4 February 2021

To: The Inquiry Secretary

'Customs Amendment (Banning Goods Produced by Uyghur Forced Labour) Bill 2020'

Foreign Affairs, Defence and Trade Legislation Committee

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Summary
As an academic that has researched and published on the history and politics of the Xinjiang Uyghur Autonomous Region (XUAR) for nearly twenty years, I welcome the opportunity to provide a submission to the Foreign Affairs, Defence and Trade Legislation Committee Inquiry into the Customs Amendment (Banning Goods Produced by Uyghur Forced Labour) Bill 2020.

The submission *strongly supports* the Customs Amendment (Banning Goods Produced by Uyghur Forced Labour) Bill 2020.

The submission provides:

1. An introductory statement as to the current situation in Xinjiang;
2. A summary of the historical and political background to the current repression in the XUAR;
3. An examination of the ideological underpinnings and implications of the Chinese Communist Party's (CCP) system of 're-education' in XUAR;
4. An examination of the connections between 're-education', forced labour and the prospect of cultural genocide in the XUAR.
5. Recommendations for the Inquiry's consideration.

The submission hopes to highlight for the Inquiry that the issue of Uyghur coerced labour (and that of other Turkic Muslim ethnic minorities in XUAR) is indicative of a deeper system of mass repression that should have no place in the 21st century and which the Australian government should seek to ameliorate by all means within its remit and consistent with our values.

1. Introduction

The XUAR is the site of the largest mass repression of an ethnic and/or religious minority in the world today. Researchers estimate that since 2016 at least one million people have been detained without trial in the XUAR. In the detention centres – framed by Beijing as 'transformation through re-education' centres - these individuals are subjected to deeply invasive forms of surveillance and psychological stress as they are forced to abandon their native language, religious beliefs and cultural practices.[1]

Outside of the detention centres more than 10 million Turkic Muslim minorities in the region exist in a 'carceral state'[2] where they are subjected to a dense network of hi-tech surveillance systems (including key elements of China's 'social credit' system), checkpoints, and interpersonal monitoring which severely limit all forms of personal freedom.[3]

While Beijing frames such draconian measures as necessary 'counter-terrorism' measures, the intersection between concern for the 'welfare' of subject populations and the desire to eradicate 'defective' elements of cultural identity central to the 're-education' system in Xinjiang betray the fundamentally colonial nature of the Chinese Communist Party's (CCP) endeavours in the region. Indeed, colonialism is not a singular event but rather a *process* that has both negative and positive dimensions: 'it strives for the dissolution of native societies' and 'erects a new colonial society on the expropriated land base'.[4] The trajectory of the Party-state's efforts to integrate and control Xinjiang – as briefly mapped below - has been defined by long-term strategies designed to construct a 'new Xinjiang' dominated by Han Chinese modes of political, economic, and cultural life.

2. Xinjiang since 1949: The Settler Colonial Past and Present

When Xinjiang was 'peacefully liberated' by the People's Liberation Army (PLA) in October 1949 after decades of autonomy since the collapse of the Qing empire in 1911, the CCP confronted the question of 'how to run an empire without looking like colonialists'.[5] Their answer - recognition of the region's 12 non-Han Chinese *minzu* (nationality or ethnic group) and implementation of a system of 'national regional autonomy' - in theory, was to ensure that

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[1] See Adrian Zenz, ''Thoroughly reforming them towards a healthy heart attitude': China's political re-education campaign in Xinjiang', *Central Asian Survey*, 38 (1) (2019): 102–128; Jessica Batke, 'Where Did the One Million Figure for Detentions in Xinjiang's Camps Come From?', *China File*, 8 January 2019, https://www.chinafile.com/reporting-opinion/features/where-did-one-million-figure-detentions-xinjiangs-camps-come; and Patrick de Hahn, 'More than 1 million Muslims are detained in China—but how did we get that number?', *Quartz*, 5 July 2019, https://qz.com/1599393/how-researchersestimate-1-million-uyghurs-are-detained-in-xinjiang/.

[2] For this characterisation of contemporary Xinjiang see Yi Xiaocuo, 'Recruiting Loyal Stabilisers: On the Banality of Carceral Colonialism in Xinjiang', *Made in China Journal*, 25 October 2019, https://madeinchinajournal.com/2019/10/25/recruiting-loyal-stabilisers-on-the-banality-of-carceral-colonialism-in-xinjiang/.

