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How the European Union reacts to crimes against humanity - A case study

Bachelor's thesis in Europastudier

Supervisor: Brigevid, Anna

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Abstract

This thesis provides an overview of how the European Union behaves in accordance with actors who are charged with violating human rights. The two accused parties presented in this thesis are Russia and China. I will display some of the tools that the EU has in terms of hard and soft powers, that they can use to protect their values, both within and outside its borders. Thus far, Russia has been hit with economic sanctions by the EU, but that has yet to happen to China. Furthermore, I will be analyzing the difference between the two definitions, genocide, and ethnic cleansing. I will provide evidence that Russia is committing a genocide in Ukraine, and that China are subjecting its Uyghur population to ethnic cleansing. This thesis uses a comparative method to examine the outcome of the two cases. With this thesis, I wish to shed some much-needed light on the atrocities that goes unchecked in the world, in this case the ethnic cleansing of the Uyghurs.

Sammendrag

Denne oppgaven gir en oversikt over hvordan EU opptrer i samsvar med aktører som er siktet for brudd på menneskerettighetene. De to siktede partene som presenteres i denne oppgaven er Russland og Kina. Jeg vil vise frem noen av verktøyene som EU har i form av harde og myke makter, som de kan bruke for å beskytte sine verdier, både innenfor og utenfor sine geografiske grenser. Så langt har Russland blitt rammet av økonomiske sanksjoner fra EU, men det har ennå ikke skjedd med Kina. Videre vil jeg analysere forskjellen mellom de to definisjonene, folkemord og etnisk rensing. Jeg vil fremlegge bevis på at Russland begår et folkemord i Ukraina, og at Kina utsetter sin uigurske befolkning for etnisk rensing. Denne oppgaven bruker en komparativ metode for å undersøke utfallet av de to casene. Med denne oppgaven ønsker jeg å kaste et sårt tiltrengt lys over grusomhetene som går ukontrollert i verden, i dette tilfellet den etniske rensingen av uigurene.

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List of Abbreviations

ECHR	European Convention on Human Rights
EEAS	European External Action Service
EU	European Union
UN	United Nations

1 INTRODUCTION

The 20th century came with a lot of political unrest, and some of the greatest atrocities committed by mankind. The impact of the first world war laid the foundations for the second to follow just a few decades later, and with it followed the holocaust – arguably the largest crime against humanity committed in modern times. The magnitude of the mass killings of Jews, Slavic peoples, homosexuals, and other peoples deemed inferior by Nazi-Germany led to the coining of a new term: Genocide. I will explain the term in more detail later on, but in short terms, it refers to the killing or destruction of a particular group of people. Also, in the wake of the second world war, we saw the starting stages and development of the EU. The EU was initiated with the ambition of making sure that atrocities like the ones seen in the second world war would not repeat themselves. The EU is still going strong to this day, and it continues its legacy by keeping to its core values of democracy and human rights.

When I was made aware of the plight of the Uyghur people in China, I could not help but to relate what I was hearing to the holocaust. In the 21st century, people's voices are being taken away from them, and they are separated from their families and thrown in concentration camps. I will explain in further detail the oppression that the Uyghurs are currently going through. I was shocked to find out how little attention there is in the media regarding this issue, and it does not seem like anyone is doing anything to prevent this potentially new holocaust in the making. Nor does it seem like the EU is taking any action against China, despite EU's values and familiarity with genocide. Then came the war in Ukraine last year, and almost the entire western world, the EU included, decided right away to sanction Russia. So, what I will be trying to examine in this thesis is: Under which conditions does the EU use sanctions, and how do these sanctions relate to the EU's position on human rights? Which kinds of human rights violations triggers the EU to start using sanctions.

2 LITERATURE REVIEW

2.1 HARD AND SOFT POWER

In general, power refers to the ability of one actor to influence or change the behavior of another actor. The concept of power by Robert Dahl means the ability to influence others to act in a certain way that they would not otherwise take. In order to understand how power works, one must not only possess the ability to exert power, but also understand the interests of others. The use of various power strategies by actors is essential to achieving a desired outcome and achieving political goals. These strategies can be classified as either hard or soft power strategies. It is generally considered that **Hard power** relies upon coercion to change behavior, while **soft power** relies on attraction and persuasion to change behavior (Mustonen, 2010).

According to Joseph S. Nye, a hard power resource may include coercive capabilities such as military and economic means, while a soft power resource may include culture, values, and institutions (Mustonen, 2010). Nye has discussed the difference between soft power and hard power by commenting on the opinions of others. Taking Lesli Gelb's definition of soft and hard power as an example. According to Leslie Gelb, "soft power now appears to mean almost everything", since both economic and military resources can be utilized to influence foreign states. Nye considered Gelb's position to be misleading, as he confounded the actions of a government seeking to achieve desired outcomes with the resources used to achieve those outcomes. Military and economic resources can sometimes be used to attract and coerce witnesses (Nye, 2009, p.106).

