

China's Violations of Universal Values: Lessons for the Future

- Recommendations to Swiss Federal Government on its
China Strategy 2021-24

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I. Introduction

The bilateral relationship of Switzerland and China date back to 1918 with the signing first agreement “Treaty of Friendship” signed between Switzerland and the Government of Republic of China on 13 June 1918. Since then Switzerland has entered into 57 bilateral exchanges and agreements with China including three with Republic of China which retreated to Taiwan in 1949. As per Swiss Foreign Policy Strategy of 2020-23, China is one of the priority countries outside the EU and in fact one of Switzerland’s largest trading partner.

However, the different political systems and normative values of China and Switzerland; rising human rights violations in China; and China’s increasingly aggressive stance to restructure the international norms and values for its own selfish needs are bringing the two countries at loggerheads. Many fear that Switzerland may compromise its strong values and sovereignty to appease China for economic benefits and that Bern is kowtowing to Beijing’s demands including on human rights issues, environmental issues, participation in Belt and Road Initiative, treatment of Tibetans asylum seekers in Switzerland and the like.

Switzerland is one of the first countries to open its borders for Tibetan refugees and in fact Tibetans were the first outsiders to be accepted by Switzerland in the early 1960s. However, the recent treatment of Tibetan asylum seekers by Switzerland is raising concerns not just amongst Tibetans but in the international community about the long arms of Beijing penetrating Bern. With the human rights situation in Tibet worsening day by day, there is a need for Switzerland needs to re-think on its China strategy and take a stronger stance.

The general consensus amongst the global powers including Switzerland to not strongly criticize and question China on its abysmal human rights record in Tibet has emboldened China to repress Uighurs in East Turkestan (CHN: Xinjiang) and violate ‘One Country- Two Systems’ policy in Hong Kong. All these stringent repressive measures being implemented in East Turkestan and Hong Kong were experimented and perfected in Tibet by the Chinese authorities. Had the world powers taken stronger positions on Tibet, the continuing sufferings of Tibetans and the crackdown on Uighurs and Hong Kongers could have been averted.

This report outlines the human rights situation in Tibet and analyses the relationship between Switzerland and China including on Belt and Road Initiative and ‘One-China’ policy with a list of recommendations for the consideration of Swiss federal government.

II. Brief Note on Human Rights Situation in Tibet

In over 60 years of the Chinese communist party's regime in Tibet, Tibetan people have been enduring unspeakable sufferings and injustices including inhumane treatments, lengthy prison sentences, death sentences, lack of fair trial, arbitrary arrests, detentions, disappearances, racial discriminations, denial of freedom of religion, expression, movement and assembly. The current situation in Tibet is grim with pervasive atmosphere of undeclared Martial Law.

Every single right enshrined in the 'Universal Declaration of Human Rights' is being violated in Tibet by China. 154 Tibetans from different walks of life in Tibet have been driven to commit self-immolation as they could no longer bear sufferings under the Chinese regime and felt that self-immolation was the only peaceful way to protest against the repressive policies of China. These are only the known cases of self-immolation in Tibet. The last known case of self-immolation was by a 24-year-old youth named Yonten, a former monk from the nomadic township of Merum in Ngaba County of Amdo region who self-immolated and succumbed to his injuries on 26 November 2019. Adding insult to injury, the entire family of the self-immolator including some of his relatives were detained by the Chinese police. In classic Chinese manoeuvre, the victim has been made the criminal and the family is subjected to untold miseries for his act of defiance.

The following paragraphs contain details about the egregious violations of universally recognized human rights being carried out by the government of China in Tibet:

1. Violation of Right to Freedom of Religion:

The constitution of China guarantees the right of the citizens to freedom of religion and prohibits any discrimination based on religion.¹ However, like many other human rights, this is also merely confined to written documents. In practice, Tibetan Buddhists are being persecuted every day for their beliefs and religious practices. Tibetans are deprived of right to freedom of religion or belief.

The Sinicization of Tibetan Buddhism appears to be the top priority of the Chinese government. The recent demolitions of Larung Gar and Yachen Gar started in 2016 has left an indelible scar on the religious and spiritual beliefs of Tibetans. More than 10,000 monks

¹ Article 36, Constitution of the People's Republic of China, accessible at <http://en.people.cn/constitution/constitution.html>

and nuns have since been forcefully evicted and put into internment camps for “political re-education.” The situation in these camps are so harsh that recently a Tibetan nun was driven to commit suicide to escape from the harsh life in these camps.

Elderly retired Tibetans are not allowed to go on kora, a religious circumambulation of holy shrines, Tibetan children are not allowed to participate in religious activities during their vacation and the admissions of novices to monasteries and nunneries are highly curtailed. Tibetans are not even allowed to pray to His Holiness the Dalai Lama nor allowed to possess his pictures. And yet China wants to meddle in the age-long sacred practice of reincarnation and wants to appoint its own 15th Dalai Lama. This is in complete violation of Tibetans’ right to freedom of religion and belief.

The state agencies are directly interfering in the administration of monasteries and nunneries through “monastic management committees.” Even the process of recognizing the reincarnation of lamas, a sacred religious practice, is being meddled with and now the reincarnated lamas have to register their birth with the State agencies under the Order No.5 Regulation.

Examples of specific cases:

- This year marks 25 years of enforced disappearance of Tibet’s 11th Panchen Lama Gedhun Choekyi Nyima and his entire family. He was six year old when he and his family members were abducted by the Chinese government on 17 May 1995, within three days of his recognition as Panchen Lama by His Holiness the Dalai Lama. Five UN independent experts have written to China demanding China to release information on the whereabouts of Panchen Lama and to stop meddling in the reincarnation process.²
- **Wangchen** and his aunt **Dolkar** were sentenced to 4 years, 6 months and 1 year, 3 months prison terms respectively for praying for the release of the 11th Panchen Lama Gedhun Choekyi Nyima in April 2019.
- **Rinso** was detained in July 2019 and held over a week for sharing photos of HHDL on wechat.
- **Five UN independent experts from five Special Procedures** have written a joint letter of allegation to China in May 2019 for sentencing nine Tibetans for celebrating the 80th

² accessible at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25294>

birthday of His Holiness the Dalai Lama in 2015.³ The nine Tibetans are: Monk Drugdra, also known as Dukda or Drukdra; Monk Lobsang Khedrub; Monk Lobsang Gephel; Monk Lodro; Ms. Ta're Kyi; Ms. Bonkho Kyi, also known as Wonkho Kyi; Mr. Trotsik Tsultrim; Mr. Tsultrim, also known as Tsulte; and Mr. Akyakya.

2. Violation of Language rights of Tibetans: Tibetans, though considered “ethnic minority” by China, do not have any language rights. Though on the face of it, China is practicing bilingual policy, Tibetan language has been replaced by Mandarin as a medium of instruction in Tibetan schools. Learning their own language has become a crime as reported by Human Rights Watch in their comprehensive report titled “China's ‘Bilingual Education’ Policy in Tibet- Tibetan-Medium Schooling Under Threat.”⁴ Monasteries which were the secondary source for learning Tibetan have been banned from teaching the language to school children. Tibetan students graduating with specialisation in Tibetan language are deprived of any job prospects.

