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INTERNATIONAL
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The impacts of the war in Ukraine on EU-China relations:

The need for a new EU human rights policy on China
and on the muted conflict in Tibet

*A briefing note for the Czech Presidency of the EU Council
June 2022*

Five recommendations for the Czech EU Presidency:

- 1- Promote an EU position on Tibet that is in line with its international legal status and international law;*
- 2- Extend EU sanctions against Chinese individuals and entities responsible for human rights violations in Tibet;*
- 3- Adopt an EU public statement opposing Chinese government interferences in the succession of the Dalai Lama;*
- 4- Link the ratification of the EU-China Investment Agreement (CAI) to implementation by China of International Labour Organisation's conventions against forced labour;*
- 5- Play an active role in the resolution of the Sino-Tibetan conflict.*

The war in Ukraine: a turning point in EU's foreign policy vis-à-vis authoritarian regimes

Russia's attack on Ukraine, an independent and sovereign country in Europe, marks a turning point in EU's foreign policy vis-à-vis authoritarian regimes. For the first time in its history, the EU is financing military support for a country under attack, and has adopted unprecedented sanctions against Russia.

Furthermore, on 21 March 2022, the 27 EU Member States agreed on "A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security".¹ The Compass gives the European Union a plan of action for strengthening the EU's security and defence policy by 2030, but also highlights the need for the EU to "act as a strong and coherent political actor to uphold the values and principles underpinning our democracies."²

The war in Ukraine indeed showed Europeans why safeguarding international law and promoting democracy, rule of law, freedom and human rights deserve to be foreign policy priorities, above short-term economic gain. As the High Representative for Foreign Affairs and Security Policy Josep Borrell further elaborated: "The EU's political sphere is being squeezed, and our liberal values increasingly contested. In the "battle of narratives," the idea that universal values are really just Western constructs has been gaining traction. The old assumption that economic prosperity would always lead to democratic development has been refuted. (...) In navigating this increasingly competitive strategic environment, the EU must become a provider of security for its citizens, protecting our values and interests."³

The compass clearly identifies Russia as a threat, but also recalls that China is as a potential partner as well as rival, and highlights the EU's duty to ensure that its rise "happens in a way that will contribute to uphold global security and not contradict the rules-based international order and our interests and values".

The war in Ukraine has forced the EU to redefine its foreign policy vis-à-vis an authoritarian regime that has adopted an aggressive foreign policy, is trying to reshape the international order and attempts to increase its zone of influence and the control over territories belonging to other countries.

The invasion of Ukraine echoes to some extent what has happened in Tibet when the military troops of President Mao invaded the roof of the world. There are several common points between the two situations. As stated by Prof. Michael Van Walt Van Praag, an international law jurist who specializes in international conflict resolution: "an interesting

¹ *A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security*, Council of the European Union, 21 March 2022, <https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf>.

² Ibid.

³ *A strategic compass for Europe*, Josep Borrell, 16 November 2021, <https://www.aspistrategist.org.au/a-strategic-compass-for-europe/>.

outcome of the events in Ukraine today is that it has helped the world community to revive its memory about how a big nation like China used its brutal force to occupy weaker neighboring nations like Tibet, East Turkistan and South Mongolia by imposing its own interpretation of history and law. The arguments being forwarded by President Putin of Russia today and the manner in which the Russian Army has invaded Ukraine have too many similarities to ignore how China occupied Tibet in 1950-1951 era (...).⁴

In order to be coherent and consistent, the EU should stand firmly behind occupied countries like Tibet, which was also colonized by the People's Republic of China. In particular, the EU and its Member States should stop using certain terminology that the Chinese Communist Party has been trying to spread through very systematic and refined propaganda, such as the expression 'ethnic minority', which is a direct acceptance of Chinese claim that Tibetans are an integral part of a wider Chinese population. But the reality is that Tibetans are an independent people that belong to Tibet, which became an occupied territory in recent history. In international law, an 'ethnic minority' may have some rights but they cannot claim to be a separate 'country'.

As Michael van Walt highlights in his latest publication *Tibet 20/20*,⁵ "The conversation on Tibet is now framed in terms of human rights violations instead of being addressed as an international conflict. The world has gone silent on the true nature of the Sino-Tibetan conflict, including the EU and its Member States." In this regard, the International Campaign for Tibet welcomed the statement of EU Council President Charles Michel following the last EU-China Summit, in which he did not use the term "minority" to refer to the Tibetan people.⁶

The worsening human rights situation in China and Tibet

Chinese authorities are committing mass atrocity crimes targeting Uyghurs and other Turkic communities. Beijing's actions are eliminating Tibetans' cultural, linguistic, and religious rights, and similarly threaten Hong Kong's once-vibrant civil society and democratic rights. The government has deepened its use of high-tech state surveillance, persecuted or prosecuted countless independent activists, and sought to weaken international mechanisms by which it could be held accountable at the United Nations.