Nye argues that hard power behavior involves the removal of a target's choices by negative sanctions, whereas transactional inducement involves the manipulation of the prospect of positive sanctions in order to alter the target's choice. As a result of soft power behaviors, attraction may either be direct, without deliberate action on the part of the agent, or indirect, as mediated by communication. The goal of persuasion or advertising is to enhance attraction while maintaining the freedom of choice of the target. When framing is extreme - such as lying or deception, it removes the target's meaningful choice and shades into a hard power approach. In order to describe a target as positively attracted, an analytical observer must be able to describe it with enough voluntary choice. Soft power is not about truth, but about how the content is presented (Nye, 2021, p. 203). Soft power can be used to defeat third parties or to set one part of a target against another, depending on how much the targeted agent voluntarily attracts the other parts. Nye provides a good example of how Soft and Hard power are displayed in reality (Nye, 2021, p. 203).

"If Don Juan seduces a woman who is attracted to him, it is soft power; but if he uses force or lies in proposing marriage, he reduces the situation of voluntarism and his behavior falls into the category of hard power "

It appears that Nye is making the argument that when you remove the agent's ability to make a decision voluntarily, then you have crossed into coercion/hard power. Economic sanctions are usually a response to an undesirable behavior, with the intent of forcing the sanctioned party to abstain from said behavior. So, if the EU were to sanction China now,

as a response to the way the Uyghurs are being treated, then that would be an act of hard power by the EU in accordance with Nye. A soft power approach, on the other hand, could look more like trying to convince Chinese officials that the oppression of Uyghur is wrong, and that they have the power to stop it. In essence, giving the illusion of a choice, while at the same time using rhetoric to seduce the target towards the desired outcome.

Hard and soft powers are tools that organizations like the EU can use, in order to apply their values of democracy and human rights onto other actors on the world stage. We have to know what these values are, therefore, in the following section, I will be taking a look at the EU's policy in regard to human rights.

2.2 EUS POLICY REGARDING HUMAN RIGHT

According to European Parliament, the human rights movement has made significant progress over the past few decades, but there remain many challenges to overcome today. With the appearance of deceptive legitimacy, increasingly assertive authoritarian regimes have threatened human rights by restricting fundamental freedoms, harassing human rights defenders, and violating fundamental political and civil rights. Despite human rights' universality, some states oppose human rights because they perceive them to conflict with their religious and cultural beliefs. Moreover, atrocities amounting to crimes against humanity, war crimes, and even genocide have been perpetrated during some of the most violent civil conflicts of the last few years, such as in Syria and Iraq. Globally, a number of reports indicate a decline in respect for rights and freedoms, for instance, in 2018 according to the V-Dem Report, more countries reported a decline in equality before the law and individual liberty than an increase (European Parliament, 2023, p. 2).

International human rights law is consistent with the EU's legal framework. The EU Treaties bind it to respect international law, promote respect for the United Nations Charter, and ratify the European Convention on Human Rights (ECHR). As a result of international human rights treaties and agreements, the EU Member States are also required to make substantive individual commitments, some of which go beyond the provisions of EU law. As members of the UN Charter and most of its human rights treaties, all of these countries are also a signatory to the ECHR. In the event that their rights are violated, individuals can appeal to the European Court of Human Rights in Strasbourg, which is part of the Council of Europe (European Parliament, 2023, p. 5).

According to the Treaty of Amsterdam, the Union is founded upon the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. As a consequence, any member state that violates human rights in a serious and persistent manner may be liable for losing its rights under the treaty. Various major statements have been made by the European Council emphasizing the importance of respecting human rights, including those by the European Court of Justice. A wide range of initiatives have been taken by the Community in a variety of fields, including those related to gender equality, racism, and xenophobia (Alston, Bustelo, Heenan, 1999, p.6). Sustainability and the creation of more inclusive, open and resilient societies are preconditions for sustainable development. The EU is now spending more than ever before on its Human Rights and Democracy Thematic Program (European Commission, 2023). This program aims to support amongst other, the development of human rights, which therein lies freedom of religion. Not only on a European level, but also a global scale, where the program can be used to intervene anywhere outside the European Union.

According to the European Union delegation to the United Nations in New York, crimes against humanity only occur when a civilian population is attacked. However, the presence of combatants among civilians does not imply that the attack is aimed at a civilian population, as civilians must be the predominant target. As clarified by the well-established practice of international tribunals, the attack must be widespread or systematic against a civilian population. Isolated or unconnected violent acts are also not to be considered as systematic attacks since they do not necessarily imply a large geographical area. In addition to state officials, organizations and groups with the capacity and resources to plan and carry out widespread and systematic attacks can also commit crimes against humanity. The draft articles do not limit States from providing further definitions in their national legislation. Other international instruments or customary international law may provide broader definitions without prejudice to this definition (Delegation of the European Union to the United Nations in New York, 2023).

