

United Nations Declaration on the Rights of Indigenous People and the Uyghurs of East Turkestan (also known as the Xinjiang Uyghur Autonomous Region or XUAR, People's Republic of China)



A Report by the Uyghur Human Rights Project
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I. Overview of Report

On September 13, 2007, the People's Republic of China (PRC), along with 142 other countries, voted to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). By voting for the Declaration, the PRC recognized that indigenous persons are a particularly vulnerable group in general and specifically supported the principles outlined and rights explicitly enumerated in the articles of this long awaited essential human rights Declaration. This report details the PRC's violations of the Declaration on the Rights of Indigenous Peoples in the case of the Uyghur people of East Turkestan.

In practice, the PRC government violates almost every article of the Declaration that it supported at the UN, routinely violating the fundamental rights of the Uyghur people.¹ Uyghurs' culture, religion and language are all under attack by the PRC government. Uyghurs do not have substantive control over their own education, media, or employment, and they have no voice in the region's government. Uyghurs are also denied access to or benefit from East Turkestan's land and resources.

This report begins by briefly reviewing the development of the United Nations Declaration on the Rights of Indigenous Peoples and demonstrating that the Uyghurs are the indigenous people of East Turkestan (designated by the PRC government as the Xinjiang Uyghur Autonomous Region, or XUAR). The main body of the report then examines the Articles of the Declaration with respect to the Uyghur case, by discussing violations of articles in categories such as Fundamental Rights, Life and Security, and Culture, Religion and Language (among others). While not all-inclusive, the report highlights some of the most egregious ways in which Uyghurs' fundamental, social and cultural rights are violated by the Chinese government, with respect to international law and often domestic law as well. For instance, in the area of Culture, Religion and Language, the report examines the ways in which the PRC controls the freedom of religion for Uyghurs in East Turkestan, effectively undermining Uyghurs' identity. In conclusion, the report offers suggestions to address the situation, both to the United Nations and the Chinese government.

II. The United Nations Declaration on Indigenous People: Development and Content

In an effort to end discrimination against indigenous people and to protect their rights to strengthen their cultures and develop their territories, the UN Working Group on Indigenous Populations began formulating the Declaration on the Rights of Indigenous Peoples in 1985. After several years moving through the committee process, the first draft of the Declaration was submitted to the UN Commission on Human Rights for its approval in 1994. Another 13 years of intensive efforts by the Working Group and UN member states led to the final wording of the Declaration.

¹ The PRC is also in violation of the UNDRIP in many other areas of the country. This report is limited to the violations of the Declaration with respect to the Uyghurs of East Turkestan.

In June 2006, the UN Declaration on the Rights of Indigenous People was adopted by the UN Human Rights Council, and it was sent to the UN General Assembly in December 2006.² On September 13, 2007 the Declaration was adopted by the General Assembly. One hundred forty-two countries voted for the Declaration, four voted against and eleven countries abstained. The Declaration thus became the international community's most important statement on the rights afforded to indigenous populations, clearly laying out the rights that the PRC has recognized to which all indigenous peoples are entitled.

III. Uyghurs: The Indigenous People of East Turkestan

Definitions of Indigenous People

There is no universal definition of the term indigenous people, and attempts to define or identify what it means to be 'indigenous' have engendered much debate. Due to the historical and social diversity of groups identifying themselves as indigenous throughout the world, there has been much controversy over definitions of the term "indigenous".

One broad definition of what it means to be indigenous that is generally agreed upon recognizes indigenes' common features as "descent from original inhabitants of a region prior to the arrival of settlers who have since become the dominant population; maintenance of cultural differences, distinct from a dominant population; and political marginality resulting in poverty, limited access to services, and absence of protections against unwanted 'development.'" ³ This definition may be seen as the most applicable to the Uyghur case, because each feature contained in the definition is relevant to the Uyghur experience, as discussed below in this report.

Another widely accepted definition of indigenous people, and one that synthesizes the content of many other definitions, is the one put forward by the Martínéz Cobo Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities (1986)⁴:

² The Human Rights Council vote was as follows: *30 in favor*: Azerbaijan, Brazil, Cameroon, China, Cuba, Czech Republic, Ecuador, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia; *2 opposed*: Canada, Russia Federation; *and 12 abstaining*: Algeria, Argentina, Bahrain, Bangladesh, Ghana, Jordan, Morocco, Nigeria, the Philippines, Senegal, Tunisia, Ukraine.

³ Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity*, (University of California Press, 2003): p. 19.

⁴ Other useful definitions of indigenous people include:

The World Bank: "Indigenous Peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics: a) close attachment to ancestral territories and to the natural resources in these areas; b) self-identification and identification by others as members of a distinct cultural group; c) an indigenous language, often different from the national language; d) presence of customary social and political institutions; and e) primarily subsistence-oriented production.

The International Forum on Globalization: "'Indigenous peoples' are those communities and nations that have a historical continuity with a pre-colonial society that developed on their territories; who consider themselves distinct from the prevalent sectors of society and constitute a non-dominant role within that society; who have and are determined to maintain their distinct ethnic identity, language, culture, religion,

*Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.*⁵

This historical continuity may consist of the continuation, for an extended period reaching into the present, of one or more of the following factors:

- a) Occupation of ancestral lands, or at least of part of them;*
- b) Common ancestry with the original occupants of these lands;*
- c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.);*
- d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);*
- e) Residence in certain parts of the country, or in certain regions of the world;*
- f) Other relevant factors.*⁶

Contrary to the spirit and letter of the Declaration on the Rights of Indigenous Peoples, People's Republic of China leaders have adopted a peculiar view: that East Turkestan, along with the rest of China, has no indigenous people. The PRC's response to the draft declaration on the rights of indigenous peoples from the UN Working Group on Indigenous Peoples in 1995 displays this view:

The Chinese Government believes that the question of indigenous peoples is the product of European countries' recent pursuit of colonial policies in other parts of the world. Because of these policies, many indigenous peoples were dispossessed of their ancestral homes and lands, brutally oppressed, exploited and murdered, and in some cases even deliberately exterminated. To this day, many indigenous peoples still suffer from discrimination and diminished status... As in the majority of Asian countries, the various nationalities in China have all lived for aeons on Chinese territory. Although there is no indigenous peoples' question in China, the Chinese Government and people have every sympathy with indigenous peoples' historical

political and legal systems; who have an historic occupation of ancestral lands; and who desire to pass on their traditional territories and practices to their descendents."

⁵ Martínez Cobo Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities (1986)

⁶ *Ibid.*

*woes and historical plight. China believes it absolutely necessary to draft an international instrument to protect their rights and interests.*⁷

Speaking at the 53rd session of the United Nations Commission on Human Rights, Long Xuequn, adviser of the Chinese delegation, said:

*“As in the case of other Asian countries, the Chinese people of all ethnic groups have lived on our own land for generations. We suffered from invasion and occupation of colonialists and foreign aggressors. Fortunately, after arduous struggles of all ethnic groups, we drove away those colonialists and aggressors. In China, there are no indigenous people and therefore no indigenous issues.”*⁸

Groups in a number of Asian countries have in fact begun participating in international institutions and gatherings of “indigenous peoples”, and transnational organizations have been formed in the region that are made up of groups calling themselves “indigenous”. The Pacific-Asia Council of Indigenous Peoples is one such organization, and is affiliated with the World Council of Indigenous Peoples, as well as the Asia Indigenous Peoples Pact (AIPP).⁹ Membership in AIPP currently stands at 28 organizations from 14 different countries.¹⁰

One of the most compelling arguments against the Chinese government’s position that there are no indigenous people in the PRC revolves around the terminology used by the Qing government (the Qing Dynasty was founded in the mid-17th century by a northeastern people who became known as the Manchu). The Qing government referred to the southern part of East Turkestan as “Hui bu” (回部) and to Uyghurs as “Hui zi” (回), thus indicating that it was the land of the Uyghurs.¹¹ The official name of Xinjiang (meaning “New Territory” or “New Dominion” in Chinese), used by the PRC to refer to East Turkestan, also strengthens the case that Uyghurs are indigenous to East Turkestan.

Uyghurs: The Indigenous People of East Turkestan

Uyghurs are members of a Turkic ethnic group who live in East Turkestan, a region located in the northwest part of the territory encompassed by the PRC. Uyghurs have a culture, religion, language, and belief system that are distinct from the dominant ethnic group in China, the Han Chinese, who make up over 90 percent of the country’s population. The more than ten million Uyghur people who live in East Turkestan are the

⁷ Consideration of a Draft United Nations Declaration on the Rights of Indigenous Peoples UN Doc. E/CN.4/WG.15/2 (1995).

⁸ Embassy of the People’s Republic of China in Switzerland, China Concerned with Protection of Indigenous Peoples’ Rights, <http://www.china-embassy.ch/eng/ztnr/rqwt/t138829.htm>, April 1, 1997.

⁹ Benedict Kingsbury, “Indigenous Peoples in International Law: A Constructivist Approach to the Asian Controversy”, *The American Journal of International Law*, Vol. 92, No. 3 (July 1998): p.416.

¹⁰ AIPP website, membership section, <http://www.aippfoundation.org/membership.htm>, accessed December 8, 2008.

¹¹ For references to this, please see James Millward, ““Coming onto the Map”: “Western Regions”, Geography and Cartographic Nomenclature in the Making of Chinese Empire in Xinjiang,” *Late Imperial China* Vol. 20, No. 2 (December 1999): pp. 65-66.

descendants of the nomadic herders and oasis-based people who have lived in the region for thousands of years. Before the 20th century, there was no sizeable Han population in East Turkestan.

East Turkestan constitutes one-sixth of the land area of present-day China, an area around three times the size of France. The Autonomous Region can be roughly divided into three geographical areas, the northern and southern areas of which are delineated by the Tengri Tagh (Tianshan) or “Heavenly Mountains.” In the north lie the relatively well-watered pastoral and agricultural lands of the Junghar basin and the Ili valley. The southern region contains the Tarim Basin, which is quite arid, receiving only 20 to 150 millimeters of rainfall a year. This area is dominated by one of the least hospitable deserts on earth, the Taklamakan. Around the edges of the desert, a series of oasis towns survive on the water runoff from the Pamir and the Kunlun mountain ranges that almost completely encircle the region. In the center of East Turkestan, in a break in the Tengri Tagh range, lies the Turpan depression, an area of scorching hot temperatures with very little rain. The narrow Gansu corridor provides the only easy overland access from East Turkestan to China’s heartland.



Located in the middle of the Eurasian land mass, East Turkestan has been a cultural and commercial crossroads throughout its history. The region contained a significant segment of the “Silk Road” trading route, the overland path on which Buddhism, Christianity, and Islam entered China, as did products such as cotton, wine, and many new musical instruments. Other important commodities, technologies, and cultural items traveled the other direction, notably silk, tea, and paper-making.¹²

¹² James A. Millward and Peter C. Perdue, “Political and Cultural History of the Xinjiang Region through the Late Nineteenth Century,” in *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004): pp. 31-32.

Present-day Uyghurs are the descendants of a large number of cultures that have existed in the region over its complex history. Archaeological sites near the East Turkestan cities of Khotan (Hetian), Kumul (Hami) and Pichan (Shanshan) reveal human habitation from around 10,000 years ago, and settlements in the region have been found that date back around 4,000 years.¹³ By the first century B.C.E. the Huns, a group of Altaic speaking tribes, had established an empire across much of the region, with a base at Kroran (Loulan) in the Turpan depression.¹⁴ Much interaction of Sinic and Turkic cultures occurred between the people of East Turkestan and those of the Chinese Empire, but the cultures and people of the two regions remained distinct.¹⁵ The ethnic group that is today known as the Han Chinese was based in the Chinese heartland on the Yellow and Yangzi Rivers, a vast distance to the east of East Turkestan.

During the next few centuries, the people of East Turkestan became “Turkicized.” In the ninth century, the Uyghur and the Karakhanid empires emerged around Turpan and Kashgar respectively. The Kara Khitay ruled briefly over these two empires until the thirteenth century, when East Turkestan was united under Mongol rule. From the 15th century, the Muslim Moghul Chaghataids ruled in the south and by the 16th century the Junghar state ruled over the northern part of East Turkestan.

The Manchu army of the Qing dynasty took control of the region in 1759, enforcing its rule through policies marked by flexible accommodation to local needs backed by a large military presence.¹⁶ At this time, Qing government officials encouraged peasants from China’s overpopulated interior to settle in the northern part of East Turkestan by providing transportation, housing and farming tools and gave long-term land leases to soldiers who agreed to become farmers, initiating a policy of integration through resettlement that continues to this day.¹⁷ Beginning in the 1860s, the Qing government undertook a project of “sinicizing the administration, population, and economy” of East Turkestan, including “cultural assimilation of a segment of the Uyghur population through Confucian education.”¹⁸ In 1884, the Qing made East Turkestan a province of their empire, calling the region “Xinjiang,” meaning “New Territory” or “New Dominion.”

