

International Human Rights and Chinese–American Trade Relations After the Uyghur Forced Labor Prevention Act

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Abstract

In June 2022, the United States banned imports from China’s Xinjiang region over forced labor concerns against the province’s Uyghur minority. Under the Uyghur Forced Labor Prevention Act, passed in 2021, U.S. Customs will block all imports made in the region or made by firms whose links with Xinjiang companies make them complicit. This note will analyze the Uyghur Forced Labor Prevention Act and its implications on international trade. Further, this note will compare the U.S. ban and similar movements and criticisms of the Chinese government’s activity in Xinjiang and worldwide. This issue is important given the grave human rights violations in China, global responses to these violations, and how they impact international trade. In the United States, these trade limitations affected the grand scheme of the Chinese Trade War, which had significant implications for national and global economies.

I. INTRODUCTION

A. XINJIANG-CHINA RELATIONS

The Xinjiang Uyghur Autonomous Region (“Xinjiang”) is a large, sparsely populated region in northwestern China.¹ The

1. HUMAN RIGHTS WATCH, “BREAK THEIR LINEAGE, BREAK THEIR ROOTS:” CHINA’S CRIMES AGAINST HUMANITY TARGETING UYGHURS AND OTHER TURKIC

region is economically and diplomatically strategic for China, as it borders eight countries, including Afghanistan and Pakistan.² To Uyghurs,³ Xinjiang—home to the largest population of the ethnic minority—is known as East Turkestan and is home to strong separatist movements since China first occupied the region in 1884.⁴ The Uyghurs speak their own Turkic language and practice Sufi Islam, which differs from the Chinese-speaking Han majority, who are often religiously unaffiliated.⁵ After Xinjiang became a Chinese province, the Uyghurs in the newly formed Xinjiang province achieved independent statehood after the fall of the Qing Dynasty in 1911, although the region was reclaimed after the Chinese Communist Party (“CCP”) took control in 1949, bringing Xinjiang under its full control.⁶ When the CCP established dominance over Xinjiang, the Han population was only 6% of Xinjiang’s 4.3 million inhabitants.⁷ After decades of government incentives, the population of Han Chinese in Xinjiang has risen to 10.9 million—or 42.17% of the total population of Xinjiang—while the Uyghur population was 11.6 million, which is only 44.87% of Xinjiang population in 2020.⁸

MUSLIMS 7 (2021).

2. Beina Xu, et al., *The East Turkestan Islamic Movement (ETIM)*, COUNCIL ON FOREIGN RELS. (Sept. 4, 2014, 8:00 AM) <https://www.cfr.org/backgrounder/east-turkestan-islamic-movement-etim>.

3. English-translations regarding ethnic minorities in Xinjiang spell the ethnic majority as either “Uyghur” or “Uighur,” but this paper uses the more widely accepted spelling, “Uyghur.” See, e.g., Rachel Vandenbrink, *‘Uyghur’ or ‘Uighur’?*, RADIO FREE ASIA (Sept. 10, 2010), <https://www.rfa.org/english/news/uyghur/uyghur-spelling-09062010161733.html#>.

4. Mushtaq A. Kaw, *Traversing Xinjiang: A Chinese Colonial Space*, CENT. ASIA-CAUCASUS ANALYST (Mar. 9, 2022), <https://www.cacianalyst.org/publications/analytical-articles/item/13711-traversing-xinjiang-a-chinese-colonial-space.html>.

5. Xu et al., *supra* note 2; PEW RSCH. CTR., MEASURING RELIGION IN CHINA 95 (2023) https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2023/08/PF_2023.08.30_religion-china_REPORT.pdf.

6. Xu et al., *supra* note 2.

7. Agnieszka Joniak-Lüthi, *Han Migration to Xinjiang Uyghur Autonomous Region: Between State Schemes and Migrants’ Strategies*, 138 ZEITSCHRIFT FÜR ETHNOLOGIE [JOURNAL OF ETHNOLOGY] 155, 157 (2013).

8. *Graphics: Facts About Xinjiang’s Population and Ethnic Groups*, CGTN (Sept. 2, 2022, 1:59 PM),

Increased Han population and Uyghur migrant workers in other parts of China have raised tensions between Uyghurs and Han in the region, resulting in sporadic hostilities between the two.⁹ In 2009, a factory worker in Shaoguan in the Guangdong province “posted an unsubstantiated rumor online that Uyghur migrant workers had raped a Han woman.”¹⁰ A few Han “workers responded by beating Uyghur workers,” killing at least two.¹¹ The events in Guangdong resulted in large demonstrations organized by Uyghur students in Xinjiang’s capital, Ürümqi—who protested the government’s failure to respond to or address the attacks.¹² Protests quickly turned violent, however, after the CCP fired live ammunition into protesters, and young Uyghur men began stabbing Hans and attacking businesses in Ürümqi.¹³ The CCP, in turn, cut off all internet access in Xinjiang for nine months, permanently increasing security and government monitoring in the region.¹⁴

CCP dominance over Xinjiang has been the biggest grievance for many Uyghurs in the region, however, as many want sovereignty from the rest of China.¹⁵ The East Turkestan Islamic Movement (“ETIM”), “a Muslim separatist group founded by militant Uyghurs,” was first unveiled around 1999 when Osama bin Laden pledged funds to the ETIM during a meeting in Afghanistan.¹⁶ The “ETIM is an umbrella organization for many splinter groups, including ones” outside of China.¹⁷ One of the most prominent, the Turkestan Islamic Party (“TIP”), was formed by Uyghurs who fled Xinjiang to Afghanistan and Pakistan in the 1990s.¹⁸ The United States

of Han in Xinjiang is underreported since “many Han migrants do not transfer their *hukou* (permanent household registration) to Xinjiang and do not register with local authorities”).