In the case of China and the Uyghurs, we can see clearly that the state of China is committed to a systematic attack against the Uyghur civilian population. Nor does there seem to be any combatants among the Uyghurs, so that rules out the possibility of China aiming at combatants and hitting civilians by mistake. However, China is not at war with East-Turkestan, in the same way that Russia is at war with Ukraine, for example. Nevertheless, the main components of crimes against humanity according to the EU are still there: a widespread and systematic attack against a civilian population. So, by the EU's own definition, what is going on in China counts as crimes against humanity. The question remains: what can the EU do to combat cases of crimes against humanity?

2.3 THE IMPOSITION OF EU SANCTIONS AGAINST THIRD PARTIES

The human rights policies of the European Union are beset by a paradox. On the one hand, the Union is a staunch defender of human rights both its internal and external affairs. On the other hand, it lacks a comprehensive or coherent policy at either level and fundamental doubts persist whether the institutions of the Union possess adequate legal competence in relation to a wide range of human rights issues arising within the framework of Community policy (Alston et, al., 1999, p.6). The EU can sometimes be viewed as strict when it comes to sending foreign aid, due to the EU making it a condition that receivers of the aid also subscribe to the same values as the EU does. China, on the other hand, does not, they are willing to give foreign aid to autocracies, where the EU most likely does not (European Parliament, 2023, pp. 7-8). This once again proves that the EU are very serious about human rights and democracy, both internally and externally. We can relate this to hard power because the EU does not give the recipient of foreign aid a choice. One cannot receive aid from the EU while being an oppressive tyrant at the same time.

There are many actors involved in the development of sanctions regimes. EU Member States are responsible for implementing all sanctions within their respective jurisdictions following examination in the relevant Council working groups. The Council adopts, amends, lifts, or renews sanctions following examination in the relevant Council working groups. In conjunction with the Council, the High Representative is responsible for ensuring the unity, consistency, and effectiveness of EU action in the area of the Common Foreign and Security Policy. HR/VPs receive assistance from the European External Action Service (EEAS) in fulfilling their mandates, and the agency is responsible for preparing, maintaining, and reviewing sanctions, as well as the communication and outreach activities related to them in close cooperation with the European Commission, relevant EU delegations, and Member

States. Sanctions are a major part of the legislative process in the Council and the EEAS plays an important role. As part of the High Representative's proposal for a decision and regulations, the EEAS works with the European Commission to prepare those proposals. The EU's members are governed by decisions directly, while individuals, entities, and economic operators are governed by regulations. When regulations are adopted, the European Commission works to facilitate their implementation in the EU and address questions of interpretation by economic operators. It is the responsibility of the European Commission to ensure that sanctions are applied uniformly (European Union External Action, 2021).

Governments of third countries may be targeted by EU restrictions, as well as non-state entities such as companies and individuals such as terrorist groups and individuals. The majority of sanctions regimes involve asset freezes and travel bans targeting individuals and entities. A sectoral measure may also be adopted by the EU, such as an economic and financial restriction, a ban on banking services, or an embargo on the exportation of goods listed in the EU's common military list. EU sanctions regimes fall into three categories. First, the EU transposes into EU law sanctions imposed by the UN. In addition, the EU may strengthen UN sanctions by enacting stricter and additional measures. Additionally, the EU may impose sanctions regimes that are completely autonomous, such as those that are imposed against Syria, Venezuela, Ukraine, and Russia. The EU has adopted all sanctions fully in compliance with international obligations, including those pertaining to human rights and fundamental freedoms (European Union External Action, 2021).

In 2013, the EU sanctioned Syria on claims that the Assad-regime was violating human rights and committing chemical attacks against the Syrian population (European Commission, 2023). Likewise in 2017, sanctions were put on Venezuela for allegedly undermining democracy, rule of law and human rights. They also sanctioned superpowers such as US and China. In the past, following the crackdown on the protests at Tiananmen Square in 1989, the EU found it necessary to take action against the Chinese government. The EU strongly condemned the Chinese government for executing those who claimed their legitimate democratic rights. The European Council then requested that the Chinese government respect human rights and listen to the peoples wish for democracy. The Council the suggested that China be open to independent observers to attend trials and visit prisons. Furthermore, and most likely the largest sanction came in form of a temporary halt in the arms trade with China (European Commission, 2023). The EU gave China an ultimatum, either to cease the obstruction of human rights, or continue receiving economic sanctions in the form of canceling a business transaction. The EU was exerting hard power, and as I have mentioned earlier, the EU does not like to reward bad behavior. In the case of the US, the EU only reacted to a legislation adopted by the US which could have affected EU member states. The EU made it possible for the member states to take appropriate action in case the US' legislation would be problematic for them (European Commission, 2023). This goes to show that the EU is willing to take action against actors that do not comply with democracy and human rights, so why then does China get a free pass now? I will discuss this later in the analysis.

