

Xinjiang: Sanctions, Boycotts, and Counterboycotts

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The human rights violations in Xinjiang in the People's Republic of China (PRC) have generated a backlash in many countries in the West, from governments, non-governmental organisations (NGOs) and groups of ordinary citizens.

One of the first high-profile targets of the backlash was Disney's 2020 live-action remake of *Mulan*. A social media campaign called for a boycott of the film when viewers noticed that the credits thanked Xinjiang Government entities implicated in human rights abuses, including the Xinjiang Public Security Bureau (XPSC).

Also in 2020, the United States imposed sanctions on the Xinjiang Production and Construction Corps, the XPSC, and several Chinese state and party officials. They did this under the *Magnitsky Act*, a US law that enables the government to sanction foreign individuals and entities for human rights abuses. The sanctions mean that if those individual or entities have assets in the United States, they will be frozen; additionally, no American citizen can do business with them.

In March 2021, the United States, the European Union (EU), the United Kingdom, and Canada imposed further, coordinated sanctions, including travel bans and asset freezes against several Chinese officials. Such coordinated, targeted sanctions deliver a strong message to the PRC on behalf of the international community. In practice, however, they are unlikely to change the overall human rights situation in the PRC.

Surprisingly, many Middle Eastern countries have supported the PRC's policies in Xinjiang, even though they predominantly target Muslims and prohibit many expressions of Islamic faith. There are credible reports of Uyghurs being forced to eat pork, men being punished for growing a beard, and women punished for wearing a head covering. Yet the Saudi Crown Prince said his country supported China's 'counterterrorism' efforts in Xinjiang. Pakistan, a Muslim-majority country, also supports the PRC government's policies in Xinjiang. And in Turkey, members of the Uyghur diaspora have protested China's actions in Xinjiang, but

the Turkish President has emphasised his respect for China's sovereignty on this issue.

In retaliation for the coordinated sanctions by the four Western jurisdictions, the PRC imposed countersanctions in the same month. From its perspective, any form of sanction against its government or the Communist Party of China (CPC) constitutes unacceptable interference in China's internal affairs and necessitates retaliation. However, unlike the list of US, EU, UK, and Canadian targets, the PRC has sanctioned individuals who are not government officials or politicians, including NGOs.

Among those sanctioned by the PRC are two scholars who work on Xinjiang, Adrian Zens, a German researcher, and Jo Smith Finley, an academic from the United Kingdom. Both have published research on the human rights situation of non-Han people in Xinjiang. Also sanctioned is the German think tank the Mercator Institute for China Studies, which has published reports on human rights in the PRC, including one on 'China's coercive policies in Xinjiang and what Europe should do about them'. The PRC Government accused them and others of harming 'China's sovereignty and interests and maliciously spread[ing] lies and disinformation'.¹

The sanctions targeting researchers working on China may shape future research choices among academics. Even before this round of sanctions, researchers in the China field generally, not just on Xinjiang and other politically sensitive areas such as Tibet, were already facing an increasingly restrictive and sometimes hostile working environment. Chinese authorities have made historical archives increasingly inaccessible to outsiders. Fieldwork has become risky, and it is harder for researchers to find interviewees who are willing to respond. The PRC Government has also become more reluctant to issue visas for researchers whose work may reflect negatively on the government or the CPC. The rise of 'hostage diplomacy' (see Forum, 'Controversial High-Profile Detention and Prosecution of Foreigners', pp.35–38) lends another layer of anxiety, especially to any research that might be construed as touching on the national interest — the definition of which is widening all the time. Such restrictions — explicit and implicit — on scholarly research and exchange may discourage people from pursuing China studies, leading to less-nuanced understanding of China overseas.

Apart from the Magnitsky sanctions, the United States banned all cotton and tomato imports from Xinjiang starting in January 2021, citing concerns about the use of forced labour. In March, 'supporting Xinjiang cotton' 支持新疆棉花 became a viral movement on Chinese social media, leading to a boycott of several foreign clothing brands, from H&M to Burberry. Many celebrities — including actors Yang Mi 杨幂, Dilraba Dilmurat (of Uyghur ethnicity) and

Angelababy 楊穎 — joined in by ending their relationship with Adidas. These boycotts have also led to the logos of these companies being blurred out on Chinese TV programs.