When the Qing dynasty came to an end in 1911, the new Guomindang government inherited control over East Turkestan, but lost direct authority to a series of strong-armed

¹³ James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.11.

¹⁴ James A. Millward and Peter C. Perdue, “Political and Cultural History of the Xinjiang Region through the Late Nineteenth Century,” in *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004): p.35-36.

¹⁵ Peter Yung, *Xinjiang: The Silk Road: Islam’s Overland Route to China* (Hong Kong: Oxford University Press, 1986).

¹⁶ Jonathan Spence, *The Search for Modern China* (New York: W. W. Norton and Company, 1990): p. 98; Dru C. Gladney, *Dislocating China* (Chicago: University of Chicago Press, 2004): p.14-15.

¹⁷ Millward and Perdue, “Political and Cultural History of the Xinjiang Region through the Late Nineteenth Century,” p.59

¹⁸ James A. Millward and Nabijan Tursun, “Political History and Strategies of Control, 1884-1978,” in *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004): p. 63.

Chinese governors who ruled as warlords, using violence to control the local population.¹⁹ In 1944, Beijing supported Chinese resettlement through a “Northwest Development Movement” that relocated over 10,000 Chinese officials and many disenfranchised Chinese citizens to East Turkestan.²⁰

Twice during this period Uyghurs established an independent East Turkestan. In 1933, rebellions broke out throughout southern East Turkestan against high taxes and Chinese rule, culminating in the establishment of the Eastern Turkestan Islamic Republic in Kashgar. In late 1944 in the Ili valley region, Uyghurs founded the Eastern Turkestan Republic.²¹ Later, in 1949, the entire Eastern Turkestan Republic leadership was killed in a suspicious air-crash en route to Beijing, where they were to discuss the status and future of East Turkestan with Chairman Mao Zedong.

In mid-October of 1949, People’s Liberation Army troops under the command of Wang Zhen entered East Turkestan. In 1955, the new Chinese Communist Party (CCP) government officially named East Turkestan the Xinjiang Uyghur Autonomous Region. This period also saw the CCP building on Qing and Republican policies of resettlement in order to solidify the place of the strategically important and resource-rich province in the new nation-state. Crucial to this goal was the creation of the Xinjiang Production and Construction Corps (XPCC) from an organized settlement of 100,000 demobilized Guomindang troops. The XPCC has become a crucial component of government control in East Turkestan by absorbing a huge number of migrants and creating a series of settlements in the Tarim basin, marking the first time that Han Chinese had intensively populated this area.²²

All of the recorded population statistics gathered by Chinese officials under the Nationalist and Communist governments demonstrate that Uyghurs have been the dominant population of East Turkestan since well before the founding of the PRC. However, due to the massive in-migration of Han Chinese over the past half-century, Uyghurs now comprise less than half the population of East Turkestan.

- 1941: Uyghurs make up 80 percent of the population (Kazak 8.7, Han 5.0, Hui 2.5, Other 3.7)
- 1953: Uyghurs make up 74.7 percent of the population (Kazak 10.1, Han 6.1, Hui 3.1, Other 6)

¹⁹ The third of these governors, Sheng Shicai, came under the influence of the Soviet Union, granting concessions for East Turkestan’s natural resources and welcoming Soviet political, technical and military advisors in return for support of his personal power. Under Sheng, as many as 100,000 political prisoners were executed. See Millward and Tursun, “Political History and Strategies of Control, 1884-1978,” p. 79-80.

²⁰ Andrew Forbes, *Warlords and Muslims in Chinese Central Asia: A Political History of Republican Sinkiang*, (Cambridge: Cambridge University Press, 1986): p. 168.

²¹ Linda Benson, *The Ili rebellion: The Moslem Challenge to Chinese Authority in Xinjiang, 1944-1949* (Armonk, NY: M. E. Sharpe, 1990): p. 49.

²² Donald H. McMillen, “Xinjiang and the Production and Construction Corps: A Han Organisation in a Non-Han Region,” *The Australian Journal of Chinese Affairs*, No. 6 (July 1981): 65-96.

- 1964: Uyghurs make up 54 percent of the population (Han 32.9, Kazak 6.7, Hui 3.6, Other 2.7)
- 1982: Uyghurs make up 45.8 percent of the population (Han 40.4, Kazak 6.9, Hui 4.3, Other 2.6)
- 1990: Uyghurs make up 47.5 percent of the population (Han 37.6, Kazak 7.3, Hui 4.5, Other 3.1)
- 2000: Uyghurs make up 45.2 percent of the population (Han 40.6, Kazak 6.7, Hui 4.6, Others 2.9)²³

Demographic figures from the 19th century confirm the majority status of the Uyghur population in East Turkestan in earlier periods. For instance, census records show that in 1887, in the three most densely populated areas of East Turkestan, there were 1,132,000 Uyghurs out of a total population of 1,238,583 in the three areas.²⁴

The influx of great numbers of Han migrants have transformed Uyghurs from an overwhelming majority in East Turkestan to a slight plurality of 47 percent, according to the latest official statistics.²⁵ During the period from 1990 to 2000, the Han population increased nearly 32 percent, while the Uyghur population increased at half of that rate.²⁶ In 1949, 94 percent of East Turkestan's population of 4.2 million was non-Han, and the vast majority practiced a form of Islam, spoke a Turkic language, and used Arabic script. The 2000 census shows that over 40 percent of the province's 18.4 million people are Han, a figure that does not include a sizeable number of migrant workers, military and security personnel, or members of the Xinjiang Production and Construction Corps.²⁷ Population density has shifted north, away from the traditionally Uyghur areas of the Southern Tarim basin towards the more "Hanified" areas along the existing railways.²⁸

According to Chinese government census statistics, the absolute number of Uyghurs in East Turkestan has risen at sizeable rates over the past two centuries, with continued high growth rates at the end of the 20th and the beginning of the 21st century.²⁹ Some observers may point to this fact with the aim of discrediting arguments that the Uyghur population has been marginalized by Chinese government policies. However, a wide variety of factors belie any assertion that absolute population growth negates claims of discriminatory ethnic policies. For one, policies directed at East Turkestan's Uyghur population have resulted in disparate levels of growth in education, housing, employment, healthcare, language, culture and other areas, compared to the region's Han population. Secondly, the Chinese government's policies have emphasized assimilation

²³ These data are available at: *China Statistical Yearbook, 2005* (Beijing: China Statistics Press, 2005) and *Xinjiang Tongji Nianji* (Xinjiang Statistical Yearbook) (Beijing: China Statistics Press, 2001).

²⁴ James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.152.

²⁵ *Xinjiang Tongji Nianji* (Xinjiang Statistical Yearbook) (Beijing: China Statistics Press, 2001).

²⁶ *Ibid.*

²⁷ Stanley Toops in *Xinjiang: China's Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004): p. 244-49.

²⁸ *Ibid.*

²⁹ James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.311.

rather than a wholesale reduction in population, as has occurred with governments committing ethnic cleansing or genocide. Another factor to consider is that of a lack of transparency in China's official census system, leading to speculation that population figures in East Turkestan could be skewed.

As mentioned above, China does not officially recognize the existence of indigenous peoples in China, and it therefore has no laws pertaining to indigenous rights. As one scholar points out, the Chinese government often regards international treaties relating to "peoples" as affecting all the peoples of China, including the Han majority, when the original intent of these treaties was to alleviate suffering of underprivileged indigenes.³⁰

IV. The UN Declaration on the Rights of Indigenous People: PRC Violations in the Uyghur case

The UN Declaration on the Rights of Indigenous People consists of eight basic parts.

- Part I: Fundamental Rights (Articles 1-5)
- Part II: Life and Security (Articles 6-11)
- Part III: Culture, Religion and Language (Articles 12-14)
- Part IV: Education, Media and Employment (Articles 15-18)
- Part V: Participation and Development (Articles 19-24)
- Part VI: Land and Resources (Articles 26-30)
- Part VII: Self-Government and Indigenous Laws (Articles 31-36)
- Part VIII: Understanding the Declaration (Articles 42-45)³¹

In the case of the Uyghurs of East Turkestan, the PRC is in violation of every part, and nearly every Article, of this Declaration. Uyghurs' social, economic and cultural rights are being violated on a massive scale. Uyghurs are being excluded from state development strategies in East Turkestan as a matter of policy. For instance, Uyghurs are subject to corvée labor, child labor and grossly discriminatory hiring practices. Development strategies in East Turkestan largely benefit the rapidly-growing population of Han migrant labor from mainland China in East Turkestan, while the region's natural resources are being extracted and sent directly to mainland China, leaving negligible benefit for the Uyghur people. Lack of equal access to health care has left Uyghurs with one of the shortest life spans of any ethnic group in East Turkestan- an average of 63 years, compared to the national average of 70 years.³²

The in-migration of large numbers of Han Chinese into East Turkestan has accelerated in recent years as a direct result of the 'Western Development Campaign', a centrally ordained strategy ostensibly intended to raise levels of production and income in the

³⁰ Dru C. Gladney, *Ethnic Conflict Prevention in the Xinjiang Uyghur Autonomous Region: New Models for China's New Region*, <http://www.incore.ulst.ac.uk/publications/pdf/xuar.pdf>, p. 8.

³¹ See the website <http://www.iwgia.org/sw1592.asp>.

³² Human Rights in China, *A Divided Country: Racial Discrimination in the PRC*, July 22, 2001, available at <http://www.hrichina.org/public/contents/article?revision%5fid=2080&item%5fid=2079>.

western PRC to levels similar to those on the wealthier eastern seaboard. The campaign has involved huge investment in East Turkestan and elsewhere by the central government- primarily in resource extraction, but also in other sectors, including agriculture. Previous waves of Han migration to East Turkestan included an influx during the 1950s and early 1960s, when state policies encouraged migration to the region; the Great Leap Forward; the Cultural Revolution, when many young people from other areas of the PRC ended up working in the XPCC; and the 1980s, when new, liberal economic policies allowed surplus rural labor to migrate to the region.

Much of the investment in East Turkestan under the rubric of the ‘Western Development Campaign’ has gone into facilitating projects which offer little benefit to the Uyghur people themselves – such as pipelines to deliver natural gas directly to Shanghai, and other projects such as rail links from China proper to Kashgar, which not only have a drastic effect on the region’s ethnic and cultural identity due to increased in-migration of Han Chinese, but also facilitate large-scale resource extraction back into mainland China. Other projects, such as a network of surfaced roads within East Turkestan, are seen to link only areas with large Han Chinese populations, bypassing areas with Uyghur populations.

Part I: Fundamental Rights (Articles 1-5)

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Discrimination against the Uyghurs by a Han Chinese-centered government has been at the root of many of the problems faced by the Uyghur people in East Turkestan. Han discrimination against other ethnic groups in the PRC, known as “Great Han chauvinism,” has been acknowledged by Chinese leaders since the foundation of the country.³³

PRC anthropologist Huang Shuping expressed the attitude in an article from 1981:

³³ One scholar has noted that China’s minorities have become essential to “the very formulation of the Chinese ‘nation’ itself” by allowing the “homogenization of the majority at the expense of an exoticized minority.” See Dru C. Gladney, “Representing Nationality in China: Refiguring Majority/Minority Identities,” *The Journal of Asian Studies*, Vol. 53, No. 1 (February 1994): p. 96.

*The vast majority of our country's minority nationalities reside in border and hilly regions, and they are generally backwards in economic and cultural development... In the new period of socialism, the party and state have shifted the focus of their nationalities work to helping minority peoples to carry out economic and cultural construction, and to eliminating the de facto inequality that history has bequeathed them, so as to help them to catch up with the development level of the Han nationality.*³⁴

In the Uyghur case, examples of this kind of discrimination pervade the official press. One such example can be found in an article carried by Xinhua, China's government news agency, in September 2004. According to the article: "It turns out that Xinjiang people are still accustomed to thinking 'wait, rely and need.' Xinjiang has been a remote region for a very long time, and has all along been under the care of state policies. Added to this is the laziness of the peasant farmer, most of whom have the idea that they can just rely on the government and rely on aid, hoping that the government will solve all their problems for them. This is a common phenomenon."³⁵

Government policy reflects this view of the Uyghur people by explicitly and implicitly enforcing discriminatory conditions for Uyghurs in East Turkestan in economic, cultural, social, and educational spheres. This situation is addressed in the sections below.

