens, OH: Ohio University Press.

Keith, Ronald C., Zhiqiu Lin, and Shumei Hou. 2014. *China's Supreme Court*. New York: Routledge.

Kennedy, Duncan. 2006. "Three Globalizations of Law and Legal Thought: 1850–2000." In *The New Law and Economic Development: A Critical Appraisal*, edited by David M. Trubek and Alvaro Santos, 19–73. Cambridge: Cambridge University Press.

Kerr, David, and Laura C. Swinton. 2008. "China, Xinjiang, and the Transnational Security of Central Asia." *Critical Asian Studies* 40 (1): 113–142.

Keynes, John Maynard. 1919. *The Economic Consequences of the Peace*. London: Macmillan & Co., Limited.

Klimeš, Ondřej. 2015. *Struggle by the Pen: The Uyghur Discourse of Nation and National Interest, C. 1900–1949*. Leiden: Brill.

Klimeš, Ondřej. 2018. "Advancing 'Ethnic Unity' and 'De-Extremization': Ideational Governance in Xinjiang under 'New Circumstances' (2012–2017)." *Journal of Chinese Political Science* 23 (3): 413–436.

Koch, Jessica. 2006. "Economic Development and Ethnic Separatism in Western China: A New Model of Peripheral Nationalism: Working Paper No. 134." Asia Research Centre, Murdoch University.

Lam, Oiwan. 2017. "China's Xinjiang Residents Are Being Forced to Install Surveillance Apps on Mobile Phones." *Global Voices*, July 19. <https://globalvoices.org/2017/07/19/chinas-xinjiang-residents-are-being-forced-to-install-surveillance-apps-on-mobile-phones/>.

- Lansing, Robert. 1921. *The Peace Negotiations: A Personal Narrative*. New York: Houghton Mifflin company.
- Lattimore, Owen. 1975. *Pivot of Asia: Sinkiang and the Inner Asian Frontiers of China and Russia*. New York: AMS Press.
- Leibold, James. 2007. *Reconfiguring Chinese Nationalism: How the Qing Frontier and its Indigenes Became Chinese*. New York: Palgrave Macmillan.
- Leibold, James. 2014. "Xinjiang Work Forum Marks New Policy of 'Ethnic Mingling'." *China Brief* 14 (12). <https://jamestown.org/program/xinjiang-work-forum-marks-new-policy-of-ethnic-mingling/>.
- Leibold, James. 2020. "Surveillance in China's Xinjiang Region: Ethnic Sorting, Coercion, and Inducement." *Journal of Contemporary China* 29 (121): 46–60.
- Leibold, James, and Timothy Grose. 2016. "Islamic Veiling in Xinjiang: The Political and Societal Struggle to Define Uyghur Female Adornment." *The China Journal* 76 (July): 78–102.
- Lewis, Margaret K. 2015. "Constitutions Across the Strait." In *International Engagement in China's Human Rights*, edited by Titus Chen and Dingding Chen, 134–156. London: Routledge.
- Li, Cheng. 2016. *Chinese Politics in the Xi Jinping Era: Reassessing Collective Leadership*. Washington, D.C.: Brookings Institution Press.
- Link, Perry. 2013. *An Anatomy of Chinese: Rhythm, Metaphor, Politics*. Cambridge: Harvard University Press.
- Liu, Caiyu. 2019. "Islamic Communities Urged to Uphold Sinicization, Improve Political Stance." *The Global Times*, January 6. <http://www.globaltimes.cn/content/1134757.shtml>
- Liu, Tianyang, and Zhenjue Yuan. 2019. "Making a Safer Space? Rethinking Space and Securitization in the Old Town Redevelopment Project of Kashgar, China." *Political Geography* 69: 30–42.
- Liu, Xin, and Lingzhi Fan. 2019. "Xinjiang Residents Hail Improved Livelihood, Stability a Decade after Urumqi riot." *The Global Times*, July 5. <http://www.globaltimes.cn/content/1156877.shtml>.

