R17 A full reset of relations with China

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Agenda item: 4. Resolutions

Motion text

Note: the resolution was drafted with support of the Taipei Representative Office in the Netherlands.

The current state of political affairs has made it immeasurably clear the importance of international solidarity in the enforcement of international law and the right to sovereignty and self-determination of peoples. Now more than ever must we uphold the protection of human rights and the principles of democracy and international rule of law, condemning the oppression, subjugation and bullying that global superpowers exert unto their own peoples and on smaller states.

The People’s Republic of China’s (hereinafter PRC) authoritarianism continues to remain unabated as reports of abuses, if not atrocities, committed by the state grow.

The crimes against humanity and genocide of Uyghurs.

Over a million Uyghurs remain arbitrarily detained in internment camps, wherein they are subjugated to forced labour, systematic sexual abuse and rape, and torture; a further number of at least 600.000 Uyghurs have been forcefully relocated under the PRC’s forced labour system. The Uyghurs are also subject to extreme restrictions on freedom of religion and expression and the erasure of their religious, ethnic and cultural identity, as the state has systematically destroyed Muslim buildings including mosques and cemeteries, banned religious practices and forced renunciations of faith, forced the separation of Uyghur children for re-education, and brainwashing. It is now beyond reasonable doubt that the PRC has implemented policies including mass forced sterilisations, forced contraception, and forced abortions. Reports have also surfaced of forced medical experimentation and mass deaths in camps.

It is thus clear that this is no longer simply a situation of cultural genocide, but of crimes against humanity, including torture, and of genocide committed against Uyghurs according to the definitions provided for respectively in Article 7(1) of the 1998 Rome Statute establishing the International Criminal

Court, the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Similarly there has been a clear breach of the right to (internal) self-determination of the Uyghurs.

The right to self-determination, prohibition of crimes against humanity, torture and genocide are *ius cogens* (peremptory) norms under customary international law, and thus binding regardless of the PRC's reservations; as well as *erga omnes* obligations (owed to the international community as a whole) that fall under universal jurisdiction. Although the ICC does not exercise jurisdiction over PRC territory, the Court has held that "the Court may exercise jurisdiction over crimes when part of the criminal conduct takes place on the territory of a State Party".

The formal recognition of the situation in PRC as a genocide is therefore of significant legal importance as the first step to holding the PRC accountable.

PRC neo-imperialism.

Despite the lofty promises of the Belt and Road Initiative (BRI) in its conception, it has become clear that the BRI has largely become a manoeuvre of the PRC to expand its control to the rest of the world. The BRI has become *the* avenue of the PRC to exercise debt trap diplomacy on less economically developed countries, from Sri Lanka to Greece.

The PRC has further continued to increase military tensions and aggression toward its neighbouring states, from its military interventions at the China-India border to the ever increasing military pressure in the South China Sea. The PRC has furthermore continued to exert pressure on any opposition abroad, from its threats against Lithuania for establishing the Taiwanese Representative Office, to sanctions of officials of states that criticise it.

The isolation of the Republic of China.

Despite the Republic of China (ROC, hereinafter Taiwan) fulfilling the criteria of a state according to Article 1 of the Montevideo Convention of 1933, the people of Taiwan are prevented from exercising their right to self-determination and self-sovereignty by the PRC. Taiwan is also significantly limited in meaningfully participating as a sovereign state within the international political order, as it is prevented from membership or attendance of most international organisations.

As a result of the PRC's One-China principle, all states are forced to choose between the PRC or Taiwan, as formal diplomatic relations with the PRC is contingent on the severing of any formal relationship with Taiwan and therefore

the non-recognition of the Taiwanese government.

Furthermore, China has significantly intensified their aggression against Taiwan and military pressure across the border over the past decade, going as far as sending warplanes into Taiwan’s air defence zone. The PRC has also threatened military action against any independence attempts of Taiwan, and throughout the COVID-19 pandemic has continued to block Taiwan’s membership of WHO. Based on the ICJ Wall Advisory Opinion 2004 and Reference Re Secession of Quebec, it could be argued that the increased aggression and militarisation and international isolation indicate a significant breach of the meaningful exercise of the right to self-determination of the people of Taiwan.

A full reset.

The EU needs to re-evaluate its ties with China. We need a full reset of EU-China relations – deviating from a focus of maximalising economic gain to maximalising the respect for human rights, democracy, international law and the international rule of law.

The Federation of Young European Greens reiterates R06 Standing up the Chinese Authoritarianism of the 2020 General Assembly, and with regards to the crimes against humanity and genocide of the Uyghurs, calls on the European Union and the governments of Member States:

1. To formally recognise and declare the situation subjected to the Uyghurs as a genocide;

2. Based on this breach of international law,

    1. For member states to start universal jurisdiction investigations of the crimes against humanity and genocide committed by the PRC against the Uyghurs in order to pursue prosecution of the PRC within national regimes, and/or

    2. For the European Union to file a lawsuit against the PRC in the International Court of Justice and to pursue charges against the Chinese Communist Party in the International Criminal Court;

3. To implement European-wide trade sanctions on products originating from the Xinjiang Uygur Autonomous Region or associated with the forced labour of Uyghurs;

4. To implement European-wide diplomatic sanctions on PRC officials of the Xinjiang Uygur Autonomous Region, and eventually of Xi Jinping.

With regards to the neo-imperialism of the PRC, calls on the European Union and

the governments of Member States:

1. To denounce in the strongest possible terms the aggression of the PRC in the South China Sea and the debt trap diplomacy in the African and Asian regions;

2. To provide a feasible alternative to the BRI contingent on, amongst other aspects, respect for human rights, including:

    1. The adoption of the Build Back Better World (B3W) initiative, with EU-wide funding of the initiative,

    2. The ending of the externalisation of the EU border regime and thus the funding of authoritarian regimes in Africa via the EU Trust Fund for Africa and to replace this with intensified funding of pre-existing Official Development Assistance (ODA) mechanisms contingent on minimum standards and principles relating to, amongst others, human rights and environment and climate, such as that of the Blue Dot Network,

    3. Further expansion and intensification of the Global Gateway strategy, such as via further expansion of the European Fund for Social Development Plus (EFSD+).

With regards to the isolation of the Republic of China, calls on the European Union and the governments of Member States:

1. To denounce in the strongest possible terms the increasing aggression and military build-up of the PRC against Taiwan;

2. To formally recognise the sovereignty of Taiwan and push for the full membership of it in the institutions of the institutional order, primarily the four core international agencies Taiwan is currently pursuing, WHO, Interpol, ICAO and the UNFCCC, and eventually the UN;

3. To further enhance engagement and broaden partnerships with Taiwan, including a reset of Member States’ One China Policy and the broadening of the scope of interaction with Taiwan beyond purely economic engagement such as the further collaboration of European and Taiwanese ministers;

4. To increase European foreign investment into Taiwan, for example by further intensifying the terms of the EU Bilateral Investment Agreement+ with Taiwan, with a particular focus on Taiwan’s expansion of offshore wind energy;

5. Based on this, to eventually establish formal diplomatic relations with

Taiwan:

1. By recognising the official diplomatic missions of Taiwan with the EU and with the various Member States no longer as representative offices serving as *de facto* embassies, but as *de jure* embassies and diplomatic missions,

2. And by doing the same for the representative offices of the EU and of the various member states in Taiwan.