A recent example of ethnic discrimination in the name of security involved official directives to hotels in Beijing during the Olympic Games period to report the presence of Uyghur and Tibetan guests. Numerous media reports have stated that Uyghurs and Tibetans were not allowed to stay at hotels or guesthouses in Beijing prior to and during the Olympics.³⁶ An urgent notice, the text of which was obtained by a human rights organization and that was posted in the summer of 2008 in the Haidian District of Beijing, outlines a requirement for "hostelries and public baths" to report the presence of any Uyghur or Tibetan guest to the police station.³⁷

Another example of discriminatory policies applied in the case of Uyghurs involves the confiscation of Uyghurs' passports, when the passports of Han Chinese were not similarly confiscated. In the run-up to the Beijing Olympics in 2008, Uyghurs' passports were almost universally confiscated throughout the PRC. In addition, officials in East Turkestan confirmed they had confiscated the passports of Uyghurs in June 2007, apparently in a bid to prevent them from making a pilgrimage to Mecca.³⁸ This official action was taken immediately following an announcement by Wang Lequan that authorities were launching a crackdown on "illegal pilgrimages".³⁹

³⁴ Huang Shuping, "Developing Ethnology in Our Country is What Socialism Needs," ed. Gregory Eliyu Guldin, *Anthropology in China* (Armonk, NY: M. E. Sharpe, 1990): p. 170.

³⁵ *Why don't people from Xinjiang pick cotton?* [新疆本地人为什么不拾棉花?], Xinhua, September 21, 2004, available at www.xj.xinhuanet.com, accessed on September 17, 2005.

³⁶ China intensifies crackdowns before Olympics, *Toronto Globe and Mail*, June 12, 2008.

³⁷ International Campaign for Tibet, *Official notice evidence of discrimination against Tibetans after protests*, October 8, 2008.

³⁸ China Confiscates Muslims' Passports, *Radio Free Asia*, June 27, 2007.

³⁹ *Ibid.*

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Despite Beijing's promise of 'regional autonomy' when the Xinjiang Uyghur Autonomous Region was established by the PRC in 1955, Uyghurs have never had powers of self-government or any type of local control.⁴⁰

In the words of a prominent scholar on Uyghur issues who conducted a policy study on autonomy in East Turkestan:

*Beijing has allowed Uyghurs almost no independence of action. The party-state has actively and premeditatedly thwarted the emergence of a political elite in Xinjiang capable of pressing for Uyghur collective interests, and it has similarly squelched ordinary Uyghurs' attempts to respond to or influence policies in Xinjiang. For those silenced voices, Beijing has substituted an official line that most Uyghurs are quite satisfied with the way Xinjiang is ruled... The granting of Uyghur influence over affairs in the Xinjiang Uyghur Autonomous Region (XUAR) has taken a back seat to the consolidation of CCP control and the crushing of any movements that advocate independence, or even the more modest goal of "real autonomy... It has selected and promoted officials who exercise power only in a fashion consonant with CCP goals, and reserved the decisive authority at virtually all levels for trusted Hans imported from posts in China proper."*⁴¹

Uyghurs do not enjoy the right to preserve their political, legal, economic, social and cultural institutions. There is virtually no aspect of Uyghur society that is free from

⁴⁰ Article 4 of the PRC Constitution states "Regional autonomy is practised in areas where people of minority nationalities live in compact communities; in these areas organs of self-government are established for the exercise of the right of autonomy." The PRC Constitution (adopted by the National People's Congress on December 4, 1982 with further revisions in 1988, 1993, 1999, and 2004.) Article 4.

⁴¹ Gardner Bovington, *Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent*, East-West Center, 2004, p. 2 and p.14.

government control. The remainder of this report deals with specific areas of government control.

Part II: Life and Security (Articles 6-11)



Article 6

Every indigenous individual has the right to a nationality.

Unlike the situation facing other indigenous persons in other areas of the world, Uyghurs and other indigenous people living under Han Chinese rule are recognized and designated according to their prescribed “nationality.”⁴² Uyghurs are bound by the PRC government’s understanding of their “nationality,” one that they have little control over. Non-threatening aspects of Uyghur culture (singing, dancing) are celebrated, while more threatening aspects (religion, language) are strictly controlled.

Visitors to East Turkestan can easily find staged performances of Uyghur song and dance, and Uyghurs’ singing and dancing abilities are celebrated throughout the PRC in film, television and advertising. Uyghur musical and acrobatic troupes are also part of

⁴² The characteristics of this “nationality” were spelled out by the Chinese state under a 1952 ‘nationalities identification project’ using criteria formulated by Joseph Stalin, which defined a nationality as a “historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture.” The project identified 56 nationalities of China with the Han becoming the dominant nationality, accounting for over 90 per cent of the population, leaving the remaining 55 non-Han groups as “minority nationalities.” See J. V. Stalin, “Marxism and the Nation Question,” *Prosveshcheniye*, Nos. 3-5 (March-May 1913). Barry Sautman, “Myths of Decent, Racial Nationalism and Ethnic Minorities in the People’s Republic of China,” in *The Construction of Racial Identities in China and Japan* ed. Frank Dikotter (London: Hurst and Co., 1997): p. 93.

officially-sponsored international tours that present Uyghur culture as part of a Chinese cultural diaspora.

As seen below in this report, while Uyghur culture is encouraged and celebrated, the religious and linguistic aspects of Uyghur culture are suppressed. Uyghurs' belief in Islam and Turkic language differentiate them from Han Chinese culture and challenge official notions of homogeneity, contributing to authorities' desire to dilute these cultural attributes.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Uyghurs in government custody often suffer from physical abuse and other maltreatment.⁴³ Following a visit to the PRC in late 2005, UN Special Rapporteur on Torture Manfred Nowak reported that torture and ill-treatment remained widespread, particularly among “Tibetans and Uighurs, political dissidents, human rights defenders, practitioners of Falun Gong, and members of house-church groups.”⁴⁴ Amnesty International has documented a number of extremely cruel forms of torture used by PRC authorities, including “severe beating and kicking; the use of electric batons; the use of handcuffs, shackles or ropes to tie prisoners in positions which cause intense pain; and exposure to extreme cold or heat.”⁴⁵ Other torture methods used in East Turkestan are “unidentified injections which cause the victim to become mentally unbalanced or to lose the ability to speak coherently; the insertion of pepper or chili powder in the mouth, nose or genital organs; and the insertion of horse hair or wires into the penis.”⁴⁶

Amnesty International has documented that, in the past six years, “tens of thousands of people are reported to have been detained for investigation in the region, and hundreds, possibly thousands, have been charged or sentenced under the Criminal Law; many Uighurs are believed to have been sentenced to death and executed for alleged “separatist” or “terrorist” offences.”⁴⁷ Uyghurs are, almost without exception, the only ethnic group in the PRC whose members are executed for political offenses.

⁴³ See Human Rights Watch, *2006 World Report*, January 2006.

⁴⁴ United Nations press release, “Special Rapporteur on Torture Highlights Challenges at End of Visit to China”, December 2, 2005, available at <http://www.unhchr.ch/huricane/huricane.nsf/view01/677C1943FAA14D67C12570CB0034966D?opendocument>.

⁴⁵ Amnesty International, *Torture Campaign Leaflets*, August 1, 2000. See also Amnesty International, *Gross Violations of Human Rights in the Uighur Autonomous Region*, London: Amnesty International, 1999.

⁴⁶ *Ibid.*

⁴⁷ Amnesty International, *People's Republic of China Uighurs fleeing persecution as China wages its "war on terror"*, July 2004, available at <http://web.amnesty.org/library/index/engasa170212004>.

On July 9, 2008, a court in Kashgar sentenced five Uyghurs to death out of a group of 15. Two of the five were shot to death immediately after being sentenced, and the other three were sentenced to be executed after a two-year reprieve. The remaining 10 Uyghurs were sentenced to life imprisonment. All 15 were convicted of terrorism charges, and they were also charged with theft, espionage, illegal religious teachings, the transportation of explosives, and the viewing of illegal videos.⁴⁸

Ten thousand Uyghurs in Kashgar were ordered to gather together by police and forced to attend the sentencing rally for these 15 Uyghurs. Video cameras, cell phones and other recording equipment were prohibited. The forced attendance of these types of sentencing rallies are aimed at intimidating Uyghurs and enforcing strict social control, and often take place after quick, summary trials.⁴⁹



The China section of the U.S. State Department's 2007 country report on human rights stated that "executions of Uighurs whom authorities accused of separatism, but which some observers claimed were politically motivated, were reported."⁵⁰

Peaceful expressions of a distinct Uyghur identity, including the writing and publishing of books, articles and online essays, are often persecuted in East Turkestan. Uyghur writers and intellectuals whose works are perceived as containing separatist content are frequently given long prison sentences.

⁴⁸ Uyghur Human Rights Project, *Five Uyghurs killed in raid in Urumchi; Uyghurs executed in Kashgar after mass sentencing rally*, July 10, 2008, available at <http://www.uhrp.org/articles/1186/1/Five-Uyghurs-killed-in-raid-in-Urumchi-Uyghurs-executed-in-Kashgar-after-mass-sentencing-rally/index.html>.

⁴⁹ *Ibid.*

⁵⁰ Country Reports on Human Rights Practices - 2007, China (includes Tibet, Hong Kong, and Macau); <http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm>.

Abdulghani Memetemin, a writer, teacher, and translator, was sentenced to nine years in prison by the Kashgar Intermediate Court in June 2003 on charges of “sending secret state information out of the country.”⁵¹ Memtemin was arrested on July 26, 2002 when authorities discovered he had been translating news articles, forwarding official speeches, and conducting original reporting for the German-based East Turkestan Information Center.⁵²

Nurmemet Yasin, a well-known Uyghur writer, was sentenced to ten years in prison in 2005 for writing “Wild Pigeon,” a fictional story about a pigeon that commits suicide because it is unable to escape its cage.⁵³ Shortly after Yasin’s story was published in the Kashgar Literature Journal in late 2004, he was accused of inciting separatism and arrested by Kashgar police who confiscated his computer, which contained 1,600 poems, commentaries, and stories, as well as an unfinished novel.⁵⁴ Kuresh Huseyin, chief editor of the Kashgar Literature Journal, was sentenced to three years for publishing Yasin’s “Wild Pigeon” in late 2005.⁵⁵

Sitiwaldi (Dilkex) Tiliwaldi, a young Uyghur man from Ghulja, disappeared in October 2004 after speaking to Serene Fang, a reporter from PBS who had come to investigate human rights violations against the Uyghur people by PRC authorities.⁵⁶ After an interview about East Turkestan’s general situation, Tiliwaldi and Fang were approached by PRC security agents, who questioned and searched them and confiscated the interview tape and other materials.⁵⁷ Fang was deported to the United States. Tiliwaldi’s whereabouts remain unknown.⁵⁸

In September 2008, Uyghur sources reported that Mehbube Ablesh, a 29-year-old radio station employee in Urumchi, was fired from her job and detained, apparently for criticizing government policy in articles she wrote for undetermined websites.⁵⁹

Article 7

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Two PRC policies seek to transfer young Uyghurs out of East Turkestan.

⁵¹ Committee to Protect Journalists, *China: Journalist Imprisoned*, August 3, 2004.

⁵² *Ibid.*

⁵³ RFA, China Court Jails Uyghur Editor for Publishing Veiled Dissent, November 10, 2005.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ PBS Frontline, *China-Silenced*, January 11, 2005.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Uyghur Radio Worker Sacked, Detained, *Radio Free Asia*, September 8, 2008.

The establishment of “Xinjiang classes” in 12 Chinese cities in 1997 provided a new model for compulsory Chinese language education and the marginalization of Uyghur language. “Xinjiang classes” remove top minority students in East Turkestan from their cultural environment and enroll them in classes with Chinese language instruction in high schools in large inland Chinese cities.⁶⁰

XUAR Party Secretary, Wang Lequan, confirmed that “political thought training”, not academic preparation, was the chief goal of these “Xinjiang classes”.⁶¹ Officials view training in Chinese as a way to “deepen national feelings” and “strengthen correct political attitudes” as part of a “long term important strategic policy decision... to protect the unity of the motherland and safeguard the nation’s long and peaceful order”.⁶²

In some of these schools speaking Uyghur is prohibited, even in student dormitories, where pupils are watched by an on-site monitor.⁶³ Children from one “Xinjiang class” in Qingdao were forbidden to communicate in Uyghur, even when visited by an officially approved ethnic Uyghur journalist.⁶⁴ By 2006, “Xinjiang classes” had been expanded from 12 to 26 Chinese cities and had a total enrollment of over ten thousand students.⁶⁵

Another PRC policy recruits young Uyghur women from majority Uyghur areas of East Turkestan and transfers them to work in factories in urban areas of eastern China. The PRC transfer policy targets marriage-aged women between the ages of 16 to 25 and focuses on southern East Turkestan, a majority Uyghur area that remains a center of traditional Uyghur culture and where the percentage of inhabitants who are Uyghur is presently the highest in the PRC. Under the policy, thousands of Uyghur women have been removed from their families and placed into substandard working conditions thousands of miles from their homes.