- Lundberg, Maria. 2009. "Regional National Autonomy and Minority Language Rights in the PRC." *International Journal on Minority and Group Rights* 16 (3): 399–422.
- Luo, Wei. 1996. "How to Find the Law of the People's Republic of China: A Research Guide and Selective Annotated Bibliography." *Law Library Journal* 88 (3): 402–425.
- Ma, Huaide, and Jingbo Wang. 2018. *Building a Government Based on the Rule of Law: History and Development*. Singapore: Springer.
- MacInnis, Donald E. 1982. *Religion in China Today: Policy and Practice*. Maryknoll, NY: Orbis Books.
- Mackerras, Colin. 1999. "Religion and the Education of China's Minorities." In *China's National Minority Education: Culture, Schooling, and Development*, edited by Gerard S. Postiglione, 23–54. New York: Falmer Press.
- Mackerras, Colin. 2001. "Xinjiang at the Turn of the Century: The Causes of Separatism." *Central Asian Survey* 20 (3): 289–303.
- Mackerras, Colin. 2003. *China's Ethnic Minorities and Globalisation*. London: Routledge.
- Makinson, David. 1988. "Rights of Peoples: Point of View of a Logician". In *The Rights of Peoples*, James Crawford, 69–92. New York: Oxford University Press.
- Mayer, Arno J. 1967. *Wilson vs. Lenin, Political Origins of the New Diplomacy, 1917–1918*. Cleveland, New York: Meridian Books.
- McCleary, Rachel, and Robert J. Barro. 2019. *The Wealth of Religions: The Political Economy of Believing and Belonging*. Princeton: Princeton University Press.
- McCorquodale, Robert. 2000. *Self-Determination in International Law*. Libraries of Essays in International Law. Brookfield, VT: Ashgate/Dartmouth.
- McCorquodale, Robert. 2010. "Rights of Peoples and Minorities". In *International Human Rights Law*, edited by Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris, 365–387. New York: Oxford University Press.
- McMillen, Donald Hugh. 1979. *Chinese Communist Power and Policy in Xinjiang, 1949–1977*. Boulder, CO: Westview Press.

- McMillen, Donald Hugh. 1981. "Xinjiang and the Production and Construction Corps: A Han Organisation in a Non-Han Region." *The Australian Journal of Chinese Affairs* (6): 65–96.
- Millward, James A. 1994. "A Uyghur Muslim in Qianlong's Court: The Meanings of the Fragrant Concubine." *The Journal of Asian Studies* 53 (2): 427–458.
- Millward, James A. 2004. *Violent Separatism in Xinjiang: A Critical Assessment*. Policy Studies (East-West Center Washington) 6. Washington, DC: East-West Center Washington.
- Millward, James A. 2007. *Eurasian Crossroads: A History of Xinjiang*. New York: Columbia University Press.
- Millward, James A., and Nabijan Tursun. 2004. "Political History and Strategies of Control, 1884–1978." In *Xinjiang: China's Muslim Borderland*, edited by S. Frederic Starr, 63–98. Armonk, New York: M. E. Sharpe.
- Moeckli, Daniel, et al. 2010. *International Human Rights Law*. Oxford: Oxford University Press.
- Moneyhon, Matthew. 2002. "Controlling Xinjiang: Autonomy on China's New Frontier." *Asia-Pacific Law & Policy Journal* 3 (1): 120–152.
- Moneyhon, Matthew. 2003. "China's Great Western Development Project in Xinjiang: Economic Palliative, or Political Trojan Horse." *Denver Journal of International Law & Policy* 31 (3): 491–519.
- Moneyhon, Matthew. 2004. "Taming China's 'Wild West': Ethnic Conflict in Xinjiang." *Peace, Conflict, and Development: An Interdisciplinary Journal* 5 (5): 1–23.
- Mortimer, Caroline. 2017. "Ramadan 2017: China Trying to Stop Muslims Observing Holy Month in Restive Xinjiang Region." *Independent*, June 1. <https://www.independent.co.uk/news/world/asia/ramadan-2017-china-xinjiang-uyghur-muslim-holy-month-islam-fasting-a7765836.html>.
- MREDU (Xiansheng jiaoyu wang). 2017. "Guanyu yinfa zizhiyu yiwu jiaoyu jieduan shuangyu jiaoyu kecheng shezhi fangan de tongzhi 关于印发《自治区义务教育阶段双语教育课程设置方案》的通知 [Notification about the Standard Plan for Bilingual Education Curriculum in the Compulsory Education Phase of