Examples of specific cases:

- Well-known language rights activist, **Tashi Wangchuk** was arrested and sentenced to 5 years in prison for “inciting separatism” only because he spoke to the New York Times about his intention to march to Beijing to ask for the rights to preserve the Tibetan language in schools. His appeals against the sentencing were dismissed and is even denied of his rights to meet his lawyer.
- **Sonam Palden**, a monk from Kirti Monastery was arrested in Ngaba county in September 2019 for posting critical views on China’s policy on Tibetan language on WeChat, a social messaging app.⁵
- **Wanchuk** from Shigatse Prefecture was detained in March 2019 for sharing Tibetan books on social messaging platform.⁶

³ Human Rights Office of the High Commissioner, Special Procedures, Joint letter of Allegations, AL CHN 5/2019, 10 May 2019, accessible at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24546>

⁴ Accessible at <https://www.hrw.org/report/2020/03/04/chinas-bilingual-education-policy-tibet/tibetan-medium-schooling-under-threat>

⁵ Tibetan Centre for Human Rights and Democracy, *Monk detained for criticising China’s policy on Tibetan language at high risk of torture*, 11 November 2019, accessible at <https://tchrd.org/monk-detained-for-criticising-chinas-policy-on-tibetan-language-at-high-risk-of-torture/>

⁶ Tibetan Centre for Human Rights and Democracy, *Tibetan man sentenced to prison for sharing books on WeChat*, 7 November 2019, accessible at <https://tchrd.org/tibetan-man-sentenced-to-prison-for-sharing-books-on-wechat/>

- **Tsering Dorjee**, a resident of Peleb village in Tashi Zom township, was detained on 20 February 2019 for having a telephone conversation with his younger brother about the importance of Tibetan language.⁷

3. Violation of Freedom of Expression: There is absolutely no freedom of expression in Tibet. Tibetans who express any grievances against the local authorities are detained, tortured and charged with trumped charges of “separatism” resulting in long prison terms. Tibetan writers and artists who express their views and opinions on the sufferings of Tibetans face torture, enforced disappearances and arbitrary detention.

Examples of Specific Cases:

- Two Tibetans Khando Tsetan and Tsego from Tsekhog (Ch: Zeku) County, Malho (Ch: Huangnan) Tibetan Autonomous Prefecture, Qinghai Province were sentenced up to 7 years in prison in July 2020 for writing songs praising the Dalai Lama.⁸
- Tashi Rabten, Dhonkho, Bhudha and Khelsang Jinpa, the editors⁹ and contributors¹⁰ of the magazine *Shar Dungri* (East Conch Mountain) published by a group of Tibetan students in June 2008 were arrested and sentenced to prison.
- The author of *Tsenpoi Nyingtop* (Courage of the Emperor) Gartze Jigme was arrested and sentenced, twice in 2013.
- The author of “The Division of Heaven and Earth: on the Peaceful Revolution of the Earth Rat Year” **Tagyal**, popularly known by his penname Shogdung (morning conch) was arrested and imprisoned in March, 2010. Any literature or body of work that allude to the human rights situation in Tibet and the rights of Tibetans are banned.

4. Freedom of Association and Peaceful Assembly: Tibetans do not have the right to freedom of association and peaceful assembly. Every attempt of Tibetans to collectively raise their voices against illegal minings, forceful resettlement of nomads and illegal land grabs are branded as “Black and Evil Crimes.” Their attempts to form small groups for

⁷ Tibetan Centre for Human Rights and Democracy, *Tibetan man criminally detained for phone conversation about Tibetan language education*, 20 December 2019, accessible at <https://tchrd.org/tibetan-man-criminally-detained-for-phone-conversation-about-tibetan-language-education/>

⁸ Tibetan Centre for Human Rights and Democracy, *China imprisons two Tibetans on ‘state subversion’ charges for Dalai Lama song*, accessible at

<https://tchrd.org/china-imprisons-two-tibetans-on-state-subversion-charges-for-dalai-lama-song/>

⁹ *China/Tibet: Writer and editor sentenced*, Pen International, 12 July 2011,

accessible at <https://pen-international.org/news/china-tibet-writer-and-editor-sentenced>

¹⁰ *Tibetan writers released from prison in China*, Committee to Protect Journalists, July 2, 2014, accessible at <https://cpj.org/2014/07/tibetan-writers-released-from-prison-in-china/>

conservation of environment are viewed as “acts of separatism” and are often subjected to severe punishment.

Examples of Specific Cases:

- Nine Tibetans were sentenced for creating an informal organization urging Chinese authorities to return community land acquired by authorities in Rebgong County, Malho (Tongren) Tibetan Autonomous Prefecture on charges of founding an “evil organization.”¹¹
- The Nangchen County People’s Court sentenced 21 Tibetans in two different groups under the pretext of committing criminal activities in Shordha town in the Tibetan province of Kham, now under Kyegudo (Yushu) Tibetan Autonomous Prefecture of China’s Qinghai Province. They were working for the conservation of the environment. One group of 11 Tibetans and another group of 10 Tibetans, both from Do Thrang village in Shorda town were sentenced to varying prison terms from two to six years in prison and fines from 10,000 to 50,000 yuan in June, 2019.

5. No Freedom of Movement: Tibetans do not have the right to move freely be it within the designated Tibetan areas, Tibet Autonomous Region or across China and abroad. They have to register and seek permission to travel. Further their applications for passports are rejected and the passports that were issued earlier were confiscated and destroyed.¹² In fact the UN Committee on the Elimination of Racial Discrimination in its 2018 report had clearly highlighted this issue with the government of China.¹³

6. Racial Discrimination against Tibetans: The Chinese government employs discriminatory practices against Tibetans in every aspect of life be it education, health care, employment or even issuance of passports. In fact, even the UN Committee on Elimination of Racial Discrimination has raised concerns about the discriminative practices against Tibetans in the field of employment, health issues as well as issuance of passports to

¹¹ Tibetan Centre for Human Rights and Democracy, *Nine Tibetans sentenced up to 7 years in prison under China’s organised crime crackdown*, 19 April 2019, accessible at <https://tchrd.org/nine-tibetans-sentenced-up-to-7-years-in-prison-under-chinas-organised-crime-crackdown/>

¹² *One Passport, Two Systems: China’s Restrictions on Foreign Travel by Tibetans and Others*, Human Rights Watch, 2015, accessible at <https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>

¹³ Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), CERD/C/CHN/CO/14-17, 30 August 2018, accessible at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHN/CERD_C_CHN_CO_14-17_32237_E.pdf

Tibetans. Tibetan students graduating with specialisation in Tibetan language do not have much job prospects.

7. Digital Surveillance: China has been deploying mass surveillance systems across the country. But the most affected groups of such surveillance mechanism are often the so-called “ethnic minorities” like the Tibetans, Uighurs, Mongols etc. For effective surveillance against these people, the Chinese authorities collect biometrics including DNA and voice samples, personal information including name, date of birth, height, skin color, color of eyes, dental records, residential addresses, electric meter number, prayer routines, daily schedules, purchasing behavior, video gaming habits, social acquaintances, and adherence to rules in public spaces and so forth. Authorities employ high-tech mass surveillance systems that make use of QR codes, biometrics, artificial intelligence, phone spyware, surveillance cameras, facial recognition, big data etc. They have even developed a nationwide reward and punishment system known as the “social credit system” which will be effective across the country by 2020.

8. ‘Minoritization’ of Tibetans: The large-scale population transfer of mainland Chinese to Tibet is making the Tibetans a minority in their own region. Moreover, Tibetans are subjected to systemic economic marginalization. Tibetans are left to compete with a migrant population that is better skilled and educated. State and private Chinese enterprises—making up a large portion of the economy—prefer to employ the Chinese-speaking migrants over Tibetans, depriving the latter from any meaningful participation in the local economy.

The above details present merely few instances of egregious human rights violations being carried out by the autocratic and authoritarian Government of China. The Freedom House, a global organization monitoring the democratic freedom in the world, had consecutively ranked Tibet as the least free region in the world after Syria for five-years in 2019.¹⁴

¹⁴*Democracy in Retreat- Freedom in the World Report 2019*, Freedom House, accessible at https://freedomhouse.org/sites/default/files/Feb2019_FH_FITW_2019_Report_ForWeb-compressed.pdf

III. Human Rights in China and the Swiss Policy

China's human rights policy in Tibet, East Turkestan, Hong Kong and other regions under China are in direct contravention of Switzerland's human rights foreign policy. The three important goals of Swiss human rights policy defined in the Federal Department of Foreign Affairs Human Rights Strategy 2016-19 are¹⁵:

1. Defend and promote the universality, interdependence and the indivisibility of human rights;
2. Establish a coherent international frame of reference and strengthen existing human rights institutions and mechanisms; and
3. Strengthen the commitment and inclusion of key human rights actors especially civil societies.

