

“Creating Something from Nothing”: Xinjiang Genocide as a Political Stratagem

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Abstract: Genocide is “the crime of crimes,” yet claims about it often contradict its legal definition and fail to show guilt beyond a reasonable doubt. Many politicians, media, NGOs, and separatist groups assert genocide. Most do not present a prima facie case of genocide’s *sine qua non*, the intent to destroy a protected group. Instead, they use the assertion as a stratagem, to enhance the claimant’s position in an inter-state conflict or intra-state ethnic strife. Claims about China’s Xinjiang are not based on the mass killings associated with a genocide, but on bloodless enforcement of birth limits for minorities in 2017-2021 -- featuring practices that China’s Han majority experienced for decades -- plus temporary family separations of some minority children and supposed forced intermarriages. Examining these and other claims, which impel Western sanctions and incite anti-Chinese sentiment, we find them empirically unsound and degrading of the legal and common concepts of genocide.

[Genocide] is a very charged word. It’s a very abused word. Some people claim it where it doesn’t exist, for political gain, and they deny it where it does exist, for political reasons as well.

-- Craig Mokthiber, director, Office of the UN’s High Commission for Human Rights (OHCHR), New York and lawyer for the OHCHR in Geneva and New York (1992-2023).¹

I. Introduction: Narrative and Counter-Narrative of China’s Ethnic Policies

The newborn People’s Republic of China constructed, from the outset, regional autonomy (民族自治) and preferential policies (优惠政策) for its ethnic minorities, who were 6% of China’s population in 1949 and are now 9%. These creations were based on Chinese Communist Party (CCP) interaction with minorities during the revolutionary struggles of the 1930s and 1940s,² on largely successful experiences with these policies in the socialist Soviet Union,³ and even on policies during China’s imperial dynasties.⁴

Critics of autonomy and preferential policies often mischaracterize their objectives and contend they are fake or ineffectual,⁵ because they have not yet realized their ultimate goal of equality in

¹ “Human Rights Lawyer Proves Israel Is Committing Genocide,” Katie Halper podcast, Nov. 13, 2023, <https://www.youtube.com/watch?v=aL3-Z-IYTMU>.

² Edgar Snow, *Red Star over China* (New York: Gollacz, 1937).

³ Terry Martin, et al, *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939* (Ithaca: Cornell University Press, 2001); Zhou Luyang, “Chinese Observations of Soviet Nationality Affairs in the Mao and post-Mao Eras,” *Nationalities Papers* (2023): 1-19, doi:10.1017/nps.2023.92,

⁴ Melanie Meng Xue and Boxiao Zhang, “The Short- and Longrun Effects of Affirmative Action: Evidence from Imperial China,” Steg Working Paper 057 (2023), <https://steg.cepr.org/sites/default/files/2023-03/WP057%20XueZhang%20TheShortAndLongRunEffectsOfAffirmativeAction.pdf>; Byung-Ho Lee, “Ethnic Distinctions, Legal Connotations: Chinese Patterns of Boundary Making and Crossing,” *Sage Open* July-Sept. 2021:1-13, <https://journals.sagepub.com/doi/pdf/10.1177/21582440211043930>.

⁵ See, e.g. Chien-Peng Chung, “Regional ‘Autonomy’ For Minority Nationalities in the People's Republic of China: Rhetoric or Reality?” in *Selected Papers in Asian Studies* 23, Western Conference of the Association for Asian Studies, 1996, <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1057&context=wcaaspapers>.

fact (事实上的平等).⁶ The policies have however produced positive results that these critics typically ignore.⁷ In the one-sixth of China's territory that is the Xinjiang Uyghur Autonomous Region for example, the large Uyghur ethnic minority population has an educational attainment equal to China's Han majority.⁸ Autonomy and preferences endure in a now semi-neo-liberalized China.⁹ That is not only because these policies serve the state's interest in stability, but also because many minority people appreciate them and Han Chinese, for the most part, tolerate them.¹⁰

The 155 autonomous areas (自治区) -- 5 autonomous regions, 30 autonomous prefectures and 120 autonomous counties -- take in 70% of China's ethnic minority population.¹¹ China's system of ethnic regional autonomy owes something to former Soviet practice, but also dates to the relationship in the late 18th Century between the Qing Dynasty and Tibet¹² and to the creation, before the People's Republic was proclaimed, of the Yuhai Hui (Muslim Chinese) autonomous county in Ningxia province in 1936 and of the Inner Mongolian Autonomous Region in 1947.¹³

Autonomous areas were never intended to have "self-rule," in the sense of governance at odds with the national system or to have a Hong Kong-style "high degree of autonomy" (高等自治), where a territory has locally-managed political and legal systems different from the rest of China. Rather, autonomy is economic and cultural; for example, there is somewhat heightened state ownership of enterprises and fairly widespread official and popular use of non-national languages.

A modicum of minority political leadership is also guaranteed in autonomous areas, which must have a titular minority member as their highest government official. That compares with only 6%

⁶ Ji Ping, "Ethnic Inequality and Social Structural Assimilation: The Xinjiang Autonomous Region of China," in Calvin Goldscheider (ed.) *Migration, Population Structure and Redistribution Policies* (London: Routledge, 1992):117-135; "How Do China's Autonomous Regions Differ from Provinces?" *The Economist*, Mar. 23, 2021,

⁷ Reza Hasmath and Andrew W. Macdonald, "Beyond Special Privileges: The Discretionary Treatment of Ethnic Minorities in China's Welfare System," *Journal of Social Policy* 47:2 (2017): 295-316.

⁸ Tang Wenfang, et al, "Affirmative Inaction: Education, Language Proficiency, and Socioeconomic Attainment among China's Uyghur Minority," *Chinese Sociological Review* 48:4 (2016): 346-366.

⁹ Zhang Yuqian and D. Eric Archer, "Expanding Access to Undergraduate Higher Education for China's Ethnic Minority Populations," *Journal of Critical Global Issues* 1:1 (2024), <https://digitalcollections.sit.edu/jcgi/vol1/iss1/7>; Naomi CF Yamada, "From Free to Fee: Neoliberalising Preferential Policy Measures for Minority Education in China," *Learning and Teaching* 8:3 (2015): 82-99. Sienho Yee, "Grouphood Promotion v. Grouphood Destruction: China's Regional Ethnic Autonomy as Antithesis to Genocidal Intent" *Chinese Journal of International Law* 22:4 (2023): 823-849.

¹⁰ Jennifer Pan and Xu Yiqing, "Gauging Preference Stability and Ideological Constraint under Authoritarian Rule," King Center on Global Development, Stanford University, Working Paper 2003 (2020): A5-A6, https://kingcenter.stanford.edu/sites/g/files/sbiybj16611/files/media/file/wp2003_0.pdf; Hanna Wei, *Sociocultural Otherness and Minority Justice: a Study on China* (Berlin: Springer, 2022): 152; Barry Sautman, "Scaling Back Minority Rights? The Debate About China's Ethnic Policies." *Stanford Journal of International Law* 46:1 (2010): 51-120.

¹¹ "Written Statement Submitted by China Ethnic Minorities' Association for External Exchanges . . .", UN Human Rights Council, Aug. 23, 2023, <https://documents.un.org/access.nsf/get?Open&DS=A/HRC/54/NGO/23&Lang=E>.

¹² "张云, "钦定藏内善后章程二十九条的形成与版本问题" (The compilation and versions of 29-Article Ordinance for the More Effective Governing of Tibet). 民族研究 1997: 83 - 91.

¹³ Liu Daxian, "Cultural Identity in Pluralistic Realities," Deep China, Sept. 3, 2024, <https://deepchina.substack.com/p/cultural-identity-in-pluralistic>.

of US states having minority governors, despite minorities being 38% of Americans. Many of China's minority areas do have Han Party Secretaries, but minorities in 2024 were 7.7% of the Communist Party's 100 million members, up from 5.95% in 2013. That close-to-proportionate representation exists despite CCP admission policies that favor urban people, while minorities are disproportionately rural.¹⁴ It compares with UK minorities being only 3-4% of members in that country's four largest parties in 2017, despite 18% of Britons being minorities.¹⁵

Preferential policies have not been thought capable of achieving parity in measures of well-being or political participation irrespective of the differing demographic profiles of the Han and minority populations. In 2020, 70% of minorities lived in landlocked, often remote, western China. In Xinjiang, for example, the average distance between county seats is 150 km and between prefectural capitals is more than 500 km. The average distance from the southern Xinjiang Uyghur heartland to the regional capital Urumqi is over 1,200 km. Moreover, about 70% of minorities are rural.¹⁶ Only 27% of all Chinese live in the west and only 36% are rural.¹⁷

Minority average per capita income in 2019 was 19.34% less than that of all Chinese, but that was down from 23.11% less in 2013.¹⁸ In the US, African American incomes are 38% lower and Hispanic American incomes 24.5% lower than white incomes.¹⁹ The income gap in China is mainly due to location: after controlling for region, poverty among Han is "more serious than that among the ethnic minorities."²⁰ In the US, the white population is disproportionately rural and Black and Latino populations are disproportionately urban. China's Han/minority educational gap has also narrowed greatly since the PRC's emergence. In 1950, minorities were only 0.9%, 0.4%, and 0.2% of all students in institutions of higher learning, middle schools, and primary schools

¹⁴ Phoebe Zhang, "China's Communist Party on Track for 100 Million Members by Year's End," *South China Morning Post*, July 1, 2024.

¹⁵ Tim Bale, et al, "Grassroots: Britain's Party Members, Who They are, What They Think and What They Do," Queen Mary University, 2018, <https://www.qmul.ac.uk/media/qmul/media/publications/Grassroots,-Britain%27s-Party-Members.pdf>; "Ethnicity Facts and Figures," UK Gov't, 2021, www.ethnicity-facts-figures.service.gov.uk/.

¹⁶ 马爱艳, "劳动力转移视角下的新疆农牧民增收研究" (Study of Income Increases of Farmers and Herdsmen in Xinjiang from the Perspective of Labor Transfer), *安徽农业科学* 40:11 (2012): 6893-6894; Mei Wu, et al, "Ethnic Minority Education in China," in George Noblit (ed.), *Oxford Research Encyclopedia of Education* (New York: Oxford University Press, 2023).

¹⁷ "Communique of the Seventh National Population Census: Urban and Rural Population and Floating Population," May 11, 2021, <https://lawinfochina.com/display.aspx?id=36084&lib=law>; "About Western China," 18th Western China International Fair, 2019, wcf.cn.

¹⁸ Wang Fei, et al, "Progress in Reducing the Poverty of Ethnic Minority Groups in China," University of Queensland Working Paper No. 65 (2021):8, <https://ageconsearch.umn.edu/record/313747?v=pdf&ln=en>.

¹⁹ Office of Minority Health, "Black/African American Health, 2021," <https://minorityhealth.hhs.gov/blackafrican-american-health>; Dedrick Muhammed and Dylan Gardner, "Racial Wealth Snapshot: Latino Americans and The Racial Wealth Divide," National Community Investment Coalition, Sept. 2023, <https://ncrc.org/racial-wealth-snapshot-latino-americans-and-the-racial-wealth-divide/>.

²⁰ Liu Xiaomin and Lyu Lidan, "Income and Poverty Gaps between Han and Ethnic Minorities in Rural China," in Terry Sicular (ed.) *Changing Trends in China's Inequality: Evidence, Analysis and Prospects* (Oxford: Oxford University Press, 2020): 295-320.

respectively; by 2020, the figures were 8.93%, 11.27% and 12.41%.²¹

The gains and relative positions of minorities that have resulted in part from policies intended to mitigate disparities are however largely ignored in mainstream Western narratives of China's ethnic relations. The narrative has long deprecated Chinese state efforts to improve the lot of minorities and has eschewed comparisons between the situation of China's minorities with minorities and indigenous peoples in developed Anglosphere countries. That is not surprising, as China's minorities, including in Xinjiang, also do rather better than ethnic minorities and indigenous people in the US, UK, Australia, etc. as to disparities in infant and maternal mortality, poverty alleviation, life expectancies, population maintenance, mother tongue retention, landholding, religious infrastructure, proportions of health professionals and teachers, etc.²²

Narratives by Western politicians and mainstream media of China's ethnic policies now almost exclusively center on claims of genocide, crimes against humanity, forced labor, cultural destruction, and arbitrary detention. In recent years, they have mainly fixed on Xinjiang, where the Chinese government successfully fought terrorism, *jihadi* religious extremism, and separatism in 2017-2021. The Western-based campaign about Xinjiang may serve two purposes; to generally impugn China -- the country perceived as the hegemonistic US's one "peer competitor" -- and to allow the US and its allies to claim they are vindicating the rights of a Muslim-majority population, after having invaded or co-sponsored the destruction of several Muslim-majority countries and peoples. A scholarly counter-narrative of Xinjiang is now in its initial stages however and can refute the mainstream Western discourse. We now turn to key points in that counter-narrative.