- the Autonomous Region].” *MREDU*, September 16.
<http://www.mredu.cn/xxgc/ShowArticle.asp?ArticleID=23325>.
- Mullaney, Thomas S. 2011. *Coming to Terms with the Nation: Ethnic Classification and Modern China*. Berkley: University of California Press.
- Ng, Kwai Hang, and Xin He. 2017. *Embedded Courts: Judicial decision-making in China*. Cambridge: Cambridge University Press.
- Niu, Jun. 2005. *1962: The Eve of the Left Turn in China's Foreign Policy*. CWIHP Working Paper No. 48. Washington, DC: Woodrow Wilson International Center for Scholars.
- Oeter, Stefan. 2014. “The Role of Recognition and Non-Recognition with Regard to Secession.” In *Self-Determination and Secession in International Law*, edited by Christian Walter, Antje von Ungern-Sternberg and Kavus Abushov, 27–44. Oxford, United Kingdom: Oxford University Press.
- Ong, Shao-Er. 1953. “Economic Status of the Chinese Peasants after Agrarian Reform.” *Land Economics* 29 (1): 35–43.
- Özdemir, Adil and Kenneth Frank. 2000. *Visible Islam in Modern Turkey*. London: MacMillan Press.
- Paler, Laura. 2005. “China’s Legislation Law and Making of More Orderly and Representative Legislative System.” *The China Quarterly* 182 (June): 301–318.
- Patten, Alan. 2016. “Self-Determination for National Minorities.” In *The Theory of Self-Determination*, edited by Fernando R. Tesón, 20–144. Cambridge: Cambridge University Press.
- Pavković, Aleksandar. 2006. “Self-Determination, National Minorities and the Liberal Principle of Equality”. In *Identity, Self-Determination and Secession*, edited by Aleksandar Pavković, 123–138. Burlington, VT: Ashgate.
- Perdue, Peter. 2009. “China and Other Colonial Empires.” *The Journal of American-East Asian Relations* 16 (1): 85–103.
- Petersen, Neal H., William Z. Slany, and S. Everett Gleason. 1970. *Foreign Relations of the United States, 1946. Volume IV, Volume IV*.

- Phan, Bing G. 1996. "How Autonomous are the National Autonomous Areas of the PRC? An Analysis of Documents and Cases." *Issues and Studies* 32 (7): 83–108.
- Pils, Eva. 2019. "Human rights and the political system." In *Handbook of Human Rights in China*, edited by Sarah Biddulph and Joshua Rosenzweig, 32–60. Cheltenham, UK: Edward Elgar.
- Potter, Pitman B. 2003. "Belief in Control: Regulation of Religion in China." *The China Quarterly* 174 (June): 317–337.
- Potter, Pitman B. 2013. *China's Legal System*. Cambridge: Polity Press.
- Prashad, Vijay. 2007. *The Darker Nations: A People's History of the Third World*. New York: W. W. Norton.
- Raič, David. 2002. *Statehood and the Law of Self-Determination*. Developments in International Law v. 43. The Hague, New York: Kluwer Law International.
- Ramzy, Austin, and Chris Buckley. 2019. "'Absolutely no mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims." *New York Times*, November 16. <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.
- RFA. 2017. "Prominent Uyghur Musician Arrested amid Ideological Purge in Xinjiang." *RFA*, November 2. <https://www.rfa.org/english/news/uyghur/musician-11022017162302.html>.
- RFA. 2018. "Five Uyghur Professors from Xinjiang University Held in Political 'Re-education Camps.'" *RFA*, September 18. <https://www.rfa.org/english/news/uyghur/professors-09182018151339.html>.
- RFA. 2020. "Xinjiang Authorities Restrict Islamic 'Nikah' Wedding Rites, Citing Danger to 'Stability'." *RFA*, August 25. <https://www.rfa.org/english/news/uyghur/nikah-08252020142730.html>.
- Risse, Thomas, Stephen C. Ropp and Kathryn Sikkink. 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.