However, China's abysmal human rights record and its consistent attempts to undermine the universally accepted definitions of human rights and established international institutions totally contradict the Swiss goals for human rights as discussed herebelow.

1. Hierarchy of Rights and Right to Development: China does not believe in the universality and indivisibility of human rights. China has been trying to change the very definition of human rights qualifying human rights with "Chinese characteristics". China is pushing the UN Human Rights Council to categorise 'right to development' as a basic human right aiming to create a hierarchy amongst the human rights with right to development surpassing all other rights.¹⁶

2. Undermine the Existing Human Rights Institutions: China has been employing various tactics to undermine the existing human rights system and institutions.¹⁷ On the one hand it is donating large amounts of money to Office of the High Commissioner for Human Rights and other UN bodies and on the other it is proposing large budget cuts to make them financially dependent on China. It has also been blocking the participation of civil societies

¹⁵ Accessible at <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/human-rights/human-rights-policy/swiss-commitment.html>

¹⁶ Sonya Sceats and Shaun Breslin, *China and the International Human Rights System*, Chatham House, October 2012, accessible at https://www.chathamhouse.org/sites/default/files/public/Research/International%20Law/r1012_sceatsbreslin.pdf

¹⁷ Yu-Jie Chen, *China's Challenge To The International Human Rights Regime*, *Nyu Journal Of International Law And Politics*, accessible at <https://nyujilp.org/wp-content/uploads/2019/09/NYI403.pdf>

in the UN process through different means including threatening human rights defenders.¹⁸ Furthermore, China has time and again tried to undermine the work of the special procedures firstly by not extending any invitations to the independent experts and secondly by dismissing and discrediting their work.

3. China's Strong Control over Civil Societies: China does not encourage strong civil society culture. CIVICUS which monitors the civic space in the world classified China as "Closed" for civil societies.¹⁹ China exercises strong control over the NGOs within its territory through mandatory membership of Communist Party of China and strict "reporting requirements and mandatory meetings on issues proposed by the party members."²⁰ The new law regulating the activities of overseas non-governmental organizations in China titled "Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China" tightened state controls over international NGOs functioning in China by imposing mandatory registration and approval requirements effectively bringing in license system to operate in China.²¹ Even the NGOs which were already operational in China were required to adhere to these requirements forcing many NGOs to shut their projects.

Switzerland has three important commitments when it comes to human rights policy: Firstly, its commitment to abolish death penalty through its Action plan "a world without death penalty", secondly to encourage States to abandon torture through its action plan "A World Without Torture" and lastly its commitment to protect the human rights defenders.

Again China's policy on all these issues are inconsistent with Switzerland's commitments as the following points prove:

1. Death penalty: A major undertaking of Swiss human rights policy is to work for the abolition of death penalty worldwide. China continues to enforce death penalty and it is awarded arbitrarily against Tibetans who voice their genuine concerns for Tibet. The last

¹⁸ Human Rights Watch, *The Costs of International Advocacy: China's Interference In United Nations Human Rights Mechanisms*, 2017, accessible at: www.Hrw.Org/Report/2017/09/05/Costs-International-Advocacy/Chinas-Interference-United-Nations-Human-Rights

¹⁹ Accessible at <https://monitor.civicus.org/country/china/>

²⁰ Berthold Kuh, *Civil society in China: A snapshot of discourses, legislation, and social realities*, Dialogue of Civilizations Research Institute, 2019, accessible at https://doc-research.org/wp-content/uploads/2019/06/China-civil-society_Download-file.pdf

²¹ Accessible at <https://www.chinafile.com/ngo/laws-regulations/law-of-peoples-republic-of-china-administration-of-activities-of-overseas>

death penalty was awarded to Losang Gyatse and Loyar in connection with uprisings in Lhasa in 2008.²²

2. Arbitrary detention with torture and cruel treatment: Arbitrary detention has become the “new normal” in Tibet. It has often become the case where Tibetans- layperson and monastic people, are picked up from their respective places of residence in the middle of the night and nobody knows their whereabouts for months. The family members are neither informed about the grounds for detention nor the location. At the detention centres, the detained Tibetans are subjected to torture and other cruel, inhumane and degrading treatments to procure false “confessions.”

Examples of Specific Cases:

- The case of Tulku Tenzin Delek is just one of many unknown unnamed Tibetan prisoners who are subjected to severe torture resulting in custodial deaths.²³
- Many former Tibetan political prisoners are passing away after prolonged health crisis resulting from torture. For example, Yeshe Gyatso²⁴, Pema Wangchen²⁵ and Lekshey Thupten²⁶.
- **Lobsang Dorje**, a monk from Ngaba County’s Kirti monastery was held under “incommunicado detention” since July 2018 and was later sentenced to three years after a sham trial in September 2019. He was picked up from his monastery in the middle of the night on suspicion of contacting the “outside world.”²⁷

3. Unfair trial and arbitrary sentencing: Tibetans are often subjected to unfair trial with no possibility of defending themselves. Firstly, all the court documents are in Mandarin and not Tibetan language. This was also highlighted by the Committee on Elimination of Racial Discrimination in its observations published in 2018. Secondly Tibetans are not even given a copy of the court documents nor are they allowed to render any evidence in their defence.

²²Two Tibetans sentenced to death in Lhasa, International Campaign for Tibet, 9 April 2009, accessible at <https://savetibet.org/two-tibetans-sentenced-to-death-in-lhasa/>

²³ Tibetan monk Tenzin Delek Rinpoche Dies in China Prison, BBC, 13 July 2015, accessible at <https://www.bbc.com/news/world-asia-china-33505834>

²⁴One more torture survivor and former political prisoner Yeshe Gyatso passes away, Central Tibetan Administration, 6 May 2019, accessible at <https://tibet.net/one-more-torture-survivor-former-political-prisoner-yeshi-gyatso-passes-away/>

²⁵Tibetan man torture for singing Tibetan national anthem dies, Central Tibetan Administration, 30 April 2019, accessible at <https://tibet.net/tibetan-man-tortured-for-singing-tibetan-national-anthem-dies/>

²⁶Former Tibetan political prisoner Lekshey Thupten passes away, Central Tibetan Administration, 18 April 2019, accessible at <https://tibet.net/former-tibetan-political-prisoner-lekshey-thupten-passed-away/>

²⁷ Tibetan Centre for Human Rights and Democracy, *Monk sentenced to three years after more than a year of incommunicado detention*, 6 September 2019, accessible at <https://tchrd.org/monk-sentenced-to-three-years-after-more-than-a-year-of-incommunicado-detention/>

They do not even have access to lawyers to defend themselves in the court of law. Often the so-called trials are merely a façade. Even the family members and relatives of the Tibetan prisoners get to know about the trial after the sentencing.

Examples of specific cases:

- **Lodoe Gyatso** also known as **Sogkhar Lodoe** was arrested for staging a peaceful protest in front of the Potala palace in Lhasa in January 2018. His wife **Gakyi** was arrested for shooting his video message prior to the protest. Lodoe Gyatso was sentenced to 18 years and his wife Gakyi was sentenced to 2 years in prison after secret trials. The family members found out about the sentencing after many months had passed.²⁸

4. **Crackdown on human rights defenders:** Tibetan human rights defenders are detained without any official charges for months during which time they are subjected to inhumane treatments and torture. There have been many cases of custodial deaths as well. They are denied access to free and fair trial and are sentenced to long prison terms. Many such political prisoners have died upon release due to their frail health resulting from years of torture and starvation. China uses its vague terminologies and absurd interpretation of laws to frame Tibetan human rights defenders with criminal charges. The crackdown on land rights advocates, environmental activists, language rights advocates have raised serious questions on the abuse of laws.