[3] See for example, Yael Grauer, 'Revealed: Mass Chinese Police Database', *The Intercept*, 29 January 2021, https://theintercept.com/2021/01/29/china-uyghur-muslim-surveillance-police/; and Paul Mozur, 'One Month, 500,000 Face Scans: How China Is Using A.I. to Profile a Minority', *New York Times*, 14 April 2019, https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html.

[4] Patrick Wolfe, 'Settler colonialism and the elimination of the native', *Journal of Genocide Research*, 8(4) (2006): 388.

[5] James Millward, ''Reeducating' Xinjiang's Muslims', *New York Review of Books*, 7 February 2019, https://www.nybooks.com/articles/2019/02/07/reeducating-xinjiangs-muslims/

under the leadership of the CCP the various *minzu* were to stand as equals, their individual culture, language and practice of religion respected and protected.[6]

In practice, however, this was accompanied by tight political, social and cultural control, encouragement of Han Chinese settlement, and state-led economic development, backed by the repression of overt manifestations of opposition and dissent by the security forces.[7] This approach stimulated periodic and sometimes violent opposition from the Uyghur population (and other ethnic minorities), who bridled against its major consequences: demographic dilution, political and economic marginalisation and cycles of state interference in the practice of religion.[8]

With Mao Zedong's death in 1976, and the ascendancy of Deng Xiaoping's 'reform and opening' agenda by the early 1980s, the means by which the state sought the integration of Xinjiang shifted fundamentally in favour of an approach based on the assumption that delivery of economic development and modernization would ultimately buy, if not the loyalty, then at least the acquiescence of the Uyghur and other non-Han *minzu*.[9]

An important outgrowth of this assumption from the late 1990s onward has been a gradual shift away from the central organizing principles of 'national regional autonomy' toward a 'developmentalist' approach that sees not only economic development/modernization as the key to resolving the Xinjiang issue but also the breakdown of the social, economic and cultural barriers between non-Han *minzu* and the Han Chinese majority and the development of non-Han *minzu* into 'high quality' citizens. In this framework, the Han Chinese-dominated Party-state is conceived of as *the* transformative and modernizing agent.[10]

This 'developmentalist' turn, also implemented in Tibet and Inner Mongolia, has been most deeply felt in Xinjiang. Here, the Chinese Party-state has embarked - through the Great Western Development (GWD) plan (launched in 2000) and the Belt and Road Initiative (BRI) (launched in 2013) - upon a concerted endeavour to achieve the full and complete political, economic, social and cultural integration of Xinjiang and its non-Han *minzu* into the PRC.

Under both of these state-led development plans Xinjiang has been envisaged as an industrial and agricultural base and a trade and energy corridor for the national economy. Central to this developmental agenda has been a focus on a variety of infrastructure 'mega-projects' (e.g. oil

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[6] Gardner Bovingdon, 'Heteronomy and It's Discontents: Minzu Regional Autonomy in Xinjiang' in Morris Rossabi (ed.), *Governing China's Multiethnic Frontiers*, (Seattle: University of Washington Press, 2004).

[7] Michael Clarke, *Xinjiang and China's Rise in Central Asia: A History*, (London: Routledge 2011).

[8] Hasan H. Karrar, 'Resistance to state-orchestrated modernization in Xinjiang: The genesis of unrest in the multiethnic frontier', *China Information*, 32 (2) (2018), pp. 183-202.

[9] See Michael Clarke, 'Xinjiang in the 'Reform' Era: The Political and Economic Dynamics of Dengist Integration', *Issues & Studies*, 43 (2) (2007), pp. 39-92.

[10] See for example, Elena Barbantseva, 'From the Language of Class to the Rhetoric of Development: discourses of 'nationality' and 'ethnicity' in China', *Journal of Contemporary China*, 17 (56) (2008), pp. 565-589; Gerry Groot, 'The contradictions of developmentalism and the Chinese party-state's goal of ethnic harmony: the case of Xinjiang' in *China's Changing Economy*, (London: Routledge, 2016): 35-49; Sean Roberts, 'Development with Chinese Characteristics in Xinjiang: A Solution to Ethnic Tension or Part of the Problem?', in Michael Clarke and Douglas Smith (eds.), *China's Frontier Regions: Ethnicity, Economic Integration and Foreign Relations*, (London: I. B. Tauris, 2016); and Soren Köpke, 'Territorialising Chinese Inner Asia: The Neo-Developmentalist State and Minority Unrest', *International Quarterly for Asian Studies* 50 (1/2) (2019), pp. 137-156.

