



## THE EU AND PRC EXCHANGE SANCTIONS

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*For the first time since the crackdown on pro-democracy demonstrators in Beijing in 1989, the European Union has decided to impose significant restrictive measures on Chinese officials.<sup>1</sup> The Chinese government has reacted angrily, rejecting allegations of abuses as “lies and slander” and publishing a list of European officials, institutions, and scholars slated for sanctions of its own.<sup>2</sup> This latest blow to Sino-European relations comes at a complicated time. Calls to take a stronger stance on the Chinese Communist Party’s (CCP) authoritarian tendencies have been mounting, even as geo-political rivalry between the United States and China is intensifying. A long-anticipated investment deal between China and the EU, the creatively named Comprehensive Agreement on Investment (CAI), that was agreed to in principle at the end of last year may now unravel as tension grows. While some may have been surprised by the vehemence with which Beijing reacted to the sanctions, the episode exposes some of the underlying strain in Sino-European relations.*

### **Xinjiang & Human Rights**

The European Council imposed asset freezes and travel bans on Chen Mingguo, Wang Mingshan, Wang Junzheng, and Zhu Hailun, all of whom are senior CCP officials in public security positions in China’s western Xinjiang Uyghurs Autonomous Region (XUAR).<sup>3</sup> Over the past several years the XUAR has been the scene of a mass internment campaign targeting ethnic Uyghurs and other members of China’s Turkic Muslim minorities. As many as 1.8 million people are believed to have been subject to arbitrary detention in a sprawling series of camps.<sup>4</sup> Many more have been placed under state surveillance, exposed to intimidation, and other forms of restrictions. Reports of forced labor, sexual violence, deliberate denial of basic needs, torture, and

other crimes against humanity have proliferated.<sup>5</sup>

For its part, the Chinese government has acknowledged the practice of restricting Uyghurs and other minorities to camps, but refers to these as vocational training centers.<sup>6</sup> Beijing presents its policies in the XUAR as part of a broader push to promote deradicalization and poverty alleviation. It fundamentally rejects criticism of its human rights record as either an intolerable interference into China’s internal affairs or a politically motivated effort to discredit the country internationally.<sup>7</sup> However, leaked documents,<sup>8</sup> independent research<sup>9</sup> and reporting,<sup>10</sup> and the testimony of survivors<sup>11</sup> who have subsequently fled the country provide a growing body of evidence suggesting a pattern of human rights violations.

Several prominent institutions, including the American,<sup>12</sup> Canadian,<sup>13</sup> and Dutch<sup>14</sup> governments, have characterized the treatment of Uyghurs and other minorities as amounting to genocide. By adding the four senior CCP officials to its list of individuals subject to restrictive measures, the European Council has communicated serious concerns over conditions in the XUAR and assigned responsibility for excesses committed against minority people. The EU has also imposed sanctions on the Security Bureau of the Xinjiang Production and Construction Corps (XPCC), which it describes as a “state-owned economic and paramilitary organization” which bears key responsibility for the “arbitrary detentions and degrading treatment inflicted upon Uyghurs and people from other Muslim ethnic minorities.”<sup>15</sup>

Rumors that the Council was considering adding prominent members of the XUAR’s security apparatus began circulating against the backdrop of stalled

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talks over an official visit by European ambassadors to the region.<sup>16</sup> For Beijing, organizing fact-finding trips to the region has been an important component in presenting internment and re-education camps as effective tools to counter the threat of violent extremism. Often highly choreographed and closely supervised, such visits have formed part of Chinese public diplomacy, and in some cases lent international legitimacy to repressive policies, as when UN Under-Secretary-General for Counter-Terrorism Vladimir Voronkov visited the XUAR in summer 2019.<sup>17</sup>