Example with specific cases:

- **Tashi Wangchuk** was sentenced to 5 years in prison for “inciting separatism” after he spoke to the New York Times about Tibetan language education, causing an international outcry about China’s intensified crackdown on human rights defenders.
- The land rights advocate and crusader of anti-corruption **A-nya Sengdra** was imprisoned and sentenced to 7 years in years in December 2019 for defending the rights of the local Tibetan nomads and despite the call by special procedures his appeal by rejected.²⁹

5. **Abuse of laws to persecute human rights defenders:** China has been misusing many of its laws with vague and over-broad definition of crimes to frame the human rights defenders with false charges. The classic example is the misuse of counter-terrorism law. Twelve UN

²⁸ Tibetan Centre for Human Rights and Democracy, *Former Tibetan political prisoner sentenced to 18 years for protest; wife given 2 years for filming video*, 15 March 2019, accessible at <https://tchrd.org/former-tibetan-political-prisoner-sentenced-to-18-years-for-protest-wife-given-2-years-for-filming-video/>

²⁹ *UN experts urge China to drop charges against jailed Tibetan minority human rights defender*, OHCHR, 19 May 2020, accessible at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25894&LangID=E>

independent experts from 12 special procedures in their joint communication to China expressed grave concerns of this misuse leading to “arbitrary detention, enforced disappearance, absence of judicial oversight and procedural safeguards and restrictions of the right to freedom of expression, the right to freedom of thought, conscience and religion, the right to freedom of peaceful assembly, the right to education and the right to freedom of movement within an increasingly securitized environment, particularly for designated minorities, notably Uyghurs and Tibetans.”³⁰

These conclusively show that China’s record of human rights violations perpetuated under the authoritarian rule of the Communist Party of China and its normative values are in direct contradiction to the Swiss Human Rights Policy.

³⁰ Human Rights Office of the High Commissioner, Special Procedures, Joint Other Letter, OL CHN 18/2019 , 1 November 2019, accessible at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24845>

IV. Engaging China in Multilateral Platforms and the Outcomes

China has been engaging with the international community at different multilateral platforms including United Nations and its organs, World Health Organization (WHO) etc. The Republic of China was one of the charter members of the United Nations in 1945. However, after the Chinese civil war resulting in the establishment of People's Republic of China and the retreat of Republic of China to the island of Taiwan, the replacement by People's Republic of China to the UN membership was not transferred until 1971.

The below paragraphs give a brief analysis of China's engagement at different multilateral platforms:

1. China and International Treaties: When it comes to human rights issues, China has either signed and ratified international treaties, signed and not ratified or has not been a signatory altogether. Despite signing and ratifying the international treaties, China has consistently violated the legal obligations under these with impunity. The human rights situation in Tibet discussed in chapter 2 portray a grim picture of China. The following table shows the ratification status of China³¹:

S. No.	Treaty	Signature Date	Ratification Date, Accession(a), Succession(d) Date
1	CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	12 Dec 1986	04 Oct 1988
2	CAT-OP - Optional Protocol of the Convention against Torture	-	-
3	CCPR - International Covenant on Civil and Political Rights	05 Oct 1998	-
4	CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty	-	-
5	CED - Convention for the Protection of All Persons from Enforced Disappearance	-	-

³¹ UN Treaty Database, Office of the High Commissioner, accessible at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN

6	CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	17 Jul 1980	04 Nov 1980
7	CERD - International Convention on the Elimination of All Forms of Racial Discrimination	-	29 Dec 1981 (a)
8	CESCR - International Covenant on Economic, Social and Cultural Rights	27 Oct 1997	27 Mar 2001
9	CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	-
10	CRC - Convention on the Rights of the Child	29 Aug 1990	02 Mar 1992
11	CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	15 Mar 2001	20 Feb 2008
12	CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	06 Sep 2000	03 Dec 2002
13	CRPD - Convention on the Rights of Persons with Disabilities	30 Mar 2007	01 Aug 2008

2. China's subversion of UPR procedure: China has participated in three cycles of Universal Periodic Review (UPR) held in 2009, 2013 and 2018 under the UN Human Rights Council where the member states review the performance of a country by submitting questions and recommendations. China has been manipulating this process in three ways:

- a. Reduction in speaking time:** By encouraging its “friendly states” to take time to heap praises on China’s “achievements”, it is reducing the speaking time available for member states which is restricted to 40 minutes. In 2013, each member states had 50 seconds and in 2018 it was further reduced to 45 seconds for member states to present their questions and recommendations.³² Further when it comes to civil societies, China has been fielding its GONGOs (Government Organized NGOs) to cut into the time allotted for civil societies and escape critical statements.
- b. Threats of adverse bilateral relationship:** China approaches delegations of countries which criticize its dismal track record on human rights with threats of negative consequences on its bilateral relationship.³³

³² Andrea Worden, *China Deals Another Blow to the International Human Rights Framework at Its UN Universal Periodic Review*, CHINA CHANGE, 25 November 2018, accessible at <https://chinachange.org/2018/11/25/china-deals-another-blow-to-the-international-human-rights-framework-at-its-un-universal-periodic-review>

³³ UN: *China Responds to Rights Review with Threats*, Human Rights Watch, 1 April 2018, accessible at www.hrw.org/news/2019/04/01/un-chinaresponds-rights-review-threats

c. False and misleading responses: China undermined the UPR procedure by submitting blatantly false and misleading responses about the human rights condition in China. To many recommendations, China has simply responded as “accepted and already implemented” whereas the ground reality is contradictory. For example, in its third UPR cycle China received a total of 22 recommendations on freedom of religion out of which it claimed to have “accepted and already implemented” 8 recommendations.³⁴ Whereas the ground reality is in stark contrast evident with the demolition of monasteries and violations of right to freedom of religion of Tibetans.

3. China, WHO and Pandemic Covid-19: The Covid-19 pandemic has wreaked havoc directly or indirectly affecting every individual in the world. Credible reports evince the culpability of China in the initial spread of the Covid-19 pandemic when the Chinese authorities instead of heeding the warnings of whistle blower doctors, suppressed them. When the Covid-19 infection became a global crisis, on the one hand China took its own sweet time in sharing critical data on the virus genome with WHO³⁵ and on the other hand China injected millions of dollars into WHO to change the narrative on the spread of the virus. WHO officials heaped praises on China’s handling of the pandemic and in fact later appointed wife of Chinese President Xi Jinping, Mrs. Peng Liyuan as ambassador of WHO raising questions about the integrity of WHO. Many critics have in fact accused WHO of being “China’s Coronavirus accomplice.”³⁶ China also strongly fought against the global calls for independent virus probe and even took retaliatory trade measures against Australia promoting the inquiry at the 73rd World Health Assembly.³⁷

³⁴The eight recommendations to which China replied as “accepted and already implemented” at the Third UPR cycle are: Fully protect freedom of religion or belief by ensuring Chinese law supports the rights of individuals to freely practise their religion (Australia); Respect, protect and fulfil the right to freedom of thought, conscience and religion, in accordance with general comment 22 of the Human Rights Committee (New Zealand); Ensure full implementation of its international human rights obligations regarding freedom of religion or belief (Poland); Take the necessary measures to allow all citizens to enjoy the free exercise of religion or belief and to ensure that ethnic minorities can freely practise their religion and exercise their culture (Austria); Guarantee freedom of religion or belief, including in Tibet and in East Turkestan (France); Respect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture, including for Tibetans, Uighurs and other minorities (Germany).