2.4 WHAT CONSTITUTES HUMAN RIGHTS ABUSES ETHNIC CLEANSING AND GENOCIDE

Ethnic cleansing and genocide are both similar in their nature. In 1948, the United Nations adopted the Convention on the Prevention and Punishment of Genocide. Raphael Lemkin (1900-1959) coined the term "genocide" in order to describe Nazi policies of systematic

murder during the Holocaust, including the destruction of European Jews. The term did not exist prior to 1944, and it is a very specific term that was coined by a Polish-Jewish lawyer. In order to form the word genocide, he combined the Greek word geno-, which refers to race or tribe, and the Latin word -cide, which refers to killing (Holocaust Memorial Museum, 2023). The term 'genocide' refers to acts committed with the intent of destroying, in whole or in part, a national, ethnic, racial, or religious group of people. There are five categories of genocide: (United States Holocaust Memorial Museum, 2023).

"Killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group"

Ethnic cleansing, on the other hand, is a term that was first utilized during the civil war in Yugoslavia in the 1990s. It is a direct translation of the Serbo-Croatian term etničko čišćenje. International law does not recognize ethnic cleansing as an independent crime, so it is impossible for ethnic cleansing to be defined precisely or to specify the acts that qualify as ethnic cleansing (United Nation, 2023). In its interim report on violations of international humanitarian law committed on the territory of the former Yugoslavia, the United Nations Commission of Experts defined ethnic cleansing (United Nation, 2023).

"... rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area."

In the same report, the Commission defined ethnic cleansing as (United Nation, 2023).

"... a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas."

The main differences between genocide and Ethnic cleansing is Genocide is more violent in nature, the targets of a genocide are usually killed or in the least made to suffer physically and mentally. It becomes evident why the word genocide first appeared following the Holocaust of the second world war, due to the very violent nature of that particular incident. Ethnic cleansing, on the other hand, can be applied to cases where a targeted group is being forcibly removed, in order to make an area ethnically homogenous. It still remains to be seen whether or not the case of the Uyghurs is a genocide or ethnic cleansing. This could mean that whenever a genocide is occurring, due to its extreme nature, this forces governments to take action to prevent it. However, ethnic cleansing, is recognized by International Law as an independent crime, and it does not demand a reaction to prevent it from happening in the same way a genocide does. This means that it can be very difficult to take action against ethnic cleansing. This can help to explain why the EU has not yet taken action against China, for the alleged ethnic cleansing of the Uyghurs.

A government of the country in which an international crime such as a war crime or a crime against humanity is committed has an obligation to hold those responsible accountable. It is important to note, however, that other governments have obligations towards those who committed these crimes (HUMAN RIGHTS WATCH, 2022). It is highly unlikely that the government of China will hold itself accountable for the crimes against humanity they themselves are committing against the Uyghurs. Nevertheless, we can argue that other governments are obliged to treat with respect and act accordingly in cases where crimes against humanity are occurring.

3 METHODOLOGY

Comparative methods involve examining one object in relation to another. In general, comparative methods can be qualitative or quantitative. The object of study is often compared across space and/or time. It is common for the number of cases to be compared to the availability of comparable variables and vice versa. In order to explain continuity and change, the comparative method is often employed in the search for patterns of similarities and differences. The Most Similar Systems Design is frequently used in comparative research, which compares very similar cases with differences in the dependent variable, with the hypothesis that this will facilitate the identification of independent variables that are responsible for explaining the presence or absence of the dependent variable. Various cases are compared with the same dependent variable, so that any other circumstance that is present in all the cases can be regarded as an independent variable for the Most Different Systems Design. It is important to remember that when conducting comparative research, what may appear to be the same category throughout different countries may actually be defined differently within those countries (Norsk Utenrikspolitisk institutt, 2022).

For my thesis, I have been interested to examine how the EU reacts to certain actions. I will provide a case of Russia and the war in Ukraine and see which powers the EU has got to in its toolkit to deal with a huge invasion like that. Additionally, there is the case of the Chinese government and the Uyghur peoples. Although information about it is scarce, there is a lot of evidence that suggests that the Uyghurs are the targets of ethnic cleansing, by being forcibly removed to concentration camps, and not being able to express their religious or cultural beliefs. Russia's invasion of Ukraine last year was a huge action, which gained many reactions, mostly in terms of hard power economic sanctions. The oppression of the Uyghurs is less noticeable, and gets less attention in the media, so it could be that no large actor feels to need to react to it yet. This makes the two cases not similar, furthermore, the outcome of the cases is also different. Making this a comparative study using multiple case study analysis.

I have chosen these two cases because I believe that the case of the Uyghurs is not getting the attention it deserves or needs. The perception of Muslims as terrorist over the past decades has made us less sensitive to crimes against humanity targeted at Muslims, such as the Uyghur Muslims. In my personal experience, people do not seem to be aware of who the Uyghurs are, or what is happening to them. This is why I wanted to bring some attention to this particular case. By having Russia and Ukraine as the opposing case, we can clearly see the large contrasts between the two, in terms of general awareness and reaction.