- Risse, Thomas, Stephen C. Ropp, and Kathryn Sikkink. 2013. *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge: Cambridge University Press.
- Roberts, Sean R. "The Biopolitics of China's 'War on Terror' and the Exclusion of the Uyghurs." *Critical Asian Studies* 50 (2): 232–258.
- Ronen, Dov. 1979. *The Quest for Self-Determination*. New Haven: Yale University Press.
- Rudelson, Justin. 1997. *Oasis Identities: Uyghur Nationalism along China's Silk Road*. New York: Columbia University Press.
- Rudelson, Justin and William Jankowiak. 2004. "Acculturation and Resistance: Xinjiang Identities in Flux." In *Xinjiang: China's Muslim Borderland*, edited by S. Frederic Starr, 299–319. Armonk, NY: M. E. Sharpe.
- Ruser, Nathan, et al. 2020. "Cultural Erasure: Tracing the Destruction of Uyghur and Islamic Spaces in Xinjiang." *Australian Strategic Policy Institute ASPI*, September 24. <https://www.aspi.org.au/report/cultural-erasure>.
- Sautman, Barry. 1998. "Preferential Policies for Ethnic Minorities in China: The Case of Xinjiang." *Nationalism and Ethnic Politics* 4 (1–2): 86–118.
- Sautman, Barry. 1999. "Ethnic Law and Minority Rights in China." *Law and Policy* 21 (3): 283–314.
- Sautman, Barry. 2014. "Self-Representation and Ethnic Minority Rights in China." *Asian Ethnicity* 15 (2): 174–196.
- Schein, Louisa. 1997. "Gender and Internal Orientalism in China." *Modern China* 23 (1): 69–98.
- Schluessel, Eric T. 2007. "'Bilingual' Education and Discontent in Xinjiang." *Central Asian Survey* 26 (2): 251–277.
- Seymour, James D. 2000. "Xinjiang's Production and Construction Corps, and the Sinification of Eastern Turkestan." *Inner Asia* 2 (2): 171–193.
- Shambaugh, David. 2016. *The China Reader: Rising Power*. New York: Oxford University Press.

- Shan, Wei, and Cuifen Weng. 2013. "China's 'New Deal' in Xinjiang and its Challenges." In *China: Development and Governance*, edited by Gungwu Wang and Yong-Nian Zheng, 71–80. Singapore: World Scientific Publishing.
- Shan, Wei, and Gang Chen. 2009. "The Urumqi riots and China's ethnic policy in Xinjiang." *East Asian Policy* 1 (3): 14–22.
- Shelton, Tracey, and Iris Zhao. 2019. "China cracks down on Ramadan fasting, prompting activist boycott of Chinese products." *ABC*, May 8. <https://www.abc.net.au/news/2019-05-07/china-cracks-down-on-fasting-during-ramadan/11082244>.
- Shichor, Yitzhak. 2005. "Blow Up: Internal and External Challenges of Uyghur Separatism and Islamic Radicalism to Chinese Rule in Xinjiang." *Asian Affairs: An American Review* 32 (2): 119–136.
- Shichor, Yitzhak. 2015. "See No Evil, Hear No Evil, Speak No Evil: Middle Eastern Reactions to Rising." *Griffith Asia Quarterly* 3 (1): 62–85.
- Shih, Gerry. 2017. "AP Exclusive: In western China, thought police instill fear." *AP*, December 17. <https://apnews.com/10207e125d564897934a27288855e34d/AP-Exclusive:-In-western-China,-thought-police-instill-fear>.
- Shue, Vivienne B. 1991. "Powers of State, Paradoxes of Dominion: China 1949–1979." In *Perspectives on Modern China: Four Anniversaries*, edited by Kenneth Lieberthal, Joyce Kallgren, Roderick MacFarquhar and Frederic Wakeman Jr., 205–225. Armonk, NY: Sharpe.
- Simayi, Zuliyati. 2013. "The Practice of Ethnic Policy in Education: Xinjiang's Bilingual Education System." In *Minority Education in China: Balancing Unity and Diversity in an Era of Critical Pluralism*, edited by James Leibold and Yangbin Chen, 131–160. Hong Kong University Press.
- Simon, Jonathan. 1999. "Law after Society." *Law & Social Inquiry*, 24 (1): 143–194.
- Sinha, S. Prakash. 1973. "Is Self-Determination Passé." *Columbia Journal of Transnational Law* 12 (2): 260–273.
- Smith Finley, Joanne. 2007. "Chinese Oppression in Xinjiang, Middle Eastern Conflicts and Global Islamic Solidarities among the Uyghurs." *Journal of Contemporary China* 16 (53): 627–654.