³⁵*How China blocked WHO and Chinese Scientists early in coronavirus outbreak*, Associated Press, 2 June 2020, accessible at <https://www.nbcnews.com/health/health-news/how-china-blocked-who-chinese-scientists-early-coronavirus-outbreak-n1222246>

³⁶Hinnerk Feldwisch-Drentrup, *How WHO Became China’s Coronavirus Accomplice*, Foreign Policy, 2 April 2020, accessible at <https://foreignpolicy.com/2020/04/02/china-coronavirus-who-health-soft-power/>

³⁷*China punishes Australia for promoting an inquiry into covid-19*, Economist, 21 May 2020, accessible at <https://www.economist.com/asia/2020/05/21/china-punishes-australia-for-promoting-an-inquiry-into-covid-19>

4. Switzerland and China: Switzerland has been engaging with China both at multilateral and bilateral fronts but China's response has been growing increasingly aggressive. Switzerland was one of the 22 signatories to the statement at the United Nations which urged China to stop the incarceration of Uighur Muslims in concentration camps. China issued strong condemnation of the countries signing the statement including Switzerland.³⁸ As a fall-out, China refused to engage in the 17th round of bilateral human rights dialogue with Switzerland which was to take place in 2019.³⁹ Furthermore, the recent remarks of Swiss Foreign Minister Ignazio Cassis on raising human rights violations in China were met with swift condemnation from Chinese foreign ministry spokesperson Wang Wenbin who called the remarks "groundless." Furthermore, China sent across a subtle threat by implying that Swiss Banks like Credit Suisse will lose business if the Swiss government doesn't kowtow to China.⁴⁰

Switzerland has also been actively participating in the UPR cycles of China. The following table lists down the recommendations by Switzerland to China during the three cycles of UPR and the response of China to each of the recommendations:

S.N	UPR Cycle	Recommendations by Switzerland	Response by China
1	First	(a) "To amend the criminal procedure code in order to ensure the right to a lawyer and put in place a law for the protection of witnesses" (b) "To publish the statistics of the total number of executions since the introduction of its revision to allow measurement of the decline in numbers" (c) "To install a moratorium on the death penalty as a first step towards its total abolition" (d) "To respect the fundamental rights of ethnic minorities in East Turkestan and Tibet, notably freedom of religion and movement"	(a): Rejected (b): Rejected (c): Rejected (d): Rejected

³⁸*China blasts Swiss-signed letter criticising Xinjian policies*, Swissinfo, 11 July 2019, accessible at https://www.swissinfo.ch/eng/human-rights_china-blasts-swiss-signed-letter-criticising-EastTurkestan-policies/45090948

³⁹*Swiss-Chinese human rights talks postponed*, Swissinfo, 20 December 2019, accessible at https://www.swissinfo.ch/eng/diplomacy-_swiss-chinese-human-rights-talks-postponed--/45450158

⁴⁰*Beijing Spotlights Swiss Banks in Official Rebuke*, Finews, 5 August 2020, accessible at <https://www.finews.com/news/english-news/42377-beijing-spotlights-swiss-banks-in-post-cassis-crossfire>

2	Second	(a) Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals; (b) Facilitate the visits of the UN High Commissioner and the special procedures, including to Tibetan and Uighur area; (c) Publicize the statistics on executions	(a): Accepted and already implemented (b): accepted (c): Not Accepted
3	Third	(a) Close all “re-education centres” in Uighur areas and facilitate the visits by the United Nations High Commissioner for Human Rights and the special procedures in East Turkestan; (b) Put an end to the practice of “residential surveillance at a designated location”, specifically with regard to human rights defenders and lawyers; (c) With regard to the new legislation on domestic violence, implement as soon as possible the obligations towards women victims, which ensue from it; (d) Respect all the human rights of the Tibetan people and other minorities, including the importance of an environment that is safe, clean, healthy and sustainable, which is essential for the enjoyment of many of these rights	(a): Rejected (b): Rejected (c): Rejected (d): Accepted and already implemented

These categorically evince China’s increasingly aggressive stance to restructure the international norms and values as per its own selfish interests.

V. China's Belt and Road Initiative: A front to perpetuate expansionist ideology?

China's Belt and Road Initiative (BRI) is one of the most ambitious foreign policy strategies of the Chinese President Xi Jinping's grand plans. Also known as the New Silk Road, the BRI encompasses two important components: Silk Road Economic Belt (the Belt) and the 21st century Maritime Silk Road (the Road). The scale of this project reflects the deep pockets which Xi is willing to dive into to achieve the dream of leading development modelled after the success of China's growth. Through this, he appears to revive China as the Middle Kingdom, an empire amidst the globalized world as imaginatively reflected in the Mandarin word for China, *Zhōngguó* (中国).

The trillion dollars BRI which is marketed by China as a win-win infrastructure development project to accelerate “economic integration of countries along the route of the historic silk road”⁴¹ has expansionist agenda with strategic geopolitical goals and long term economic gains.⁴² BRI is inherently contradictory. Its inviting language of “inclusivity”, “shared development” and “people-to-people bonds”⁴³ is at variance with its continued patterns of national assets takeovers, gross human rights violations and protectionist tendencies.⁴⁴ The following paragraphs analyse the adverse impacts of BRI which threaten the peace, security and other universal values.

⁴¹Belt and Road Initiative Website, accessible at <https://www.beltroad-initiative.com/belt-and-road/>

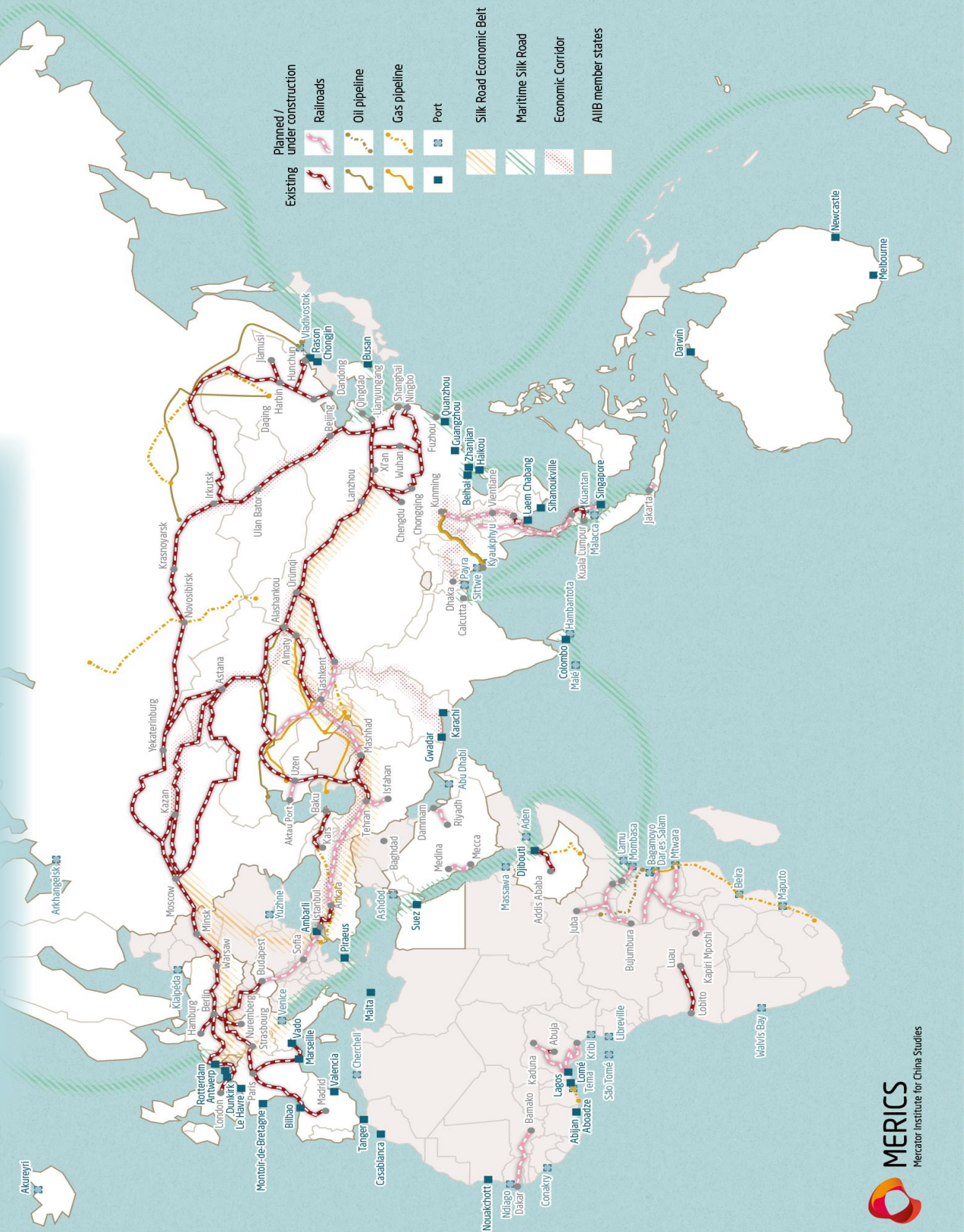
⁴²China's Belt and Road initiative in the global trade, investment and finance landscape, OECD, accessible at <https://www.oecd.org/finance/Chinas-Belt-and-Road-Initiative-in-the-global-trade-investment-and-finance-landscape.pdf>