II. Claiming Genocide as a Stratagem

Claiming genocide is now a major political stratagem used by some states and many separatist groups. Unevidenced assertions of an ongoing genocide are made for political purposes, including by states that have themselves committed genocide. Their ploy is akin to the seventh of ancient China's famous "36 Stratagems" (三十六計) of psychological warfare: make people believe there is something, when there is nothing (無中生有).²³

In contrast to the many untenable assertions of genocide made for political effect, there have been several well-recognized genocides. Indigenous peoples suffered genocides from the 15th Century onward in the Americas and elsewhere. The 20th Century notably had the 1904 German

²¹ Ching Lam, "Education Stratification of Ethnic Minorities in China," *Advances in Economics, Business and Management Research* 214 (2022): 508-514; Mei Wu, "Ethnic Minority Education in China," in George Noblit (ed.), *Oxford Research Encyclopedia of Education* (Oxford: Oxford University Press, 2023):

²² Barry Sautman, "Securitizing the Uyghurs? Comparative Socio-Economic Indicators and China's Approach in Xinjiang," in *Politics and Security Governance* 1:1 (2025).

²³ "Create Something Out of Nothing," Changing Minds, 2023, https://changingminds.org/disciplines/warfare/36_stratagems/36_stratagems_7.htm.

genocide of Hereros and Nama in Namibia, the World War I-era Turkish genocide of Armenians, the World War II-era German genocide of European Jews, the 1994 Hutu genocide of Rwandan Tutsis, and the 1995 Serbian genocide of Bosnian Muslims.

Most current claims however are not convincingly related to the accepted definition found in the Genocide Convention of 1948.²⁴ It requires proof of an intention to destroy a national, ethnic, racial, or religious group, *as such*. Proof of an intent must be beyond a reasonable doubt which, even for offenses much less serious than genocide, equates to “evidentiary certainty” or “near certitude.”²⁵ Contrary to the assertion of a former CIA agent and US Congressional Executive Commission on China (CECC) official that “Genocidal states have not, in fact, been given to acknowledging their intent publicly,”²⁶ perpetrator statements, before and during the genocides of the last 120 years, have sealed the proof by publicly endorsing mass killing to destroy a protected group.²⁷ 21st Century technology moreover “allow[s] access to information to become increasingly instantaneous and génocidaires often openly state their genocidal intentions on the permanent public record through recorded speeches, Facebook posts, or other mediums.”²⁸

The US government charges China with genocide of Uyghurs, a traditionally Muslim, Turkic ethnic minority, in its large northwest region of Xinjiang. Chinese leaders however have made no statements of genocidal intent²⁹ and do not evince the exclusionary ideology necessary for a genocide.³⁰ Instead, they insist that Uyghurs are part of the Chinese nation (“新疆各民族是中華民族血

²⁴ “International Convention on the Prevention and Punishment of Genocide,” 78 UNTS: 277, 102 Stats. 3045, 1948.

²⁵ *In Re Winship*, 397 U.S. 358, 364 (1970); *Jackson v. Virginia*, 443 U.S. 307, 315 (1979).

²⁶ Peter Matthis, “Yes the Atrocities in Xinjiang Constitute a Genocide,” *Foreign Policy*, Apr. 17, 2021, www.tbsnews.net/thoughts/yes-atrocities-xinjiang-constitute-genocide-232783.

²⁷ Jan-Bart Gewald, “Colonization, Genocide and Resurgence: The Herero of Namibia 1890-1933,” in Michael Bollig, and Jand-Bart Gewald (eds.), *People, Cattle and Land: Transformation of a Pastoral Society in Southwestern Africa*, (Koln: Koppe, 2000): 187-226; Taner Akcam, *Killing Orders: Talat Pasha's Telegrams and the Armenian Genocide* (New York: Palgrave, 2018); Peter Longerich, *Holocaust: The Nazi Persecution and Murder of the Jews* (Oxford: Oxford University Press, 2010): 289; Narelle Fletcher, “Words That Can Kill: The Mugesera Speech and the 1994 Tutsi Genocide in Rwanda,” *Portal: Journal of Multidisciplinary International Studies* 11: 1 (2014): 1-15; *Prosecutor v. Ferdinand Nahimana, et al, ICTR-9-55-T, Dec. 3, 2003*; “Srebrenica MC Publishes ‘Genocide Papers’, Speeches of Karadzic, Dodik,” *2021 N1, Mar. 2, 2021*, <https://n1info.rs/english/news/srebrenica-mc-publishes-genocide-papers-speeches-of-karadzic-dodik/>; Robert Cryer, “International Criminal Law and Daesh,” OUP Blog, Apr. 21, 2016, <https://blog.oup.com/2016/04/international-criminal-law-and-daesh/>; Ramon Oladimeji, “We’ll Kill Christians, Says Boko Haram Leader,” *Punch*, Aug. 5, 2016, <https://punchng.com/well-kill-christians-says-bharam-leader/>.

²⁸ Ashley Kinsheth, “The Trouble with Proving Genocidal Intent: The Modern Rohingya Crisis in Historical and Political Context,” *New York University Journal of International Law and Politics* 51 (2019): 1-24.

²⁹ Yitzhak Shichor, “Elephant in the China Shop: the Uyghur Pyrrhic Victory,” *Sociology of Islam* (2023): 1-20; Colin Mackerras, “Pompeo and Blinken are Wrong: China is not Committing Genocide in Xinjiang,” *Pearls and Irritations*, Jan. 25, 2021, <https://johnmenadue.com/pompeo-and-blinken-are-wrong-china-is-not-committing-genocide-in-xinjiang/>.

³⁰ Barbara Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder Since 1955,” *American Political Science Review* 97:1 (2003): 57-73 (63); Cheng Xu, “Nationalism, Necessary and Sufficient for Genocide? A Counterfactual Account through a Comparative Case Study of Nazi Germany, Shōwa Japan, and Fascist Italy,” *Genocide Studies International* 12:2 (2018): 234-252.

脈相連的家庭成員”)³¹ and promote what even a vituperative US accuser of China about Xinjiang terms “an aggressively inclusive narrative.”³² Besides statements of perpetrators, the United Nations sets seven other indicators that may suggest an intent to commit genocide, but, as will be shown, none have been convincingly demonstrated as to Xinjiang.³³

Beyond the recognized genocides, there are many claims, but few actual cases. Most claimants do not even attempt to meet Convention standards. A 2012 study examined websites of 50 separatist organizations; 37 claimed an ethnic group was experiencing genocide. Almost all failed to offer evidence of an intent to destroy a group as such,³⁴ although some instead referred to what may be crimes against humanity and/or war crimes. Our own review of 28 genocide claims of the past five years found two plausible, both involving Islamic extremist mass murder of religious minorities: ISIS killings of Yazidis in Iraq and Syria³⁵ and Boko Haram-Fulani militia murders of Nigerian Christians.³⁶ The ongoing International Court of Justice case *Gambia v. Myanmar*, charging a genocide of the Rohingya minority, is also not implausible, as the UN-established Independent International Fact-Finding Mission on Myanmar concluded in 2018 that there is a prima facie case, although intent remains to be proved.³⁷ Notably unconvincing however are the several reciprocal state assertions of genocide, such as by Russia and Ukraine.³⁸

The UN acknowledges that claims of genocide are often ill-founded and politically-driven. It stresses that its officials must “adhere to the correct usage of the term ‘genocide’” because of

(i) its frequent misuse in referring to large scale, grave crimes committed against particular populations; (ii) the emotive nature of the term and political sensitivity surrounding its use; and (iii) the potential legal implications associated with a determination of genocide.³⁹

³¹ State Council Information Office, “Historical Matters Concerning Xinjiang,” July 1, 2019, www.lawinfochina.com/display.aspx?id=172&lib=dbref&SearchKeyword=&SearchCKeyword=&EncodingName=big5.

³² James Millward, “(Identity) Politics in Command: Xi Jinping’s July Visit to Xinjiang,” *The China Story*, Aug. 16, 2022, www.thechinastory.org/identity-politics-in-command-xi-jinpings-july-visit-to-xinjiang/.

³³ “Framework for Analysis for Atrocity Crimes: a Tool for Prevention,” UN Office on Genocide Prevention and the Responsibility to Protect (UN Office), 2014: 19, www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

³⁴ Brian Grodsky, “When Two Ambiguities Collide: The Use of Genocide in Self-Determination Drives,” *Journal of Genocide Research* 14:1 (2012): 1-27.

³⁵ Valeria Cetorelli and Sareta Ashraf, “The Yazidi Genocide: a Demographic Documentation of ISIL’s Attack on Tel Qasab and Tel Banat,” LSE Middle East Center Paper Series 71, Sept. 2023, https://eprints.lse.ac.uk/120263/1/The_Yazidi_genocide_paper_series_71.pdf.

³⁶ “Nigeria Is Worst in the World for Persecution of Christians in 2021,” *Genocide Watch*, 2022, www.genocidewatch.com/single-post/nigeria-is-worst-in-the-world-for-persecution-of-christians-in-2021.

³⁷ Md. Rizwanul Islam, “The Gambia v. Myanmar: An Analysis of the ICJ’s Decision on Jurisdiction under the Genocide Convention,” *ASIL* 26:9, Sept. 21, 2022, www.asil.org/insights/volume/26/issue/9.

³⁸ Barry Sautman, “Appendix,” *Claiming Genocide as a Political Stratagem: Xinjiang and Beyond*, book manuscript in progress.

³⁹ “When to Refer to a Situation as Genocide,” United Nations Office, Guidance Note 1, www.un.org/en/genocideprevention/documents/publications-and-resources/GuidanceNote-When%20to%20refer%20to%20a%20situation%20as%20genocide.pdf.

As a predicate of the US's many, generally failed, military interventions however -- 114 since 1989 alone -- and its 12,000 sanctions against diverse "entities" in scores of countries,⁴⁰ it has the greatest incentive to claim genocide. The US can thereby take advantage of the several uses that the assertion of genocide can provide in enhancing the claimant's position in a conflict:

1. Saying that an opponent is committing genocide, the "crime of crimes," is the strongest rhetorical attack possible; it can be used to mobilize people and sanctions against the opponent and to garner support for the claimant state or group;
2. the Convention requires countries to prevent or end a genocide. Crying "genocide!" may provide an excuse for armed intervention; and
3. Even short of armed intervention, a country claiming genocide can use the accusation as a basis for providing political, military, and financial support to separatists.⁴¹

The US is the only country that officially asserts that China, without mass killings, is committing genocide in Xinjiang. That assertion contravenes Rafael Lemkin's understanding of genocide. That Polish Jewish international law scholar coined the term during World War II, based mainly on the Armenian and Jewish genocides. He held that "with the aim of annihilating the groups themselves,"⁴² genocide is "first and foremost, acts of extermination."⁴³

No convincing evidence of genocide by extermination *or any other means* has been advanced as to Xinjiang. Leading international law scholars thus view the "Uyghur genocide" claim as implausible.⁴⁴ We examine that assertion – and not other claims about Xinjiang – and reach the same conclusion, based on a lack of empirical evidence of an intent to destroy the Uyghurs.

III. Xinjiang: The First "Bloodless Genocide"?

⁴⁰ Daniel Drezner, "The United States of Sanctions," *Foreign Policy*, Aug. 24, 2021, <https://diplomattizzando.blogspot.com/2021/09/the-united-states-of-sanctions-daniel-w.html>; Monica Duffy Toft and Sidita Kushi, *Dying by the Sword: The Militarization of U.S. Foreign Policy* (Oxford: Oxford University Press, 2023); Jennifer Kavanagh and Bryan Frederick, "Why Force Fails: the Dismal Track Records of US Military Interventions," *Foreign Affairs*, Mar. 30, 2023, www.foreignaffairs.com/united-states/us-military-why-force-fails.

⁴¹ Larissa van den Herik, "The Meaning of the Word 'Destroy' and Its Implications for the Wider Understanding of the Concept of Genocide," in H.G. van der Wilt, et al (eds.), *The Genocide Convention: The Legacy of 60 Years* (Martinus Nijhoff, 2012): 51-58; Brunno Simma, "NATO, the UN and the Use of Force: Legal Aspects," *European Journal of International Law* 10 (1999): 1-22.

⁴² Raphael Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offenses Against the Law of Nations" 5th Annual Conference for the Unification of Penal Law in Madrid, October 1933: 5, www.preventgenocide.org/lemkin/madrid1933-english.htm.

⁴³ Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington: Carnegie Endowment for International Peace, 1944): 79-80.

⁴⁴ Jeffrey Sachs and William Schabas, "The Xinjiang Genocide Allegations are Unjustified," Project Syndicate, Apr. 20, 2021, www.project-syndicate.org/commentary/biden-should-withdraw-unjustified-xinjiang-genocide-allegation-by-jeffrey-d-sachs-and-william-schabas-2021-04; Alfred de Zayas and Richard Falk, "Reflections on Genocide as the Ultimate Crime," *Transnational TFF*, Apr. 26, 2021, <https://transnational.live/2021/04/26/reflections-on-genocide-as-the-ultimate-crime/>; Colum Lynch, "State Department Lawyers Concluded Insufficient Evidence to Prove Genocide in China," *Foreign Policy*, Feb. 19, 2021, <https://foreignpolicy.com/2021/02/19/china-uighurs-genocide-us-pompeo-blinken/>.

