

6 January 2021

To: The Inquiry Secretary

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

Foreign Affairs, Defence and Trade Legislation Committee

c/o [fadt.sen@aph.gov.au](mailto:fadt.sen@aph.gov.au)

Public Submission by David Noonan:

**Take action over Human Rights abuses in non-transparent China, in the Xinjiang region  
AND in the Tibetan region, including to disqualify China from supply of Australian uranium**

Dear Secretary

Please consider the public interest rationale and set of actions recommended in this submission.

China's record on Human Rights has failed western expectations on transparency & accountability.

Prime Minister Bob Hawke responded to China's 1989 Tiananmen Square massacre by accepting over 40,000 Chinese nationals to stay in Australia. Apart from rhetoric, what if anything has Australia *actually done* on China's continued record of Human Rights abuses since then?

'Trust' in China is proving to be misplaced. China is increasingly not accountable to Australia on a widening range of trade, transparency, Human Rights and strategic issues.

**What exposure has Australia accrued through untempered trade with an authoritarian China?**

Australia's values are at stake. Australia should act to uphold our values rather than try to retain trade sales to China, however advantageous they may be perceived. It is untenable to ignore Human Rights abuses in China. Australian must not continue to be effectively silent on these issues.

Trade dependence on China involves Australia in repression of whistle-blowers, media, civil society and ethnic communities - near anyone who dares to disagree with the one-party state in China.

**Australia has a record of subverting reality to accommodate even dangerous trade with China:**

I have campaigned on Australian public interest issues regarding China, including an Opinion in The Age & SMH newspapers "[Uranium policy a hypocrisy](#)" (5 Oct 2009) raising Human Rights cases.

*"Australian uranium will effectively disappear off the safeguards radar on arrival in China, a country whose military is inextricably linked to the civilian nuclear sector and where nuclear whistle-blowers and critics are brutally suppressed and jailed. This alone is reason to disqualify China from acquiring Australian uranium."*

Lacking in China, transparency is a core pre-requisite to any 'trust' in nuclear and uranium issues.

Claims by successive federal governments & DFAT to trust in and rely on China in uranium supply issues were never credible and are nonsense now in an era of an assertive and unresponsive China.

In 2014 Prime Minister Tony Abbott [banned uranium exports](#) to Russia over complicity in mass loss of civilian life in the downing of MH17. Australia should now also act to end uranium sales to China.

### **What level of abuse will China be allowed to exhibit before Australia starts to act on our values?**

China has effectively ended the 'two-state' system in Hong Kong and Human Rights and freedoms are being repressed under [new national security legislation](#) (ABC News, 1<sup>st</sup> July 2020):

*The crimes of secession, subversion of state power and colluding with foreign countries and external elements — such as foreign institutions, organisations and personnel — could result in penalties of up to life in prison.*

*This has stunned some legal scholars, who say even peaceful actions such as the [pro-democracy Occupy protests of 2014](#) could now bring 10 years' jail if foreign links could be proven.*

*It also provides for more active state management and oversight of foreign groups, organisations and media based in Hong Kong, ...*

*There is also a provision allowing for trials to take place secretly, barring public and media access to proceedings, ...*

*"The punitive elements of the law are stupefying," Simon Young, a law professor at the University of Hong Kong's law school, and a barrister, told Reuters.*

*"... the consequences to the individual and the legal system will be irreparable."*

China has recently threatened to use military force against a neighbouring democracy in Taiwan ["Chinese general threatens attack on Taiwan to stop independence"](#) (SMH, 29 May 2020):

*Taiwan's government denounced the comments, saying that threats of war were a violation of international law and that Taiwan has never been a part of the People's Republic of China.*

*"Taiwan's people will never choose dictatorship nor bow to violence", Taiwan's Mainland Affairs Council said. "Force and unilateral decisions are not the way to resolve problems."*

### **What actions must Australia take in the face of mass internment and forced labour in China?**

**First**, this Inquiry must address reports of Human Rights abuses and mass detention and forced labour of both the Uyghurs in the Xinjiang region AND of Tibetans in the Tibet region.

The Australia Tibet Council (ATC) recently lobbied federal Parliament, addressing news reports citing:

*"Half a million Tibetan nomads and farmers have been coerced into labour camps where they are subject to indoctrination before being sent to work in factories."*

["China sharply expands mass labor program in Tibet"](#) (Reuters, 22 Sept 2020) cites a [report](#) ["Xinjiang's System of Militarized Vocational Training Comes to Tibet"](#) by the Jamestown Foundation, a Global Research and Analysis Institute based in Washington DC, the article stating that:

*BEIJING (Reuters) - China is pushing growing numbers of Tibetan rural laborers off the land and into recently built military-style training centres where they are turned into factory workers, mirroring a program in the western Xinjiang region that rights groups have branded coercive labour.*

*Beijing has set quotas for the mass transfer of rural laborers within Tibet and to other parts of China. ...*

*“This is now, in my opinion, the strongest, most clear and targeted attack on traditional Tibetan livelihoods that we have seen almost since the Cultural Revolution of 1966 to 1976”, said Adrian Zenz, an independent Tibet and Xinjiang researcher, who compiled the core findings about the program.*