⁴³ The State Council Archives The People's Republic of China, *Full text: Action plan on the Belt and Road Initiative*, 2015, accessible at http://english.www.gov.cn/archive/publications/2015/03/30/content_281475080249035.htm

⁴⁴Kathrin Ammann, *Switzerland Ponders Response to China's Expansion*, Swissinfo, 2018, accessible at https://www.swissinfo.ch/eng/emerging-world-power_switzerland-seeks-response-to-china-s-expansion/44451844

The Belt and Road Initiative creates a global infrastructure network

China uses, acquires and builds railroads, ports and pipelines



© merics, März 2018

Map-1 Source: *MERICs*⁴⁵

⁴⁵ Accessible at <https://merics.org/en/analysis/mapping-belt-and-road-initiative-where-we-stand>

- 1. BRI as a debt-trap:** BRI is seen as a debt-trap especially after China took over operations of Sri Lanka's Hambantota port and airport on lease for 99 years as Sri Lanka defaulted on payments.⁴⁶ It was a \$1.3 billion project in vastly undeveloped region of Hambantota which included building of new deep sea port, an airport, a stadium, a giant conference centre and miles of roads which particularly benefited China as a geostrategic location giving it access to Indian ocean. Similarly, as part of China-Pakistan Economic Corridor (CPEC) Pakistan's Gwadar port is taken over by China for a lease of 43 years, many strategically located African countries are also stuck in this debt trap. Kenya with \$ 9.8 bn loan taken between 2006 and 2017 almost lost control of its Mombasa port, Djibouti owes over 80% of its GDP to China and was forced into hosting Chinese first overseas military base. Other African countries which owe huge debt to China under BRI are Angola (\$ 25 bn), Ethiopia (\$13.5 bn), Congo (\$7.3 bn), North Sudan (\$6.4), Zambia (\$ 6 bn).⁴⁷
- 2. BRI is embroiled in corruption:** BRI has been embroiled in many corruption scandals, the latest one being the 1MDB scandal of Malaysia where it was alleged that China agreed to cover-up over billion dollars embezzlement by then prime minister Najib Razak who was sentenced to 12 years imprisonment in July 2020.⁴⁸ The Sri Lankan Hambantota project was embroiled in corruption scandal with President Rajapaksa utilizing much of the loan amount to fuel his own re-election.⁴⁹ Many Chinese companies are barred from World bank and other multilateral banks for fraud and corruption, including China Communications Construction Co. (CCCC) for fraudulent bidding in Philippines and China Harbour Engineering company for offering bribe to Bangladeshi officer for construction project.⁵⁰
- 3. Adverse impact on domestic industries:** The BRI projects are also adversely impacting the domestic industries of the countries signing on to BRI. In the particular case of Zambia, by 2018- in just five years since the BRI was launched- it had already lost its key industrial

⁴⁶Wade Shepard, *Sri Lanka's Hambantota port and the world's emptiest airport go to the Chinese*, Forbes, 28 October 2016, accessible at <https://www.forbes.com/sites/wadeshepard/2016/10/28/sold-sri-lankas-hambantota-port-and-the-worlds-emptiest-airport-go-to-the-chinese/#3ea721b34456>

⁴⁷Takudzwa Hillary Chiwanza, *The Top Ten African Countries With the Largest Chinese Debt*, 2 October 2018, accessible at <https://www.africanexponent.com/post/9183-here-are-the-top-ten-countries-in-africa-bearing-the-largest-chinese-debt>

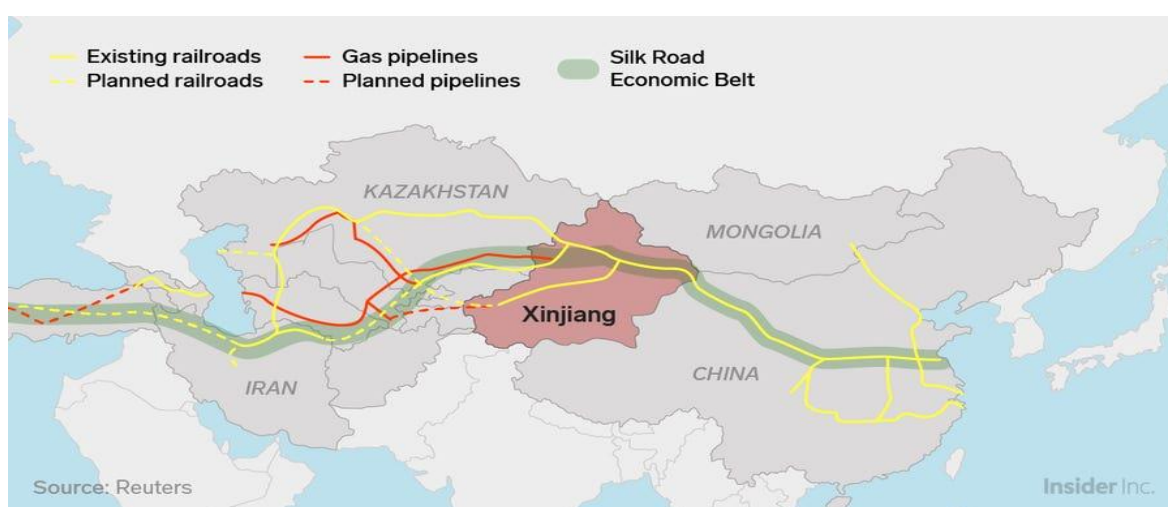
⁴⁸1MDB scandal: Najib Razak handed 12-year jail sentence, *The Guardian*, 28 July 2020, accessible at <https://www.theguardian.com/world/2020/jul/28/1mdb-scandal-najib-razak-verdict-malaysia>

⁴⁹Wade Shepard, *How China's Belt and Road Became a 'Global Trail of Trouble'*, Forbes 29 January 2020, accessible at <https://www.forbes.com/sites/wadeshepard/2020/01/29/how-chinas-belt-and-road-became-a-global-trail-of-trouble/#459be047443d>

⁵⁰Jonathan E. Hillman, *Corruption Flows Along Belt and Road*, Center for Strategic and International Studies, 18 January 2019, accessible at <https://www.csis.org/analysis/corruption-flows-along-chinas-belt-and-road>

bodies like the power utility company, ZESCO to China's BRI.⁵¹ China through BRI is undercutting the competition at the cost of domestic industries leading to economic collapse of the country.

- 4. BRI: Reason behind mass incarcerations in East Turkestan and Tibet-** China has touted so-called “domestic terrorism” as a reason for mass incarcerations in East Turkestan. However, the trillion-dollar BRI project appears to be the real motive as majority of BRI connectivity runs through East Turkestan (map-2) making it a hotspot requiring absolute autocratic control by the Chinese Communist Party.⁵² Similarly China found the total subjugation of Tibet a necessity to protect the BRI connectivity in Lhasa and Shigatse (CHN: Xigaze) as shown in the map-3 below.