4 CASE STUDY

4.1 CHINA AND UYGHURS

4.1.1 The history of the Xinjiang conflict and Why China is cleansing Uyghur identity

Since nearly 2,000 years ago, Sinkiang (now Xinjiang) has been under Chinese imperial control. The Arab influence in the 9th and 10th centuries forced many residents to convert to Islam and speak Turkic, thus challenging their cultural dominance. A Chinese province, Xinjiang was officially recognized as an autonomous region only in 1955 by the Communist Party. Following the Great Leap Forward and Cultural Revolution, the communists implemented more moderate economic and political policies, resulting in greater economic stability and growth for Xinjiang's agricultural population. During the 1990s, investments in the Xinjiang area increased, causing many Han Chinese to emigrate. Unfortunately, this wealth disparity triggered further tensions, which culminated in violent uprisings by the Uyghurs. Xinjiang has been the most rebellious territory of China for nearly two centuries (the 19th and early 20th centuries), a result of multiple ethnic, economic, and religious tensions. From 1931 to 1937, there were continuous Muslim rebellions in China, culminating in two attempts by Uyghur activists to create a separate Islamic nation known as East Turkestan by separating Xinjiang completely from China (EARS, 2021). The Muslims of Xinjiang were at the point able to implant Islamic-based policies, and they tried to establish a state based on religion. However, they were eventually overthrown by Soviet-backed factions, who stopped the Islamization (Maizland, 2022).

As early as the 1960s, Uyghurs began migrating out of the region as a result of restrictions on their religious and cultural practices under the Chinese Communist Party. In the 1990s, when the Soviet Union collapsed, periodic calls for Uyghur independence from China gained traction, but no equivalent liberation came to the Uyghur people. In 1996, the Taliban came to power in Afghanistan and China began categorizing Muslim Uyghur activists as terrorists. The Uyghurs were affiliated with Al-Qaeda and the Taliban in 1998, however Sean Roberts notes there is limited evidence of widespread extremism in Xinjiang, despite the presence of several hundred fighters associated with Al-Qaeda and the Taliban. Since 9/11, fears of domestic attacks increased when the U.S. adopted the rhetoric of the global war on terror (Boissoneault, 2021).

Uyghurs are believed to hold extremist and separatist ideologies, and Chinese officials view the camps as a means of eliminating threats to China's territorial integrity, government, and people. In recent decades, the government has blamed terrorist attacks on a separatist movement founded by militant Uyghurs known as the East Turkestan Islamic Movement (Maizland, 2022). According to the United States, no credible evidence exists that the group has operated for at least the past decade, resulting in the removal of the group from its list of terrorist organizations in 2020. As a result of the 9/11 attacks, the Chinese government began justifying its actions toward Uyghurs under the Global War on Terrorism. Separatism, religious extremism, and international terrorism are all considered "the three evils" by the country (Maizland, 2022).

An outbreak of riots in 2009 took place in the capital of Xinjiang, Ürümqi, as majority Uyghur demonstrators protested against the region's economic and cultural discrimination as well as state-incentivized Han immigration. The Chinese government reported that nearly 200 people were killed and many more were injured during the riots. In contrast, Uyghur groups claim that the number of Uyghur victims has been drastically undercounted. In the eyes of Beijing, all Uyghurs are potential terrorists or sympathizers of terrorists. A number of attacks at public facilities, such as Tiananmen Square in Beijing, were blamed on Uyghurs over the next few years (Maizland, 2022).

4.1.2 Are the Uyghurs the victims of ethnic cleansing or genocide?

In Xinjiang, the biggest region of China, there are estimated to be over a million Uyghurs and other minorities imprisoned in camps. Uyghur women have allegedly been forced to undergo sterilizations and their children have been separated from their families by the Chinese government (BBC NEWS, 2021). As there have not yet been any killings on record, we can hardly qualify the Uyghur case as a case of genocide. ethnic cleansing, on the other hand, is slightly more elusive to prove. If we were to compare the Yugoslavian war in the 1990s, where the term originated, with the Uyghur case, we would find some similarities. In both cases, Muslims have been the victims of the cleansing. However, during the Yugoslav war, killings happened on all sides, it was a war, after all. When the dust had settled, a new definition had come along: ethnic cleansing. Ethnic cleansing mainly talks about removing a group of people by force, to make a place ethnically homogenous.