- Smith Finley, Joanne. 2013. *The Art of Symbolic Resistance: Uyghur Identities and Uyghur-Han Relations in Contemporary Xinjiang*. Leiden: Brill.
- Smith Finley, Joanne. 2019. "The Wang Lixiong Prophecy: 'Palestinization' in Xinjiang and the Consequences of Chinese State Securitization of Religion." *Central Asian Survey* 38 (1): 81–101.
- Smith Finley, Joanne, and Xiaowei Zang. 2015. *Language, Education and Uyghur Identity in Urban Xinjiang*. New York: Routledge.
- Spiegel, Mickey. 1997. *China: State Control of Religion*. London: Human Rights Watch.
- Stalin, Joseph. 1954. *Marxism and The National Question*. Moscow: Foreign Languages Pub. House.
- Stein, Justin J. 2003. "Taking the Deliberative Turn in China: International Law, Minority Rights, and the Case of Xinjiang." *Journal of Public and International Affairs* 14 (Spring): 1–25.
- Summers, James. 2013. "The Internal and External Aspects of Self-Determination". In *Statehood and Self-Determination: Reconciling Tradition and Modernity in International Law*, edited by Duncan French, 229–249. New York: Cambridge University Press.
- Sureda, A. Rigo. 1973. *The Evolution of the Right of Self-Determination: A Study of United Nations Practice*. Leiden: Sijthoff.
- Tanner, Murray Scott. 1995. "How Bill Becomes a Law in China: Stages and Processes in Lawmaking." *The China Quarterly*, Special Issue: China's Legal Reforms, 141 (March): 39–64.
- "Tashkent Summit Marks New Phase for SCO". 2004. Online. In *China Daily*, June 18. http://www.chinadaily.com.cn/english/doc/2004-06/18/content_340361.htm.
- Tewksbury, Donald George. 1949–50. *Source Book on Far Eastern Political Ideologies Vol. 1*. New York: International Secretariat, Institute of Pacific Relations.

- “The PRC Legislative Process: Rule Making in China.” 2009. The US-China Business Council.
https://www.uschina.org/sites/default/files/prc_legislative_process.pdf.
- SCIO (The State Council Information Office of the People’s Republic of China). 2019.
 “About SCIO.” *SCIO*. <http://english.scio.gov.cn/aboutscio/index.htm/>.
- Thum, Rian. 2012a. “Beyond Resistance and Nationalism: Local History and the Case of Afaq Khoja.” *Central Asian Survey* 31 (3): 293–310.
- Thum, Rian. 2012b. “Modular History: Identity Maintenance before Uyghur Nationalism.” *The Journal of Asian Studies* 71 (3): 627–653.
- Thum, Rian. 2018. “The Uyghurs in Modern China.” In *Oxford Research Encyclopedia of Asian History*. Oxford University Press USA.
<http://asianhistory.oxfordre.com/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-160>.
- Thum, Rian. 2020. “The Spatial Cleansing of Xinjiang: Mazar Desecration in Context.” *Made in China Journal*, August 24.
<https://madeinchinajournal.com/2020/08/24/the-spatial-cleansing-of-xinjiang-mazar-desecration-in-context/>.
- Toops, Stanley. 2004. *Demographics and Development in Xinjiang after 1949*. Working Paper No.1. Washington, DC: East-West Center Washington.
- UNESCO. 2004. “UNESCO Mission to the Chinese Silk Road as World Cultural Heritage Route: a Systematic Approach towards Identification and Nomination, from 21–31 August 2003; Mission Report.” *Unesdoc*.
<https://unesdoc.unesco.org/ark:/48223/pf0000138161>.
- Uyghur Human Rights Project (UHRP). 2014. “Sentencing of Uyghur Linguist, Abduweli Ayup Politically Motivated and Highlights Chinese Government Assault on Uyghur Language.” *UHRP*, August 27. <https://uhrp.org/press-release/sentencing-uyghur-linguist-abduweli-ayup-politically-motivated-and-highlights-chinese>.
- Valadez, Jorge M. 2001. *Deliberative Democracy: Political Legitimacy and Self-Determination in Multicultural Societies*. Boulder, CO: Westview Press.