Many Uyghurs view the policy as part of a strategy to dilute the Uyghur culture and identity by preventing young Uyghur women from marrying Uyghur men and bearing children at the age at which they traditionally do. Observers have also questioned why authorities in the areas from which these women were transferred have made no parallel attempt to provide the women with employment opportunities or vocational training in East Turkestan itself.

⁶⁰ Su Jiaoji, Circular on the ‘Summary of the Meeting on Provincial Inland Xinjiang High School Classes’, *Jiangsu Department of Education*, June 6, 2006. [苏教基,《全省内地新疆高中班教育工作座谈会会议纪要》的通知,江苏省教育厅文件,2006-6-6].

⁶¹ The Chief Task of Inland Xinjiang High School Classes is Ideological Political Training, *Online International*, June 24, 2005 [思想政治教育是内地新疆高中班的首要任务,国际在线 2005-6-24].

⁶² Su Jiaoji, Circular on the ‘Summary of the Meeting on Provincial Inland Xinjiang High School Classes’, *Jiangsu Department of Education*, June 6, 2006. [苏教基,《全省内地新疆高中班教育工作座谈会会议纪要》的通知,江苏省教育厅文件,2006-6-6].

⁶³ Uyghur Human Rights Project interview with Radio Free Asia reporter, May 18, 2007.

⁶⁴ *Ibid.*

⁶⁵ Xinjiang Will Have 5000 Students Attend Inland High Schools This Year, *Xinjiang Daily Net*, February 14, 2007 [新疆今年将有5000学生赴内地高中就学,新疆日报网,2007-2-14].

Local officials are under great pressure from higher levels of the PRC government to enforce the transfer policy. Awut Teyip, the head of Number Nine Village in Yarkand county, indicated that the policy originated in Beijing, saying of his efforts to recruit young women from his village, “Our job is to follow central directives without asking any questions.”⁶⁶ Many officials were told they would be removed from their posts if they refused to recruit women for the program.⁶⁷ As a result, PRC leaders have used deception, pressure, and threats in the process of recruiting the young women for transfer.

Opposition to the program is not tolerated. In April 2007, at a government conference that brought officials involved in the program together, Shi Dagang, Communist Party Secretary of Kashgar Prefecture, stated, “Transferring the rural labor force is an all-inclusive and major directional policy, closely tied to the future development of our region.... Whoever obstructs the Uyghur public from working in the exterior will become the criminal of Kashgar and the criminal of the Uyghur people.”⁶⁸

Kashgar Prefecture is currently the focus of substantial “re-development,” and has recently been linked to the regional capital, Urumchi, by a train connection that has brought thousands of Han Chinese migrants to the area. As the percentage of Uyghurs in East Turkestan’s population decreases annually, it becomes less characteristically Uyghur. While much of this dynamic is facilitated by the in-migration of Han Chinese, the transfer of large numbers of young Uyghur women of child-bearing age out of the region exacerbates the process considerably. At present, local and central government authorities in the PRC continue to aggressively implement this transfer policy, despite Uyghur resistance to, and resentment of, the program.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

⁶⁶ Revealed Secrets: Real Stories of Uyghur Girls Forced to go to Chinese Provinces—Part I and II, *Radio Free Asia*, June 21 and 22, 2007.

⁶⁷ *Ibid.*

⁶⁸ Kashgar Prefecture Economic News Center, *Xinjiang Kashgar Speeches at the Tianjin Labor Leading Cadres Symposium (Excerpts)*, April 17, 2007. [喀什地区经济信息中心, 新疆喀什在津务工领队干部座谈会上的发言(节选), 4-17-2007], available at <http://www.kashi.gov.cn/Article/200704/2026.htm>

As described in Article 7, young Uyghurs are transferred out of East Turkestan to eastern China, depriving them of opportunities to learn their own language and practice their own cultural traditions. These policies are consistent with policies currently being implemented in East Turkestan's educational system that remove Uyghur language instruction and replace it with monolingual, Chinese-language instruction (see Article 14 for more on this policy.)

While the PRC's Ethnic Regional Autonomy Law guarantees many freedoms to Uyghurs and other "minorities", including the freedom to develop their own languages, religions, and cultures, the failure to implement this law has deprived Uyghurs of their legal rights and freedoms and has left them without effective mechanisms to address ethnic and cultural grievances.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Current PRC policies in East Turkestan are designed to forcibly assimilate Uyghurs. PRC policies are removing Uyghur language from the public sphere, including the schools, official government meetings, and print media, all of which is meant to assimilate Uyghurs. Uyghur religion, a moderate form of Sunni Islam that is a vital part of their ethnic identity, has been fiercely suppressed.⁶⁹ Many Uyghur traditions, such as the *meshrep*, an important gathering of young men, are viewed with suspicion by the government and have been made illegal in some areas. Study of Uyghur history and culture is tightly controlled by the state.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

As noted in Article 7 Part 2, the PRC government has enacted policies that relocate Uyghurs from East Turkestan to eastern and central China.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the

⁶⁹ Human Rights Watch and Human Rights in China, *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, Human Rights Watch, Vol. 17, No. 2, April 2005. One researcher who was present as a Han Party leader, speaking to a group of minority researchers, stated that "the 'international scholarly community' had concluded that Islam has had no cultural influence in East Turkestan, and that Islam is not relevant to any conceptualization of 'Xinjiang culture' or of local 'minority culture' (*minzu wenhua*)" see Jay Todd Dautcher, *Folklore and Identity in a Uighur Community in 1990's Xinjiang*, Ph.D. diss., University of California, Berkeley, 1999, p.65.

past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

As noted in Article 8, traditional Uyghur cultural practices are outlawed or tightly controlled by the PRC government. It is noteworthy that archeological sites in East Turkestan are controlled by the Chinese government or tourist companies and publicized by their Chinese names. Local maps are printed only in Chinese and not available in Uyghur and ignore important landmarks for Uyghurs such as non-tourist mosques. Old Uyghur names for geography and locations have been replaced with Chinese names.⁷⁰

A linguist who has studied the political use of language in East Turkestan noted, “The official use of sinicized toponyms in minority areas (e.g., *Tacheng* for *Chöchäk*, *Kashi* for *Kashgar*) reinforces the impression that minority languages are being deliberately eradicated, although such toponyms are simply an aspect of a unified national policy rendering all official nomenclature in Mandarin.”⁷¹

Government authorities have also rebuilt Uyghur mosques and shrines (known in Uyghur as “mazar”) in order to strengthen the CCP’s claim that Uyghurs are and have always been under Chinese rule. Religious sites revered by the Uyghur people, such as the tomb of Tomur Heliye, who led a fight against the regime of General Yang Zengxin in 1910, are left to crumble, while such sites as the tombs of Mahmud Kashgari, the renowned 11th century linguist who wrote the famous *Turki Tillar Divani* (Turkish Languages Dictionary) and Yusup Has Hajip, a Uyghur poet and scholar from the 11th century, are revitalized and repackaged as patriotic tourist attractions.

As mentioned above, Uyghur writers such as Nurmemet Yasin are penalized for publishing works suggesting a cultural or historical narrative at odds with the official version of history. Uyghur historians and scholars have also been punished for conducting research into historical issues deemed sensitive by the authorities. Uyghur historian Tohti Tunyaz was arrested in 1999 while on a research trip for his doctorate in Uyghur history and ethnic relations. Tunyaz was sentenced to 11 years in prison for allegedly “illegally acquiring state secrets”, “inciting national disunity” and authoring a seditious book- although there is no evidence that he ever wrote or published such a book.

⁷⁰ Jay Todd Dautcher, *Folklore and Identity in a Uighur Community in 1990’s Xinjiang*, Ph.D. diss., University of California, Berkeley, 1999, pp. 67-68.

⁷¹ Arienne Dwyer, *The Xinjiang Conflict: Uyghur Identity, Language Policy, and Political Discourse*, Washington: The East-West Center, 2005.

Part III: Culture, Religion and Language (Articles 12-14)

Article 12

- 1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.*
- 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.*

The PRC places tight constraints on freedom of religion. The situation in East Turkestan is particularly controlled, and restrictions on Islam undermine Uyghur identity, as the practice of Islam is a fundamental part of Uyghur culture and life. Imams are required to attend annual “political education” classes to ensure that they “stand on the side of government firmly and express their viewpoints unambiguously”; only officially approved versions of the Koran and other religious texts are permitted, with all non-approved religious texts treated as “illegal publications” liable to confiscation and criminal charges against whoever was found in possession of them; any outward expression of faith in government workplaces, such as men wearing beards or women wearing headscarves, is forbidden; no one under the age of 18 can enter a mosque; university and school students are forbidden from praying on campus, even in their dormitories; and students are prohibited from fasting during Ramadan.⁷²

According to a detailed report on religion in East Turkestan published by Human Rights Watch:

*At its most extreme, peaceful activists who practice their religion in a manner deemed unacceptable by state authorities or Chinese Communist Party (CCP) officials are arrested, tortured, and at times executed... independent religious activity or dissent is at times arbitrarily equated with a breach of state security, a serious crime in China and one that is frequently prosecuted.*⁷³

During the Ramadan period in 2008, local government officials throughout East Turkestan issued restrictions on Muslim religious practices, posted on government websites. Students, government employees and Communist Party members were not permitted to fast during Ramadan in 2008 or to attend mosques in general. Restaurants were also forced to open during fasting hours. The restrictions also included the shaving of beards for men and the removal of veils for women, the playing of any audio-visual tapes, loudspeaker announcements and religious drum rituals “that could disrupt the

⁷² See UHRP, Uyghurs and Human Rights: the 50th Anniversary of the Xinjiang Uyghur Autonomous Region, September 29, 2005.

⁷³ Human Rights Watch, Devastating Blows: Religious Repression of Uighurs in Xinjiang, April 2005.

Ramadan festival”.⁷⁴ Observers noted that these measures were both more explicit and more intrusive than in previous years.



According to the Shaya County government website, the county government stepped up patrols around mosques and urged top officials to remain vigilant around the clock for any incidents that could result in social instability. The county’s website stated that “the handing out of religious propaganda in public places by any work unit or individual is banned,” and “we must strictly prohibit the playing of any audio-visual tapes, loud speaker announcements and religious drum rituals that could disrupt the Ramadan festival.”⁷⁵

In late March 2008, hundreds of Uyghur women in Khotan demonstrated in the center of the city, reportedly in protest against restrictions on certain religious practices, as well as the death of a local businessman and philanthropist in police custody. However, government officials said that “Islamic separatist groups” had staged the protests.⁷⁶ A statement posted on the Khotan government website in early April stated that “A small number of elements tried to incite splittism, create disturbances in the market place and even trick the masses into an uprising.”

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the

⁷⁴ AFP, *China imposes Ramadan security crackdown in Muslim northwest*, September 4, 2008; The Guardian, *China officials tighten restrictions on Muslim practices*, September 9, 2008.

⁷⁵ AFP, *China imposes Ramadan security crackdown in Muslim northwest*, September 4, 2008.

⁷⁶ New York Times, *China discloses protest in Muslim region*, April 2, 2008.

provision of interpretation or by other appropriate means.

Present PRC policies do not allow for the free study and transmission of Uyghur histories, languages, oral traditions, philosophies, writing systems or literatures. All of these are controlled by the government, and individuals who do not follow the government's lead in these areas are punished.

According to a Human Rights Watch report, "In January 2002, pressure to follow the official ideological line was explicitly extended to include artists, writers, performers, and historians, among others, when Abulahat Abdurishit, the region's chairman, made clear that 'all who openly advocate separatism using the name of art' would be purged." Since that time, official government sources have indicated that "the 'struggle against separatism' is wide-ranging and encompasses all potential dissent and opposition activities, including the peaceful expression of views via poems, songs, books, pamphlets, letters, or the Internet."⁷⁷ As a result of this campaign, many Uyghur writers have been arrested and given lengthy prison sentences.