There has been an estimated number of more than a million people detained at the sprawling network of camps, which China claims exists for the purpose of "reeducation" of Uyghurs and other minorities, according to independent estimates (Hill, Campanale, Gunter, 2021). China does not seem too able to keep their story about the Uyghurs straight. In one instance, they claim that the camps do not even exist. In the other, they claim that the camps are there to protect the interest of China from terrorist attack. Uyghurs have gradually lost their religious and other freedoms from the Chinese government, resulting in mass surveillance, detention, indoctrination, and even forced sterilization, according to human rights groups (Hill et al., 2021). There were 380 such camps in Xinjiang in 2020, an increase of 40% compared to previous estimates, according to the Australian Strategic Policy Institute. As a result of the analysis of the newest police documents, called the Xinjiang Police Files, almost 23,000 individuals - or more than 12% of the adult population - were in a camp or prison between 2017 and 2018. Over 1.2 million Uyghurs and other Turkic minorities would be detained if the figures were applied to the province of Xinjiang as a whole (BBC NEWS, 2022)

In response to BBC World News' coverage of the Uighur issue and Coronavirus, China has banned its broadcasts. Initially, the country denied the camps' existence, before later defending them as a necessary measure to combat terrorism. This country has also denied allegations of violations of human rights (BBC NEWS, 2021). So, then who should we put our trust in in this case? According to Nye, lying and deceit crosses into the realm of hard power. We can therefore argue, quite clearly, that China is using hard power. The people who claim to have witnessed horrific atrocities at the camps, the same camps that the Chinese government said did not exist; or a government that seems to be more than fine with lying, and when caught lying proceed to change their narrative in order to save face. According to Nye, lying and deceit crosses into the realm of hard power. We can therefore

argue, quite clearly, that China is using hard power to get out of trouble for what they are doing to the Uyghurs.

4.1.3 Eu response to Uyghur genocide

Chinese officials have been reported to have been the subject of human rights abuses in Xinjiang Uyghur autonomous region, and the European Union may consider imposing sanctions on them. Because of the sanctions, China Daily, the official mouthpiece of China's Communist Party, wrote, "countermeasures may follow if it continues" (Vela, 2021). As reported by chinadaily.com, China's fight against extremism, terrorism, and separatism in Xinjiang is no different from what Western countries did in their fight against extremist forces. China cannot maintain the political and social stability of the northwestern autonomous region by making claims of genocide and forced labor. Separatist Uyghurs are accusing China of violating human rights in Xinjiang, insisting that Xinjiang be an independent nation, and speaking ill of China. Regarding the sanctions that Western countries have imposed on Chinese officials or entities, China will not back down and will retaliate in a manner that is appropriate for the situation. Some Western media may have reported untruthful or biased information that may lead to misunderstandings, disagreements, or a lack of knowledge about the truth. Bringing human rights issues into the discussion of the investment treaty was unacceptable on the part of the EU. Politicizing a deal that took years for both sides to agree on will only hurt otherwise amicable bilateral relations. China's ambassador to the EU Zhang Ming urged the EU "to think twice". In China, differences are always resolved through dialogue, rather than confrontation. However, if the EU chooses sanctions, China will have no other option but to retaliate (chinadaily.com.cn, 2021).

It is understandable that the accusation of genocide is reserved for situations in which there is overwhelming and conclusive evidence since it may lead to a major escalation in geopolitical tensions. It is important to note that the accusation regarding the Uyghurs, even if partially inaccurate, would needlessly worsen NATO-China relations to the point that it could provoke a conflict among nuclear powers on a global scale (EARS, 2021). We can speculate that also NATO is downplaying the seriousness and credibility of the evidence presented regarding the violations of human rights in the concentration camps. Nobody wants a war with China, especially now with the war in Ukraine demanding so much effort and energy. Therefore, perhaps a few thousands of Uyghurs are worth throwing under the bus in order to maintain world peace. We can imagine that when the US goes to war against China two years from now over Taiwan, they will use the Uyghurs as a reason to intervene against the Chinese government. Russia also threatened with using nuclear weapons if they were sanctioned, nevertheless, the EU went ahead and sanctioned them anyways (CHATHAM HOUSE, 2022)

In 2021, a proposal by the European Commission to ban products made by forced labor has been announced by its president Ursula von der Leyen. At a time when Uyghurs continue to be subjected to human rights violations in mass internment camps in Xinjiang, China, this ban is particularly significant. Democracies must take a stand against unacceptable practices in global supply chains in order to progress in resolving the crisis (Atlantic Council, 2021).

European parliament states, whereas the Uyghur Tribunal and other credible, independent investigative bodies and research organizations concluded China's systemic violations of

human rights amount to torture, crimes against humanity, and genocide against Uyghurs and other Turkic peoples. It is requested that the Chinese Government immediately end the practice of arbitrary detentions of Uyghurs and other ethnic Turkics without charge, trial, or conviction. It is also requested that all camps and detention centers be closed, those detained immediately and unconditionally released, and that the Uyghur children who are forcibly placed in state-run boarding facilities be reunited with their families (European Parliament, 2022).