- van Gestel, Rob, and Hans-Wolfgang Micklitz. 2011. "Revitalizing Doctrinal Legal Research in Europe: What About Methodology?" Florence: European University Institute Working Papers Law No. 5.
- Vibhute, Khushal, and Filipos Aynalem. 2009. *Legal Research Methods: Teaching Material*. <https://chilot.me/wp-content/uploads/2011/06/legal-research-methods.pdf>.
- Vuori, Juha A. 2014. *Critical Security and Chinese Politics: The Anti-Falungong Campaign*. London: Routledge.
- Walzer, Michael. 1980. "The Moral Standing of States: A Response to Four Critics." *Philosophy & Public Affairs* 9 (3): 209–29.
- Wang, Jongji. 2014. "Xi Jinping yanzhong de 'fazhi Zhongguo' 习近平眼中的 '法治中国' [Xi Jinping's View on the Rule of Law in China]." *Chinanews*, October 22. <http://www.chinanews.com/gn/2014/10-22/6707251.shtml>.
- Wang, Linzhu. 2019. *Self-Determination and Minority Rights in China*. Leiden: Brill Nijhoff.
- Weber, Max. 1964. *The Theory of Social and Economic Organization*. New York: The Free Press.
- Weller, Marc. 2008. *Escaping the Self-Determination Trap*. Boston: Martinus Nijhoff.
- Wenzel-Teuber, Katharina. 2017. "Statistics on Religions and Churches in the People's Republic of China – Update for the Year 2016." *Religions & Christianity in Today's China* 7 (2): 26–53.
- Westcott, Ben. 2020. "Chinese Government Disputes Xinjiang Detention Records Leaked to CNN." *CNN*, February 26. <https://edition.cnn.com/2020/02/25/asia/xinjiang-karakax-list-china-response-intl-hnk/index.html>
- White, Robin C. A. 2000. "Self-Determination: Time for a Re-Assessment?". In *Self-Determination in International Law*, edited by Robert McCorquodale, 147–170. Libraries of Essays in International Law. Brookfield, VT: Ashgate/Dartmouth.

- Wu, Fanwu. 1998. "Yi Xioping dui waiguo zhuanjia de guanhuai 忆小平对外国专家的关怀 [Remembering Xiaoping's Concern for Foreign Experts]." *Renmin Ribao*, February 19, p. 5.
- Wu, Huizhong. 2019. "Sign of the Times: China's Capital Orders Arabic, Muslim Symbols Taken Down." *Reuters*, July 31. <https://www.reuters.com/article/us-china-religion-islam/sign-of-the-times-chinas-capital-orders-arabic-muslim-symbols-taken-down-idUSKCN1UQ0JF>.
- Wu, Ningkang. 2014. "Xinhuashe: Kunming an she Xinjiang fenlie shili 新华社：昆明案涉新疆分离势力 [Xinhua News Agency: Xinjiang Separatist Forces Involved in Kunming Case]." *Radio Taiwan International*. http://news.rti.org.tw/index_newsContent.aspx?nid=487805.
- Wyatt, Tim. 2019. "China Orders Shops to Remove Islamic Symbols and Arabic from signs as Persecution of Muslims Intensifies." *Independent*, August 1. <https://www.independent.co.uk/news/world/asia/china-halal-arabic-muslim-islamic-shop-signs-beijing-xinjiang-uyghur-a9032771.html>.
- Xie, Wenting, and Yunyi Bai. 2020. "'East Turkistan' Forces Make up 'Karakax list'." *Global Times*, February 23. <https://www.globaltimes.cn/content/1180434.shtml>
- Xing, Guangcheng. 1998. "China and Central Asia: Towards a New Relationship." In *Ethnic Challenges beyond Borders: Chinese and Russian Perspectives of the Central Asian Conundrum*, edited by Yongjin Zhang and Rouben Azizian, 32–49. London: MacMillan Press.
- Xinhua. 2014. "Xi Jinping: Kuoda Xinjiang shaoshu minzu dao neidi juzhu guimo 习近平：扩大新疆少数民族到内地居住规模 [Xi Jinping: Expand the Scale of Xinjiang Ethnic Minorities Living in China's Inland]." *Xinhua*, May 29. http://www.xinhuanet.com//politics/2014-05/29/c_1110926294.htm.
- Xinhua. 2017. "Shoujie 'nannan renquan luntan' Beijing xuanyan 首届‘南南人权论坛’《北京宣言》 [The First South-South Forum – Beijing Declaration]." *Xinhua*, December 8. http://m.xinhuanet.com/2017-12/08/c_1122081753.htm.