*...in areas like Xinjiang and Tibet, with large ethnic populations and a history of unrest, rights groups say the programs include an outsized emphasis on ideological training. And the government quotas and military-style management, they say, suggest the transfers have coercive elements. ...*

*The Tibetan program is expanding as international pressure is growing over similar projects in Xinjiang, some of which have been linked to mass detention centres.*

*A United Nations report has estimated that around one million people in Xinjiang, mostly ethnic Uighurs, were detained in camps and subjected to ideological education.”*

**Second, I commend the ATC recommendation** for Australia to seek and require access to Tibet for journalists and foreign officials, or else decline entry to Australia to officials of China, including those responsible for ongoing abuses. This requirement should also be applied to the Xinjiang region.

**Third**, this inquiry should test China and request a Parliamentary delegation visit Xinjiang and Tibet.

China’s Foreign Minister Wang Yi recently made an offer to visit China, reported in The Age [“China’s foreign minister want better ties with Biden administration”](#) (04 Jan 2021):

*“Some politicians have fabricated too much false information about Xinjiang and Tibet. ... We welcome you, ... to visit China, including the two autonomous regions at your convenience”.*

The offer was made in a US forum hosted by ex-Prime Minister Kevin Rudd, who is cited as saying:

*“I put in a pitch for my own country Australia (and for) face-to-face contact between the Chinese government and the Australian government as well.”*

**Fourth**, questions should be put to the Chinese government and their Ambassador to Australia along with a request to provide input to, and an offer to appear as a Witness before, this Inquiry.

This Inquiry must not be put off its task to systematically investigate and make Recommendations that are commensurate with the seriousness and extent of the Human Rights abuses in China, irrespective of whether-or-not China accommodates requests made to it by this Inquiry.

**Fifth**, evidence of mass detention and forced labour in Xinjiang and in Tibet of course warrants a ban on Australian import of associated produced goods, along with a range of other measures.

It is important the Inquiry broadly investigates Human Rights in both regions AND considers a wide range of potential Australian responses - rather than only a single brief in a ban on imported goods.

**Sixth**, the Inquiry should put a range of questions to DFAT and to our Foreign Affairs Minister.

**Seventh**, for a range of reasons Australia should act to end uranium sales to non-transparent China.

My background includes 16 years as an Australian Conservation Foundation (ACF) campaigner 1996-2011. Including as author of ACF nuclear issues submissions to Joint Standing Committee on Treaties Inquiries and as lead ACF Witness in JSCT Hearings on uranium sales issues with China & with Russia.

As an individual, I later gave evidence as a Witness before the JSCT Inquiry on UAE uranium sales, provided input to the JSCT Inquiry on Ukraine uranium sales, and am quoted in both JSCT Reports.

**I commend the 11 core Recommendations** of “*An Illusion of Protection. Full Report. The unavoidable limitations of safeguards on nuclear materials and the export of uranium to China*”, a [report](#) (Oct 2006) prepared for the Medical Association for Prevention of War (Australia) and the ACF.

China’s lack of transparency was a key factor in the reports Recommendation No.2 by MAPW and ACF to disqualify China as a recipient of Australian uranium:

*“Australia should not export uranium to China. On such a serious matter as proliferation of nuclear weapons, China’s poor non-proliferation record and lack of transparency – and indeed active contribution to horizontal nuclear proliferation – warrants the disqualification of China as an appropriate recipient of Australian uranium on these grounds alone.”*

**Conclusion:**

**China’s lack of transparency and Human Rights abuses, of the gravity of mass detention and forced labour of the Uyghur people in Xinjiang AND of the Tibetan people in Tibet, oblige Australia to act on our values and to instigate a range of decisive actions and measures in response.**

**Recommendations for the Inquiry to consider and for Australia to instigate actions and measures:**

- **The Inquiry must address reports of Human Rights abuses and mass detention and forced labour of Uyghurs in the Xinjiang region AND of Tibetans in the region of Tibet**
- **The Inquiry should invite the Australia Tibet Council to give evidence in a Hearing**
- **Require access to Xinjiang & to Tibet, or else decline entry to Australia to officials of China**
- **Ban the Australian import of goods produced by Uyghur or by Tibetan forced labour**
- **Investigate and engage a range of measures to support the Human Rights of both the Uyghur people and of the Tibetan people**
- **Disqualify non-transparent China as a recipient of Australian uranium sales supply**
- **Support Hong Kong people impacted by state repression of Human Rights and freedoms**
- **Accept refugees & others at risk of - or subject to - state repression in Xinjiang, in Tibet and in Hong Kong**
- **Support Taiwan as a fellow democracy**

In a Supplementary Submission I offer to input more detailed material, to provide questions to DFAT for the Inquiry’s consideration, and to recommend further actions across these public interest issues.

Feel free for the Secretary, Members of the Inquiry & staff to contact on aspects of the submission.

If of interest to the Inquiry, I offer to provide evidence as a Witness in a Hearing across these issues.

Yours sincerely

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