In Tibet, the Chinese Communist Party has imposed a rigorous assimilation ("sinicization") policy, aimed at forcing Tibetans to assimilate into Chinese society by eroding their culture and replacing it with Chinese culture. This applies to the forced settlement of Tibetan nomads and shepherds; the restrictions on Tibetan language and Tibetan language education, combined with the attempt to alienate the Tibetan people - especially the youth - from their culture (including by sending Tibetan children in boarding schools where they

⁴ *Ukraine invasion revived memories of Chinese occupation of Tibet*, The Print, 3 April 2022, <https://theprint.in/world/ukraine-invasion-revived-memories-of-chinese-occupation-of-tibet-international-jurist/900963/>.

⁵ Michael van Walt van Praag and Miek Boltjes, *Tibet Brief 20/20*, Outskirts Press, 2020.

⁶ *Remarks by President Charles Michel after the EU-China summit via videoconference*, European Council, 1 April 2022, <https://www.consilium.europa.eu/fr/press/press-releases/2022/04/01/remarks-by-president-charles-michel-after-the-eu-china-summit-via-videoconference/>.

live separated from their families and are subjected to highly politicized education, primarily in Chinese);⁷ compulsory work programs;⁸ and ongoing efforts to place Tibetan Buddhism under full state control.⁹

The Chinese authorities continue to limit Tibetans' right to freedom of opinion and expression, peaceful association or assembly, and their right to freely express their religion or belief. For voicing basic concerns about social and environmental issues, they are regularly arbitrarily detained, subjected to torture, and denied due process in the criminal system.

According to new rankings from the watchdog group Freedom House and for the second year in a row, Tibet is the least-free country on Earth, in a tie with South Sudan and Syria.¹⁰ As a consequence, 160 Tibetans have self-immolated since 2009 to protest against Chinese policies and to ask for the return of the Dalai Lama to Tibet. This is the biggest wave of self-immolation as a political protest that has ever taken place. The latest reported case happened on 27 March 2022, when an 81-year-old Tibetan named Taphun set himself on fire in front of the police station located outside of Kirti Monastery in Ngaba county (Chinese: Aba), Ngaba Tibetan and Qiang Autonomous Prefecture, Sichuan.¹¹

The appointment last October of Wang Junzheng, who was placed last year on the EU's sanction list for his involvement in the repression against Uyghurs, as the new Party Secretary in the Tibet Autonomous Region, indicates that the Chinese authorities intend to continue their repressive policies against the Tibetan people.¹²

One of the most pressing issues regarding Tibet is maybe the question of the succession of the Dalai Lama, which the Chinese Communist Party clearly intends to control. In recent years, the Chinese government has adopted a number of laws and regulations to legitimize its interference in the issue, including most recently the revised Regulations on Religious Affairs, which require that 'living Buddhas' be approved by the government,¹³ or the Measures for the Administration of Religious Clergy (Order No. 15), which undermines the

⁷ *Separated from their families, hidden from the world: China's vast system of Colonial Boarding Schools inside Tibet*, Tibet Action Institute, December 2021, https://s7712.pcdn.co/wp-content/uploads/2022/01/2021_ColonialBoardingSchoolReport_Digital.pdf.

⁸ *Xinjiang's System of Militarized Vocational Training Comes to Tibet*, Jamestown Foundation China Brief Volume: 20 Issue: 17, <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/> and *Exclusive: China sharply expands mass labor program in Tibet*, Reuters, 22 September 2020, <https://www.reuters.com/article/us-china-rights-tibet-exclusive/exclusive-china-sharply-expands-mass-labor-program-in-tibet>.

⁹ *Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries*, International Campaign for Tibet, 10 March 2021, <https://savetibet.org/party-above-buddhism/>.

¹⁰ *Tibet least-free country alongside South Sudan, Syria in new ranking*, International Campaign for Tibet, 2 March 2022, <https://savetibet.org/tibet-least-free-country-alongside-south-sudan-syria-in-new-ranking/>.

¹¹ *Octogenarian Tibetan sets himself on fire in protest against Chinese rule*, International Campaign for Tibet, 5 April 2022, <https://savetibet.org/octogenarian-tibetan-sets-himself-on-fire-in-protest-against-chinese-rule/>.