- Xinhua. 2018a. “Full transcript: Interview with Xinjiang Government Chief on Counterterrorism, Vocational Education and Training in Xinjiang.” *Xinhua*, October 16. http://www.xinhuanet.com/english/2018-10/16/c_137535821.htm.
- Xinhua. 2018b. “Zhonggong Zhongyang: Shenhua dang he guojia jigou gaige fangan 中共中央印发《深化党和国家机构改革方案》 [Central Committee of the Communist Party of China: Reform Plan for Deepening Party’s and Country’s Institutions].” *Xinhua*, March 21. http://www.gov.cn/zhengce/2018-03/21/content_5276191.htm#1.
- Xinhua. 2019. “Xi Jinping: Zai Zhongguo minzu tuanjie jinbu biao Zhang dahui shang de jianghua 习近平：在全国民族团结进步表彰大会上的讲话 [Xi Jinping: Speech at the National Unity and Progress Commendation Conference].” *Xinhua*, September 27. http://www.xinhuanet.com/2019-09/27/c_1125049000.htm.
- “Xinjiang bufen diqu xuexi shibie 75 zhong zongjiao jiduan huodong yu dao ke baojing 新疆部分地区学习识别 75 种宗教极端活动 遇到可报警 [Parts of Xinjiang Region Learn to Distinguish 75 Types of Extreme Religious Activities. Alarm the Police if Encountered].” 2014. *Chinese Social Sciences Net (CSNN)*. http://www.cssn.cn/zjx/zjx_zjsj/201412/t20141224_1454905.shtml.
- Xinjiang Victims Database. <https://shahit.biz/eng/>.
- Xue, Susan. 2005. “China’s Legislative System and Information: An Overview.” *Government Information Quarterly* 22 (3): 322–341.
- Yang, Fenggang. 2012. *Religion in China: Survival and Revival under Communist Rule*. New York: Oxford University Press.
- Yang, Lina, and Yan Yan. 2014. „Zhonggong zhongyang guanyu quanmian tuijin yifazhiguo ruogan zhongda wenti de jue ding 中共中央关于全面推进依法治国若干重大问题的决定 [Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning the Comprehensive Promotion of the Rule of Law].” *CPC*. <http://cpc.people.com.cn/n>.
- Yang, William. 2019. “What Does China Want to Achieve by 'Modifying' Islam?” *Deutsche Welle*, January 8. <https://www.dw.com/en/what-does-china-want-to-achieve-by-modifying-islam/a-46995813>.

- Yang, William, and Sandra Petersmann. 2020. "Exclusive: China's Systematic Tracking, Arrests of Uighurs Exposed in New Xinjiang Leak." *Deutsche Welle*, February 17. <https://www.dw.com/en/exclusive-chinas-systematic-tracking-arrests-of-uighurs-exposed-in-new-xinjiang-leak/a-52397824>.
- Yu, Han. 2018. "Chule quoqi haiyou shenme yao jin qingzhensi? 除了国旗 还有什么要进清真寺? [Except the Flag Rising, What Else Will Enter the Mosques?]." *Deutsche Welle*, May 21. <https://www.dw.com/zh/除了国旗还有什么要进清真寺/a-43869341>.
- Yu, Jie. 2016 "Yuankan Xi Jinping, jinkan Qin Shi huang 远看习近平, 近看秦始皇 [Looking at Xi Jinping from Afar, Seeing Qin Shi Huang]." *Independent Chinese PEN Center*, November 18. <https://www.chinesepen.org/blog/archives/73837>.
- Yuan, Zhenjie, Junxi Qian, and Hong Zhu. 2017. "The Xinjiang Class: Multi-Ethnic Encounters in an Eastern Coastal City." *The China Quarterly* 233 (December): 1–22.
- Zand, Bernhard. 2018. "A Surveillance State Unlike Any the World Has Ever Seen." *Spiegel*, July 26. <https://www.spiegel.de/international/world/china-s-xinjiang-province-a-surveillance-state-unlike-any-the-world-has-ever-seen-a-1220174.html>.
- Zenz, Adrian. 2018. "New Evidence for China's Political Re-Education Campaign in Xinjiang." *China Brief Volume* 18 (10). <https://jamestown.org/program/evidence-for-chinas-political-re-education-campaign-in-xinjiang/>.
- Zenz, Adrian. 2019a. "Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang." *Journal of Political Risk* 7 (7). <http://www.jpolrisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/>.
- Zenz, Adrian. 2019b. "'Thoroughly Reforming Them Towards a Healthy Heart Attitude': China's Political Re-Education Campaign in Xinjiang." *Central Asian Survey* 38 (1): 102–128.