4.2 RUSSIA AND UKRAINE

4.2.1 The history of the Ukraine conflict and What drives Russia to try and take over Ukraine.

There has been a revival of historical discussion and history battles in eastern Ukraine as a result of the current military conflict, making history a more relevant topic than ever before. Historical references have been used to justify certain actions since 2014, specifically the Second World War. A major claim by Moscow was that it was protecting eastern Ukrainians against Ukrainian fascists. This claim has yet to be confirmed. So, this could be a case of Russia using lying and deception as a hard power to frame the narrative in a way that justifies the invasion. Additionally, Russian state television presented a story about a three-year-old Russian boy who was allegedly crucified by Ukrainian nationalists, and referenced atrocities that Ukrainian nationalists are alleged to have committed during World War II. History has been used throughout Europe in the twentieth century to justify military aggression, and politics has been used to write history, and Ukraine has become accustomed to the bellicose politicization of history in the year 2014 (VUSHKO, 2018)

According to Mearsheimer, Russian aggression in Ukraine is a response to NATO's dangerous expansion of membership throughout former Soviet Bloc nations, including Russia's immediate neighbors. He partially faults the West for Russia's desperate and dangerous invasion of Ukraine. The theory holds that Putin's response complies with the principles of Great Power Politics, which consider survival to be the "paramount goal" of a nation. As a result of thoughtlessly violating a doctrine that the U.S. itself abides by, the United States has failed to recognize the sphere of influence of Russia and honor its security concerns. Essentially, political scientist claim that Putin's primary goal is to protect Russia and Russian power through direct actions against NATO, not to "reincarnate" the Soviet Union (Western military expansion) (Darar, 2022). Here we see another example of Putin using hard power, this time in terms of military force, to pursue his goal.

On the other hand, the stability of the Euro-Atlantic region depends on a strong, independent Ukraine. NATO's relationship with Ukraine dates to the early 1990s and has since matured into one of NATO's most important partnerships. Several areas have been intensified since Russia's illegal annexation of Crimea in 2014, and NATO and Allies have provided unprecedented levels of support since Russia's full-scale invasion in 2022 (Nato, 2022). Ukraine and NATO's relationship began already in the 90's, so why is such a big issue now in 2022?

According to BBC news, Several NATO members states have been sending Ukrainian air defense systems and missiles to defend its cities as well as artillery, drones, and other weapons to help turn the tide against Russia's invasion. In spite of this, Russia's invasion was responsible for persuading Sweden and Finland to join the alliance formally, so it

cannot be blamed for the war. Late in September, Russia announced that it was annexing four Ukrainian provinces. Ukraine also stated that it was seeking membership in NATO on a fast-track basis (BBC NEWS, 2022). Here we see another argument for NATO not being a decisive factor for the war in Ukraine.

Mearsheimer argues that states should maximize their power and their ultimate objective should be hegemony, in order to ensure their survival. It appears that Russia is adopting more of a realist approach to international politics than anything else following the end of the Cold War. President Putin referred to the security and survival of the state as well as the existence of a side 5 threat as being realist-specific themes such as security, survival, and existential threat. Further evidence of the emergence of a realist dynamic can be found beyond Putin's threat of military action and nuclear weapons in response to a 'security dilemma' illustrated by the war. Additionally, some countries' broken neutrality may also gain traction due to the severity of the situation and its alleged realist shift (Librera, 2022).

4.2.2 Are the Ukrainians the victims of ethnic cleansing or genocide?

Ukraine is at risk of genocide being committed by Russia. There is reason to believe that war crimes may already be taking place as evidence of them emerges. In a statement released on March 23, 2022, U.S. Secretary of State Antony Blinken stated that Russian forces had committed war crimes in Ukraine. As evidence, Blinken cited Russia's destruction of "apartment buildings, schools, hospitals, critical infrastructure" and a maternity hospital in the defeated city of Mariupol that was named after the Russian word for children. Since Russia began its attack on Ukraine in February 2022, it has killed a minimum of 1,189 civilians and injured a further 1,901 Ukrainians. International law considers such attacks on civilians as war crimes (THE CONVERSATION, 2022).

The International Criminal Court announced in 2022 that it had issued an arrest warrant for Russian President Vladimir Putin, accusing him of being personally responsible for the abduction of children from Ukraine. An Associated Press investigation reveals that Russia is already well underway in its efforts to adopt Ukrainian children and bring them up as Russians. There have been reports of thousands of children being found in the basements of war-torn cities such as Mariupol and in orphanages in the Russian-backed separatist territories of Donbas. Russian officials claim that these children do not have guardians or parents to care for them, or they are unable to be contacted. These children are both from institutions and in foster care, known as "children of the state." A recent report from the Associated Press found that Russian officials deported Ukrainian children to Russia or territories controlled by the Russians without their consent, lied to them that their parents had no interest in them, used the children for propaganda purposes, and granted them Russian citizenship and families (DEEB, SHVETS, TILNA, 2023). This act by Russia falls within the category of genocide which states that transferring children of one group to another counts as genocide. The Russian officials were also using hard power as they were manipulating the children into believing that their parents had abandoned them.