In 2002, East Turkestan officials closed down 52 out of 118 state-controlled publications due to the "sensitive nature of their content," following the announced crackdown. In June 2002, Kashgar authorities conducted a massive public book burning, during which "tens of thousands" of books were reportedly destroyed. The Kashgar Daily reported that the Kashgar Uyghur Publishing House also censored more than 330 books and stopped the publication of other books viewed as sensitive. According to eyewitness accounts, books collected from a local high school were dumped in a pile and burned.⁷⁸

Article 14

- 1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.*
- 2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.*
- 3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.*

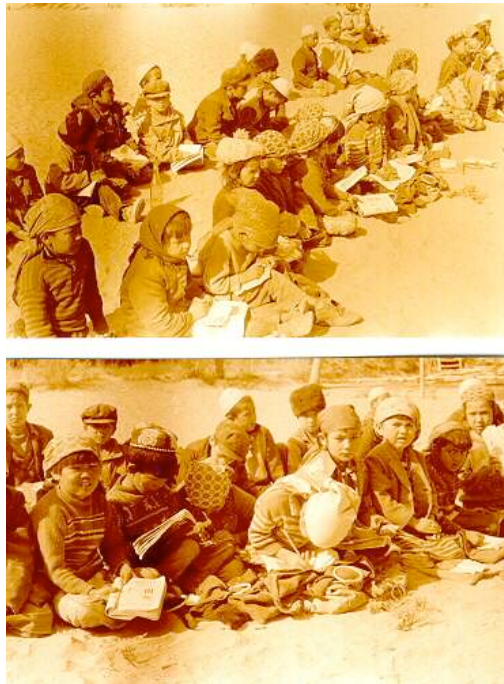
In the past decade, and with increasing intensity since 2002, the PRC has pursued assimilationist policies aimed at removing Uyghur as a language of instruction in East Turkestan, implementing a monolingual Chinese language education system that undermines the linguistic basis of Uyghur culture. The new education imperative is

⁷⁷ Amnesty International, *PRC: China's Anti-terrorism Legislation and Repression in the XUAR*, March 22, 2002.

⁷⁸ Nicolas Becquelin, "Criminalizing Ethnicity: Political Repression in Xinjiang", *China Rights Forum*, No. 1 (2004): 43-45.

designed to transition indigenous students from education in their mother tongue to education in Chinese. The policy marks a dramatic shift away from more egalitarian past policies that provided choice for Uyghur parents in their children's languages of instruction.⁷⁹ Over the past five years, government efforts at eliminating Uyghur language schools have accelerated dramatically as compulsory Chinese language education has been expanded at every educational level and every township in East Turkestan. The ultimate goal of "bilingual" education appears to be to replace Uyghur language instruction with Chinese language instruction in all areas of East Turkestan.

Since 2002, with the exception of Uyghur languages and literature, classes at Xinjiang University have been taught solely in Chinese, virtually removing Uyghur as a language of instruction at the region's most prestigious university.⁸⁰ Local governments have committed to eliminating Uyghur language instruction, even in areas with large majority Uyghur populations. A document released by the Regional Bureau of Education in Khotan, where more than 90% of the population is Uyghur, announced that all classes under its jurisdiction would be taught in Chinese within five years.⁸¹ In Artush, a city in which 80% of the population is Uyghur, all classes will be taught in Chinese by 2012.⁸² In 2005, the "bilingual" education push was expanded into East Turkestan's preschools.⁸³



⁷⁹ See UHRP, *Uyghur Language Under Attack: The Myth of "Bilingual" Education in the People's Republic of China*, July 24, 2007.

⁸⁰ Xinhua, *PRC Official: Xinjiang University to Teach Major Subjects in Chinese*, Friday, June 7, 2002.

⁸¹ Eric T. Schluessel. 2007. "'Bilingual' education and discontent in Xinjiang", *Central Asian Survey* (June 2007) 26(2), 1-27.

⁸² Artush Excited by Chinese Language Studying Fever, *Xinjiang Daily Net*, July 11, 2006. [阿图什兴起学汉语热, 新疆日报网, 2006-7-11].

⁸³ Xinjiang Implementing Bilingual Education for Preschool Next Year, *Guangming Daily*, December 12, 2005 [新疆明年全面实施学前双语教育, 光明日报, 2005-12-9].

At least one official newspaper reported that the number of students in “bilingual education classes” in East Turkestan grew from 5,533 students in 1995 to 294,000 in 2007, and the number of schools offering “bilingual classes” grew from 220 in 1995 to 8,788 in 2007.⁸⁴ The same newspaper reported that within the next five years, the state would provide free training to 11,264 bilingual pre-school teachers, and within the next six years, the XUAR would recruit 15,600 teachers to supplement the current pool of bilingual primary school teachers.⁸⁵ These teachers will almost certainly be drawn from the Han Chinese population.

“Bilingual” education has been supported through heavy government investment. Remarks by Xinjiang Party Secretary Wang Lequan at the National Party Congress in March 2008 indicate that provincial authorities, with the support of the central government, plan to invest 3.7 billion yuan in order to implement “bilingual” education programs in 85% of the region’s kindergartens in the next three to five years.⁸⁶ Authorities have committed 430 million RMB to establish 1,009 Chinese language preschools within the next five years, with the goal of having 258,000 minority preschoolers enrolled in these types of schools by 2010.⁸⁷ Parents of Uyghur preschool students in southern East Turkestan’s rural prefectures who send their children to Chinese language schools receive a per diem subsidy.⁸⁸ This subsidy is not available for the parents of children in Uyghur language schools. Maralbeshi (Bachu) county has allotted 150,000 RMB for every township to establish bilingual preschools.⁸⁹ Bashkeram, where 95 percent of the population is Uyghur, recently spent 430,000 yuan to establish a school in which Chinese is the only mode of instruction and speaking Uyghur on school grounds is forbidden.⁹⁰

School mergers have also resulted in greatly reduced availability of Uyghur language education. This process began in 2004, with the announced merger of 50 Uyghur and Chinese language schools and the directive that in these schools “teaching should be conducted in Chinese language as much as possible”.⁹¹ As a result, Uyghur schools are being merged out of existence all over East Turkestan. For example, in the industrial city of Maytagh (Dushanzi), out of five Uyghur language elementary schools and one secondary school in the 1980s, only one Uyghur language elementary school remains.⁹²

⁸⁴ The Robust Development of Bilingual Education [蓬勃发展的双语教育, 天山网, 2008-10-09], *Tianshan Net*, October 9, 2008.

⁸⁵ *Ibid.*

⁸⁶ Wang Lequan: Emphasizing the Foundations of Education to Bring About Long-Term Peace and Stability, China News Net, March 7, 2008 [王乐泉：重视基础教育 实现长治久安, 中国新闻网, 2008-3-7].

⁸⁷ Xinjiang’s Bilingual Education Starts with Children, *People’s Daily Overseas Edition*, October 10, 2006 [新疆“双语”教育从娃娃抓起, 人民日报海外版, 2006-10-12].

⁸⁸ China: Mandarin Introduced in Uygur Nursery Schools, *South China Morning Post*, February 2, 2006.

⁸⁹ Bachu Popularizes Rural Bilingual Education Preschools, *Xinjiang Daily*, April 13, 2007 [巴楚普及农村学前“双语”教育 新疆日报 2007-04-13].

⁹⁰ Kazuto Tsukamoto, Bilingual Education Spreads Chinese to Ethnic Minorities, *The Asahi Shimbun*, March 2, 2006.

⁹¹ China Imposes Chinese Language on Uyghur Schools, *Radio Free Asia*, March 16, 2004.

⁹² Uyghur Human Rights Project interview with Uyghur Teacher, May 23, 2007.

In Shihezi, East Turkestan's second largest city, school mergers have resulted in the elimination of Uyghur language instruction entirely.⁹³

As the Han population has increased, Han individuals have also received a greater share of the economic benefits from East Turkestan's growth, including economic and employment opportunities not available to Uyghurs.⁹⁴ While the Chinese government asserts that "bilingual education" will provide ethnic Uyghurs with the Mandarin language skills necessary to succeed in China's competitive job market, many Uyghur graduates who are fluent in Mandarin Chinese report facing employment challenges due to rampant ethnic discrimination among employers. As one former Uyghur teacher recalled, when he traveled with his Chinese-speaking Uyghur students to job fairs, they observed signs flatly stating 'we don't want minority people'.⁹⁵

Part IV: Education, Media and Employment (Articles 15-18)

Article 15

- 1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.*
- 2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.*

Article 16

- 1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.*
- 2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.*

There is very limited press freedom in the PRC. While Beijing has relaxed control over journalists in some areas, information in East Turkestan is still very strictly controlled. Uyghur language newspapers, television reports and textbooks are almost all direct translations of Chinese language materials and are carefully vetted by a publications committee to make sure they adhere to the government viewpoint.⁹⁶ A government body, informally referred to as 'language police,' monitor public forums, including classes on

⁹³ *Ibid.*

⁹⁴ See Bruce Gilley, Uyghurs Need Not Apply. *Far Eastern Economic Review*, August 23, 2001.

⁹⁵ *Ibid.*

⁹⁶ Arienne Dwyer, *The Xinjiang Conflict: Uyghur Identity, Language Policy, and Political Discourse*, Washington: The East-West Center, 2005.

Uyghur literature and poetry.⁹⁷ As a result the cultures, traditions, histories and aspirations of the Uyghurs are not reflected in education and public information and the state-owned media does not reflect indigenous cultural diversity.

Although the PRC government established Uyghur-language television and radio stations and allows the publication of Uyghur-language newspapers and periodicals, state control of these news outlets ensures that they only serve to transmit and solidify the government's views and policies. The Chinese government appears to use the state-controlled media not to encourage the freedom of expression, but to reach and to sway the Uyghur population for its own interests.

In December 2008, a British journalist reporting from the PRC wrote that hundreds of newspaper stands had vanished “overnight” from three central areas in Urumchi, leaving only one news stand in the center of town.⁹⁸ Officials claimed the move was motivated by a need for more efficient newspaper stands that are not illegally subcontracted, but the measure leaves room for speculation that suppression of the media was among the real motives.

Article 17

- 1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.*
- 2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.*
- 3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.*

Very high levels of unemployment exist for East Turkestan's Uyghur population, with some estimates at 15% or higher.⁹⁹ According to the World Bank, the region's average rural income is “substantially below the national rural average.” The majority of East Turkestan's Uyghurs live in rural areas. Despite this, the PRC government supports the influx of huge numbers of Han Chinese economic migrants. In 2008 alone, nearly a million workers from other provinces were brought in to East Turkestan to pick cotton.¹⁰⁰ In 2006, more than 500,000 farmers from Gansu Province participated in a government-sponsored transfer, many earning more in ten weeks picking cotton than a Uyghur farmer

⁹⁷ *Ibid.*

⁹⁸ The Telegraph (UK), *Newspapers vanish from Xinjiang*, December 4, 2008.

⁹⁹ Tyler, Christian, *Wild West China: The Taming of Xinjiang*, New Jersey: Rutgers University Press, 2004, p. 219.

¹⁰⁰ Jinrong Jie (Economic World), *Nearly a million workers enter Xinjiang to pick cotton, creating a multi-billion yuan harvest over 70 days*, November 4, 2008. [近百万劳动力入疆采棉 往返70天创造数十亿收, 2008-11-04], available at <http://futures.jrj.com.cn/2008/11/0414022551419-2.shtml>.

earns in an entire year.¹⁰¹ In order to facilitate this type of huge population transfer, PRC leaders recruit workers from rural areas, organize special trains, provide stipends, print informational brochures, and give logistical support at sending and receiving train stations.¹⁰² With this huge influx of migrants, the Uyghur language is being pushed out of the public sphere, Han businesses are replacing Uyghur shops, and, in only a few decades, PRC-style development has completely altered the layout of Uyghur urban centers that evolved over centuries.