¹² *New Tibet Autonomous Region secretary must remain sanctioned*, International Campaign for Tibet, 20 October 2021, <https://savetibet.org/new-tibet-autonomous-region-secretary-must-remain-sanctioned/>.

¹³ *China's revised religious regulations threaten survival of Tibetan Buddhism*, International Campaign for Tibet, September 2017, <https://savetibet.org/chinas-revised-religious-regulations-threaten-survival-of-tibetan-buddhism/>.

authority of Tibetan Buddhist leaders.¹⁴ China's position not only ignores Tibetans' centuries-long history of selecting the Dalai Lama without foreign interference, but also violates their fundamental right to religious freedom and will inevitably add to the long-standing grievances of the Tibetan people and create instability in this strategic region.

In July 2020, High Representative Borrell, answering a question by Members of the European Parliament, expressed the EU's position on this issue, stating that it opposes any interference in the process by the Chinese government.¹⁵ The governments of the Netherlands,¹⁶ Belgium¹⁷ and Germany¹⁸ have also officially stated that it is up to the Tibetan religious community to select the future Dalai Lama. What is now needed is a more formal statement on behalf of the 27 EU Member States in order to demonstrate the EU's unified approach on this critical issue.

The need for a new EU foreign policy on China and Tibet

Human rights violations by authoritarian are increasingly a question of national and European security. This is true for authoritarian regimes in Europe, like Russia or Belorussia, but it is also becoming true for countries in other parts of the world, including in Asia.

Out of indifference of the international community for their domestic abuses, authoritarian regimes like the leadership in Beijing indeed decide to expand their scope for action. Under President Xi Jinping, China has worked to prevent criticism of its policies in democratic states with threats and rewards, and has become an assertive rule-maker, including at the UN level. Its vulnerability to external pressure has declined, while its power to exert pressure and economic coercion on others has increased.

Russia's invasion of Ukraine has "given birth to geopolitical Europe," in the words of its chief diplomat Josep Borrell. This must now translate into a more principled defence of human rights, which should be integrated into policy fields where they have leverage as normative and regulatory powers, including in trade and investment. As Malin Oud from the German Marshall Fund emphasizes, "the way forward does not lie in a choice between "engagement" and "containment," but in charting a third way that uses engagement strategically to promote human rights, the rule of law, and other objectives."¹⁹

Repressive domestic policy and aggressive foreign policy are indeed two sides of the same coin; anyone who does not resolutely oppose human rights domestic violations will have to deal with these regimes' aggressive foreign policies in the medium and long term.

¹⁴ *New clergy regulations hurt Tibetan Buddhists, Catholics*, International Campaign for Tibet, 25 February 2021, <https://savetibet.org/new-clergy-regulations-hurt-tibetan-buddhists-catholics/>.

¹⁵ "The selection of religious leaders should happen without any government interference and in respect of religious norms. (...) In the framework of the EU-China Human Rights Dialogue, the European External Action Service has repeatedly expressed the position that China needed to respect the succession process of the Dalai Lama," Borrell said. https://www.europarl.europa.eu/doceo/document/E-9-2020-002786-ASW_EN.html.

¹⁶ <https://www.parlementairemonitor.nl/9353000/1/j9vvi5epmj1ey0/vl3rj06x72zt>.

¹⁷ <https://www.lachambre.be/doc/CCRI/pdf/55/ic091.pdf>.

¹⁸ <https://dserver.bundestag.de/btd/19/174/1917407.pdf>.

¹⁹ *Embedding Human Rights in European and US China Policy*, Malin Oud, Global Marshall Fund, 4 May 2022, <https://www.gmfus.org/news/embedding-human-rights-european-and-us-china-policy>.

East Turkestan, Hong Kong and also Tibet, occupied by force by China in 1950, are therefore a litmus test both for EU Member States and for the EU's foreign policy that has not been passed to date.

It is high time the EU re-assessed the way it views and handles the issue of Tibet, and the Czech EU Presidency present an important opportunity to achieve this. The Czech people, who also experienced life under a repressive communist regime, indeed maintains a strong sense of solidarity with those whose freedoms are restricted, not just in China and Tibet, but everywhere in the world. The new Czech government specifically highlighted Taiwan as one of its key Indo-Pacific partners. Foreign Minister Lipavský said on this issue: "Part of [our government's vision] is that democracies in the world should hold together — and Taiwan is a democracy."²⁰

The Czech Republic can therefore certainly promote a strong and united position of the European Union to advance human rights in China and Tibet during the six months of its EU Presidency, and the International Campaign for Tibet and Czech Supports Tibet would like to suggest the five following recommendations in this regard.