- Zenz, Adrian. 2020. "The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang." *The Journal of Political Risk* 8 (2). <https://www.jpolrisk.com/karakax/>.
- Zenz, Adrian, and James Leibold. 2020. "Securitizing Xinjiang: Police Recruitment, Informal Policing and Ethnic Minority Co-optation." *The China Quarterly* 242 (June): 324–348.
- Zhang, Haiting. 2012. "The Laws on the Ethnic Minority Autonomous Regions in China: Legal Norms and Practices." *Loyola University Chicago International Law Review* 9 (2): 249–264.
- Zhang, Shen, et al. 2013. "Implicit Trust between the Uyghur and the Han in Xinjiang, China." *Plos One* 8 (8): 1–8.
- Zhang, Xiaoling, Melissa Shani Brown, and David O'Brien. 2018. "No CCP, No New China: Pastoral Power in Official Narratives in China." *The China Quarterly* 235 (September): 784–803.
- Zhang, Zhenhua, and Sihua Ma. 2004. "Jiji yindao Xinjiang zongjiao yu shehuizhuyi shehui xiang shiying 积极引导新疆宗教与社会主义社会相适应 [Actively guiding Religions in Xinjiang to Adapt to Socialist Society]." *Journal of Shihezi University* 4 (4): 6–10.
- Zhou, Minglang. 2001. "The Politics of Bilingual Education in The People's Republic of China Since 1949." *Bilingual Research Journal* 25 (1–2): 147–171.
- Zhu, Zhiyong. 2007. *State Schooling and Ethnic Identity: the Politics of a Tibetan Neidi Secondary School in China*. Plymouth: Lexington Books.

8. Abstract

The right to internal self-determination of the Uyghur minority in the Xinjiang Uyghur Autonomous Region, 1949 – 2019: Implications for the evolution of Uyghur-Chinese state relations

This Ph.D. dissertation is a contribution to the scientific debate about the Chinese legal system, Chinese policy towards minorities and the rule of law in the PRC. It discusses the level of implementation of the right to internal self-determination in the context of the PRC, with a specific focus on the Uyghur minority living in the Xinjiang Uyghur Autonomous Region. It is a predominantly law-based study which combines various interdisciplinary elements, such as politics and history.

The central question of this dissertation is what constitutes the right to internal self-determination and whether there are legal guarantees and legal enforcement mechanisms for this right in the Xinjiang Uyghur Autonomous Region. This dissertation identifies the core values constituting the right to internal self-determination as non-discrimination and freedom in the political, economic, social, and cultural pursuits of the people. These values are nominally guaranteed and protected by China's jurisprudence as Beijing portrays itself as a responsible international actor. This study shows that the actual situation is quite the opposite. There is no political will to endorse and implement international human rights standards in China, nor to clarify the considerably vague formulations of the relevant legal provisions. Although the primary concern of this research is internal self-determination, in case of grave breaches, external self-determination as a remedy of last resort is viewed as legally plausible. This dissertation suggests that it is impossible to talk about self-determination in China because the "self" has no place in contemporary Chinese politics.

9. Abstrakt

Právo na vnitřní sebeurčení ujgurské menšiny v Ujgurské autonomní oblasti Xinjiang v letech 1949 – 2019: Implikace pro vývoj vztahů mezi Ujgury a čínským státem

Tato disertační práce je příspěvkem do odborné debaty o problematice čínské politiky vůči národnostním menšinám, o čínském právním systému a o roli práva v Čínské lidové republice (ČLR). Studie pojednává o úrovni implementace práva na vnitřní sebeurčení se zvláštním zaměřením na ujgurskou menšinu žijící v Ujgurské autonomní oblasti Xinjiang. Práce je interdisciplinární a na problematiku nahlíží socioprávní optikou, kromě legalistického přístupu zpracovává historický a politický kontext.

Výzkumným záměrem práce je na základě analýzy primárních a sekundárních pramenů zjistit, jakých konkrétních oblastí života se právo na vnitřní sebeurčení týká a zda existují v Ujgurské autonomní oblasti Xinjiang právní záruky a mechanismy pro realizaci tohoto práva. Tato práce identifikuje základní prvky práva na vnitřní sebeurčení jako svobodu v politických, ekonomických, sociálních a kulturních aspektech života a zákaz jakékoli diskriminace. Tyto hodnoty jsou nominálně zaručeny a chráněny čínským právním systémem a Peking se navenek prezentuje jako odpovědný mezinárodní aktér. Tato studie poukazuje na to, že ve skutečnosti je situace v Číně diametrálně odlišná. V ČLR neexistuje politická vůle k implementaci mezinárodních standardů lidských práv ani tendence vyjasnit značně vágní formulace existujících právních ustanovení. Ačkoli je hlavním zájmem tohoto výzkumu právo na vnitřní sebeurčení, práce připouští, že v případě závažných porušení je právo na vnější sebeurčení jako prostředek poslední instance právně přípustný.