Radio Free Asia (RFA) reported on September 7, 2005 that Uyghurs were paid around 20 percent less for picking the same amount of cotton as Han workers. A Chinese official in East Turkestan contacted by RFA stated that Uyghurs were paid around half the sum Han workers were paid for the same work. In addition, the official confirmed that Uyghurs were required to pay for their own transport, food and accommodation, whereas these services were provided free of charge to Han workers.¹⁰³



Children as young as eight years old, according to the official Chinese press in East Turkestan, are required to pick cotton during the autumn harvest. According to a report on September 16, 2005, monitored by RFA, the regional education department described the deployment of schoolchildren to pick cotton in nearby farms as a form of “part work,

¹⁰¹ Xinhua Net, *Gansu and the Xinjiang Production and Construction Corps Formalize a Contract to Transport More than Five Hundred Thousand People to Pick Cotton*, June 8, 2007. [新华网, 甘肃与新疆建设兵团正式签约输送50余万拾棉工, 2007-06-08], available at http://xjds.gov.cn/News_Show2.asp?NewsID=5047

¹⁰² *Ibid.*

¹⁰³ Radio Free Asia, Uyghur Language Service, September 7, 2005, Uyghur-language reporting available at www.rfa.org/uyghur/. For a selection of RFA’s Uyghur-language service reports translated into English, see: www.rfa.org/english/uyghur/.

part study,”¹⁰⁴ which, according to RFA’s sources, is mandated by the central Chinese government in Beijing.¹⁰⁵

Economic opportunities in East Turkestan overwhelmingly benefit Han Chinese. A study of the 2000 census found that “there is a very strong correlation between areas of Han majority and high per capita income” and that this finding “is not just a correlative relationship, but a causal one.”¹⁰⁶ The 1995 industrial census showed that just 2 of 191 managers of large and medium sized businesses in Xinjiang were minorities and that only around 11 percent of these businesses were located in areas with a majority of ethnic minorities.¹⁰⁷ Civil service hiring has been shown to be biased against Uyghurs, with the majority of opportunities reserved for Han Chinese.¹⁰⁸ In other employment areas, such as “professional and technical” jobs, minority employment figures have shown only modest increases, despite East Turkestan’s high rate of economic growth.¹⁰⁹

Part V: Participation and Development (Articles 18-24)

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

¹⁰⁴ Autonomous Region Department of Education: picking cotton is just another type of part work, part study [自治区教育厅：拾棉花只是勤工俭学的一种方式], Tianshan Net, September 16, 2005, available at www.tianshannet.com.cn, accessed on September 16, 2005.

¹⁰⁵ *Xinjiang children forced to work in cotton fields*, RFA, September 24, 2005, available at www.rfa.org, accessed on September 24, 2005. See also UHRP, Uyghurs and Human Rights: the 50th Anniversary of the Xinjiang Uyghur Autonomous Region, September 29, 2005 pp. 29-30.

¹⁰⁶ David Bachman, “Making Xinjiang Safe for the Han?: Contradictions and Ironies of Chinese Governance in China’s Northwest,” in *Governing China’s Multiethnic Frontiers*, ed. Morris Rossabi (Seattle: University of Washington Press, 2004).

¹⁰⁷ *Ibid.*

¹⁰⁸ Congressional-Executive Commission on China, *Xinjiang Government Says Ethnic Han Chinese Will Get 500 of 700 New Civil Service Appointments*, April 7, 2005.

¹⁰⁹ Linda Benson, “Education and Social Mobility,” in *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004): 190-215.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

As noted with regard to Articles 3, 4, and 5 above, this article of the Declaration is thoroughly violated by the PRC in East Turkestan. Uyghurs are not consulted before the consideration or implementation of legislative or administrative measures that may affect them.

Uyghur officials in the XUAR are widely viewed as figureheads who possess no real decision-making authority. Uyghurs generally view Uyghur officials as representatives of the PRC government's interests and not the interests of the Uyghur people. One example that is reflective of Uyghur officials' lack of real authority is the fact that the XUAR Communist Party Secretary position is held by Wang Lequan, a Han Chinese, and the less-powerful position of XUAR Chairman is held by Nur Bakri, a Uyghur. Official references to Wang's remarks and decisions make it clear that he holds a much greater degree of authority than Nur Bakri.

UHRP has received numerous reports from East Turkestan of people being required by local governments to work on infrastructure projects such as roads or irrigation ditches, sometimes in lieu of taxes, but also when taxes have already been paid for the projects. In July 2005, a Chinese official confirmed that Uyghurs worked on public infrastructures without remuneration in his local jurisdiction, but was unable to explain why people were still expected to pay the relevant taxes.¹¹⁰ The government has also forced many Uyghurs in rural areas to pursue a cash crop, cotton, rather than other forms of agriculture that are better suited to local conditions.¹¹¹ However, half of China's cotton crop from the fall 2008 harvest could not be sold, due to over-production.¹¹²

As noted above, a form of traditional Uyghur gathering known as "meshrep" has been widely banned throughout East Turkestan. Prior to the restrictions on meshrep in the late 1990s, the gatherings had been very successful at addressing problems that many people thought government authorities had ignored, such as alcohol and drug abuse among Uyghur youth. The Uyghur community also organized a soccer league with 16 teams, regarded as a welcome diversion from concerns over high unemployment among young Uyghurs, as well as being a good form of exercise for people keen to come off alcohol and drugs.

However, government authorities banned meshrep in Ghulja, reportedly because of the success they had in mobilizing young people amid concerns of Uyghur nationalism and

¹¹⁰ See Uyghur Human Rights Project, *Uyghurs and Human Rights: The 50th Anniversary of the Xinjiang Uyghur Autonomous Region*, September 29, 2005.

¹¹¹ David Bachman, "Making Xinjiang Safe for the Han?: Contradictions and Ironies of Chinese Governance in China's Northwest," in *Governing China's Multiethnic Frontiers*, ed. Morris Rossabi (Seattle: University of Washington Press, 2004).

¹¹² Gov.cn, *Half harvest remains unsold in China major cotton producing region*, November 6, 2008, available at http://www.gov.cn/english/2008-11/06/content_1141686.htm.

‘separatism’; soon after, and just before a soccer tournament was due to begin, the authorities parked tanks on the soccer fields in Ghulja, claiming the space was needed for military exercises, and broadcast regular radio programs saying that the games would have been “illegal gatherings”. The banning of meshrep was among the grievances protested by Uyghurs who demonstrated peacefully in February 1997, leading to the Ghulja Massacre.¹¹³

Article 21

- 1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.*
- 2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.*

As noted with regard to Article 14 above, this article of the Declaration is thoroughly violated by the PRC in East Turkestan.

Employment and housing discrimination targeted at Uyghurs has only worsened as increasing numbers of Han migrants have flowed into East Turkestan, and as oil and mineral wealth has continued to be discovered and exploited.

Uyghurs living in East Turkestan have much shorter life expectancy rates and higher infant mortality rates than Han Chinese living in the Autonomous Region.¹¹⁴ HIV/AIDS and intravenous drug use have emerged as serious problems in Uyghur communities. As of 2006, East Turkestan was believed to have one-tenth of China’s AIDS cases and the highest HIV infection rate in the country.¹¹⁵ Uyghurs and other non-Han ethnic groups are disproportionately affected by the AIDS crisis. Many experts have noted the PRC’s lack of response to these issues.¹¹⁶

As is the case with income inequality throughout the PRC, rural dwellers in China suffer disproportionately from inadequate health care compared to people living in urban areas, and since Uyghurs predominantly live in rural areas, they experience, on the whole, a level of health care that is much lower in quality than the Han Chinese who dominate urban areas of East Turkestan. In addition, a law requiring medical students to be fluent in Mandarin Chinese curtails the medical aspirations of would-be ethnic Uyghur physicians, leading to a smaller proportion of Uyghur doctors who can serve the rural

¹¹³ For more information on the Ghulja Massacre, please see: *Remember the Gulja massacre? China’s crackdown on peaceful protesters*, Amnesty International, February 1, 2007, available at: <http://www.amnesty.org/en/library/info/ASA17/002/2007/en>.

¹¹⁴ Jay Dautcher, “Public Health and Social Pathologies in Xinjiang,” in *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004)

¹¹⁵ New York Times, *China’s Muslims Awake to Nexus of Needles and AIDS*, November 12, 2006.

¹¹⁶ *Ibid.* and Justin Rudelson and William Jankowiak, “Acculturation and Resistance: Xinjiang Identities in Flux,” *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004)

Uyghur population.¹¹⁷ In contrast, ethnic Han medical school graduates tend to gain employment in wealthier, Han-dominated areas of the region.¹¹⁸ Medical facilities in rural areas of East Turkestan are often unregistered medical clinics that, due to a lack of resources and qualified personnel, fail to meet even the most basic standards of hygiene.

At least one scholar has noted that Uyghurs applying for visas to study abroad in 2002 and 2004 were carefully screened, including checks on their political and religious backgrounds.¹¹⁹ While some Han Chinese individuals applying to study outside of the PRC may also be subjected to background checks, this type of targeted scrutiny of Uyghurs, coupled with the increasing difficulty Uyghurs face in obtaining passports¹²⁰ and traveling to or residing in other parts of the PRC (see text in Article 2 for a description of discriminatory policy against Uyghurs and Tibetans attempting to stay in hotels and guesthouses in Beijing), indicates active challenges from the PRC government to the domestic and international mobility of Uyghurs.



Article 22

- 1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.*
- 2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.*

¹¹⁷ Central Asia-Caucasus Institute Analyst, *HEALTH IN XINJIANG*, August 1, 2001, available at <http://www.cacianalyst.org/?q=node/451>.

¹¹⁸ *Ibid.*

¹¹⁹ Finley, Joanne Smith, "Chinese Oppression in Xinjiang, Middle Eastern Conflicts and Global Islamic Solidarities among the Uyghurs" (Journal of Contemporary China, 16:53, 627 — 654, November 1, 2007).

¹²⁰ For discussion of this, see *Authorities Increase Repression in Xinjiang in Lead-up to and During Olympics*, Congressional-Executive Commission on China: Human Rights and Rule of Law - News and Analysis, at: <http://www.cecc.gov/pages/virtualAcad/index.phpd>, accessed November 6, 2008.

As noted with regard to Article 7 Part 2 and Article 17 above, this article of the Declaration is thoroughly violated by the PRC in East Turkestan.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

According to a scholar who undertook an economic analysis of the PRC government's role in East Turkestan:

“the central and regional governments appear to be pursuing a classic policy of economic imperialism, or internal colonialism, in the XUAR. The region is deeply dependent on the center for capital. This capital is used to invest in raw material excavation and exploitation. The center's role in industrial ownership is also extensive. Investment is concentrated in heavy industrial, raw material sectors.”¹²¹

The implementation of the Western Development campaign, as described earlier in the report, clearly exemplifies an area in which Uyghurs are not allowed to actively participate in economic and social programs that affect them. While one of the campaign's stated goals is that of raising income levels and stimulating East Turkestan's economy, the vast majority of those who have benefitted economically from the campaign are Han Chinese and not Uyghurs. Uyghurs are very rarely hired in the industries participating in the campaign's economic boom, and the benefits of oil and infrastructure projects launched under the rubric of the campaign largely bypass the Uyghur people, while extracting the natural resources abundant in the region.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

As noted with regard to Article 21 above, this article of the Declaration is thoroughly violated by the PRC in East Turkestan.

¹²¹ Bachman, David, “Making Xinjiang Safe for the Han?: Contradictions and Ironies of Chinese Governance in China's Northwest,” in *Governing China's Multiethnic Frontiers*, ed. Morris Rossabi (Seattle: University of Washington Press, 2004).

Part VI: Land and Resources (Articles 25-30)

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

- 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
- 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
- 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*

In China's Regional Ethnic Autonomy Law, which was passed by the National People's Congress and became effective October 1, 1984, Article 65 refers specifically to economic benefits from the exploitation of natural resources to be given to "minority nationalities" residing in the areas from which these resources are extracted. While somewhat vague in that this article lacks a guideline for what amount or proportion of wealth should be given to "minorities," it does offer guarantees that the state should provide them with a portion of the wealth gleaned from natural resources in autonomous areas.



In the Uyghur case, the allocation of financial benefits resulting from the exploitation of the XUAR's natural resources clearly violates Articles 26, 27 and 28 of the UNDRIP and China's own Regional Ethnic Autonomy Law. As mentioned above, the central government controls the vast majority of East Turkestan's GDP via state-owned enterprises that extract resources from the region for use in eastern China, without providing benefits to local Uyghurs.

The nearly 140 billion barrels of oil reserves and 11 trillion cubic meters of gas in East Turkestan help to make the region one of the main sources of energy for the PRC.¹²² In addition, pipelines running through East Turkestan transport oil and gas from Russia and Central Asian nations, which help fuel growth in the metropolises on China's eastern seaboard.¹²³ According to residents in the city of Korla, a major center for oil production, no Uyghurs are given management positions in the local oil industry.¹²⁴ This is consistent with other reports citing a lack of Uyghur representation in upper-level positions in the oil industry throughout East Turkestan, as well as a corresponding economic marginalization of Uyghurs in a job market heavily skewed toward Han Chinese.¹²⁵

Annual natural gas production in the Tarim Basin increased 20 times between 2000 and 2007, but the vast majority of the profits from this production have benefited the eastern part of the PRC.¹²⁶ In 2005, the provincial government of East Turkestan was only given 240 million yuan out of the 14.8 billion yuan of tax revenue from the oil industry.¹²⁷ This revenue was not provided to local Uyghurs.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or

¹²² The Telegraph (UK), *China extends influence into Central Asia*, October 18, 2008.

¹²³ *Ibid.*

¹²⁴ Financial Times (UK), *Xinjiang oil boom fuels Uighur resentment*, August 29, 2008.