Map-2. Source: Business Insider graphics



Map-3. Source: *The Conversation*⁵³

⁵¹ *China to take over ZESCO – Africa Confidential*, Lusaka Times, 4 September 2018, accessible at <https://www.lusakatimes.com/2018/09/04/china-to-take-over-zesco-africa-confidential/#comments>

⁵² Alexandra Ma, *This map shows a trillion-dollar reason why China is oppressing more than a million Muslims*, Business Insider, 23 February 2019, accessible at <https://www.businessinsider.com/map-explains-china-crackdown-on-uighur-muslims-in-East-Turkestan-2019-2?r=US&IR=T>

⁵³ Accessible at <https://www.thethirdpole.net/2019/06/18/nepal-china-railway/>

5. **BRI: Threat to peace and stability:** BRI is threat to peace and stability in the regions surrounding China. Both China and Pakistan have repeatedly engaged in border skirmishes with India with the sole intention of protecting the China-Pakistan Economic Corridor (CPEC) running through Pakistan occupied Kashmir and China occupied Kashmir giving direct access to the strategic Gwarda port. In fact the recent border skirmishes between China and India in the Galwan region are aimed at occupying more territory for the CPEC.⁵⁴ Furthermore, the tension in the South China sea stems from the BRI project. Despite the international tribunal ruling against China, it has refused to descale its presence in the region and instead built island ports as part of the BRI.⁵⁵ These pose huge threat to peace and stability in the region.
6. **BRI and environmental concerns:** BRI also comes at huge environmental costs. The infrastructure project has caused extreme environmental damage leading to collapse of fragile ecosystems. In the case of Malaysia, villagers of Bandar Hilir staged protests against the Melaka Gateway project for damaging the water resources which are the main sources of income for the fishing community there.⁵⁶
7. **Digital Silk Road of China:** The BRI also includes a “digital Silk Road” of Chinese-built fibre-optic networks that could expose internet traffic to greater monitoring by local and Chinese intelligence agencies, particularly given that China is determined to set the technical standards for how the next generation of traffic is coded and transmitted. To this end, China has organized forums like the 2017 World Internet Conference in Wuzhen where China imparts its surveillance norms to authoritarian-leaning governments. Internet censorship and surveillance in China have reached new heights. China’s autocratic regime under Chinese Communist Party is not only repressing its citizens and so-called ethnic minorities but is also aiming to export its tools of authoritarianism across the globe. In his speech at the Chinese Communist Party Congress in October 2017, Xi Jinping publicly proclaimed to transform China into a “cyber superpower”. Not only that, he even

⁵⁴China resorting to confrontation along LAC to punish India for rejecting BRI: Swedish journalist, Economic Times, 3 July 2020, accessible at <https://economictimes.indiatimes.com/news/defence/china-resorting-to-confrontation-along-lac-to-punish-india-for-rejecting-bri-swedish-journalist/articleshow/76764152.cms?from=mdr>

⁵⁵South China Sea dispute: China’s pursuit of resources ‘unlawful’, says US, 14 July 2020, accessible at <https://www.bbc.com/news/world-us-canada-53397673>

⁵⁶Noor Azurin Mohd Sharif, *Villagers stage peaceful demonstration against reclamation for Melaka Gateway project*, 17 July 2018, New Straits Times, accessible at <https://www.nst.com.my/news/nation/2018/07/391702/villagers-stage-peaceful-demonstration-against-reclamation-melaka-gateway>

offered to supply his country's governance model with all its high-tech surveillance systems and internet controls to countries which were eager to speed up their development while "preserving their independence." The case of Huawei is another example of the huge security threat this so-called "digital silk road" poses.

8. Switzerland and BRI: BRI instead of benefiting Switzerland will cause huge adverse impact. Switzerland itself has seen companies transfer to Chinese businesses including one as significant as Syngenta for nearly CHF 44 billion in 2016. Moreover, the financial sector too has seen active Chinese involvement recently.⁵⁷ These expansions come as a consequence of the Sino-Swiss Free Trade Agreement in 2013 following which the Memorandum of Understanding was signed by President Ueli Maurer "to intensify cooperation on trade, investment and project financing in third markets along the routes of the BRI" in 2019.⁵⁸ Thereby, a full participation now in the BRI will only endanger the areas like financial know-how in which Switzerland currently enjoys a global lead.

More so, such a participation will disavow the very ideals of human rights that characterises Switzerland. It shall also jab right at its core politics of neutrality. At home, the prior demand to recognize Chinese sovereignty under the BRI will put the considerable Tibetan immigrant community, that exhibits the success of Switzerland's long-standing humanitarianism, at risk. To argue that these human rights infringements can be separated from BRI by dealing with the latter in a purely economic fashion is at best illusory. Meanwhile, while one may wish to postpone the call on the cumulative cost-benefit analysis of joining the BRI, the Tibetan people's experience is first-hand privy to the lesson that no amount of high GDP is commensurate with losing one's sovereignty.

Finally, it is worth recalling that the BRI provides as much as it simultaneously creates a direct dependency for Xi's China, discrediting any mutuality which is innocently dubbed in a term like <<Initiative>> within its title. Even the move to rename "One Belt, One Road Initiative" to BRI hints at a similar need to shed any risk of revealing its ambitions as singular (in other words, solely Chinese). In ways as subtle as this, it deliberately continues to disguise the strings it pulls and attaches onto those it establishes links with.

⁵⁷ Kathrin Ammann, *Switzerland Ponders Response to China's Expansion*, Swissinfo, 2018, accessible at https://www.swissinfo.ch/eng/emerging-world-power_switzerland-seeks-response-to-china-s-expansion/44451844

⁵⁸ Tian Ameng, *Swiss president to sign BRI deal with China*, China Daily, 2019, accessible at <https://www.chinadaily.com.cn/a/201904/27/WS5cc453e3a3104842260b8c60.html>.

VI. ‘One-China’ Policy: China’s Strategy to Clamp Down Global Criticism

The ‘One-China’ policy is the cornerstone of Chinese diplomacy and international engagements. It mandates every country to incorporate the ‘One-China’ policy in the bilateral agreements ranging from trade to other relations. Even though, historically speaking ‘One-China’ policy was targeted towards Taiwan whereby China insisted that Taiwan is an inalienable part of China, it has in recent times used this policy to force sovereign countries to acknowledge that Tibet is an inalienable part of China.⁵⁹ The ‘One-China’ policy appears to be ultimately aimed at legitimizing the occupied territories, destroying even the “one country- two systems” policy of governing Hong-Kong.

‘One-China’ Policy and Tibet:

China has been clamping down Tibetans who raise their voices against the inhumane repression by charging them as “separatists”, “secessionists” etc. When international community including the UN member states question China on the repression, the Chinese government dangles the agreed upon ‘One-China’ policy consequentially shutting down any criticisms.

On the pretext of this policy, China tried to stop many world leaders and government heads from meeting with His Holiness the Dalai Lama, His representatives and also democratically elected leader of Central Tibetan Administration, which works for the welfare of the Tibetans-in-exile.

Though historically Tibet has been an independent state, His Holiness the Dalai Lama and the Central Tibetan Administration with the support of the Tibetans-in-exile have been following Middle Way Approach Policy which does not violate ‘One-China’ policy. It is a win-win proposition and pragmatic position which does not seek separation of Tibet from People’s Republic of China but at the same time does not accept the present repressive and colonial policies of the Chinese government towards Tibetan people. It proposes a middle ground for peaceful co-existence. It seeks a form of self-governance with genuine autonomy for the Tibetan people under a single autonomous administration provided within the constitutional frameworks of the People’s Republic of China and its law on the National

⁵⁹What is ‘One-China’ policy?, BBC, 10 February 2017, accessible at <https://www.bbc.com/news/world-asia-china-38285354>

Regional Autonomy. It is envisaged for the preservation of unique Tibetan culture, heritage, language and the environment through co-existence of Tibetan and Chinese people.