Uyghur émigré groups and a few Western scholars have since 2018 promoted the Xinjiang genocide claim. Parliaments in a half-dozen Western states have adopted it.⁴⁵ A wide spectrum of forces in developing countries reject the accusation however.⁴⁶ That is partly because claims lack the hallmark of all recognized genocides -- mass killings that aim to annihilate a group.⁴⁷ Instead, claimants assert genocide has been committed through bloodless acts:

1. birth limits applied to Xinjiang ethnic minorities in 2017-2021, using policies and practices that the majority Han Chinese had already experienced for decades;
2. temporary family separations of a small number of minority children; and
3. state-backed “forced intermarriage” of Uyghurs and Han

Genocide Convention Article 2(d)(e) lists, among five genocidal acts, prevention of births and forced transfer of children, carried out with intent to destroy a protected group. The inclusion of these genocidal acts ensures that perpetrators do not evade responsibility for non-killing roles in a *coordinated plan* of group destruction, one that invariably has consisted mainly of killing. A genocidal act is not equivalent to a genocide itself, however. It is an act “in furtherance of a *campaign* targeting members of a protected group” in which the perpetrator “knew that the goal or manifest effect of the campaign was the destruction of the group in whole or in part.”⁴⁸

Prevention of births or transfer of children have been adjuncts to mass killing. They have not created genocides by themselves. Prevention of births as a genocide per se has only been an unrealizable proposal, by a Nazi official concerning Europe’s Jews⁴⁹ and, almost simultaneously, a casual musing by US President Franklin Roosevelt about Germans,⁵⁰ as well as the stuff of science fiction.⁵¹ Forced transfer of children as a genocidal act has generally been large-scale and

⁴⁵ Finbarr Bermingham, “EU Lawmakers Push to Designate Human Rights Conditions in Xinjiang as ‘Genocide’” *South China Morning Post* (SCMP), June 7, 2022 (US, UK, France, Canada, Netherlands, and Lithuania).

⁴⁶ Paul Nantulya, “Africa’s Role in China’s Multilateralism Strategy,” Africa Center for Strategic Studies, Jan. 24, 2023, <https://africacenter.org/spotlight/africa-china-multilateralism/>; Merissa Khurma, “China Has a Growing Presence in Arab Hearts and Minds,” Wilson Center, June 5, 2023, www.wilsoncenter.org/article/china-has-growing-presence-arab-hearts-and-minds.

⁴⁷ Aldo Zammit Borda, “The Debate on the Debate on Xinjiang at the Human Rights Council: Three Framings,” EJIL: Talk, Nov. 18, 2022, www.ejiltalk.org/the-debate-on-the-debate-on-xinjiang-at-the-human-rights-council-three-framings/.

⁴⁸ Alexander Greenawalt, “Rethinking Genocidal Intent: The Case for a Knowledge-Based Interpretation” 99 *Columbia Law Review* 99:8 (1999): 2259-2294 (2288).

⁴⁹ “Nazi Letters on Sterilization,” Remember.org, 2022, <https://remember.org/witness/links-le-ster>; Christian Gerlack, *The Extermination of the European Jews: From Mass Murder to Comprehensive Annihilation: 1941–42* (Cambridge University Press, 2016): 90.

⁵⁰ Alexander B. Downes, *Targeting Civilians in War* (Ithaca: Cornell University Press, 2008): 138.

⁵¹ Bradford Lyau, *The Anticipation Novelists of 1950s French Science Fiction: Children of Voltaire* (Jefferson: McFarland, 2011): 90; Thomas Disch, *The Genocides* (New York: Berkeley Books, 1965); Graeme Macmillan, “Why Marvel’s X-Men are Destined for Extinction,” *Hollywood Reporter*, Sept. 20, 2015; Pierce Brown, *Iron Gold* (New York: Del Rey Books, 2018); Rachel Kaser, “Mass Effect: The Krogan Genophage, Explained,” Screenrant, May 3, 2021, <https://screenrant.com/mass-effect-krogan-genophage-cause-rason-cure-effects>; “Panel: Planetary

permanent, often accompanied by mass murders of children, including many transferees.⁵²

Because genocides have been centered on killing, one that is not mainly based on murders would either be unprecedented or non-existent. If no mass killing occurs and prevention of births or transfer of children does not significantly diminish the size or proportion of a protected group and is not discriminatory, we can rule out the appearance of a first-ever non-murderous genocide; rather, we can conclude claimants assert a non-existent “genocide” as a stratagem.

Prevention of births has been an *adjunct* of some genocides. US indigenous peoples were massively annihilated and later many Native women were sterilized by force or deception.⁵³ So too were many women in the US colony of Puerto Rico⁵⁴ and in US prisons, especially black and Hispanic women.⁵⁵ US genocides however mainly involved mass murder, with forced sterilization having a much smaller impact than destruction by killing.

Xinjiang has not had mass killings or a decline in its minority population’s size. Even US-based anthropologist Adrian Zenz, the leading “Uyghur genocide” proponent, has averred that “it’s not about eliminating them. It’s about bringing them under control.”⁵⁶ Preferential policies (优惠政策) before 2017 diminished the effect of birth limits on minorities. Regulations in 1992-2016 allowed most Xinjiang minorities to have two children in the cities and three in the countryside.⁵⁷ In practice, there were no limits for most rural minorities, especially in southern Xinjiang, where Uyghurs concentrate⁵⁸ and by 2008, Xinjiang officials were “speak[ing] of an

Self-Defense: the Ethics of Genocide in Science Fiction,” Austin Community College, Oct. 14, 2014, <https://liberalarts.austincc.edu/philosophy-religion-humanities/planetary-self-defense/>.

⁵² Isabel Heinemann, “‘Until the Last Drop of Good Blood’: The Kidnapping of ‘Racially Valuable’ Children and Nazi Racial Policy in Occupied Eastern Europe,” in Dirk Moses (ed.), *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (2004): 244-266; Lynn H. Nicholas, *Cruel World: the Children of Europe in the Nazi Web* (New York: Vintage, 2006); Peter Longerich, *Himmler: a Life* (Oxford: Oxford University Press, 2012): 451.

⁵³ Brianna Theobald, *Reproduction on the Reservation: Pregnancy, Childbirth, and Colonialism in the Long Twentieth Century* (Chapel Hill: University of North Carolina Press, 2019); Genesis Agosto, “Involuntary Sterilization of Native American Women in the United States: A Legal Approach,” *Nebraska Law Review* 100:4 (2021): 995-1025. Jane Lawrence, “The Indian Health Service and the Sterilization of Native American Women,” *American Indian Quarterly* 24:3 (2000): 400-419.

⁵⁴ Laura Biggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002): 142-161; “In Puerto Rico, A History of Colonization Led To An Atrocious Lack of Reproductive Freedom,” *Refinery29*, Oct. 20, 2020, www.refinery29.com/en-us/2020/10/10029088/puerto-rico-sterilization-abortion-reproductive-rights-history.

⁵⁵ Sanjana Manjeshwar, “America’s Forgotten History of Forced Sterilization,” *Berkeley Political Review*, Nov. 4, 2020, <https://bpr.berkeley.edu/2020/11/04/americas-forgotten-history-of-forced-sterilization/>.

⁵⁶ John Ibbitson, “China Has Lost All Moral Authority as Data Suggests Suppression of Uyghur Births,” *Globe and Mail*, June 10, 2021.

⁵⁷ Li Xiaoxia, “An Analysis Report on Population Change in Xinjiang,” *Global Times* (GT), Jan. 7, 2021.

⁵⁸ “Country Reports on Human Rights Practices 2004 – China,” US Department of State, Feb. 28 2005, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2004/41640.htm>; Andrea C. Wilson, *Minorities and National Integration in China: The Case of Xinjiang Uyghur Autonomous Region*, University of Regina, MA thesis, 2007: 88.

‘utterly grim situation’ due to slack implementation” of birth limits in the south.⁵⁹

A Xinjiang demographer has related that by 2014 religious extremism had spread widely, especially in southern Xinjiang. A “war of the wombs” ensued, with jihadi Salafists (“Islamic fundamentalists”) urging Uyghurs to defy state birth regulations. Indeed, globally some Muslim clerics profess that “religious scriptures are clear as daylight that Islam wants us to have as many children as possible.”⁶⁰ Zenz has recognized that birth limits went largely unenforced among rural Uyghurs, noting that “Prior to 2015, it was common practice for Uyghurs to have children in excess of state-mandated limits. Population planning offices were understaffed and local Uyghur officials frequently flouted birth quotas themselves. When caught, Uyghurs simply paid fines.”⁶¹ Many Uyghur farmers however may not have been fined however, because they were too poor or had connections with village officials.⁶²

Traditionally, most Uyghurs wanted four children⁶³ and US-based Uyghur separatists have said that in Xinjiang up to 2016, “Turkic families ha[d] an average of four or more children per family.”⁶⁴ Yet, from 1981 to 2015, Han were allowed only one child in the cities and two in the countryside, while in 2015-2021, all urban Chinese were allowed two children.⁶⁵ Birth limits were strictly enforced among the largely urban Xinjiang Han right up to 2021; thus, a Han professor at Xinjiang University who had a third child in 2020 was heavily fined.⁶⁶ Xinjiang Han birth limits may have been more strictly enforced than in many other parts of China, because northern Xinjiang, where Han concentrate, has many public entities whose enforcement was closely monitored. Southern areas, with a lower presence of such institutions, could be laxer.⁶⁷

⁵⁹ James Leibold, “Preferential Policies for Ethnic Minorities in China,” in Zang Xiaowei (ed.), *Handbook on Ethnic Minorities in China* (Cheltenham: Edgar Elgar, 2016): 165-188.

⁶⁰ Interview, Li Jianxin, Beijing University, June 15, 2023; Sayed M. Mahdi Al-Modarresi, “How Many Children Allah Wants You to Have?” Al-Islam TV, 2023, www.al-islam.org/how-many-children-allah-wants-you-have.

⁶¹ Adrian Zenz, “Sterilizations, IUDs, and Mandatory Birth Control: The CCP’s Campaign to Suppress Uyghur Birthrates in Xinjiang,” Jamestown Foundation, 2021: 10, <https://jamestown.org/product/sterilizations-iuds-and-mandatory-birth-control-the-ccps-campaign-to-suppress-uyghur-birthrates-in-xinjiang/>.

⁶² “An Eleven-Child Family in Sichuan Sparks Controversy,” *China Daily*, Jan. 30, 2015.

⁶³ Wang Xiaorang, “Cry Me a River: The Environmental Transformation of the Tarim River Basin and the Impact on Chinese-Uighur Relations,” MA thesis, Colorado State University, 2011: 100, https://mountainscholar.org/bitstream/handle/10217/70368/WANG_colostate_0053N_10745.pdf.

⁶⁴ “East Turkistan Was Never a Part of China,” East Turkistan Government in Exile, Jan. 19, 2023: 4-5, <https://east-turkistan.net/east-turkistan-was-never-a-part-of-china/>.

⁶⁵ Congressional Executive Commission for China, Annual Report, 2016, “Population Control”: 5, www.cecc.gov/sites/chinacommission.house.gov/files/documents/AR16%20Population%20Control_final.pdf.

⁶⁶ Interview with a Xinjiang University professor, Urumqi, July 29, 2023.

⁶⁷ Arsende Huld, “Regional Demographic Trends in China: Birth Rates, Population Changes, and Domestic Migration,” China Briefing, May 17, 2023, www.china-briefing.com/news/chinas-population-by-province-regional-demographic-trends/#:~:text=However%2C%20the%20largest%20overall%20drop,%2C%20at%20%2D4.96%20per%20mill.

Preferential policies resulted in much higher birthrates for Uyghurs than for Han. By 2000, Uyghurs' fertility advantage was double or even triple the Xinjiang Han fertility rate.⁶⁸ In 2012, in some places, the Uyghur birthrate was four times that of Han.⁶⁹ Uyghur women were more than three times as likely as Chinese women generally to have three or more children.⁷⁰

The Uyghur share in Xinjiang's population increased from 45% in 2000 to 49% in 2014, mainly due to the much higher Uyghur birthrate.⁷¹ Xinjiang minorities grew from 13.32 million in 2010 to 14.98 million in 2018, accounting for more than 60% of the population. Meanwhile, Han fell from 8.32 million to 7.86 million, due to low birthrates and outmigration that was partly fueled by jihadi Salafist terrorist attacks.⁷² Han outmigration from Xinjiang continues: like Tibet, Xinjiang's population in 2022 dropped by 20,000.⁷³ Both places had natural population growth (births – deaths) however, while Xinjiang minorities who go out to work outside the region typically keep their household registration in their home areas. The 2022 population drop was thus likely due to both the low Han birthrate and Han outmigration to “inland” areas (内地).⁷⁴

The rapid Xinjiang minority population increase up to 2017 had consequences:

1. Social scientists hold that a total fertility rate (tfr) below 3 children per woman is one key to transiting out of poverty; it allows for more education, work participation, savings accumulation, and investment.⁷⁵ Xinjiang's tfr reached 3 in 2014, but largely because the Han birthrate was very low.⁷⁶ Northwest China's Han tfr in 2014 was 1.57.⁷⁷
2. Deserts, semi-deserts, and mountains make up over 95% of Xinjiang's area.⁷⁸ There is very limited arable land and water. Farmland per capita in the four prefectures of

⁶⁸ William Huang, “The World is Ignoring a Demographic Holocaust in Xinjiang,” Mercatornet, Apr. 16, 2020, <https://mercatornet.com/the-world-is-ignoring-a-demographic-holocaust-in-xinjiang/47908/>.