and natural-gas pipelines) linking Xinjiang with Central and South Asia and the various sub-regions of Xinjiang with each other and the interior of China. An important purpose of this channelling of capital and investment into Xinjiang was to 'stabilise' the region by 'reshaping' its 'socio-economic, cultural and political environment' through infrastructure and industrial development and urbanisation.[11]

While this has brought economic development it has done so in ways that create a variety of new socio-economic pressures- including the encouragement of further Han settlement, rapid urbanization, and environmental degradation – that exacerbate long-standing tensions between the Party-state and the region's non-Han *minzu* populations.[12]

This period not coincidentally saw an appreciable increase in Uyghur unrest, including incidents of terrorism. Data collected by the University of Maryland's Global Terrorism Database, for example, recorded 135 attacks in Xinjiang across the 1992 and 2017 period resulting in 767 fatalities.[13] However, those figures count as terrorist attacks a number of incidents—such as the 7 July 2009 violence in Xinjiang's capital, Urumqi, which resulted in 184 fatalities—even though they are more accurately defined as inter-ethnic rioting or communal violence prompted by the long-term marginalisation of the Uygur population.[14] Omitting this incident alone decreases the death toll from terrorism in Xinjiang to 583 over the 25-year period.[15]

This data, more significantly, indicates clear peaks and troughs of incidents over this period consistent with qualitative studies of Uyghur militancy that suggest the centrality of an action-reaction cycle between state repression/control and Uyghur resistance.[16] In this regard it is

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[11] Alessandra Cappelletti, 'Socio-economic disparities and development in Xinjiang: The Cases of Kashgar and Shihezi', in Michael Clarke and Anna Hayes (eds), *Inside Xinjiang: Space, Place and Power in China's Muslim Far Northwest* (London: Routledge, 2016), p. 161; and Henryk Allf, 'Getting stuck within flows: limited interaction and peripheralization at the Kazakhstan–China Borde', *Central Asian Survey* 35(3) (2016), pp. 369–386

[12] See Debasish Chaudhuri, 'Minority Economy in Xinjiang—A Source of Uyghur Resentment', *China Report* 46(1) (2010), pp. 9-27; Roberts, 'Development with Chinese Characteristics in Xinjiang'; Anthony Howell and C. Cindy Fan, 'Migration and inequality in Xinjiang: A survey of Han and Uyghur migrants in Urumqi', *Eurasian Geography and Economics* 52(1) (2011), pp.119-139; Xiaowei Zang, 'Scaling the Socioeconomic Ladder: Uyghur perceptions of class status', *Journal of Contemporary China* 21(78) (2012), pp. 1029-1043; and Xun Cao, Haiyan Duan, Chuyu Liu, James A. Piazza and Yingjie Wei, 'Digging the 'Ethnic Violence in China' Database: The Effects of Inter-Ethnic Inequality and Natural Resources Exploitation in Xinjiang', *The China Review*, 18(2) (2018), pp. 121-154.

[13] 'Global Terrorism Database—Xinjiang keyword search', *National Consortium for the Study of Terrorism and Responses to Terrorism* (START), University of Maryland, https://www.start.umd.edu/gtd/search/Results.aspx?search=Xinjiang&sa.x=48&sa.y=4, accessed 18 February 2020. This amounts to an average rate of 5.4 attacks per year and an average fatality rate of 5.72 per attack.

[14] For an indicative sample of analyses of the Urumqi 2009 events, see James M Millward, 'Does the 2009 Urumchi violence mark a turning point?', *Central Asian Survey*, 2009, 28(4), pp. 347–369; Thomas Cliff, 'The partnership of stability in Xinjiang: state–society interactions following the July 2009 unrest', *The China Journal*, 2012, pp. 68:79–105; Angel Ryono, Matthew Galway, 'Xinjiang under China: reflections on the multiple dimensions of the 2009 Urumqi uprising', *Asian Ethnicity*, 16(2) (2015), pp.235–255.

[15] The omission of the 7 July 2009 riots also reduces the average death toll of recorded attacks in Xinjiang to 4.3.