¹²⁵ See, for example, Gardner Bovington, *Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent*, East-West Center, 2004, p. 37 and p. 39; and BBC News, *China's Uighurs lose out to development*, December 19, 2003.

¹²⁶ Financial Times (UK), *Xinjiang oil boom fuels Uighur resentment*, August 29, 2008; The Telegraph (UK), *China extends influence into Central Asia*, October 18, 2008.

¹²⁷ *Ibid.*; The Telegraph (UK), *China extends influence into Central Asia*, October 18, 2008.

damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Uyghurs self-identify as *yarlik* or “of this land.” This term is used to identify Uyghurs and to distinguish them from the other ethnic groups that entered the region at a later date, including the Han Chinese and the Muslim Chinese known as the Hui.¹²⁸ Uyghurs traditionally closely identified with the oases in which they lived, calling themselves “Turpan-person” or “Hotan-person.”

In 2004, hundreds of Uyghur farmers protested in front of government offices over government plans to evict them from their farmlands for the construction of a reservoir and hydropower station.¹²⁹ Officials planned to remove about 18,000 farmers, forestry workers and herders to make way for the reservoir, and demonstrators said they had only received 880 yuan out of the 38,000 yuan promised to them. Police reportedly arrested at least 16 of the protestors.



In East Turkestan, Beijing seeks resources in places where sedentary Uyghurs are historically and culturally situated. For instance, in cities like Korla, well-known as an

¹²⁸ Dauchter p.62

¹²⁹ Associated Press, *Report: Hundreds protest government land grab in Muslim region of China*, June 15, 2004.

oil boom town, development in the form of the construction of new office and apartment buildings has meant encroachment on the city's old town, which has traditionally been a center of Uyghur life. Uyghur restaurants have been demolished to make way for Chinese development projects, and Uyghur shops are being torn down.¹³⁰ As one Uyghur whose shop was being torn down for new development stated, Uyghurs frequently face difficulties reestablishing their businesses in newly-developed areas, as the costs of new business licenses are too prohibitive.¹³¹ There is no consultative process by which Uyghurs are given a chance to take part in the decisions involved in development projects, and there is no legal system to which Uyghurs can turn to seek redress for grievances or seek help in these types of situations.

The Xinjiang Production and Construction Corps (XPCC), a Han-run organization, makes up 13% of East Turkestan's population, yet controls 31% of the arable land, a total of 74,300 square kilometers (1.0556 million hectares). The land area occupied by the XPCC in 1953 was 77,183 hectares,¹³² marking an increase of nearly a million hectares in the last half century. The XPCC controls nearly all of the region's cotton crop, which makes up one-sixth of East Turkestan's GDP.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

PRC policies in East Turkestan have been extremely damaging to the environment. The planting of cotton as a cash crop has depleted and polluted water supplies. PRC-style development has been damaging. State support for the influx of a huge number of migrants has taxed East Turkestan's fragile desert ecology, most importantly due to the increased use of water, but also because of the increased use of land and other resources. Uyghurs located in settlements near nuclear test facilities have experienced a series of serious health problems.

Air pollution is also a serious problem in East Turkestan. According to a major study published in 2007, Urumchi ranked among the top thirty most polluted cities in the world

¹³⁰ Slate, *Dispatches from China's Wild West*, March 5, 2008.

¹³¹ *Ibid.*

¹³² James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.254.

in terms of air quality.¹³³ The source of the air pollution in Urumchi is automobile and industrial emissions.¹³⁴ A World Health Organization report released in 1998 on poor air quality in 272 cities around the world named listed Urumchi in its top ten.¹³⁵

The increased use of East Turkestan's rapidly draining water supply is a concern of crisis proportions. Residential use of water is increasing, as is industrial use (including extensive use in the cotton industry), and the use of water for construction projects and the oil industry. The rivers supplying much of the water consumed in the region derive between 41 percent and 58 percent of their volume from glacial melt-water, and two-thirds of China's glaciers are expected to disappear by the year 2050.¹³⁶ The glaciers could disappear entirely by the end of the twenty-first century.¹³⁷

A dramatic increase in farmland throughout East Turkestan since 1949 has contributed to the overuse of water and severe desertification. Fifty-three of East Turkestan's eighty-seven counties have suffered desertification, and over 47 percent of East Turkestan is defined as 'wasteland'.¹³⁸ Desertification, in turn, contributes to sandstorms, known in Uyghur as 'qara buran'. The region saw 105 major 'wind disasters' in the 1980s, compared to only 16 in the 1950s.¹³⁹

Nuclear testing and the resultant radiation is another phenomenon that has engendered both widespread ecological damage and physical ailments among the people of East Turkestan. The PRC's single nuclear weapons testing site (and the world's largest) is known as Lop Nur, situated in a desert in the Turpan Basin. Between 1964 and 1996, China conducted 46 nuclear tests at Lop Nur. Due to the PRC government's reluctance to release information about Lop Nur and its effects, it is impossible to obtain exact data about the relationship between health problems and radiation exposure in the area surrounding Lop Nur, but evidence suggests that area residents, predominantly Uyghurs, have suffered and continue to suffer grave health ailments due to radiation exposure.

¹³³ Blacksmith Institute, *The World's Most Polluted Places: The Top Ten (of the Dirty Thirty)*, September 2007, <http://www.blacksmithinstitute.org/wwpp2007/finalReport2007.pdf>.

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.318; citing 'Glaciers Fading Away in Xinjiang', Xinhuanet, November 9 2004; 'China Warns of "Ecological Catastrophe" from Tibet's Melting Glaciers', AFP, October 5 2004; Cui Jianyong and Zhong Wei, 2001, 'Talimuhe liuyu renlei huodong yu huanjing xiaoying' [Human Activity and Environmental Effects in the Tarim River Watershed] in Xiong Heigang (ed.), *Xinjiang ziyuan huanjing yu kechixu fazhan* [Resources Environment and Sustainable Development in Xinjiang], Urumchi: Xinjiang daxue chubanshe, pp. 205-11.

¹³⁷ *Ibid.*

¹³⁸ James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.317; citing Lu Xin *et al.* 2001: 101-2; 'Xinjiang shamohua tudi meinian yi 400 pingfang gongli sudu kuozhang' [Xinjiang's desertified land expanding at an annual rate of 400 kilometres], *Xinhuagang*, 9 January 2004.

¹³⁹ James Millward, *Eurasian Crossroads: A History of Xinjiang*, New York: Columbia University Press, 2007, p.318; citing Lu Xin, Zhu Ruijun and Luo Yunqiang, 2001, 'Xinjiang renkou, shui ziyuan, shengtai huanjing yu kechixu fazhan' [Xinjiang Population, Water Resources, Ecological Environment and Sustainable Development] in Xiong Heigang (ed.), *Xinjiang ziyuan huanjing yu kechixu fazhan* [Resources Environment and Sustainable Development in Xinjiang], Urumchi: Xinjiang daxue chubanshe, p. 102.

According to a study conducted by Sapporo Medical University Professor Jun Takada, who has carried out extensive research on the adverse effects of nuclear radiation, an estimated 190,000 residents were bathed in fatal levels of radiation and died because of the Lop Nur tests. Takada also presents theories that some 40% of that figure, or 75,000 people, died because of inferior medical care, etc. He also states that it appears that there were 129 million people in the region who experienced heightened occurrences of leukemia and other forms of cancer. Takada's work also shows that radiation has affected the health of unborn children, and that residents' health continues to be harmed up to the present time due to the nuclear tests, although the last documented test occurred in 1996.¹⁴⁰

An award-winning documentary produced by a team of British journalists also revealed the effects of nuclear testing on East Turkestan residents' health. The journalists documented their 1998 trip to East Turkestan in "Death on the Silk Road", a film containing evidence from inside the PRC of spiraling levels of cancer and birth deformities among East Turkestan's population.¹⁴¹

Article 30

- 1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.*
- 2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.*

The Xinjiang Production and Construction Corps, which was formed from an organized settlement of 100,000 demobilized Guomindang troops, has become a crucial component of government control in East Turkestan. This paramilitary organization, which answers only to Beijing, has played a role in controlling East Turkestan by absorbing a huge number of migrants, cultivating the northern region, working on infrastructure to connect East Turkestan with the Chinese heartland, providing a ready militia, and creating a series of settlements in the Tarim basin, marking the first time that large numbers of Han Chinese have lived in this area.¹⁴²

A recent report from the Hong Kong-based Information Center for Human Rights and Democracy states that around 200,000 public security officers and armed police have been mobilized in East Turkestan to "prevent terrorist attacks" on China's National Day, observed on October 1.¹⁴³ The group also cites official orders allowing for the family members and even neighbors of suspected terrorists to be punished, in areas such as

¹⁴⁰ Tokyo Shimbun, "Actual Situation of China's Nuclear Tests", November 21, 2008.

¹⁴¹ Richard Hering and Stuart Tanner for Channel Four Dispatches, *Death on the Silk Road*, 2001.

¹⁴² Donald H. McMillen, "Xinjiang and the Production and Construction Corps: A Han Organisation in a Non-Han Region," *The Australian Journal of Chinese Affairs*, No. 6 (July 1981): 65-96.

¹⁴³ *Security stepped up in Xinjiang for National Day*, South China Morning Post, August 28, 2008.

Kashgar and Hotan.¹⁴⁴ If the report is accurate, it represents the largest mobilization of security forces in East Turkestan since forces were mobilized in early April 1990 to quell the Baren uprising.¹⁴⁵

PRC authorities frequently conduct military exercises and locate military bases in East Turkestan in order to intimidate the local population and be prepared to clamp down in the case of unrest. In a recent case, the Chinese military cooperated with the militaries of the five other Shanghai Cooperation Organization (SCO) member states to hold the first stages of the “Peace Mission 2007” anti-terror drill in Urumchi. According to Xinhua News Agency, about 4,000 troops and 80 aircraft from China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan were involved in the joint exercises.¹⁴⁶ Marking the SCO’s largest military exercises to date, they were based on the violent suppression of an uprising in Andijan, Uzbekistan in 2005.¹⁴⁷ Some observers believe that the primary goal of the exercises was to intimidate East Turkestan’s Uyghur population and warn democratic forces in Central Asia against attempting to change the SCO member states’ authoritarian regimes.¹⁴⁸



In August 2001, the PLA conducted one of its largest military exercises to date in East Turkestan, involving around 50,000 troops from the two local divisions, several hundred armored personnel carriers, tanks, and other military vehicles, accompanied by fighter jets and helicopters. The exercises culminated in a four-day live-ammunition war game held north of Kashgar.¹⁴⁹ With Xinjiang Party Secretary and then-governor Abdulahat

¹⁴⁴ *Ibid.*

¹⁴⁵ For more information on the Baren Uprising see James Millward, *Violent Separatism in Xinjiang: A Critical Assessment*, East-West Center, 2004.

¹⁴⁶ Xinhua, *SCO anti-terror drill a success - Russian defense official*, August 17, 2007.

¹⁴⁷ Alim Seytoff, Asia Times. *SCO exercise 'aimed at suppressing Uighurs'*, August 16, 2007.

¹⁴⁸ *Ibid.*

¹⁴⁹ Yizhak Shichor, “The Great Wall of Steel: Military and Strategy in Xinjiang,” in *Xinjiang: China’s Muslim Borderland* ed. S. Fredrick Starr (M.E. Sharpe: Armonk, NY, 2004): p.121.

Abdurishit proclaiming on September 2, 2001, in reference to the level of violence in the region, that the situation in East Turkestan was “better then ever in history”¹⁵⁰, it appears that these exercises may have been used as a display of force aimed at the local Uyghur population.

No mechanism exists by which the Uyghur population is consulted about plans to conduct military activities, including military exercises and the installation of military bases, and there are no participatory forums for Uyghurs to express concerns about these activities.

Part VII: Self-Government and Indigenous Laws (Articles 31-36)

Article 31

- 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*
- 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.*



The Chinese state has attempted to redefine what it means to be Uyghur. The period leading up to and during the Beijing Olympics highlighted Uyghur identity, its

¹⁵⁰ “Violent Separatism in Xinjiang: A Critical Assessment”, James Milward, East-West Center Washington, 2004, p. 11, available at www.eastwestcenterwashington.org.

deterioration under the Chinese state and the acceleration of that process due to the Games. When the Olympic torch relay passed through East Turkestan's cities in June 2008, Uyghur dancers were brought out to display what is thought of as a non-threatening aspect of Uyghur culture, and exemplify the virtues of living in a "harmonious society". However, most Uyghur residents of the cities along the torch relay were told to stay inside their homes during the event, while Han residents were lined up alongside the torch's route to welcome its passage. A heavy security presence accompanied the passage of the Olympic torch in East Turkestan, including police checks of vehicles, numerous snipers and warnings to residents to stay inside their buildings with their windows shuttered.¹⁵¹

Indicative of the way in which Uyghurs are portrayed as a minority people, the opening ceremonies of the Beijing Olympics included 56 smiling children paraded into the Olympic stadium who were said to belong to the PRC's 56 "ethnic minority" groups, including the Uyghurs. However, all 56 children were Han Chinese.¹⁵²

PRC authorities have also attempted to mold archaeological discoveries into the narrative of East Turkestan as an age-old Chinese state. PRC officials have used the discovery of well-preserved mummies in the deserts of East Turkestan not to illustrate the incredible diversity of the region long before the existence of the modern Chinese state, but to show that the people living in East Turkestan in pre-modern times were members of the larger ethnic family unified by the Chinese state.