⁶⁹ National Bureau of Statistics and State Ethnic Affairs Commission (NBS/EAC), *China Ethnic Statistical Yearbook* (Beijing: National Press, 2012), cited in Reza Hasmath, “What Explains the Rise of Ethnic Tensions and Conflict in Xinjiang?” *Central Asian Survey* 38:1 (2019): 48-60; Adrian Zenz, “Uyghur Tribunal Transcript,” 2021: 274, <https://uyghurtribunal.com/wp-content/uploads/2022/03/Hearing-Transcript-June-2021-Hearings.pdf>.

⁷⁰ Zenz, Sterilizations, IUDs: 15-19; Unicef, “Population Demographics,” 2019: 22, www.unicef.cn/sites/unicef.org.china/files/2019-06/01EN-Population%20demographics%20Atlas%202018.pdf.

⁷¹ Sansar Tsakhirmaa “Comparative Ethnic Territorially-Based Autonomy in Xinjiang, Tibet, Inner Mongolia, and Ningxia of China: An Analytical Framework,” *Journal of Contemporary China* 31:138 (2022): 1-28 (14).

⁷² Yang Xueyan, et al, “Population Dynamics in Northwestern China,” *China Population and Development Studies* 5 (2021): 107-123.

⁷³ Huld, Regional Demographic; “Total Population of Xinjiang Autonomous Region in China from 2012 to 2022,” Statista, June 15, 2023, www.statista.com/statistics/1391718/china-population-of-xinjiang-autonomous-region/.

⁷⁴ Yu Liaojie, et al, “Chinese Latest Population Map: Secrets Behind Strongest Population Magnet and Unexpected Outflow,” *Ginger River Review* May 17, 2023, www.gingerriver.com/p/chinese-latest-population-map-secrets.

⁷⁵ Charlie Robertson, *The Time Travelling Economist: Why Education, Electricity and Fertility Are Key to Escaping Poverty* (New York: Palgrave Macmillan, 2022).

⁷⁶ Yang, Population Dynamics.

⁷⁷ “21st Press Conference by Xinjiang Uygur Autonomous Region on Xinjiang-Related Issues in Beijing,” *New Dawn*, Jan. 4, 2021.

⁷⁸ Li Jianguang, et al, “Spatiotemporal Analysis of the Relationship Between Urbanization and the Eco-environment in the Kashgar Metropolitan Area, China,” *Ecological Indicators* 135 (2022): 1-18.

southern Xinjiang is only about two-thirds the world average and Xinjiang's average water yield per unit area is only 16.7% of China's national level.⁷⁹ Population growth severely impacted farming and herding, especially in southern Xinjiang, where the population increase was mainly due to births, not migration.⁸⁰

3. The high birthrate made anti-poverty work difficult, because Uyghur women married young, had several children, and could not work outside home.⁸¹

Before 2017, Xinjiang's minority population grew rapidly, but even in 2017-2021, the Uyghur population increased marginally. The Xinjiang Han natural population growth rate (NPGR) turned negative however.⁸² That was so even though birth limitations for Han had finally been equalized with those of minorities in 2017. Equalization was in place only until 2021, when birth limits were abolished for all of China's ethnic groups.

IV. Ethnic Equalization of Birth Limits 2017-2021

Equalized birth limits in 2017-2021 meant many rural Uyghurs would in practice be regulated for the first time, while Han were allowed to have the same two or three children as minorities could have. This new dispensation did not affect the Han birthrate, however. Socio-economic factors, such as urbanization, rising educational levels, the high cost of childrearing, and changing attitudes toward work and leisure, continued to diminish Han and Uyghur birthrates. A study has found that China's falling birthrates spread from Han to minorities, through changing birth norms that created a self-reinforcing endogenous propagation of low fertility.⁸³

Because rural minorities were finally required to comply with birth limit regulations in 2017-2021, more adopted contraception, as many had already reached the two-child urban or three-child rural limit. Many older women or those with more than two children chose sterilization or intrauterine device (IUD) implantation. Those methods are more popular among minorities than among Han, according to female Uyghur physicians,⁸⁴ perhaps because sterilization and IUDs are more reliable.⁸⁵ That is a reason that IUDs and sterilization are also preferred in some developed countries. A 2018 study of 72.7 million US women found that "permanent female

⁷⁹ "The Information Office of the People's Government of Xinjiang Uygur Autonomous Region Holds a Special Press Conference on Population and Family Planning in Xinjiang," Chinese Embassy in the UK, Sept. 5, 2020, http://gb.china-embassy.gov.cn/eng/PressandMedia/202009/t20200905_3278223.htm.

⁸⁰ "Xinjiang Sees Higher Growth of Uygur Population," Xinhua, Sept. 4, 2020.

⁸¹ Huo Jinwei, et al, "Research on Population Development in Ethnic Minority Areas in the Context of China's Population Strategy Adjustment," *Sustainability* 12:19 (2020): 1-13.

⁸² Zenz, Uyghur Tribunal Transcript: 276.

⁸³ Pauline Rossi and Xiao Yun, "Spillovers in Child-Bearing Decision and Fertility Transitions: Evidence from China," *Journal of the European Economic Association*, Apr. 2023, <https://doi.org/10.1093/jeea/jvad025.chi>.

⁸⁴ Guzhalinuer Abulizi, et al, "At What Age Should the Uyghur Minority Initiate Cervical Cancer Screening if Screened Using CareHPV," *Cancer Medicine* 10: 24 (2021): 9022-9029.

⁸⁵ "Contraceptive Effectiveness in the United States," Guttmacher Institute, April 2020, www.guttmacher.org/fact-sheet/contraceptive-effectiveness-united-states.

methods” -- sterilization by tubal ligation or tubal implants -- are the most common forms of contraception. They were used by 27.7% of 15-49 year-old US women who use contraception and by 40% of contraceptive users with three or more children.⁸⁶

Even if Xinjiang birth limitation practices in 2017-2021 did not amount to genocide, it might be opined that they were crimes against humanity. The UN and US apply the same criteria for such crimes: proof must be made that the various abuses listed in Article 7 of the Rome Statute of the International Criminal Court (ICC) have been widespread, systematic, and intentionally directed.⁸⁷ Contraceptive practices in Xinjiang do not fit these criteria. As in many parts of China before 2021, there were likely some abuses by Xinjiang local officials; yet, there are only a few, not necessarily reliable, attestations by women about forcible or deceptive sterilization or IUD implantation.⁸⁸ Far from being state policy, coerced sterilizations or abortions are crimes in China.⁸⁹ The UN Committee for the Elimination of Discrimination Against Women (CEDAW) said in 2014 that China had made a “remarkable effort” against coercive family planning. It thus recognized that its government is serious about curbing illegal coercion in a vast country with highly decentralized policy implementation.⁹⁰

There was a rapid drop in births in Xinjiang in 2017-2021, but also nationally. The 2018 Uyghur birthrate was 11.9 per 1,000, while Xinjiang’s rate was 9.42.⁹¹ Xinjiang’s birthrate did fall by 61% from 2017 to 2021,⁹² due both to socio-economic factors and the onset of minority birth limits compliance, but the national birthrate also fell, by 40.5%, from 2017 to 2021.⁹³ China’s NPGR, in a country that is 90% Han, was negative by 2022. Its birthrate then was 6.77 per 1,000, but in 92% Uyghur-populated Kashgar Prefecture it was 7.87. In 2023 H1, Kashgar’s

⁸⁶ “Contraceptive Use in the United States by Method,” Guttmacher Institute, May 2021, www.guttmacher.org/factsheet/contraceptive-method-use-united-states.

⁸⁷ UN General Assembly, “Rome Statute of the International Criminal Court,” July 17, 1998, www.unhcr.org/refworld/docid/3ae6b3a84.html; “Belarus Report Finds Systematic, Widespread and Gross Human rights Violations,” OHCHR, Mar. 23, 2023, www.ohchr.org/en/statements-and-speeches/2023/03/belarus-report-finds-systematic-widespread-and-gross-human-rights; “U.S. Declares Russia Committed 'Crimes Against Humanity' in Ukraine,” Reuters, Feb. 18, 2023.

⁸⁸ Eduardo Baptista, “Human Rights in China: Activists Say Sensationalist Reports on Xinjiang Do More Harm Than Good,” SCMP, May 24, 2021.

⁸⁹ “Population and Family Planning in Xinjiang,” Government of Xinjiang Uyghur Autonomous Region, Sept. 4, 2020, www.mfa.gov.cn/ce/cgjed/eng/zt/xjfk/t1812096.htm.

⁹⁰ “OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region,” Office of the High Commissioner, Aug. 31, 2022: 34, www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region/, citing “Concluding Observations of the UN Committee on the Elimination of Discrimination against Women, CEDAW/C/CHN/CO/7-8, para. 38.

⁹¹ Population and Family Planning in Xinjiang.

⁹² CEIC, “China Population: Birthrate: By Region,” 2022, www.ceicdata.com/en/china/population-birth-rate-by-region_

⁹³ Louis T. March, “Demographic Crisis: in 5 Years, China’s Birth Rate Has Plunged 40%,” Mercator, Aug. 21, 2023, www.mercatornet.com/demographic_crisis_in_5_years_china_s_birth_rate_has_plunged_40.

birthrate increased by 50% from 2022, to about 11.76.⁹⁴ The southern Xinjiang Uyghur 2023 birthrate was thus far above the national birth rate of 6.39.⁹⁵ The higher- than-average Xinjiang birthrate counter-indicates an intent to destroy Uyghurs, in 2017-2021 and today.

V. No Genocide-like Decline in Xinjiang's Minority Population

The Xinjiang minority birthrate declined in 2017-2021, but the minority population still grew, albeit much slower than before. In 2021, Xinjiang's NPGR was 0.56; the national rate was 0.34. In 2022, Xinjiang's rate was 0.77; the national rate was -0.6. Interestingly, the highest NPGRs in China in 2021 and 2022 were in minority areas: the Tibet Autonomous Region was 8.7 and 8.76; Ningxia, the Hui (Muslim Chinese) autonomous region, was 5.33 and 4.41.⁹⁶ Yet, genocides typically result in very sharp drops in the number of victimized minority group members:

- About 80% of Hereros were murdered in the Namibia genocide of 1904-05;
- There were 1.5-2.4 million Armenians in the Turkish empire in 1915; some 664,000-1.2 million, roughly 50% all Armenians, then died in the genocide;
- About 60% of Europe's Jews were killed in the Holocaust from 1941-1945;
- About 80% of Rwanda's Tutsi were annihilated in the 1994 genocide.

Genocides generally reduce, absolutely and by mass murder, the population size of a group protected by the Convention. Thus, the mass killings that have occurred in every recognized genocide have met the International Court of Justice (ICJ) standard of being significant enough to have an impact on the group as a whole.⁹⁷ It is why the ICJ will not infer an intent to commit genocide where the number of killed is only a small part of a large, targeted group.⁹⁸

Negative natural population growth (NNPG) can also occur where there is no genocide, war or birth limits. Some Han parts of China have had continuous NNPG in recent years: by 2018, Liaoning, in China's northeast (population 84% Han and 12% culturally-kindred Manchus), had already had four years of NNPG.⁹⁹ In that year, the province "ha[d] the world's lowest fertility

⁹⁴ Interviews, Xinjiang demographer, Urumqi, July 29, 2023; Kashgar Prefecture Health Commission official, Aug. 3, 2023.

⁹⁵ "Birth rate in China from 2000 to 2024," Statista, 2025, www.statista.com/statistics/251045/birth-rate-in-china/.

⁹⁶ "新疆维吾尔自治区 2021 年国民经济和社会发展统计公报 - 中国统计信息网" (Xinjiang Uyghur Autonomous Region.2021 National Economic and Social Development Statistical Bulletin: China Statistical Information Network), www.tjcn.org; "Natural Growth Rate of the Population in China in 2021, by Province or Region [per mille]," Statista, 2021 and 2022, from China Statistical Yearbook 2022, chapter 2.7.

⁹⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, [Bosnia v. Serbia] ICJ, Feb. 26, 2007, para. 126, www.icj-cij.org/public/files/case-related/91/091-20070226-JUD-01-00-EN.pdf.

⁹⁸ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, ICJ, Feb. 3, 2015: 65, www.icj-cij.org/public/files/case-related/118/118-20150203-JUD-01-00-EN.pdf.

⁹⁹ Yu Yijun, "Liaoning Wants You to Breed and May Pay You for It," Sixth Tone, July 11, 2018, www.sixthtone.com/news/1002602/liaoning-wants-you-to-breed-and-might-pay-you-for-it.

rate, 0.55 children per woman.”¹⁰⁰ By 2023, its NPGR was -5.63%.¹⁰¹ Xinjiang minorities however have not had an NPGR, while Xinjiang Han have it. Even if, counter-factually, there had been a small decrease in the Uyghur population in 2017-2021, China’s Han population is also decreasing, but no one asserts that is due to a Chinese government policy. Indeed, many pro-natalist incentives now exist¹⁰² to counteract the economically and norm-driven NNPG.¹⁰³

Other countries besides China, moreover, also have had birth limits. India had a stringent program in the 1970s involving many forced sterilizations and hundreds of deaths. It particularly affected *adivasis* (ethnic minorities), Muslims, and lower caste Hindus, but no one claims that India’s program was genocidal.¹⁰⁴ Some Indian states today have birth limits. Uttar Pradesh (UP) is a poor, 20% Muslim, Indian state with 166 million people. It has a birth limits law and “People who violate it will be debarred from contesting local body elections, applying for government jobs, or receiving government subsidies.”¹⁰⁵ UP is controlled by the rightwing BJP, the national ruling party and a friend of the US. Another Indian state, Bihar, with 131 million people and a per capita annual income of US\$680, carried out a 2023 survey that showed that the 17.7% of Biharis who are Muslims have a higher birthrate than Hindus. Bihar’s BJP Minister then urged creation of a “population control law” to prevent “Hindustan” [India] from becoming “Mugalistan” [Muslim-ruled].¹⁰⁶ Western elites do not say that the BJP is genocidal.