[16] See for example, Michael Clarke, 'China's 'War on Terrorism' in Xinjiang: Human Security and the Causes of Violent Uighur Separatism', *Terrorism and Political Violence*, 20(2) (2008), pp. 271-301; James M. Millward, 'Violent Uyghur Separatism in Xinjiang: A Critical Assessment', *Policy Studies*, No. 6, (Honolulu: East-West Center, 2004); Joshua Tschantret, 'Repression, opportunity, and innovation: The evolution of terrorism in

important to note that from 1990 onward Chinese authorities implemented well-documented periodic 'strike hard' campaigns in Xinjiang against those it defined as 'separatists, extremists and terrorists'.[17] This increased markedly in intensity after the events of 9/11 as the Party-state instrumentalized the threat and discourse of 'global terrorism' to justify and expand its efforts to monitor and control key markers of Uyghur identity such as religious observance/piety.

While Uyghur religious expression had of course always been closely managed by the CCP, post-9/11 it was not only effectively securitized through intense state regulation at the provincial and national levels but also a prompt for major legislative and institutional adaptations such as the passing of China's first national 'anti-terrorism' law in 2015 and the creation of China's 'National Security Commission'.[18] In practice such securitizaton in Xinjiang itself has resulted in not only increased efforts to monitor religious practice and institutions but also the development of detailed guidelines for the identification of potential 'deviant' behaviour that has been used to funnel over one million of the region's Turkic Muslim populations into 're-education' camps.[19]

3. 'Prevention' and 'Uplift': The Logic of Mass 'Re-education' and Forced Labour

A central controversy that the trajectory of Chinese policy in Xinjiang, briefly sketched above, concerns the question of intent. What, ultimately, is the Party-state attempting to achieve? Is it, as official explanations would have it, protecting Xinjiang (and the PRC more broadly) from the potential threat of terrorism by 'inoculating' an 'at risk' population from the perils of 'radicalisation' and 'extremism'?[20] Or has it cynically manipulated the global prioritization of 'counterterrorism' as cover to eliminate the very possibility of future resistance to the Party-state in Xinjiang?

There are two dynamics at play in this context: (i) the transition toward the extra-judicial detention of Uyghurs through the system of 're-education' is but the latest intervention by the Party-state in its decades' long endeavour to control and integrate Xinjiang and its non-Han *minzu*; and; (ii) this has been facilitated by the Party-state's mimicking and adaptation of the discourse *and* practices of 21st century counterterrorism.

Xinjiang, China, *Terrorism and Political Violence* 30(4) (2018), pp. 569-588; and Sean Roberts, *The War on the Uyghurs: China's Campaign Against Xinjiang's Muslims*, (Manchester: Manchester University Press, 2020).

[17] See Brent Hierman, 'The Pacification of Xinjiang: Uighur Protest and the Chinese State, 1988-2002', *Problems of Post-Communism* 54 (3) (2007): 48-62; Nicholas Becquelin, 'Xinjiang in the Nineties', *The China Journal*, 44 (2000), pp. 65-90.

[18] See Michael Clarke, 'Widening the Net: China's anti-terror laws and human rights in the Xinjiang Uyghur Autonomous Region', *International Journal of Human Rights*, 14(4) (2010), pp. 542-558; Remi Castets, 'The Modern Chinese State and Strategies of Control over Uyghur Islam', *Central Asian Affairs*, 2(3) (2015), pp. 221-245; and Sheena Chestnut Greitens, Myunghee Lee and Emir Yazici, 'Counterterrorism and Preventive Repression: China's Changing Strategy in Xinjiang', *International Security*, 44(3) (2019/20), pp. 9-47.

[19] See Julia Famularo, ''Fighting the enemy with fists and daggers': The Chinese Communist Party's counterterrorism policy in the Xinjiang Uyghur Autonomous Region' in Michael Clarke (ed.), *Terrorism and Counterterrorism in China: Domestic and Foreign Policy Dimensions*, (NY: Oxford University Press, 2018); and Adrian Zenz, ''Thoroughly reforming them towards a healthy heart attitude': China's political re-education campaign in Xinjiang', *Central Asian Survey*, 38(1) (2019), pp. 102-128.