It was a Weibo post from the Communist Youth League that instigated this round of popular boycotts. The post appeared on 24 March, two days after the US-led coordinated sanctions were announced, and republished a September 2020 statement by Swedish multinational clothing retailer H&M that it was 'deeply concerned' by reports of forced labour in Xinjiang and would not source cotton from there.² Sweden, as part of the European Union, was one of the jurisdictions sanctioning China.

Many Chinese consumers were genuinely angry that Western brands were boycotting Xinjiang cotton and called for 'support for Xinjiang cotton'. However, this may largely be attributed to the way the Party has framed the issue, as one of Western hostility to China and interference in Chinese internal affairs. The underlying reasons companies were boycotting Xinjiang cotton were never fully explained as the Party heavily censors information about its policies in Xinjiang. At the same time, the social media accounts of the PRC Government promote sleekly produced videos about how great life is in the region. Therefore, the narrative of Western hostility to a rising China may appear credible to many.

Some Chinese citizens have tried to voice their support for 'Xinjiang people' online,³ but were censored and their accounts banned, along with any discussion of the real reasons for the boycott.

For foreign companies operating in the PRC, not using suppliers in Xinjiang allows them to exhibit corporate social responsibility, comply with modern anti-slavery laws and enhance their global reputation, and sales. On the other hand, Japanese retailer Muji has promoted its use of Xinjiang cotton, which ensures its reputation and sales in China. Ultimately, businesses have had to choose where their values (and markets) lie.

In June 2021, in response to both Xinjiang-related sanctions and US sanctions on Chinese technology companies, the PRC enacted the Anti-Foreign Sanctions Law (AFSL). The Party perceives foreign sanctions as a form of interference that must be countered to preserve 'national sovereignty' and the country's 'development interests'.⁴

Parts of the AFSL mirror aspects of the European Union's Blocking Statute, which prohibits EU citizens and companies from direct or indirect compliance with foreign laws; currently all the items on the specified list are related to US sanctions on Cuba and Iran. The EU statute does not recognise the 'extraterritorial application of laws adopted by third countries', considering such

applications contrary to international law. Affected EU citizens or companies can claim compensation under the Blocking Statute.

However, the scope of the PRC's AFSL is broader and more ambiguous. The law does not include a list of foreign legislation to be counteracted but allows for measures against entities or individuals for 'conduct that endangers [the] nation's sovereignty, security, or development interests'.⁵ It is understandable that the PRC has enacted countermeasures against foreign sanctions, as have many other jurisdictions around the world. However, their scope poses increased risks for foreign companies operating in China. For example, Chinese companies may try to seek damages from foreign companies which attempt to comply with the sanctions.

One small silver lining from all this is that the world is finally paying attention to what is happening in Xinjiang and the broader human rights violations occurring in the most populous country in the world.

Yun Jiang is the inaugural AIIA China Matters Fellow

Notes

¹ 'Foreign Ministry spokesperson announces sanctions on relevant EU entities and personnel', Press release, 22 March 2021, Beijing: Ministry of Foreign Affairs of the People's Republic of China, online at: https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1863106.shtml

² 'H&M Group statement on due diligence', Stockholm: H&M Group, 2021, online at: <https://hmgroupp.com/sustainability/fair-and-equal/human-rights/h-m-group-statement-on-due-diligence/>

³ It is unclear who made these comments. See: John Chan, 'Netizen voices: "Don't just support Xinjiang Cotton, support Xinjiang people"', China Digital Times, 25 March 2021, online at: <https://chinadigitaltimes.net/2021/03/netizen-voices-dont-support-xinjiang-cotton-support-xinjiang-people-instead/>

⁴ Chen Qingqing and Liu Xin, 'China's newly passed Anti-Foreign Sanctions Law to bring deterrent effect against Western hegemony', Global Times, [Beijing], 10 June 2021, online at: <https://www.globaltimes.cn/page/202106/1225911.shtml>

⁵ 'Law of the PRC on Countering Foreign Sanctions', China Law Translate, 10 June 2021, online at: <https://www.chinalawtranslate.com/en/counteringforeignsanctions/>