Xinjiang has had fairly stable ethnic population shares in recent decades. The Han proportion has been around 40% since the 1970s¹⁰⁷ or 34% if only Han with their household registrations in Xinjiang are counted.¹⁰⁸ China’s new pro-natalism may again result in higher birthrates for minorities than for Han. Even if there had been an effort to reduce the Uyghur population in

¹⁰⁰ “Chinese Authorities are Offering Wedding Subsidies and Cash Payments to Lure 'High Quality' Women Into Having More Babies,” Business Insider, July 31, 2018, www.businessinsider.com/china-one-child-policy-implications-women-children-2018-7.

¹⁰¹ “Population: Natural Growth Rate: By Region – China,” CEIC, 2025, www.ceicdata.com/en/china/population-natural-growth-rate-by-region.

¹⁰² Carl Minzer, “China Steadily Pivots Towards Promoting Marriage and Childbirth,” Council on Foreign Relations, Sept.25, 2023, www.cfr.org/blog/china-steadily-pivots-towards-promoting-marriage-and-childbirth.

¹⁰³ Barclay Bram, “The Last Generation: Why China’s Youth Are Deciding Against Having Children,” Asia Society, Jan. 2023, <https://asiasociety.org/policy-institute/last-generation-why-chinas-youth-are-deciding-against-having-children#:~:text=In%20a%20recent%20survey%20of,desire%20to%20have%20a%20family>.

¹⁰⁴ Zoon, “Looking Back at The History of Forced Sterilization in India and Why It Concerns Us Even Today,” Feminisminindia.com, Sept. 4, 2020, <https://feminisminindia.com/2020/09/04/history-of-forced-sterilisation-concerns-us-even-today/>.

¹⁰⁵ Nanditha Krishna, “India’s Population Conundrum,” *New Indian Express*, July 23, 2021.

¹⁰⁶ Manoj Chaurasia, “After Bihar Caste Survey Report, ex-BJP Minister Calls for Population Control Law,” *Times of India*, Oct. 5, 2023.

¹⁰⁷ Zenz, Sterilizations, IUDs: 3; Bates Gill, *Dare to Struggle: China’s Global Ambitions Under Xi Jinping* (Oxford: Oxford University Press, 2022): 71; Mimi Lau, “Wanted: Chinese Cadres to Hold Beijing’s Line in Xinjiang as Han Chinese Head for the Exits,” SCMP, Dec. 4, 2019.

¹⁰⁸ Adrian Zenz, “An Analysis of Beijing’s ‘Population Structure Optimization’ Strategy in Southern Xinjiang – [Testimony for the Uyghur Tribunal]”: 276, <https://uyghurtribunal.com/wp-content/uploads/2022/01/UT-211214-Adrian-Zenz-Report-Excluded.pdf>.

relation to the Han population, a change in ethnic group proportions does not in itself indicate an ongoing genocide, which requires showing an intent to destroy a protected group as such. After all, the proportion of whites in many Euro-American populations has diminished in recent decades, but that by no means indicates that the Western ultra-rightist “accusation in a mirror” of “white genocide” or a “Great Replacement” of whites should be credited.¹⁰⁹

The idea that China’s minorities were specially oppressed by birth limits is also ahistorical. Birth limits per se are not banned by international law.¹¹⁰ In recent years, even some Western liberal philosophers, concerned about the environment, have proposed a one-child policy using fines,¹¹¹ an approach China abandoned, by 2007, for 64% of its population.¹¹² UN family planning conferences in the 1980s could have condemned birth limits in China and elsewhere, but did not, even though China was much less influential then than it is today.¹¹³ That may be because several countries had birth limits and, in China’s case, minorities were allowed, for 36 years, a much higher birthrate than Han. When an equalized effort to reduce birthrates briefly occurred in Xinjiang, it reflected concerns that had nothing to do with an intent to destroy: the ethnic gap in prosperity, high population growth imperiling the region’s ecology, creation of economic and social opportunities for minority women, and insecurity caused by surging Islamic extremism, whose adherents urge women to have as many children as they physically can.

Xinjiang’s extended life expectancy also contradicts any intent to destroy ethnic groups. If China’s government had sought to reduce the Uyghur population’s size, it would not have worked to increase Uyghur life expectancy, which was 63 years in 1990, 67 in 2000, 72 in 2010 74.7 in 2020 and 75 years in 2024.¹¹⁴ That is partly due to Xinjiang’s rapid expansion of health care facilities¹¹⁵ and personnel: from 2015 to 2021, doctors’ numbers increased 27%, from

¹⁰⁹ Paul Jackson, “‘White Genocide’: Post-war Fascism and the Ideological Value of Evoking Existential Conflicts,” in Cathie Carmichael and Richard Maguire (eds.), *Routledge History of Genocide* (Abingdon: 2019): 207-226; Jacob Davey and Julia Ebner, “The Great Replacement, The Violent Consequences of Mainstreamed Extremism,” *ISD*, 2019: 7, www.isdglobal.org/wp-content/uploads/2019/07/The-Great-Replacement-The-Violent-Consequences-of-Mainstreamed-Extremism-by-ISD.pdf.

¹¹⁰ Roman Maydanyk and Katerina Moshalenko, “Certain Limitations in Reproductive Rights’ Exercising,” *Wiadomosci Lekarskie* 74:11 (2021): 3016-3020, <https://wiadlek.pl/wp-content/uploads/archive/2021/WLek2021112.pdf#page=16>.

¹¹¹ Sarah Conly, *One Child: Do We have a Right to More?* (Oxford: Oxford University Press, 2016); Greg Bogner, “Overpopulation and Procreative Liberty,” *Ethics, Policy, and Environment* 22:3 (2019): 319-330.

¹¹² “Five Numbers that Sum Up China’s One-Child Policy,” *Oct. 29, 2015*, www.bbc.com/news/magazine-34666440.

¹¹³ Lucia Berro Pizzarossa, “Here to Stay: The Evolution of Sexual and Reproductive Health and Rights in International Human Rights Law,” *Laws* 7 (2018): 1-17.

¹¹⁴ Brenda Schuster, “Gaps in the Silk Road: An Analysis of Population Health Disparities in the Xinjiang Uyghur Autonomous Region of China,” *China Quarterly* 198 (2009): 433-441; Morris Rossabi, *China and the Uyghurs: A Concise Introduction* (Lanham: Rowman and Littlefield, 2022): 100; Wang Wei, et al, “Spatial Variation and Social Determinants of Life Expectancy in China, 2005-2020: A Population-Based Spatial Panel Modelling Study,” *Lancet* 23: 100451 (June 1, 2022), [www.thelancet.com/journals/lanwpc/article/PIIS2666-6065\(22\)00066-9/fulltext](http://www.thelancet.com/journals/lanwpc/article/PIIS2666-6065(22)00066-9/fulltext); [Chen Yingchun](https://www.bbc.com/news/health-61444440), “Expats Need to Break Stereotypes and Ignore Misinformation,” *CD*, Mar. 26, 2024..

¹¹⁵ Matthis, Yes, the Atrocities.

99,804 to 126,572, while nurses were up by 35% from 59,792 to 80,681.¹¹⁶

National life expectancy in China is about 78 years;¹¹⁷ Xinjiang life expectancy in 2021 was 75.2 and for Uyghurs it was put in 2019 at 74 for males and 79 for females.¹¹⁸ Even if it is slightly lower than that, the Han/Uyghur life expectancy gap is much smaller than the 9-12-year disparity between all Australians and indigenous Australians, the 7.4-year difference between all New Zealanders and Maoris, and the 9-year gap between Israelis and occupied Palestinians.¹¹⁹ The gap between US whites (76.4 years) and Native Americans (65.2 years) in 2021 was also much larger than for Han and Uyghurs¹²⁰ as was the gap between US whites (77.6) and US blacks (71.8) in 2020, despite whites and blacks both being overwhelmingly urban, in contrast to the still significant difference in urbanization rates between Han and Uyghurs.¹²¹

VI. Forced Transfer of Children

A second basis for asserting Xinjiang genocide is the putative forced transfer of minority children to orphanages and boarding schools. For forced transfers to be a genocidal act, they must be part of a coordinated plan intended to destroy the group as such.¹²² In North America, many indigenous children were put into residential schools and forced to abandon their cultures. Tens of thousands died at the schools; some were murdered.¹²³ During the genocide in Namibia, Germans adopted Herero and Nama children of murdered parents and forced them to be servants or soldiers.¹²⁴ Many Armenian children were given to Turks after their parents were killed. Some children were then murdered, others were forced to be servants or sex slaves and absorbed into

¹¹⁶ China Statistical Yearbooks 2016-2022.

¹¹⁷ Brook Larmer and Jane Zhang, "China's Population is Shrinking. It Faces a Perilous Future," *National Geographic*, Mar. 22, 2023, www.nationalgeographic.co.uk/history-and-civilisation/2023/03/chinas-population-is-shrinking-it-faces-a-perilous-future.

¹¹⁸ Global Data Lab, "Life Expectancy," 2023, <https://globaldatalab.org/shdi/table/lifexp/CHN/?levels=1+4&years=2021+2020&interpolation=0&extrapolation=0>; Laerke Vinther Christiansen, "The Chinese Crackdown in Xinjiang," *The Perspective*, Feb. 4, 2019, www.theperspective.se/2019/02/04/article/the-chinese-crackdown-in-xinjiang/.

¹¹⁹ "Life Expectancy of the World Population," *Worldometer*, 2022, www.worldometers.info/demographics/life-expectancy/; "Life Expectancy," *Australia Government*, 2020, <https://ctgreport.niaa.gov.au/life-expectancy>; Birdie Witton, "Māori Will Take a Century to Catch up with Pākehā for Life Expectancy, New Report Find," *Stuff*, Sept 28., 2021, www.stuff.co.nz/national/politics/126512059/mori-will-take-a-century-to-catch-up-with-pkeh-for-life-expectancy-new-report-finds.

¹²⁰ Roni Rabin, "Life Expectancy for Americans Sharply Drops," *New York Times* (NYT), Sept. 1, 2022; German Lopez, "Covid's Toll on Native Americans," *NYT*, Sept 8, 2022.

¹²¹ Elizabeth Arias, et al, "Provisional Life Expectancy Estimates for 2020," *NVSS*, July 2021, www.cdc.gov/nchs/data/vsrr/vsrr015-508.pdf.

¹²² Kurt Mundorff, "Other People's Children: a Textual and Contextual Interpretation of the Genocide Convention, Article 2(e)," *Harvard International Law Journal* 50:1 (2009): 61-127 (126).

¹²³ Eesha Pendharkar, "Native American Children Endured Brutal Treatment in U.S. Boarding Schools, Federal Report Shows," *Education Week*, May 11, 2022, www.edweek.org/leadership/native-american-children-endured-brutal-treatment-in-u-s-boarding-schools-federal-report-shows/2022/05

¹²⁴ Gewald, *Colonization*: 209, 212.

the Turkish population.¹²⁵ The Nazis kidnapped thousands of Polish children, to be raised as Germans. Children who refused Germanization were killed or imprisoned.¹²⁶

The “forced transfers” claimed for Xinjiang involved few children and were short-term. Some allegations are about several families of “doubly detained” parents¹²⁷ -- both in prison, usually for terrorism, separatism, or religious extremism, or at a “vocational education and training center” (VETC). Xinjiang Academy of Social Sciences, Xinjiang University, and Xinjiang Normal University scholars affirmed in 2023 that almost all children of parents who were both in a VETC were placed with relatives, mostly grandparents, until a parent returned.¹²⁸ It is thus unlikely that many children were separated from their communities. Uyghur émigrés and their Western supporters also discuss children from a very few families with parents residing in the West and influenced by separatist groups.¹²⁹ All children were eventually reunited with their parents, with the longest separation being about two years.

Temporary placements outside the home of a handful of Uyghur children, due to their parents’ circumstances, may not have been a human rights violation, let alone a genocide. There are no assertions that any Uyghur child was killed or permanently placed with a Han family. China has had one situation in which children were permanently separated from their culture, international adoption of Han children. The government did not permit minority children to participate, to preserve their cultural heritages. Xinjiang orphanages, moreover, mainly have Han children and, while Uyghur families can adopt Han children, it is not clear whether the reverse is true.¹³⁰

The transfer of a small number of Uyghur children can be compared to what occurs in the UK and US. A Home Office study found that 65% of children of UK imprisoned women were not in the care of relatives; half were adopted and half in foster care.¹³¹ US law mandates suspending parental rights if a child is in foster care for 15 of the last 22 months. Some 20% of foster care children have mothers with criminal records,¹³² creating a threat of mothers losing their children.