Many parliaments and governments have officially stated their support for the Middle Way Approach, including the U.S., India, Britain, France, Germany, Australia and New Zealand. In the last few years alone, declarations, resolutions and motions of support for the Middle Way Approach have been passed by the parliaments of the U.S., European Union, France, Italy, Japan, Australia, Brazil and Luxembourg, among others. The Middle Way Approach has received support from a number of Nobel Peace Laureates, including Archbishop Desmond Tutu of South Africa, Elie Wiesel and Jody Williams of the U.S., Leymah Gbowee of Liberia, Lech Walesa of Poland, Shirin Ebadi of Iran, Rigoberta Menchú Tum of Guatemala, José Ramos Horta of East Timor, Adolfo Pérez Esquivel of Argentina, Mairead Corrigan Maguire of Ireland, and Betty Williams of the U.K.

Time to rethink on ‘One-China’ Policy?

Realizing how China has been abusing the ‘One-China’ policy which it had pressured many countries to sign onto, many experts in the recent times are advocating for re-negotiating and/or abandonment of this policy. After the recent border incursions by the Chinese military into the Indian territories many high-level former diplomats are openly urging the government of India to re-look its ‘One-China’ policy.⁶⁰ In fact, a major Indian news media released the following map to show the actual territory of China and to open debates on ‘One-China’ Policy.



Map-4: Source: NewX, Indian news media outlet.

⁶⁰ Dipanjan Roy Chaudhury, *Rethink India's 'One-China' Policy*, Economic Times, 3 July 2020, accessible at <https://economictimes.indiatimes.com/news/defence/rethink-indias-one-china-policy/articleshow/76762670.cms?from=mdr>

This topic is also gaining traction in the US with the House of Representatives passing the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 (TAIPEI Act) in March, 2020.⁶¹ The House of Representatives has also passed Reciprocal Access to Tibet Act which eventually became a law and Tibet Policy and Support Act of 2019. Recently, US House Representative Scott Perry from Pennsylvania introduced a bill Free Tibet Act of 2020 that would “authorize the President to recognize the Tibet Autonomous Region of the People’s Republic of China as a separate, independent country, and for other purposes”.⁶²

Switzerland and ‘One-China’ policy:

Switzerland was one of the first countries in the world to adopt ‘One-China’ policy on 17 January 1950.⁶³ Switzerland’s relationship with China dates back to 1918 when Switzerland signed Treaty of Friendship with the Republic of China on 13 June 1918. Thereafter, another agreement was signed on 12 April 1927 concerning the trade in narcotics between Switzerland and People’s Republic of China. Since then there have been around 55 bilateral agreements and exchanges between Switzerland and the People’s Republic of China, recent one being the Memorandum of Understanding on the Development of Cooperation in Third Markets signed on 29 April 2019.

Switzerland is also facing huge pressure from China. The Tibetan asylum seekers who were initially issued with documents recording their origin as “Tibetan” are now being categorised as “Chinese.”⁶⁴ Furthermore, there are approximately 300 Tibetan asylum seekers in Switzerland whose asylum requests have been rejected and are now being asked to return to their country.⁶⁵ As these Tibetans languish in uncertainty and without protection, Tibetans fear that the Swiss government’s move to reject Tibetan asylum seekers applications and the

⁶¹ Accessible at <https://news.cgtn.com/news/2020-03-06/U-S-is-steadily-disregarding-the-one-China-policy-ODcYHxAOEU/index.html>

⁶² H.R. 6948, Free Tibet Act of 2020, US Congress, accessible at <https://www.congress.gov/bill/116th-congress/house-bill/6948?r=9&s=1>

⁶³ Memorandum of Understanding on promoting Dialogue and Cooperation, signed between Swiss Federal Council and the Government of China on 25 September 2007, accessible at https://www.eda.admin.ch/dam/eda/en/documents/vertretungen-reisehinweise/mou-ch-ch-promoting-dialogue-and-cooperation-250907_en.pdf

⁶⁴ Tibetan refugees unhappy with Chinese nationality, Swissinfo, 10 March 2017, accessible here: https://www.swissinfo.ch/eng/swiss-diaspora_tibetan-refugees-unhappy-with-chinese-nationality/43019492

⁶⁵ *Swiss Government asks some 300 failed Tibetan asylum seekers to self-deport*, Tibetan Review, 1 September 2017, accessible at <https://www.tibetanreview.net/swiss-government-asks-some-300-failed-tibetan-asylum-seekers-to-self-deport/>

coercion to return to their home country is carried out under the pressure and diktat of the Chinese government.

In view of these, it is time Switzerland re-thinks it's 'One-China' policy which is nothing but a farcical attempt of China to clampdown the global criticism. Even though Switzerland has agreed to the 'One-China' policy, it cannot and should not accept the persecution and mass-incarceration of Tibetans. Switzerland has always stood for justice, peace and human rights and therefore Switzerland should not support such a regime by association and it is obligated to question its "partners" on the human rights violations.

VII. Conclusion and Recommendations

China is taking aggressive stance at the international forums often threatening, coercing, manipulating and undermining universal values. This report lays down various instances of such behaviour. Therefore, it is important for Switzerland, not only to protect its sovereignty but also to retain its global goodwill as a country which believes in the core universal values of peace, freedom, social progress, equality and human dignity.

The following are some of the recommendations to the Swiss Federal Government's China Strategy 2021-24 both at the bilateral and multilateral levels:

1. Switzerland should continue to push for human rights protection and promotion in Tibet, Hong Kong, East Turkestan and other regions under China. As part of this, Switzerland should press China to allow visits by UN experts, UN High Commissioner and Swiss human rights officers to these regions under China.
2. Switzerland should raise the dismal human rights record of China and the continued repression of Tibetans, Hong Kongers, Uighurs, Chinese human rights defenders and the like at multilateral forums and international institutions like the UN. Not speaking up is only emboldening China and perpetuating the plight of the oppressed.
3. Switzerland should stop kow-towing to Beijing's diktats especially relating to its domestic matter of asylum seekers. Switzerland should revert its decision of identifying Tibetans asylum seekers as Chinese and seek solution to provide relief to the rejected Tibetan asylum seekers.
4. Switzerland should re-think its decision to partake in China's expansionist project of Belt and Road Initiative even though it is only for third party markets. It is not only the cause of egregious human rights violations in Tibet and East Turkestan infringing the universal values but also a huge security threat to Switzerland's sovereignty. BRI is a bad company to keep and Switzerland's association with it will only ruin its standing and goodwill.
5. Switzerland should re-think its 'One-China' policy which China is using as a political tool to shut down global criticisms including those by Switzerland against China's repressive policies.
6. Switzerland should ensure a legally guaranteed civil society space for peaceful expression of protests to carry out peaceful expressions of protests by Tibetans and other human rights activists during the visits of Chinese leaders to Switzerland. Closing down protests prior to the arrival of Chinese leaders and forcing people to carry out protests at places far away from the venue beats the very purpose of protests.

7. Switzerland should stop its companies from partaking in the perpetuation of repression in Tibet, Hong Kong, East Turkestan and other regions under China. UBS is just one of the companies whose financial ties are directly incriminating it to the financing of Chinese companies involved in the manufacture of tools of oppression like surveillance cameras.
8. Switzerland should recognize the Middle Way Approach Policy of Central Tibetan Administration formulated under the guidance of His Holiness the Dalai Lama and accepted by the Tibetans-in-exile as a pragmatic and peaceful proposition for resolving the issue of Tibet. With this Switzerland should press China to resume dialogue with representatives of His Holiness the Dalai Lama towards peaceful resolution of the issue of Tibet.
9. Switzerland should press China to provide access to Tibet in the similar ways as Chinese citizens, journalists and diplomats are able to freely access Switzerland. Switzerland should consider passing Reciprocal Access to Tibet Act which is currently being considered by many European Countries.
10. Switzerland should deny access to Chinese companies, diplomats, government officers etc who are complicit in perpetuating egregious human rights violations in Tibet, East Turkestan, Hong Kong and other regions under China.