[20] For one official explanation of policy see, 'Full transcript: Interview with Xinjiang government chief on counterterrorism, vocational education and training in Xinjiang', *Xinhua*, 16 October 2018, http://www.xinhuanet.com/english/2018-10/16/c_137535821.htm

The known contours of the 're-education' system - covering a functionally differentiated network of facilities focused on internment and indoctrination, 'vocational training', and coerced labour – suggest the intersection of two legacies with deep local and global roots: colonialism and systems of mass internment and exclusion.[21]

The evolution of the discourse and practices of the 're-education' system, in turn, resonates both with the local and global historical precedents from traditional Chinese statecraft through to the totalitarian experiments of state socialism under Stalin and Mao Zedong. Here, it should be noted that concentration or mass internment camps throughout history have shared two distinct features: 'removal of certain populations from one area to house them somewhere else' and the exclusion of a target population from 'society with all its accompanying rights, relationships and connections to humanity'.[22] Most importantly such removal and exclusion is often justified as a preventative measure 'to keep a suspect group from committing future crimes' or as 'part of a civilizing mission to uplift supposedly inferior culture and races'.

The known practices of the 're-education' facilities clearly resonate with the worst totalitarian precedents of the 20th century. Not only do many of these facilities resemble prisons complete with hardened security and surveillance features including barbed wire, guard towers and CCTV cameras[23] but within them detainees experience a regimented daily existence as they are compelled to repeatedly sing 'patriotic' songs praising the benevolence of the Chinese Communist Party (CCP), study Mandarin, Confucian texts and President Xi Jinping's 'thought'.[24] Those detainees that resist or do not make satisfactory progress 'risk solitary confinement, food deprivation, being forced to stand against a wall for extended periods, being shackled to a wall or bolted by wrists and ankles into a rigid 'tiger chair,' and possibly waterboarding and electric shocks'.[25] More recently, there have been harrowing testimonies from 're-education' camp survivors of consistent pattern of rape and sexual abuse of detainees.[26]

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[21] For the different categories of facilities within the 're-education' system see Adrian Zenz, 'Brainwashing, Police Guards and Coercive Internment: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's 'Vocational Training Internment Camps'', *Journal of Political Risk*, 7(7) (2019); for family separations see Adrian Zenz, 'Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang', *Journal of Political Risk*, 7(7) (2019); 'China: Xinjiang Children Separated from Families', *Human Rights Watch*, 15 September 2019, https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families

[22] Andrea Pitzer, *One Long Night: The Global History of Concentration Camps*, (New York: Back Bay Books, 2019).

[23] Adrian Zenz, 'New Evidence for China's Political Re-Education Campaign in Xinjiang', *China Brief*, 18(10) (15 May 2018), https://jamestown.org/program/evidence-for-chinas-political-re-education-campaign-in-xinjiang/.

[24] Michael Clarke, 'Patriotic songs and self-criticism: why China is 're-educating' Muslims in mass detention camps', *The Conversation*, 25 July 2018, https://theconversation.com/patriotic-songs-and-self-criticism-why-china-is-re-educating-muslims-in-mass-detention-camps-99592

[25] Millward, ''Reeducating' Xinjiang's Muslims'

[26] See Amie Ferris-Rotman, 'Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals', *Washington Post*, 5 October 2019, https://www.washingtonpost.com/world/asia_pacific/abortions-iuds-and-sexual-humiliation-muslim-women-who-fled-china-for-kazakhstan-recount-ordeals/2019/10/04/551c2658-cfd2-11e9-a620-0a91656d7db6_story.html; and Matthew Hill, David Campanale and Joel Gunter, ''Their goal is to destroy everyone': Uighur camp detainees allege systematic rape', *BBC News*, 4 February 2021, https://www.bbc.com/news/world-asia-china-55794071

However, it is the discourse erected by the Party-state around this system that reveals its true intent. All of these facilities are underpinned by the logic of 'transformation through re-education' (*jiaoyu zhuanhua*) - a concept whose lineage blends elements of traditional Chinese statecraft, state socialism of the Leninist-Stalinist and Maoist variants with the CCP's more recent racialized politics of exclusion.