¹²⁵ Taner Ackam, *The Young Turks’ Crime Against Humanity: Armenian Genocide and Ethnic Cleansing in the Ottoman Empire* (Princeton: Princeton University Press, 2012): 317-334.

¹²⁶ Jerzy Lukowski and Hubert Zawadzki, *A Concise History of Poland* (Cambridge: Cambridge University Press, 2001): 228.

¹²⁷ Adrian Zenz, “Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang,” *Journal of Political Risk* 7:7 (2019), www.jpolarisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/; Zhou Zunyou, “Chinese Strategy for De-Radicalization,” *Terrorism and Political Violence* 31:6 (2017): 1187-1209.

¹²⁸ 23rd Press Conference; author’s interviews with Xinjiang academics, Urumqi, July-August 2023.

¹²⁹ See, e.g., “The Nightmare of Uyghur Families Separated by Repression,” Amnesty International, Mar. 19, 2021, www.amnesty.org/en/latest/research/2021/03/the-nightmare-of-uyghur-families-separated-by-repression/.

¹³⁰ Ildiko Beller-Hann, *Negotiating Identities: Work, Religion, Gender and the Mobilization of Tradition Among the Uyghurs in the 1990s* (Berlin: LIT Verlag, 2015): 189; “Uyghur Children’s ‘Identities Changed,’” Radio Free Asia, May 22, 2009, www.rfa.org/english/news/uyghur/orphans-05222009142223.html.

¹³¹ Claire Fitzpatrick, et al, “Disrupting the Routes Between Care and Custody for Girls and Women,” Lancaster University, 2022: 27, www.cfj-lancaster.org.uk/files/pdfs/care-custody-report.pdf.

¹³² Lynne Haney, “Motherhood as Punishment: The Case of Parenting in Prison,” *Signs* 39:1 (2013): 105-130.

US scholars found in 2021 that Native children disproportionately enter the child welfare system, removed from their homes at a rate up to three times that of white children. US child welfare agencies often suppose the economic benefits of placing a Native child with a non-Native family outweigh the benefits the child receives from being raised in a Native culture and community.¹³³

The second basis for forced transfer assertions concerns Xinjiang boarding schools, which are said to exist only to separate minority children from their communities and cultures, compel them to abandon Islam, learn the national language (国语), and have a Chinese national identity. Xinjiang genocide claimants call this “cultural genocide,”¹³⁴ disregarding that the concept is not included in the Convention and that boarding schools, based on sound pedagogical concerns, are everywhere in China. From 2000 to 2016, 386,500 of China’s primary and secondary schools were closed; 92.36% of them in rural areas.¹³⁵ Primary schools in 2014 were only 22% of the 1987 total, while rural primary schools dropped by 83%. Primary students decreased by 26%; rural students by 71%. A study in a minority area found that where rural schools closed and were replaced by boarding schools, those students who had their full education in the new schools had higher rates of progression to senior high, senior high completion, and overall educational attainment, due to higher teacher quality and resource pooling.¹³⁶ Boarding schools are especially needed in Xinjiang and Tibet, due to great distances, low population density, and poor resources.

In part due to boarding schools, Xinjiang educational levels rose. From 2010 to 2020, gross high school enrollment grew from 69% to 99%.¹³⁷ Average years in education for Uyghurs aged 15 years and above was 7.06 in 2000 but 9.19 in 2020, with young Uyghurs’ educational attainment much higher than the Uyghur average. Southern Xinjiang now has 15 years of free compulsory education, while the all-China mandate is nine years. More than 46% of Xinjiang’s 18-22 year olds were in higher education institutions in 2019, double the 2010 proportion.¹³⁸

Uyghur children now learn the national language in all schools, but many also have Uyghur language classes,¹³⁹ contrary to émigré claims that China has “outlawed the Uyghur language

¹³³ Frank Edwards, et al, “American Indian and Alaska Native Overexposure to Foster Care and Family Surveillance in the US: a Quantitative Overview of Contemporary System Contact,” 2022, [file:///C:/Users/sobarrys/Downloads/ms_draft_ineq.docx%20\(1\).pdf](file:///C:/Users/sobarrys/Downloads/ms_draft_ineq.docx%20(1).pdf).

¹³⁴ “Han Teachers in Xinjiang: Save Uyghur Children!,” Bitter Winter, Sept. 10, 2019, <https://bitterwinter.org/han-teachers-in-xinjiang-save-uyghur-children/>.

¹³⁵ Wu Zhihui, “Path and the Standards of Rural School Consolidation in China Since 2000,” *Handbook of Educational Policy Studies* (Berlin: Springer, 2020): 3-33.

¹³⁶ Tobias Haepf and Lyu Lidan, “The Impact of Primary School Investment Reallocation on Educational Attainment in Rural Areas of the People’s Republic of China,” *Journal of Asia Pacific Economy* 23:4 (2018): 606-627.

¹³⁷ Yi Fuxian, “Why is the Uyghur Population Shrinking?” Project Syndicate, July 12, 2022, www.project-syndicate.org/commentary/xinjiang-uyghur-crackdown-population-decline-by-yi-fuxian-2022-07?barrier=accesspaylog.

¹³⁸ “Xinjiang Population’s Literacy Continues to Improve,” *People’s Daily*, Oct. 16, 2021.

¹³⁹ Ondrej Klimes and Joanne Smith Finley, “China’s Neo-Totalitarian Turn and Genocide in Xinjiang,” *Society and Space*, Dec. 7, 2020, www.societyandspace.org/articles/chinas-neo-totalitarian-turn-and-genocide-in-xinjiang.

across all levels of education.”¹⁴⁰ Compulsory national language learning is, in any case, not even the “forced assimilation by moderate coercion” -- including banning publications in minority languages -- that Lemkin thought permissible and distinguishable from cultural genocide.¹⁴¹

Contrary to claims of cultural genocide, the Uyghur language remains strong. A 2021 study found 99.9% of Uyghurs in southern Xinjiang and 99% in the north had Uyghur as their mother tongue, while 100% of southern Uyghurs and 99.6% of northern Uyghurs speak Uyghur to their co-ethnics. Most other Xinjiang minorities have an even higher rates of language retention and use than Uyghurs have.¹⁴² Xinjiang minority language use can be compared to that of French speakers in Canada’s Quebec province. In 2021, 93.7% of Quebecers could speak French, but only 85% of Quebecers with French mother tongue and 77.5% of all Quebecers spoke it at home.¹⁴³ Despite Quebec law strongly enforcing French language dominance, a lower proportion of Quebec French speakers thus use their language at home than Uyghurs do. Aborigines in Australia are worse off still: in 2021 only about 10% of them could speak their native tongue.¹⁴⁴ In 2016, Spanish was the dominant language for just 19% of all US Hispanics aged 18-25.¹⁴⁵

Xinjiang boarding schools are public institutions and, like public schools in most Western countries, do not allow religious ceremonies; as in France, they also do not allow displays of religious symbols.¹⁴⁶ International law leaves such matters to each country. As for national identity, those who oppose schools instilling it in Xinjiang minority children do so because they do not want Xinjiang to be part of China. They would not say that the many other countries who

¹⁴⁰ Damilola Banjo, “Uyghurs Outside China Are Passionately Preserving Their Culture, Despite the Dangers,” Pass Blue, Nov. 8, 2023, www.passblue.com/2023/11/08/uyghurs-outside-china-are-passionately-preserving-their-culture-despite-the-dangers/.

¹⁴¹ “The Support of Muslim States Still Weak for Uyghur Ethnic [sic] in China,” Mi’raj News Agency, Nov. 2, 2022, <https://en.minanews.net/the-support-of-muslim-states-still-weak-for-uyghur-ethnic-in-china/>.

¹⁴² United Nations Economic and Social Council, Draft Convention on the Crime of Genocide, U.N. Doc. E/447 (26 June 1947), reprinted in Hiram Abtahi and Phillipa Webb, *The Genocide Convention: The Travaux Préparatoires* (Leiden: Martinus Nijhoff Publishers, 2008), Vol. 1: 209-281 (235).

¹⁴³ 李志忠, 任晔, “大力推广国家通用语言文字背景下新疆少数民族母语良性传承——用事实回应郑国恩的伪学术” [Vigorously promote the benign inheritance of ethnic minority mother tongues in Xinjiang in the context of the national common language: a factual response to Adrian Zenz’s pseudo-academic writings], *新疆师范大学学报 (哲学社会科学版)*, 2021:11.

¹⁴⁴ “Smaller Share of Quebec Households Speaking French Regularly, Census Data Shows,” CBC News, Aug. 17, 2022, www.cbc.ca/news/canada/montreal/statistics-canada-language-census-2021-1.6553939; “Snapshots of Official Languages in Canada,” Office of the Commission of Official Languages, Nov. 15, 2023, www.clo-ocol.gc.ca/en/tools-resources/snapshots-official-languages-canada.

¹⁴⁵ “Language Statistics for Aboriginal and Torres Strait Islander Peoples,” Australian Bureau of Statistics, Oct. 25, 2022, [www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/language-statistics-aboriginal-and-torres-strait-islander-peoples/latest-release#:~:text=Data%20downloads-,Key%20statistics,63%2C754%20\(9.8%25\)%20in%202016](http://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/language-statistics-aboriginal-and-torres-strait-islander-peoples/latest-release#:~:text=Data%20downloads-,Key%20statistics,63%2C754%20(9.8%25)%20in%202016).

¹⁴⁶ Noah Smith, “Hispanic Are Like Everyone Else Who Comes to America,” Bloomberg, Feb. 4, 2019.

¹⁴⁷ Roger Cohen, “Muslim Students’ Robes are New Fault Line for French Identity,” NYT, Sept. 18, 2023.

instill national identity in children thereby commit cultural genocide against minorities.¹⁴⁷

Tribunals examining genocides in the former Yugoslavia and Rwanda have ruled there is no genocide if acts do not have as their *only* reasonable explanation an intent to destroy a protected group.¹⁴⁸ If there is any other reasonable explanation, it cannot be inferred that they were genocidal acts. For example, there is no genocide if the reduction in the Uyghur birthrate can be explained as the state applying the same rule to Uyghurs that it long applied to Han, with the aim of reaping developmental benefits from a lowered child dependency ratio.

Similarly, as genocide scholar William Schabas explains, transfer of children “is only genocide if it can be established beyond a reasonable doubt that a transfer was conducted with the intent to destroy a group physically and to the exclusion of any other reasonable explanation.”¹⁴⁹ Other reasonable explanations for the transfer of a small number of Uyghur children are that not all children had relatives willing to take the children of detainees and some relatives who were willing may not have been deemed politically or otherwise reliable. All transfers moreover were short term and non-lethal, in contrast to the permanent and murderous transfers that was the background for including forcible transfer of children in the Convention as a genocidal act.

There is also a reasonable explanation for boarding schools for minority students, inside and outside of Xinjiang: besides fostering educational retention of pupils, they allow more parents to work.¹⁵⁰ No evidence indicates that Uyghurs disfavor boarding schools and Uyghur parents compete to have their children enrolled in programs outside Xinjiang for minority middle and high school students.¹⁵¹ Forced transfer is thus a red herring, as even some Westerners concerned about human rights in Xinjiang -- for example, the US activist Gene Bunin -- have implied.¹⁵²

VII. Forced Inter-marriage as Genocide?

¹⁴⁷ Helen Murray, “Curriculum Wars: National Identity in Education,” *London Review of Education* 6:1 (2008): 39–45; Manisha Kanwar, “Role of Education in Shaping Youths’ National Identity,” Skoolz, 2023, www.skoolz.in/blog/role-of-education-youth-national-identity.

¹⁴⁸ *Prosecutor v. Milomir Stakic* (Judgement), Case No. IT-97-24-T (31 July 2003), para. 55; *Prosecutor v. Radoslav Brdanin*, (Judgement) IT-99-36-T (1 September 2004), para. 970; *Prosecutor v. Akayesu*, ICTR-96-4-T (Appeal Judgment), 2 September 1998, para. 523, <https://ucr.irmct.org/LegalRef/CMSDocStore/Public/English/Judgement/NotIndexable/ICTR-96-04/MS44787R0000619822.PDF>; *Prosecutor v. Clement Kayishema and Obed Ruzindana* (Judgment) IT 99-36-T (21 May 1999), para. 93, www.refworld.org/cases,ICTR,48abd5760.html.

¹⁴⁹ “What Constitutes Genocide,” DW, Mar. 1, 2023.

¹⁵⁰ Cao Gazang, “Alienation of Tibetan Adolescents in Rural Boarding Schools,” *Frontiers of Education in China* 11:4 (2016): 503-516.

¹⁵¹ Timothy Grose, *Negotiating Inseparability in China: The Xinjiang Class and the Dynamics of Uyghur Identity* (Hong Kong: Hong Kong University Press 2019): 20; James Leibold, “Interior Ethnic Minority Boarding Schools: China’s Bold and Unpredictable Educational Experiment,” *Asian Studies Review* (2019): 3-15.

¹⁵² Quoted in Joanne Smith Finley, “Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang,” *Journal of Genocide Research* 23:3 (2021): 348-370.