Since at least September 2020, diplomatic efforts to negotiate a visit by Michelle Bachelet, the UN’s High Commissioner for Human Rights, have been underway.<sup>18</sup> Chinese officials have said that the door is ‘always open’ but that the basis for such a trip should be “exchange and cooperation”.<sup>19</sup> For her part, Bachelet has been calling for an independent investigation into the disturbing reports coming out of Xinjiang and has been reluctant to allow her office to lend credence to Beijing’s preferred narratives. Nevertheless, negotiations for a ‘no restrictions’ visit by UN officials to Xinjiang have continued, with Beijing signaling there is a desire to let the trip take place.<sup>20</sup>

Similar discussions with EU officials appear to have stalled over access to Ilham Tohti, a prominent Uyghur economist serving a life sentence on charges of promoting separatism. Prior to his incarceration, Tohti had been an advocate of reconciliation between Uyghurs and Han Chinese, while also pushing for greater protections of Uyghurs under Chinese law. While imprisoned he has been awarded several European accolades, including the Sakharov Prize and the Vaclav Havel Human Rights Prize.<sup>21 22</sup> EU leaders and civil society organizations alike have called for Tohti’s release.<sup>23</sup> While Tohti is only one of many caught up in Xinjiang’s grimly repressive architecture, his efforts to work within the system and the prominence afforded by international recognition make him stand out. This explains in part the CCP’s reluctance to grant European officials access to him.

## Diplomatic Setbacks

The exchange of mutual sanctions comes at a difficult time for Chinese foreign policy.<sup>24</sup> Momentum to officially condemn the Chinese government’s actions in the XUAR is growing. The CCP’s harsh line on demonstrations in Hong Kong and towards democratic Taiwan has further tarnished its image abroad. This trend has been reinforced by aggressive posturing on the part of Chinese diplomats<sup>25</sup> who have sought to lash out at foreign critics in a practice that has become known as Wolf Warrior

Diplomacy.<sup>26</sup> Beijing's diplomatic reputation has also suffered setbacks in other areas in recent weeks. A lackluster performance at the high level 17+1 Summit in February saw frustration over stalled economic projects, the promised benefits of which have so far failed to materialize. At the summit itself a coalition of six member states, led by Lithuania, defied instructions to make their heads of state available in what has been interpreted as a deliberate snub.<sup>27</sup> Furthermore, the long-delayed trial of Canadians Michael Spavor and Michael Kovrig, allegedly in retaliation for the arrest of Meng Wanzhou in what has been termed 'hostage diplomacy', has provided an opportunity for Western states to show solidarity in opposition to China.<sup>28</sup>

At the same time, the end of the Trump administration has ushered in a new period for American diplomacy. Washington is seeking to retain a more confrontational stance towards China, while at the same time eschewing the trappings of an 'America First' foreign policy in favor of an alliance-centric approach. At the first senior level bilateral summit between the US and China in Anchorage,<sup>29</sup> during which rhetorical jabs were traded in full view of international media, American officials sought to emphasize the new administration's desire to take allies' interests into account while approaching Beijing.

At the close of last year, it seemed Beijing and Brussels had reached an important milestone in their relationship. After years of intense negotiations, which began in early 2012 following a joint communique<sup>30</sup> stating the desire by both sides to set a free trade agreement into motion, the EU and China hammered out the Comprehensive Agreement on Investment (CAI)<sup>31</sup> at the end of 2020. The fact that the CAI was agreed upon just before the end of Trump administration, and without consultation with Biden's incoming foreign policy team, could have been a sign of the EU breaking with Washington's China policy.<sup>32</sup>

The argument that the CAI represents a European equivalent to the Phase One Trade deal negotiated

by Washington, in the run up to which Brussels was not consulted, is hardly convincing particularly when its timing is considered. However, a key feature of the deal is that it has been agreed to in principle and must still be ratified by the EU Parliament. China critical MEPs – several of whom have been singled out for Chinese sanctions – will likely seek to block

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the trade agreement going forward. Rather than a long-awaited breakthrough which would guarantee European companies greater access to Chinese market and validating Beijing's rule of law, the CAI is now poised to become a kind of referendum on European relations with China. The vehemence with which the human rights related sanctions has been met by Beijing, as well as the ensuing boycott of European companies such as H&M,<sup>33</sup> reinforces the notion that economic interests and political values cannot simply be teased apart.