In the first instance, both traditional Chinese statecraft and the major variants of state socialism have held a 'paternalistic approach that pathologizes deviant thought and behavior, and then tries to forcefully transform them'.[27] Under Stalin, the Soviet state went to great lengths to propagandize the *gulag* as a transformative 'reforging' of former 'class enemies' into ideologically committed Soviet citizens.[28] Once the CCP had achieved power, it too instituted a system of extra-judicial 'remolding through labor' (*laogai*) and 're-education through labor' (*laojiao*) camps where the goal was to 'transform' the prisoner (usually defined as a 'class enemy') and achieve their 'reform and rehabilitation'.[29]

By the late 1990s the CCP drew on these precedents to develop the concept of 'transformation through re-education' in response to a series of new political and social challenges such as the rise of Falun Gong spiritual movement and drug addiction. A key element in the repression of the Falun Gong was the implementation of 'legal education centres' where 'detainees were 'forced to watch propaganda videos, sing patriotic or pro-Communist Party (CCP) songs, and 'repent'', while recalcitrants were 'subject to various forms of physical coercion and torture' and dedicated believers described as 'addicts'.[30]

The key elements of this discourse of 'transformation through re-education' have been central to the current repression in Xinjiang. Of particular note is how the language of pathology has now permeated official statements and rhetoric regarding the purpose of the system. From government officials describing Uyghur 'extremism and terrorism' as a 'tumour' to the equation of religious observance to an 'illness', the CCP's discourse frames central elements of Uyghur identity as pathologies to be 'cured'.[31]

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[27] James Leibold, 'Mind Control in China Has a Very Long History' *New York Times*, 28 November 2018, https://www.nytimes.com/2018/11/28/opinion/china-reeducation-mind-control-xinjiang.html

[28] See for instance, Julie Draskozy, 'The Put' of Perekovka: Transforming Lives at Stalin's White Sea-Baltic Canal', *The Russian Review*, 71 (1) (2012): 30-48. Vyachslav Molotov, for example (one of Stalin's key lieutenants), asserted in 1931 that the gulag 'accustoms them [class enemies] to labor and makes them *useful* members of society'. Cited in Maya Vinokour, '2+2=5: On the White Sea-Baltic Canal and Totalitarian Pipe Dreams', *Los Angeles Review of Books*, 27 September 2018, https://lareviewofbooks.org/article/225-white-sea-baltic-canal-totalitarian-pipe-dreams/#!

[29] Fu Hualing, 'Re-education through Labour in Historical Perspective', *The China Quarterly*, 184 (December 2005): 811-830.

[30] Sarah Cook, 'The Learning Curve: How Communist Party Officials are Applying Lessons from Prior 'Transformation' Campaigns to Repression in Xinjiang', *China Brief*, 19 (3) (1 February 2019), https://jamestown.org/program/the-learning-curve-how-communist-party-officials-are-applying-lessons-from-prior-transformation-campaigns-to-repression-in-xinjiang/

[31] See Timothy Grose, ''Once their Mental State is Healthy, They Will be Able to Live Happily in Society': How China's Government Conflates Uighur Identity with Mental Illness,' *China File*, 2 August 2019, https://www.chinafile.com/reporting-opinion/viewpoint/once-their-mental-state-healthy-they-will-be-able-live-happily-society; Ben Dooley, ''Eradicate the tumours': Chinese civilians drive Xinjiang crackdown', *Yahoo News*, 26 April 2018, https://www.yahoo.com/news/eradicate-tumours-chinese-civilians-drive-xinjiang-crackdown-051356550.html; and Sean Roberts, 'The biopolitics of China's 'war on terror' and the exclusion of the Uyghurs', *Critical Asian Studies*, 50 (2) (2018). For an example of the clear biopolitical language deployed by officials see, 'Xinjiang Political 'Re-Education Camps' Treat Uyghurs 'Infected by Religious Extremism': CCP Youth

Part of the 'cure' prescribed by the CCP for such pathologies are stints of varying lengths in 're-education'. Another important part of the prescription has also been the imposition of forms of coerced labour. This is due to the fact that not only does the CCP view key components of Uyghur identity as 'root causes' of 'terrorism' but also 'under-development'.

This was made clear in China's White Paper of 16 August 2019 on 'Vocational Education and Training in Xinjiang'.[32] This document asserted that many parts of Xinjiang have remained 'impoverished' as 'terrorists, separatists and religious extremists have long preached that 'religious teachings are superior to state laws', inciting the public to resist learning the standard spoken and written Chinese language, reject modern science, and refuse to improve their vocational skills'. This has caused 'local people' to have 'outdated ideas', 'suffer from poor education and employability', and have 'low employment rates and incomes'.