4.2.3 EU's response to the genocide in Ukraine

EU sanctions were already agreed upon on 23 February, a day before the invasion began. There have been three more sanctions enacted, including economic sanctions, diplomatic

measures, restrictions on Russian media outlets, sanctions on individuals with close ties to the regime, and restrictive measures. Moreover, the EU's response goes beyond sanctions. Through the European Peace Facility, the EU will provide assistance to the Ukrainian resistance, ranging from first aid kits to fuel to defensive platforms. There has been discussion on how to ensure stable energy supplies and how to mitigate the impact of high energy prices on the economy as a result of plans to eliminate the dependency on Russian fossil fuel imports. Ukrainian refugees have been welcomed by Ukraine's European neighbors, who have shown compassion and solidarity. EU countries sheltering Ukrainian refugees have approved financial assistance packages, and the EU Civil Protection Mechanism has made available medical supplies, tents, and generators. EU ministers have also agreed to offer temporary protection to those fleeing Ukraine's war and to share equally the burden of welcoming refugees (Wunderlich, 2022). These measures are in addition to the existing measures imposed on Russia since 2014 in light of the annexation of Crimea and failure to implement the Minsk agreements. Sanctions are imposed on individuals who support, finance, or implement activities that undermine Ukraine's sovereignty, territorial integrity, or independence or who benefit from them (European Council, 2023).

Several import and export restrictions have been imposed on Russia as part of the EU's economic sanctions. Therefore, European entities cannot sell certain products to Russia export restrictions, while Russian entities cannot sell certain products to EU import restrictions. It is designed to minimize the negative consequences for EU businesses and citizens while maximizing the negative impact of sanctions on the Russian economy. In order to prevent harm to the Russian population, export and import restrictions exclude products primarily intended for consumption as well as products relating to health, pharmaceuticals, food and agriculture (European Council, 2023). International partners are more likely to be successful in coordinating sanctions if they are involved in a broad range of activities. Over the past several weeks, the EU has worked closely with like-minded partners like the United States to ensure that sanctions are coordinated effectively (European Council, 2023).

Efforts made by the EU to impose sanctions comply fully with international law, as well as ensure that human rights and fundamental freedoms are respected. The European External Action Service and/or the European Commission prepare the necessary legislative acts and submit them to the Council for adoption once political agreement has been reached among EU member states. Regardless of whether a person or entity is subject to EU jurisdiction, council regulations and decisions are binding on them as legal acts of general application. The EU encompasses individuals or entities within its borders, EU nationals located anywhere in the world, and companies and organizations incorporated under EU law (European Council, 2023). The EU is using a lot of hard power, by way of economic sanctions in an attempt to thwart the war efforts from Russia's side. arguably, the EU's core values are democracy and human rights. When a war of this magnitude occurs, and drastically affects people's lives, the EU cannot just sit by a watch. Millions of Ukrainians have been forced to flee, and thousands have been killed, in what is arguably one of the largest atrocities towards mankind of the 21st century. Perhaps it is fair to claim, that the genocide in Ukraine triggered a quick response from the EU, because of its violent nature. While on the other hand, the ethnic cleansing of the Uyghurs is less evident, making the EU more hesitant to taking action against it.

5 CONCLUSION

The EU is, of course, a proponent of human rights and democracy, those are their core values. The EU is more invested in promoting these values through programs that are aimed at a global scale, and even going as far as intervening outside the EU. As the EU does not have a standing army, its options for intervening comes down to soft powers, and some hard powers such as economic sanctions. On a different note, there seems to be a bit of a double standard within the EU foreign policy. The EU will not give foreign aid to recipient who do not subscribe to the same values as the EU does. However, the EU and China are trading partners, but China does not adhere to democracy and human rights. It does appear as if China is getting special treatment today, especially considering that the EU has sanctioned China in the past.

Broadly speaking, through this thesis I have tried to examine when and how the EU uses sanctions when it comes to the violation of human rights. In order to get an answer, I have looked at two cases: the war in Ukraine and the oppression of the Uyghurs in China. They are two different cases, one is an open war where civilians have been killed and forced to flee from their homes; as for the Uyghurs there are no killings on record thus far, nevertheless, they are being removed from their homes by force by the Chinese government. I argue that both cases classify as violations against human rights, but with some nuance. The case in Ukraine is more in line with the definition of genocide, the Uyghur case on the other hand looks more like a case of ethnic cleansing at this point in time. One can argue that genocide is more serious than ethnic cleansing, and the action that the EU has taken in both these cases seem to back that statement up. The EU has sanctioned Russia over the invasion of Ukraine, yet it seems to me no one has been sanctioned over the ethnic cleansing of the Uyghurs. Still, ethnic cleansing and genocide are both well within what the EU considers as crimes against humanity. So why is only one of the perpetrators of crimes against humanity sanctioned? That is, however, a different topic that deserves to be researched on its own.

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