## **A Disproportionate Response**

Despite the apparent parallels in the mutual sanctions, the Chinese government's decision to hit back at the EU by sanctioning institutions, politicians, and scholars is notable. While the EU sanctions limit themselves to security officials active in Xinjiang, the Chinese foreign ministry identifies five MEPs, three national level parliamentarians, and two independent scholars, alongside two EU institutions, the Mercator Institute for China Studies and the Alliance of Democracies Foundation, as having "severely harm[ed] China's sovereignty and interests and spread malicious lies and disinformation".<sup>34</sup> As a result, the ten individuals, key staff at the four

institutions, their families, and any organizations or companies affiliated with them are barred from either entering the country or “doing business with China”.<sup>35</sup>

EU officials appear to have been caught off guard by Beijing’s decision to not only respond by imposing sanctions of its own, but also by singling out prominent scholars Björn Jerdén and Adrian Zenz, as well as the Mercator Institute, on its list of sanctioned entities. In effect, this communicates that the production of research critical of the CCP and its policies constitutes an unacceptable attack on Chinese sovereignty. European Research Directors were quick to respond to the sanctions with a statement decrying the targeting of independent researchers and institutions as fundamentally harmful to Sino-European relations.<sup>36</sup>

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While the scope and vagueness of Beijing’s sanctions list is already deeply troubling, several conclusions can be drawn from it. First, Beijing is deeply sensitive to criticism of its policies towards Uyghurs and other minorities in Xinjiang. It construes any negative comment as intolerable meddling in its internal affairs, even as it welcomes international approval for its ostensible counter-terrorism policies – particularly from Muslim heads of state. Second, although the sanctioning of the MERICS, Jerdén, and Zenz can easily be read as an overreaction, these researchers were likely already subject to de facto blacklisting, ruling out travel to or “doing business with” China. The countersanctions can be seen as a primarily communicative act, conveying a message of “there will be consequences” to critics abroad while signaling strength to nationalists at home.

One final extrapolation from the countersanctions is how they were announced. The timing coincided with a state visit to China by Russian Foreign Minister Sergei Lavrov.<sup>37</sup> The EU’s list of targeted restrictions also includes several senior Russian officials, listed in conjunction with the trial of opposition figure Alexei Navalny, human rights abuses in Chechnya, and other violations. The Russian and Chinese governments have a shared interest in seeking to reject and discredit human rights related sanctions. As the ensuing diplomatic fallout deepened following the announcement, China’s Foreign Minister Wang Yi toured the Middle East meeting with senior officials,<sup>38</sup> many of whom have made statements supportive of Beijing’s purported counter-radicalization strategy.<sup>39</sup> It seems plausible that Beijing is seeking to build a coalition of states who view human rights promotion as inimical to their own interests, and may in the future push back against what the CCP has characterized as the EU’s ‘unilateral’ imposition of sanctions.

It bears keeping in mind, however, that the list of individuals and institutions sanctioned by China is a politically and professionally diverse group. By imposing vague restrictions in an apparent effort to induce the European community to “reflect on itself, face squarely the severity of its mistakes and redress it [sic],”<sup>40</sup> the Chinese government may well risk achieving the opposite. There are many reasons to promote universal human rights and the values which underpin European solidarity, just as there are many reasons to care about how governments treat their citizens. Poorly calculated efforts to punish critics do little to change this calculation.

The imposition of mutual sanctions has done much to highlight underlying tensions within the Sino-European relationship. The same can be said of China’s relationship with the United States, Canada, and Britain, all of which have seen similar sanctions imposed on lawmakers who have been vocal about human rights abuses in the XUAR. For China, responding to what it views as interferences in its internal affairs with countersanctions, and charging a host of countries with acting ‘unilaterally’ may

communicate strength domestically and abroad, but may come at the cost of aligning a diverse array of opponents. ■

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