The provision of 'vocational education and training' for all social classes of Uyghurs, as a number of researchers have demonstrated, points toward an attempted 'proletarianization' of such populations into a 'docile yet productive lumpen class' via a clear linkage between the 're-education' camp system and forced labor.[33] Here, Uyghurs are either compelled to work as low-skilled labor in factories directly connected to 're-education' centres or, upon their 'release', in closely proximate 'industrial parks' where companies from throughout China have been incentivized to relocate to.[34]

This is something that China's subsequent White Paper on 'Employment and Labor Rights in Xinjiang' of September 2020 tacitly acknowledged by noting that the state has been actively 'promoting capital, technology and knowledge-intensive advanced manufacturing industries and emerging industries' as well as 'labor-intensive industries such as textiles and garments, shoes and accessories' into Xinjiang to provide 'key groups' such as 'surplus rural labor' (a euphemism for Uyghur and other Turkic Muslim minorities) with employment.[35]

4. 'Re-education': A Pathway to Cultural Genocide?

The convergence of 'prevention' and 'uplift' thus provide a means through which the CCP can 'kill the Uyghur, but save the man'. This raises the spectre that a cultural genocide is currently (or will soon be) underway in Xinjiang.[36] This judgement is reinforced by numerous statements

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League', *Radio Free Asia*, 8 August 2018, https://www.rfa.org/english/news/uyghur/infected-08082018173807.html

[32] Information Office of the State Council of the PRC, 'Vocational Education and Training in Xinjiang', 17 August 2019, http://english.www.gov.cn/archive/whitepaper/201908/17/content_WS5d57573cc6d0c6695ff7ed6c.html

[33] See Darren Byler, 'How Companies Profit from Forced Labor in Xinjiang', *SupChina*, 4 September 2019, https://supchina.com/2019/09/04/how-companies-profit-from-forced-labor-in-xinjiang/; Adrian Zenz, 'Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton', Center for Global Policy, December 2020, https://cgpolicy.org/briefs/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/ ; and Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, *Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang*, (Canberra: Australian Strategic Policy Institute, 2020), https://www.aspi.org.au/report/uyghurs-sale

[34] Christopher Rickleton, 'From camps to factories: Muslim detainees say China using forced labour', *AFP*, 4 March 2019, https://sg.news.yahoo.com/camps-factories-muslim-detainees-china-using-forced-labour-041047367.html

[35] Information Office of the State Council of the PRC, 'Full Text: Employment and Labor Rights in Xinjiang', 17 September 2020, http://www.scio.gov.cn/zfbps/32832/Document/1687593/1687593.htm

[36] For a detailed discussion of why an increasing number of Xinjiang and Uyghur studies scholars believe that cultural genocide is occurring in Xinjiang see, Joanne Smith-Finley, 'Why Scholars and Activists Increasingly

by government officials and observed practices of cultural erasure in Xinjiang. An internal CCP document of March 2018 from Kashgar, for example, stipulated that the 'cure' for the biopolitical threat constituted by Uyghur identity is to 'break their lineage, break their roots, break their connections, and break their origins' through 're-education'.[37] The Party-state has also embarked upon a systematic physical destruction and desecration of Uyghur religious sites, forced sterilizations of Uyghur women, and removal of Uyghur children to state-run orphanages.[38]

Raphael Lemkin, the coiner of the term 'genocide', asserted that genocide had in fact two phases: 'destruction of the national pattern of the oppressed group' and 'the imposition of the national pattern of the oppressor'.[39] Elsewhere, Lemkin argued that destruction of the 'national pattern' could occur via physical destruction or through a systematic attempt to destroy what he termed the 'shrines of the soul of a nation' such as its language, traditions, monuments, archives, libraries, and places.[40]

In contemporary Xinjiang not only has the CCP extra-judicially detained over one million of the region's Turkic Muslim population to 'transform' them, but it has in parallel also prohibited the use of Uyghur language, script, and signage[41], imposed new legal restrictions on religious practice[42], razed mosques and other religious sites and shrines[43], encouraged inter-ethnic

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Fear a Uyghur Genocide in Xinjiang', *Journal of Genocide Research*, (2020) DOI:10.1080/14623528.2020.1848109

[37] 'Notice on Printing and Distributing the 'Responsibility Plan for the Key Points of Inspection Work in Kashgar Region in 2018'', Government Information Public Platform of Kashi, 6 March 2018, http://kashi.gov.cn/Government/PublicInfoShow.aspx?ID=2851