RECOMMENDATIONS

1- Promote an EU position on Tibet that is in line with international law and its international legal status

The EU and its Member States should frame the Sino-Tibetan conflict for what it is - an unresolved international conflict caused by the PRC's illegal annexation of Tibet. This entails using language that reflects the international legal status of Tibet, and not the language desired by Beijing, that perpetrates and solidifies a false representation of Tibet and Tibetans. Tibet is an occupied country, the Sino-Tibetan conflict is an international conflict, and the Tibetans are an occupied people, not a "minority". The international community has responsibilities and obligations vis-à-vis Tibet and China under international law, and acting in accordance with these obligations is not only about doing right by the Tibetans and upholding the rule of law, but is a political and security imperative as well.

2- Extend the EU sanctions against those responsible of human rights violations in Tibet

The Czech government should actively promote the extension of EU sanctions to those individuals and entities in the Chinese state and party apparatus responsible for systematic human rights violations in the Tibet Autonomous Region or in the Tibetan areas of the neighbouring provinces. In particular, it should consult non-governmental organizations and take their suggestions into account. In addition, the sanctions imposed on Wang Junzheng, who was appointed party secretary of the Tibet Autonomous Region from the Xinjiang Uyghur Autonomous Region (XUAR) last year, should be extended.

²⁰ *Czech foreign minister eyes closer ties with 'bullied' Taiwan*, Politico, 13 April 2022, <https://www.politico.eu/article/czech-foreign-minister-eyes-closer-ties-with-bullied-taiwan/>.

3- Adopt a public statement opposing Chinese government interferences in the succession of the Dalai Lama

The EU should treat the issue of the Dalai Lama's succession with particular attention in the interests of active conflict prevention. The EU on behalf of the 27 EU Member States should publicly state that it fully supports the religious freedom of Tibetan Buddhists and firmly opposes the intervention of the Chinese state in the appointment and determination of Tibetan Buddhism leaders, especially the Dalai Lama. In line with the EU Guidelines on the promotion and protection of freedom of religion or belief, the EU should also prepare itself to adopt sanctions in case Beijing appoints a successor to the Dalai Lama.

4- Link the ratification of the EU-China Investment Agreement (CAI) to the implementation by China of International Labour Organisation's conventions against forced labour

The EU and its Member States should refuse to ratify the EU-China Investment Agreement as long as the Chinese government does not implement the ILO conventions against forced labour²¹ and that unrestricted, independent verification of compliance with these norms is not guaranteed. Since even important representatives of the United Nations, including the High Commissioner for Human Rights, are currently being denied unfettered access to the People's Republic, it is unlikely that an independent review of ratified ILO standards will be possible in the foreseeable future.

5- Play an active role in the resolution of the Sino-Tibetan conflict

The EU should promote the Sino-Tibetan dialogue and actively work towards its resumption in order to contribute to the resolution of the conflict between China and Tibet and therefore contribute to the strengthening of international security and peace, as set out in the Article 21 of the Treaty of the European Union.

EU leaders as well as European national leaders should also establish contact and have an open and regular dialogue with representatives of the Central Tibetan Administration and in particular with its democratically elected president Penpa Tsering. In that perspective, ICT welcomes the meeting between Penpa Tsering and Czech Foreign Minister Jan Lipavský²² and encourages EU leaders as well as other Foreign Affairs Ministers in Europe to do the same.

²¹ China recently announced its decision to ratify the Forced Labour Convention 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) - https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_842739/lang-en/index.htm.

²² *Tibetan Sikyong (President) builds crucial support during Washington visit*, International Campaign for Tibet, 2 May 2022, <https://savetibet.org/tibetan-sikyong-president-builds-crucial-support-during-washington-visit/>.

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About the International Campaign for Tibet: *Founded in 1988, the International Campaign for Tibet (ICT) works to protect the democratic freedoms and the human rights of the Tibetan people. ICT maintains offices in Washington, D.C., Amsterdam, Brussels and Berlin. The organization is member of FIDH, the governing association of the German Institute for Human Rights, the NGO Forum on Religious Freedom (Geneva), the World Heritage Watch network and is recipient of the prestigious Dutch Resistance Medal, the 'Geuzenpenning'.*

About Czech Supports Tibet: *Czech Supports Tibet aims at involving the Czech public in activities to promote human and civil rights, cultural and religious freedoms and the right to a healthy environment in Tibet.*