Forced intermarriage occurred during the Armenian and Rwandan genocides.¹⁵³ Islamic extremists in Iraq, Syria, and Nigeria have also practiced this form of rape.¹⁵⁴ The Genocide Convention however does not recognize forced intermarriage as a genocidal act. That may be because genocide, as a coordinated effort at extermination, does much worse to women than coerce them to intermarry, while forced marriage also occurs in many non-genocide settings.¹⁵⁵ Though not a genocidal act, forced marriage may nevertheless be a crime against humanity, if there is direct coercion, no possibility of divorce, and perpetrators intend their acts to be part of a widespread, systematic, and intentionally directed attack on a civilian population.¹⁵⁶

Genocide by forced intermarriage of Uyghurs and Han is little more than a separatist claim, with Uyghur émigré leaders competing to tell the most lurid tales. Mamtimin Ala, ex-president of the Australian Uyghur Association and current representative in Europe of the “East Turkistan Government in Exile,” said in 2021 that Uyghur women are systematically raped so they would bear children, who are taken away from them, and their breast milk sold to Han. He has also touted a claim that young girls who resist rape in Xinjiang “detention centers” are murdered -- “killed in tens all the time” -- with forced marriage intended to redress China’s gender imbalance. Ala presents no evidence to back these accusations, only “photos published on social media and in Chinese newspapers to promote the benefits of interracial marriage.”¹⁵⁷

The Washington-based Uyghur Human Rights Project (UHRP) claimed that Han are paid to marry Muslims, to wipe out the Uyghurs, and that a Uyghur woman has no choice when a Han wants to marry her.¹⁵⁸ The “evidence” of forced intermarriage is a photo showing a Uyghur woman crying at her wedding to a Han.¹⁵⁹ Rukiye Turdush, a Uyghur émigré leader in Canada, admitted in 2020 however that she “was disappointed and surprised when I saw some of the Uyghur women displaying a happy smile in their wedding photos with Han Chinese men.”¹⁶⁰

¹⁵³ Edita Gyozan and Regina Galustyan, “Forced Marriages as a Tool of Genocide: The Armenian Case,” *International Journal of Human Rights* 25:10 (2021): 1724-1743; Carmel O’Sullivan, “Dying for the Bonds of Marriage: Forced Marriages as a Weapon of Genocide,” *Hastings Women’s Law Journal* (2011): 271-294.

¹⁵⁴ “Exploiting Disorder: Al Qaeda and the Islamic State,” Crisis Group, 2016, https://icg-prod.s3.amazonaws.com/exploiting-disorder-al-qaeda-and-the-islamic-state_0.pdf.

¹⁵⁵ Phoebe Donnelly and Emily Myers, “Forced Marriage by Non-state Armed Groups: Frequency, Forms, and Impact,” International Peace Institute, 2023, www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/04/report/auto-draft/Forced_Marriage_By_NonState_Armed_Groups.pdf; Heli Askola, “Responding to Vulnerability? Forced Marriage and the Law,” *University of New South Wales Law Journal* 41:3 (2018): 977-1002.

¹⁵⁶ Kathleen M. Maloney, et al, “Forced Marriage as the Crime Against Humanity of ‘Other Inhumane Acts’ in the International Criminal Court’s *Ongwen* Case,” *International Criminal Law Review* (2023), <https://doi.org/10.1163/15718123-bja10157>.

¹⁵⁷ Mamtimin Ala, *Worse Than Death: Reflections on the Uyghur Genocide* (Lanham: Hamilton Books, 2021): 31.

¹⁵⁸ Simina Mistreanu, “Chinese ‘Paid to Marry’ Uyghurs in Cleansing Plan,” *Daily Telegraph*, Nov 17, 2022.

¹⁵⁹ Uyghur Human Rights Project, “Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan,” 2022, <https://uhrp.org/report/forced-marriage-of-uyghur-women/>.

¹⁶⁰ Rukiye Turdush, “Life and Death Under China’s Control,” PEN/OPP, May 11, 2020, www.penopp.org/articles/life-and-death-under-chinas-control?language_content_entity=en.

UHRP issued a 2022 report on forced intermarriage, authored by Andrea Worden, ex-senior counsel to the US's CECC and the former Advocacy Director of the separatist International Campaign for Tibet.¹⁶¹ UHRP, headed by longtime US agent Rushan Abbas, received \$1.54 million in US government funds from 2016 to 2020.¹⁶² Western politicians take their claims directly from UHRP and other "Uyghur advocacy organizations," or from media that interview these groups. Uyghur separatists then cite media that interviewed them as their own "evidence" of genocide -- a process of "circular referencing" common to Western narratives of China.¹⁶³

The "evidence" of forced intermarriage is in any case unreliable hearsay or double hearsay.¹⁶⁴ No cross-examination of Uyghur émigré testimonials connected to the narrative of Xinjiang occurs, despite the post-World War II Nuremburg trial ruling that those accused of international crimes cannot be prosecuted if an opportunity to cross-examine witnesses against them is not provided;¹⁶⁵ in fact, cross-examination is not only a right, but a duty.¹⁶⁶

The realities of actual forced marriage in Xinjiang are ignored in émigré narratives of forced intermarriage. They avoid speaking of forced marriages in traditional Uyghur society and still-current family and social pressures that may coerce Uyghurs to accept marriages parents arrange against their wills.¹⁶⁷ Parentally-forced marriages also occur among other ethnic groups, as studies of Hui and Han show,¹⁶⁸ but there is sometimes parental violence against Uyghur women who want to intermarry,¹⁶⁹ so much so that in 2020 Xinjiang enacted a law to punish such

¹⁶¹ Andrea Worden, et al, "Forced Marriages of Uyghur Women: State Policies for Interethnic Marriages," UHRP, Nov. 16, 2022, <https://uhrp.org/report/forced-marriage-of-uyghur-women/>.

¹⁶² ISI Consultant, 2023, <https://web.archive.org/web/20181207031224/https://www.isi-consultants.com/rushan-abbas/>; "Uyghur Human Rights Policy Act Builds on Work of NED Grantees," NED, May 29, 2020, www.ned.org/uyghur-human-rights-policy-act-builds-on-work-of-ned-grantees/; "Awarded Grants Search," NED, 2023, www.ned.org/wp-content/themes/ned/search/grant-search.php?organizationName=®ion=Asia&projectCountry=China&amount=&fromDate=&toDate=&projectFocus%5B%5D=&search=&maxCount=25&orderBy=CountryR&start=1&sbmt=1.

¹⁶³ Jerry Grey, "Curveball," Feb. 10, 2022, <https://jerry-grey2002.medium.com/curveball-21294b8f8e86>.

¹⁶⁴ See, e.g., Asim Kashgarian, "China Video Ad Calls for 100 Uighur Women to 'Urgently' Marry Han Men," VOA, Aug. 21, 2020; Tasnim Nazeer, "Uyghur Women and Forced Marriages in China," *The Diplomat*, Dec. 10, 2022, <https://uhrp.org/news/uyghur-women-and-forced-marriages-in-china/>.

¹⁶⁵ Clay Risen, "Dogged Pursuer of Nazi Collaborators," *NYT*, Feb. 3, 2023.

¹⁶⁶ *Browne v. Dunn*, 6 R. 67, H.L. (1893).

¹⁶⁷ Arianne Ekinici, "Muslim, Modern, Model Subjects: Writing Uyghur Women into the Chinese Nation, 1949-1966," *Sextant* 38 (2022): 123-146; Sajide Tursun, "Gender and Urban Aspirations: The Case of Highly Educated Uyghur Women in Shanghai," MMG Working Paper 17-06, 2017: 19, www.mmg.mpg.de/61929/WP_17-06_Tursun_Gender-and-urban-aspirations.pdf

¹⁶⁸ Chen Ze, *Knowing the Han from Intimacy: Ethnic Boundaries and Inter-Ethnic Conjugal Relations*. PhD diss., SOAS University of London, 2018: 191-192, <http://eprints.soas.ac.uk/30888191-192>.

¹⁶⁹ Benjamin Haas, "Bride and Prejudice: Rare Ethnic Marriages Reflect China Tensions," Agence France Presse, May 28, 2015; 牟桃, 正确认识维汉通婚现象, 使维汉通婚恢复正常化, 破解影响民族团结的关键问题 (Correctly understand the phenomenon of Uighur-Han intermarriage, normalize Uyghur-Han intermarriage, and solve key issues affecting national unity), *中国民族宗教网*, Jan. 7, 2019, <https://archive.fo/ShbNm#selection-969.3-969.6>.

“religious extremist” violence.¹⁷⁰

Although Uyghur community maintenance has not been impacted by intermarriage, émigré leader Rukiye Turdush stated in a 2023 book that

[Forced intermarriage] contributes to the larger genocidal goal for two reasons: first, Uyghur women who marry Han Chinese men cannot have Uyghur children, since both communities belong to a patriarchal culture. Second, such women cannot contribute to Uyghur culture and religion, since they are dominated by the political and financial power of Han Chinese men.¹⁷¹

Children of Uyghur/Han intermarriages in Xinjiang are however generally registered as Uyghurs and identify as such. Even in the one place of Uyghur concentration outside Xinjiang, Fengshu Uyghur/Hui Autonomous Township in Hunan province, where there is a much higher intermarriage rate than in Xinjiang, offspring are registered as Uyghurs.¹⁷² The pattern for Uyghur/Han marriages replicates one found for Han/minority marriages generally¹⁷³ and for those between Han and Hui, China’s other major Muslim ethnic group. Almost all children of Han/Hui marriages are registered as Hui and many Han spouses even seek to register themselves as Hui.¹⁷⁴ If preferential policies for Uyghurs were repealed, most children of intermarriages would likely still identify as Uyghurs, if the US Jewish experience is an indicator. There, despite no preferential policies for Jews and significant racism and hate crimes against them, among adults under 30 years old who have one Jewish parent, 59% identify themselves as Jews.¹⁷⁵

The intermarriage rate is in any case so low that it cannot impact the Uyghur population’s size

¹⁷⁰ “Xinjiang Uyghur Autonomous Region Measures for the Implementation of the “Domestic Violence Law of the P.R.C.” China Law Translate, May 18, 2020, www.chinalawtranslate.com/en/xj-dv-implementation/.

¹⁷¹ Rukiye Turdush, *East Turkistan's Right to Sovereignty: Decolonization and Beyond* (Lanham: Lexington Books, 2023): 63.

¹⁷² Huang Jingjing, “Uyghurs’ Second Home, GT, Apr. 30, 2015; “Ethnic Uighurs, Chinese Live in Harmony in Hunan Province,” Xinhua, in BBC, Dec. 28, 2000; 湖南桃源有一个维吾尔族回族乡 各族乡亲如一家 (Hunan Taoyuan has a Uyghur/Hui township: each ethnic group is as close as a family), 人民日报, May 15, 2014, <https://new.qq.com/rain/a/20191027A02QJQ00>; 杨成胜,李丽,“湖南维吾尔族族际通婚与民族关系——基于桃源枫树回维村的调查”(Inter-ethnic intermarriage and ethnic relations of Uyghurs in Hunan——Based on a survey of Taoyuan Fengshu’s Huiwei Village), 民族论坛 2011:3; 李奇文,“常德地区维吾尔族族际通婚研究”(Study of Uyghur ethnic intermarriage in the Changde area), MA thesis, Guangdong Technology Normal Institute, 2013, <http://61.181.120.82:8080/kcms/detail/detail.aspx?filename=1013227163.nh&dbcode=CMFD&dbname=CMFD20>

¹⁷³ 郭志刚, 李睿, “从人口普查数据看族际通婚夫妇的婚龄、生育数及其子女的民族选择”(Marriage Age, Number of Children Ever Born, and the Ethnic Identification of Children of Inter-Ethnic Marriage: Evidence from China Population Census in 2000) 社会学研究 5 (2008): 98–116.

¹⁷⁴ Cui Zhongzhou, *Ethnicity, Religion and the State: Intermarriage Between the Han and Muslim Hui in Eastern China*, PhD diss. University of Florida, 2015: 26-27, 272, https://ufdcimages.uflib.ufl.edu/UF/E0/04/74/70/00001/CUI_Z.pdf.

¹⁷⁵ “Jewish Americans in 2020,” Pew Research Center, May 11, 2021, www.pewresearch.org/religion/2021/05/11/marriage-families-and-children/; www.pewresearch.org/religion/2021/05/11/jewish-americans-in-2020/.

or the proportions of Uyghurs and Xinjiang Han. In 2010, only 0.24% of married Uyghurs (one of every 400) had a Han spouse.¹⁷⁶ In 2015, 0.71% of Uyghurs had intermarried with someone of a different ethnic group.¹⁷⁷ Intermarriage is not said to have risen much since then.¹⁷⁸ It is unlikely to change soon, as even highly-educated Uyghur women in Shanghai, where there are no societal pressures against intermarriage, “reject interethnic marriage and romantic relationships with non-Uyghur ethnicities.”¹⁷⁹ Scholars in Xinjiang opine that the absence of recent statistics on Uyghur/Han intermarriage likely reflects official embarrassment that the rate is still so low, despite a policy favoring intermarriage.¹⁸⁰

Genocide through intermarriage is imagined, but unevidenced. Uyghur émigrés and their Western supporters assert that intermarriage is forced under several circumstances, where

1. a Uyghur woman works in a factory outside Xinjiang and is told she’ll be sold into prostitution or punished if she doesn’t marry a Han¹⁸¹ or
2. a Han will force an imprisoned Uyghur woman or the wife of an imprisoned Uyghur man to marry him¹⁸² or
3. a Han is assigned to befriend a Uyghur family as part of the government’s “pair up families” (结对认亲) program and forces parents to give him their daughter.¹⁸³

No instance of an actual Uyghur/Han forced intermarriage, under any of these implausible scenarios, has been shown, however. Xinjiang claims thus parallel Hitler’s fantasies that, before he came to power, the German state encouraged intermarriage to “destroy the Aryan race.”¹⁸⁴ Depictions of Han as raping Uyghur women through forced intermarriage also recall the Nazi-era notion of Jews as rapists of non-Jewish German women (“*Frauen und madchen, die Juden*

¹⁷⁶ Jorg Friedrichs, “Sino-Muslim Relations: the Han, the Hui and the Uyghurs,” *Journal of Muslim Minority Affairs* 37:1 (2017): 1-60 (37-39).