[38] See: Rian Thum,'The Spatial Cleansing of Xinjiang: Mazar Desecration in Context,' *Made in China Journal*, 24 August 2020, https://madeinchinajournal.com/2020/08/24/the-spatial-cleansing-of-xinjiang-mazar-desecration-in-context/; Adrian Zenz,'China's Own Documents Show Potentially Genocidal Sterilization Plans in Xinjiang,' *Foreign Policy*, 1 July 2020, https://foreignpolicy.com/2020/07/01/china-documents-uighur-genocidal-sterilization-xinjiang/; and Sigal Samuel, 'China's Jaw-Dropping Family Separation Policy', The Atlantic, 4 September 2018, https://www.theatlantic.com/international/archive/2018/09/china-internment-camps-uighur-muslim-children/569062/#:~:text=China%E2%80%99s%20attempt%20to%20assimilate%20Uighur%20parents%20through%20internment,all%20in%20the%20name%20of%20promoting%20social%20stability.

[39] Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress (Foundations of the Laws of War)*, 2nd edition, (London: The Lawbook Exchange, Ltd., 2008).

[40] Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, (New Haven: Yale University Press, 2013).

[41] Darren Byler, 'The 'patriotism' of not speaking Uyghur', *SupChina*, 2 January 2019, https://supchina.com/2019/01/02/the-patriotism-of-not-speaking-uyghur/

[42] Zunyou Zhou, 'Chinese Strategy for De-radicalization', *Terrorism and Political Violence*, 31 (6) (2019): 1187-1209.

[43] Lily Kuo, 'Revealed: new evidence of China's mission to raze the mosques of Xinjiang', *The Guardian*, 7 May 2019, https://www.theguardian.com/world/2019/may/07/revealed-new-evidence-of-chinas-mission-to-raze-the-mosques-of-xinjiang

marriage via monetary inducements[44], and instituted the concerted persecution of the Uyghur intelligentsia.[45]

In this manner the CCP is arguably seeking to destroy the 'shrines of the soul' of the Uyghur nation so that it may impose its conception of 'Chinese' culture and civilization in its place. Understood in this manner, it is thus a quintessentially colonial project. It behoves Australia – and the international community more broadly – to ensure that this does not come to pass.

5. Recommendations for the Inquiry's consideration

One achievable means of making a contribution to this end is the passing of the 'Customs Amendment (Banning Goods Produced by Uyghur Forced Labour) Bill 2020' that is currently before the Inquiry.

Item 2 of the Bill – which proposes to 'insert after section 50 of the Customs Act a new section 50A which provides for an absolute prohibition on the importation of goods produced or manufactured in the Xinjiang Uyghur Autonomous Region of the People's Republic of China and goods produced or manufactured in the People's Republic of China through the use of forced labour within the meaning of the Criminal Code' – is a necessary step in order to include forced labour imposed by a State or State actors. As demonstrated above, it is clear that forced labour is a key part of the 'cure' the CCP has proscribed for the 'deviancy' and 'under-development' of Uyghur and other Turkic Muslim ethnic minorities in Xinjiang.

While global supply chains – particularly with respect to textiles and apparel (the major good produced with forced labour in Xinjiang) – are complex and difficult to disentangle, the Inquiry may like to consider the potential for the Australian government to develop a 'Xinjiang Supply Chain Business Advisory' as the United States government has done. Here, the Departments of State, Treasury, Commerce and Homeland Security, released a detailed document in July 2020 to provide awareness to businesses with potential exposure to such supply chains of 'the reputational, economic, and legal risks of involvement with entities that engage in human rights abuses, including but not limited to forced labor in the manufacture of goods intended for domestic and international distribution'.[46] Such an advisory would provide Australian businesses and companies with guidance for the conduct of their due diligence to ensure they are not implicated in the continuation of the practice of forced labour in Xinjiang.

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[44] Darren Byler, 'Uyghur love in a time of inter-ethnic marriage', *SupChina*, 7 August 2019, https://supchina.com/2019/08/07/uyghur-love-in-a-time-of-interethnic-marriage/

[45] Austin Ramzy, 'China Targets Prominent Uighur Intellectuals to Erase an Ethnic Identity', *New York Times*, 5 January 2019, https://www.nytimes.com/2019/01/05/world/asia/china-xinjiang-uighur-intellectuals.html

[46] 'Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses in Xinjiang', US Department of State, 1 July 2020, https://www.state.gov/wp-content/uploads/2020/07/Xinjiang-Supply-Chain-Business-Advisory_FINAL_For-508-508.pdf