The oldest of the mummies, including the most famous one, known internationally as the Loulan Beauty (the Chinese name Loulan refers to the town of Kroran), date back 3,800 years, and show that the first people to settle in the area came from the west, and not from the Chinese interior. However, the four mummies encased in glass and displayed in a museum in Urumchi are accompanied by a rigid official narrative, with one sign proclaiming "Xinjiang has been an inalienable part of the territory of China".¹⁵³ In addition, the Chinese government in recent years has only allowed genetic research on the mummies to be conducted by Chinese scientists, and has discounted foreign researchers' findings that the mummies had a European genetic marker.¹⁵⁴ Moreover, an article in the PRC's official media responding to a November 2008 New York Times report on the Tarim mummies asserts that even if the famed "Loulan Beauty" was not a member of the Han ethnic group, that did not indicate that she was not Chinese (Zhongguo ren or 中国人).¹⁵⁵ However, this term (Zhongguo ren or 中国人) was invented in much more recent times.

¹⁵¹ Heavy security for Xinjiang relay, *BBC News*, June 15, 2008.

¹⁵² New fakery scandal, as China's 'ethnic' children actually come from Han majority, *The Times*, August 16, 2008.

¹⁵³ New York Times, *The Dead Tell a Tale China Doesn't Care to Listen To*, November 18, 2008.

¹⁵⁴ *Ibid.*

¹⁵⁵ Global Times, *American Media Dares to Use "Loulan Beauty" to Cast Doubt on China's Sovereignty over Xinjiang*, November 22, 2008.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

The Western Development campaign is centrally mandated, and Uyghurs have had no voice in the implementation of the campaign or the exploitation of resources that the campaign entails. In theory, the campaign refers to a systematic policy of developing western China by improving its economic infrastructure and enhancing education, the environment and the development of technology in western regions. However, in practice, it represents an escalation of the long-standing government policy of extracting the wealth of natural resources in East Turkestan and Tibet for the benefit of the government and the Han Chinese settlers and population.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Most of the main projects carried out under the banner of the development in East Turkestan are actually focused almost exclusively on benefiting the relatively prosperous eastern coastal regions of the PRC. Uyghurs continue to live in poverty in the shadow of some the PRC's most profitable oil and gas installations.

For example, a huge natural gas pipeline which was built as part of the Western Development campaign, which is known as "western gas transported east," runs from East Turkestan all the way to Shanghai, providing fuel for Shanghai's continuing economic boom but leaving negligible benefit for East Turkestan. A second natural gas pipeline is planned between East Turkestan and the energy-hungry Guangdong Province in southeast China, although construction of this pipeline may not begin until 2020.¹⁵⁶ Since 2006, crude oil has flowed into East Turkestan from Kazakhstan, and after being processed at refineries in Karamay beginning in 2008, this oil is expected to supply 5.5 million tons of refined oil a year.¹⁵⁷ The oil will be shipped to China's major oil-consuming markets in the east.

Uyghurs on state-run projects in East Turkestan are in effect non-existent, no matter how well qualified those Uyghurs may be. Instead, state employees from managers through to engineers through to the manual laborers are all transferred in from the Chinese interior; a common reason for Uyghurs to be turned away from such projects is simply that the employers claim they cannot cater to Uyghurs' dietary needs because Uyghurs generally do not eat pork for religious reasons.

¹⁵⁶ People's Daily Online, *China plans 2nd natural gas pipeline*, December 21, 2005.

¹⁵⁷ Xinhua, *Kazakhstan oil pours into China through crossborder pipeline*, May 25, 2006.

Article 33

- 1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.*
- 2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.*

Uyghurs are not allowed to use the Uyghur language on official documents. All official documents, including birth certificates, marriage certificates and passports, use the phonetic Chinese-language transliteration of Uyghur names.

The public use of the term “East Turkestan” is not allowed in East Turkestan or anywhere in the PRC. Uyghurs using this term may be subject to detention and/or arrest.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

As mentioned above in Articles 6, 9 and 12, the PRC government violates Uyghurs’ rights to practice their religion freely, by imposing restrictions on worship in mosques, religious education, religious dietary customs, religious practices in the form of attire and appearance, and other areas. As noted in Article 9, the religious and cultural gatherings known as *meshrep* have also been restricted and in some cases banned throughout East Turkestan. Uyghurs are also restricted by the state from establishing or participating in any non-governmental organizations.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

- 1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.*

As mentioned above, Uyghurs applying to study outside of the PRC are frequently targeted for heavy scrutiny, and face increasing difficulty in obtaining passports. In the run-up to the Beijing Olympics in 2008, Uyghurs’ passports were almost universally confiscated throughout the PRC. In addition, officials in East Turkestan confirmed they had confiscated the passports of Uyghurs in June 2007, apparently in a bid to prevent them from making a pilgrimage to Mecca.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

The PRC government views the approximately one million Uyghurs living in Kazakhstan, Uzbekistan and Kyrgyzstan as a threat, wary that this population might aid Uyghurs in East Turkestan to resist Chinese control of their traditional homeland. Since the founding of the Central Asian states in the early 1990s, PRC leaders have feared that these nations, which are culturally and linguistically related to Uyghurs, would sympathize with the Uyghur situation and support their cause. As a result trans-border contacts, relations and cooperation between Uyghurs, including spiritual, cultural, political, economic and social activities, are strictly controlled by the PRC, which uses bilateral agreements and its influence within the Shanghai Cooperation Organization¹⁵⁸ to suppress Uyghur activism in East Turkestan and Central Asia, enlisting support for its attacks on Uyghurs.

Article 37

- 1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.*
- 2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.*

Under Chinese law, East Turkestan is an Autonomous Region of the PRC known as the Xinjiang Uyghur Autonomous Region, and has special rights of self-government (see Article 5). In reality, East Turkestan is probably the provincial level unit of China that is most controlled by the central government in Beijing. One of the ways in which the central government exerts influence over the region is through its administration of the XPCC, which answers to Beijing and not to provincial authorities.

In a high-level meeting in 2004, Party Secretary Wang Lequan referred thus to the nature of central control over policy in East Turkestan:

*“All party and government officials from all levels within the autonomous region to earnestly study and adopt the spirit of the Center's comprehensive plan. We must focus all of our thinking on the spirit of the Center's directive, and, with a strong sense of enthusiasm and duty, quickly develop concrete implementation”.*¹⁵⁹

¹⁵⁸ In 1996, China, Russia, Kazakhstan, Kyrgyzstan, and Tajikistan created the Shanghai Five to resolve border issues remaining after the collapse of the Soviet Union. With the addition of Uzbekistan in 2001, the Shanghai Five became known as the Shanghai Cooperation Organization (SCO).

¹⁵⁹ *Congressional-Executive Commission on China Annual Report 2005*, Washington: US Government Printing Office, 2005, p. 121.

The central government's implementation of the Western Development plan in East Turkestan also allows it to implement a wide range of policies and programs directly in East Turkestan. The PRC government has consistently failed to honor the autonomous status granted to East Turkestan, up to the present time.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

The PRC government has shown no inclination of moving towards implementation of the articles of the Declaration. Instead, as demonstrated in this report, it is entrenching and intensifying policies that violate the Declaration.

Any initiatives launched by members of the Uyghur population to assert their rights as indigenous people are considered separatist or "splittist" activities. The PRC government provides no forum for discussion of Uyghur rights, and provides no opportunities for Uyghurs to participate in discussion of economic and social issues directly affecting their lives.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Uyghurs in the PRC have been overlooked by the central government, receiving far less spending per capita than their Han counterparts in East Turkestan, and are denied access to much of the benefits of development. As discussed earlier in this report, rural areas dominated by Uyghurs have much lower incomes per capita than their urban counterparts, dominated by Han Chinese residents. Uyghurs are also denied technical assistance, or the means by which they would be able to address their situation, by the Chinese government.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

There is no recourse by which Uyghurs can seek to redress their grievances with the Chinese state. The legal system in the PRC is non-transparent, arbitrary, and not compliant with basic international legal norms. It is used by PRC authorities to punish those who disagree with the government. There is a complete lack of any method to seek

redress for a long list of abuses, and there is tremendous hostility by the PRC towards any Uyghur who does not accept the State's vision of the Uyghur people. Uyghur groups or individuals who seek a resolution to a dispute or grievance with the government are frequently arrested, subjected to torture, and charged with one of the "three evils"- the crimes of separatism, extremism or terrorism.

Part VIII: Understanding the Declaration (Articles 41-45)

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of

others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

V. Conclusion and Recommendations

If the PRC wants to be a respected member of the international community, it must live up to its United Nations commitments. With its policies and behavior in East Turkestan, the PRC is in violation of nearly every article of the UNDRIP.

The Uyghur Human Rights Project recommends that the United Nations work toward making the UNDRIP enforceable. Currently, there exists no mechanism to enforce adherence on the part of signatory states to the articles of the declaration. UHRP further urges the United Nations to fund programs aimed at ensuring the adherence to and exercise of indigenous peoples' rights according to the UNDRIP, particularly in East Turkestan.

The Uyghur Human Rights Project recommends that the Chinese government:

- Bring its practices into full compliance with the provisions of the United Nations Declaration on the Rights of Indigenous People
- Provide channels for Uyghurs' legitimate grievances to be heard
- Address the human rights situation in East Turkestan
- Provide genuine autonomy to the Uyghur people, which is guaranteed by the Regional Ethnic Autonomy Law and the PRC's constitution
- Establish genuine participatory mechanisms by which Uyghurs are able to voice concerns or grievances and by which government authorities are able to discuss economic and social initiatives with Uyghurs
- Remove the nuclear installations in East Turkestan and assess the negative effects of radiation on the Uyghur people; provide free healthcare for all affected
- Stop the execution of Uyghurs for voicing peaceful political and religious dissent
- Restore Uyghurs' cultural and religious rights; allow all Uyghurs who wish to do so to attend religious services, practice their religious faith and engage in religious studies; end arbitrary closure of mosques; reduce restrictions on the construction of new mosques; end the persecution of non-collaborating religious personnel and the proliferation of state-sponsored imams

- Protect the Uyghur language by maintaining existing Uyghur-language instruction in schools, from the preschool through to the university level; reinstate Uyghur language instruction in schools that previously taught Uyghur; expand Uyghur language instruction to additional schools; promote Uyghur language instruction among the non-Uyghur population in East Turkestan, including government officials and government employees; and allow independent Uyghur-language radio and television broadcasts
- Allow the formation of Uyghur indigenous rights groups, and provide a forum for discussion between these and other groups in society, including government bodies
- End restrictions on the issuance of visas to Uyghurs; cease the confiscation of Uyghurs' passports; and allow Uyghurs to travel abroad freely, including on religious pilgrimages
- Revisit and acknowledge failed minority policies, particularly in East Turkestan and Tibet
- Implement regional economic policies benefiting indigenous Uyghurs
- Promote incentives for companies in East Turkestan to hire Uyghurs
- Mediate the encroachment of traditionally Uyghur areas by Han migrants
- End government-sponsored in-migration into East Turkestan



The Uyghur American Association (UAA) works to promote the preservation and flourishing of a rich, humanistic and diverse Uyghur culture, and to support the right of the Uyghur people to use peaceful, democratic means to determine their own political future in East Turkestan.



The UAA launched the UHRP in 2004 to promote improved human rights conditions for Uyghurs and other indigenous groups in East Turkestan, on the premise that the assurance of basic human rights will facilitate the realization of the community's democratic aspirations.

UHRP also works to raise the profile of the Uyghur people and the plight of all “minority” peoples in East Turkestan by:

Researching, writing and publishing news stories and longer reports covering a broad range human rights issues involving civil and political rights, through to social cultural and economic rights;

Preparing briefings – either written or in person – for journalists, academics, diplomats and politicians on the human rights situation faced by the Uyghur people and others in East Turkestan.