¹⁷⁷ Huang Fan, et al, “改革开放以来中国族际通婚变动的十大趋势” (Ten trends in interethnic marriage in China since the reform and opening-up), *人口研究* 46:2 (2022): 20-35.

¹⁷⁸ Garth Fallon, *Comprehensive Encirclement: The Communist Party’s Strategy in Xinjiang*, MPhil thesis, University of New South Wales, 2018: 140, <https://core.ac.uk/display/328275758?source=2>; James Leibold, Apr. 24, 2019, <https://twitter.com/jleibold/status/1120824721124184064>; Darren Byler, “Uyghur Love in A Time of Interethnic Marriage,” Sept. 6, 2019, <https://livingotherwise.com/2019/09/06/uyghur-love-in-a-time-of-interethnic-marriage/>; Rune Steenberg and Seher, “In What Purport to be Lifestyle Videos, Uyghur Influencers Promote Beijing’s Narrative on Their Homeland,” *China File*, Aug. 4, 2022, <https://www.chinafile.com/reporting-opinion/features/what-purport-be-lifestyle-videos-uyghur-influencers-promote-beijings>.

¹⁷⁹ Sajide Tursun, “Gender and Urban Aspirations: The Case of Highly Educated Uyghur Women in Shanghai,” MMG Working Paper 17-06, 2017: 19, www.mmg.mpg.de/61929/WP_17-06_Tursun_Gender-and-urban-aspirations.pdf.

¹⁸⁰ Interviews, Xinjiang University, Kashgar University, July-August 2023.

¹⁸¹ “Uighur Activist Asks U.S. to Help Stop China Removals.” *Reuters*, Oct. 31, 2007.

¹⁸² “Old Chinese Men Marry Young Uyghur Girls with the Help of the Government,” *Uyghur Times*, May 24, 2021, www.uyghurtimes.com/posts/25f93209-394e-488a-a8f7-4c2c98a49d2e/old-chinese-mathmen-marry-young-uyghur-girls-with-the-help-of-the-government.

¹⁸³ Gavin Fernando “‘This is Mass Rape’: China’s Twisted Move,” *news.com.au*, Dec. 19, 2019.

¹⁸⁴ Jason Stanley, “One Hundred Years of Fascism,” *Project Syndicate*, Oct. 28, 2022, www.project-syndicate.org/onpoint/fascism-100-years-and-the-threat-today-by-jason-stanley-2022-10.

sind euer verderben”; women and girls, the Jews are your despoilers).¹⁸⁵

There have been other examples of racialized, unevidenced accusations of mass rape serving as an explicit political stratagem. When NATO attacked Libya in 2011, US National Security Advisor Susan Rice claimed Libyan soldiers were mobilized to rape women who supported the opposition. ICC Chief Prosecutor Luis Moreno-Ocampo echoed and amplified Rice’s claim. Amnesty International and UN Commission of Inquiry on Libya chair M. Cherif Bassouni investigated however and found no evidence of mass rapes.¹⁸⁶

VIII. Conclusion: “Xinjiang Genocide” as a Yellow Peril/Red Menace Trope

Many Xinjiang genocide assertions derive from Adrian Zenz, who works for the Washington-based Victims of Communism Memorial Foundation set up by supporters of Ukrainian Nazi collaborators and funded by ultra-rightist US political forces.¹⁸⁷ He said in 2023 that “what is happening in Xinjiang is one of the worst mass cases of human rights abuses in the world today . . . there are sadly many similarities to the oppressions of the 1940s in Germany.”¹⁸⁸ US Xinjiang specialist James Millward has rhetorically outbid Zenz, saying that what is happening in Xinjiang is “reminiscent of the worst past colonialist depredations against indigenous peoples as well as ethnic pogroms, the Holocaust, and South African apartheid.”¹⁸⁹ Such accusations aim to show “the Chinese are guilty of everything,” echoing the Nazi slogan about Jews (*die Juden sind am allem schuld*). Indeed, Zumrat Dawut, the favorite émigré of former US Secretary of State Mike Pompeo, put it that “Any kind of crime you can think of is happening to Uyghurs.”¹⁹⁰

US FBI Director Christopher Wray, in power from 2017-2025, sought to mobilize all Americans against all Chinese, by calling for an effort against what he said is a “China threat

¹⁸⁵ Laura Bensow, *Frauen und Mädchen, Die Juden Sind Euer Verderben!*: Eine Untersuchung antisemitischer NS-Propaganda unter Anwendung der Analysekatgorie Geschlecht (‘Women and Girls, the Jews are Your Undoing!’ An Examination of Anti-Semitic Nazi Propaganda Using the Gender Category of Analysis) (Hamburg: Marta Press, 2016).

¹⁸⁶ Christopher M. Davidson, “Why Was Qadhafi Really Removed?” *Middle East Policy* 24:3 (2017): 92-116; Peter Dale Scott, “Rape in Libya: America’s Recent Major Wars Have All Been Accompanied by Memorable Falsehoods,” *Asia-Pacific Journal* 9:4, 2011, <https://apjpf.org/2011/9/24/Peter-Dale-Scott/3548/article.html>; “Amnesty Questions Claims that Gaddafi Ordered Rape as Weapon of Warr,” June 10, 2011, <https://ghostarchive.org/archive/jrpNy>.

¹⁸⁷ Grzegorz Rossolinski, *Stepan Bandera: The Life and Afterlife of a Ukrainian Nationalist: Fascism, Genocide, and Cult*. (New York: Columbia University Press, 2014): 552; Richard Sanders, “‘Captive Nations’: From Nazi Trope and CIA Meme to Cold-War Trump Card,” Coalition to Oppose the Arms Trade, Press for Conversion, Issue #70, Spring, 2021, https://coat.ncf.ca/P4C/70/70_18-20.pdf.

¹⁸⁸ “VOC Testifies to US Congress on Beijing’s Genocide in Xinjiang,” VOC, Mar. 24, 2023, <https://victimsofcommunism.org/voc-testifies-to-us-congress-on-beijings-genocide-in-xinjiang/>.

¹⁸⁹ James Millward, “What Should Americans Know About Human Rights Violations in Xinjiang, and What are US National Interests There?” *The China Questions 2: Critical Insights into US-China Relations* (Cambridge: Harvard University Press 2022): 219-229.

¹⁹⁰ Helen Davidson, “‘Our People are Still Trapped’: Uyghur Exiles Demand Action on Abuses,” *Guardian*, Sept. 5, 2022.

[that is] not just a whole-of-government threat, but a whole-of-society threat on their end."¹⁹¹ That mobilization is built on propagating tropes of Chinese cruelty and dissembling that facilitate indoctrination through untenable assertions about China. The process exists despite many Westerners distrusting the very politicians and media who promote the Xinjiang genocide claim.

As much as this Yellow Peril/Red Menace view is accepted in the West, it is however widely rejected in developing countries. In 2023, 51 countries led by Britain voted for a UN Third Committee resolution that condemned China about Xinjiang. No predominantly Muslim country supported it¹⁹² and developing countries were the bulk of the 72 countries that voted to support China.¹⁹³ Those voting against included almost all Muslim countries that usually ally with the US, including many that are dependent on it economically or militarily. Even US-based Uyghur émigré leader Nury Turkel admitted that “no Muslim country, no Muslim leader, has criticized the Chinese government in the slightest” about Xinjiang. A government-connected US China specialist has also said that Muslim-majority countries “have been completely absent” from condemnations of China about Xinjiang.¹⁹⁴

“Xinjiang genocide” is highly salient for Western disparagement of China and Chinese, however. The narrative may be seen as a counter to Islamic world negative views of Western policies and to China’s infrastructure-building and investing Belt and Road Initiative in developing countries, of which Xinjiang is a lynchpin. Yet, while a genocide claim may mobilize support for the claimant, misrepresentations about what the accused state does can also harm the supposedly victimized people;¹⁹⁵ for example, linked genocide and forced labor claims have led to sanctions that reduce employment among Uyghurs -- and in states bordering China.¹⁹⁶

Speaking of the “diplomacy of genocide” and the “mobilization of humanitarian claims against

¹⁹¹ “The Director of the FBI Says the Whole of Chinese Society is a Threat to the US — and that Americans Must Step Up to Defend Themselves,” Business Insider, Feb. 14, 2018, www.businessinsider.com/china-threat-to-america-fbi-director-warns-2018-2.

¹⁹² James Kariuki, “Human Rights Violations in Xinjiang: Joint Statement at the UN Third Committee,” UK Government, Oct. 18, 2023, www.gov.uk/government/speeches/joint-statement-on-human-rights-violations-in-xinjiang-at-the-un-third-committee; “Third Committee Spotlights Human Rights Abuses in Conflicts, Stressing Need to End Terrorist Attacks, Genocide, Illegal Hostage-Taking, Enforced Displacement,” 3rd Committee, 78th Session, 24th and 25th Meeting, Oct. 17, 2023, <https://press.un.org/en/2023/gashc4385.doc.htm>.

¹⁹³ “Developing Countries and Friendly Countries Voice Support for China’s Just Position and Opposition to Interference in China’s Internal Affairs Under the Pretext of Human Rights in the UN,” Permanent Mission to the UN of the PRC, Oct. 17, 2023, http://un.china-mission.gov.cn/eng/chinaandun/socialhr/3rdcommittee/202310/t20231018_11162597.htm.

¹⁹⁴ Andrew Scobell, “What China Wants in the Middle East,” US Institute of Peace, Nov. 1, 2023, www.usip.org/publications/2023/11/what-china-wants-middle-east.

¹⁹⁵ Alan J. Kuperman, “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans,” *International Studies Quarterly* 52:1 (2008): 409-451.

¹⁹⁶ Phil Hynes, “Unbelievably, US Trade Act Targets China Poverty Rescue Program,” Friday, June 14, 2022, <https://fridayeveryday.com/unbelievably-us-trade-act-targets-china-poverty-rescue-program/>; “Apparel Factories in Vietnam Struggle with US Ban on Xinjiang Cotton,” Reuters, Apr. 28, 2023,

geopolitical rivals,” leading genocide scholar Dirk Moses, has noted that

The general pattern seems to be that the representatives of the victim group or the group that wants to draw attention to its victim status, both in situ and in their diasporas, will claim that genocide is taking place – as, for example, Uyghur activists are doing today in relation to China. You will then get certain sympathetic members of a humanitarian lobby who will agree with them. This was particularly the case in the Darfur activism about 17 years ago. One observes consistently that Holocaust references are mobilized in advocating for the genocide label: “this is like the Jews in 1942” or, somewhat more indirectly, ‘these victims are being attacked solely on the grounds of their identity. It has nothing to do with the fact that there’s actually a civil war going on.’¹⁹⁷

Similarly, in pretending that something akin to the Holocaust has transpired in Xinjiang, the genocide claim ignores the context of legitimate developmental and anti-terrorism goals.

For a government that imagines it confronts a “peer competitor” or is in an armed conflict with another state or seeks to protect co-ethnics, appease a domestic lobby, or obviate charges of being a “genocide denier,” making an untenable charge of genocide is tempting.¹⁹⁸ For a separatist group, a genocide claim may bring attention to an otherwise obscure cause and support from entities that foster state dissolution, such as the US-government,¹⁹⁹ whose aim of regime change in China even harsh Western critics of the Chinese government now acknowledge.²⁰⁰

Forces intent on isolating China will thus persist in deploying “genocide.” A thorough analysis of Xinjiang issues, however, can show that it is a political stratagem. An understanding of what is *not* happening in Xinjiang can be a first step in understanding what *is* happening there – as well as in China and the world.

¹⁹⁷ “Ferenc Laczó, “Dirk Moses on the Diplomacy of Genocide and the Sinister Ambition of Permanent Security [Part II],” *Review of Democracy*, Dec. 27, 2021, <https://revdem.ceu.edu/2021/12/27/dirk-moses-on-the-diplomacy-of-genocide/>.

¹⁹⁸ Dirk Moses, “Why the Discipline of “Genocide Studies” Has Trouble Explaining How Genocides End,” Social Science Research Council, Items, Dec. 22, 2006, <https://items.ssrc.org/how-genocides-end/why-the-discipline-of-genocide-studies-has-trouble-explaining-how-genocides-end/>.

¹⁹⁹ Luis Alberto Moniz Bandeira, *The Second Cold War: Geopolitics and the Strategic Dimensions of the USA* (Berlin: Springer, 2017): 67-78.

²⁰⁰ Edward Luce, “Containing China is Biden’s Explicit Goal,” *Financial Times*, Oct. 20, 2022.