9. See Aysha Khan, *Uighurs Reflect on 2009 Violence that Set Off Chinese Crackdown*, WASH. POST (July 10, 2020, 7:04 PM), https://www.washingtonpost.com/religion/uighurs-reflect-on-2009-violence-that-set-off-chinese-crackdown/2020/07/10/03ce53ae-c246-11ea-9fdd-b7ac6b051dc8_story.html; Xu et al., *supra* note 2.

10. Khan, *supra* note 9.

11. *Id.*

12. *Id.*

13. *Id.*

14. *Id.*

15. See generally Philip B.K. Potter, *Terrorism in China: Growing Threats with Global Implications*, 7 STRATEGIC STUD. Q. 70, 71–72 (2013).

16. Xu et al., *supra* note 2.

17. *Id.*

18. *Id.*

first “listed [the] ETIM as a terrorist organization in 2002, during a period of increased U.S.–Chinese cooperation on antiterrorism in [light] of the September 11, 2001 attacks.”¹⁹ Since then, the ETIM has carried out sporadic attacks in Xinjiang and throughout China.²⁰ These attacks are primarily carried out because of the perception that Uyghur culture is under attack, exhibited through the CCP’s forced use of Mandarin Chinese, limitations on religious practices, and increasing economic inequality.²¹ One of the most notorious attacks committed by the TIP occurred on October 28, 2013, when a vehicle ran through a crowd in Beijing’s Tiananmen Square, “killing five people and injuring dozens.”²² Further stabbing and vehicular attacks occurred in 2014 in Ürümqi and Yunnan province, killing dozens more and creating a perceived security crisis for the Chinese government.²³ After these attacks, TIP leader Abdullah Mansour called for the separation of Xinjiang, warning of future attacks from separatist fighters.²⁴ In response, China began cracking down on security in the region, “forc[ing] the most militant Uyghur separatists into . . . countries [like] Pakistan,” where some have created alliances with other jihadist groups, including al-Qaeda and the Taliban.²⁵

B. THE HUMAN RIGHTS CRISIS IN XINJIANG

After the 2014 attacks in Beijing and Yunnan province, the Chinese government accelerated their “Strike Hard” (*yanda* 严打) campaign against what they labeled as the “Three Evils:”

19. *Id.*

20. See generally Xu et al., *supra* note 2; Potter, *supra* note 15, at 71.

21. Potter, *supra* note 15, at 71.

22. See Jonathan Kaiman, *Islamist Group Claims Resp. for Attack on China’s Tiananmen Square*, GUARDIAN (Nov. 25, 2013, 7:03 AM), <https://www.theguardian.com/world/2013/nov/25/islamist-china-tiananmen-beijing-attack>.

23. See Carrie Gracie, *Urumqi Attack Kills 31 in China’s Xinjiang Region*, BBC (May 23, 2014), <https://www.bbc.com/news/world-asia-china-27502652> (reporting on an attack in Ürümqi using vehicles and explosives that killed thirty-one and injured more than ninety); see also Carrie Gracie, *The Knife Attack that Changed Kunming*, BBC (July 16, 2014), <https://www.bbc.com/news/world-asia-28305109> (reporting on a stabbing attack in Kunming, China that killed twenty-nine and injured more than one hundred others).

24. See Kaiman, *supra* note 22.

25. Potter, *supra* note 15, at 71.

separatism, extremism, and terrorism.²⁶ This act led to the People’s War on Terror, which focused on “eradicating conservative Islam.”²⁷ After two years of implementing the Strike Hard policy, the CCP began a harsh scrutiny campaign, further listing “two-faced people” (*liangmian ren* 两面人).²⁸ This campaign involved pervasive, “constant electronic and in-person surveillance, including ‘homestay’ [programs] by government cadres who monitor . . . and report any ‘suspicious’ behavior.”²⁹ The two-faced policies also heavily restricted movement for most Uyghurs, with masses of security forces operating thousands of checkpoints, turning Xinjiang into one of the “most heavily surveilled populations” on Earth.³⁰ In 2017, cadres began using information collected from homestays with Uyghurs to rank citizens’ trustworthiness.³¹ Trust was largely “based on whether a person: is aged between fifteen to fifty-five, is of Uyghur ethnicity, is unemployed, has religious knowledge . . . , or possesses a passport,” among other criteria.³² Electronic surveillance also influenced one’s internment, including “text messages containing . . . Qur’anic verses or graphics,” downloading banned Western social media (i.e., Facebook, Twitter), voicing criticism of the Chinese government, or frequent usage of native Turkic languages.³³

Uyghurs deemed untrustworthy or at risk of turning to Islamic extremism were soon after sent to what the CCP labels as “re-education camps” scattered throughout Xinjiang.³⁴ Uyghurs quickly began internment at the camps without due

26. Joanne Smith Finley, *Securitization, Insecurity and Conflict in Contemporary Xinjiang: Has PRC Counter-Terrorism Evolved into State Terror?*, 38 CENT. ASIAN SURV. 1, 2 (2019).

27. *Id.*

28. *See id.* at 4–5.

29. *China: Draconian Repression of Muslims in Xinjiang Amounts to Crimes Against Humanity*, AMNESTY INT’L (June 10, 2021), <https://www.amnesty.org/en/latest/news/2021/06/china-draconian-repression-of-muslims-in-xinjiang-amounts-to-crimes-against-humanity/>.

30. *See id.*

31. *See* Smith Finley, *supra* note 26, at 4.

32. Smith Finley, *supra* note 26, at 4. The government also monitors daily practices to determine one’s trustworthiness. This includes “extremist” religious practices like growing a long beard, “praying at a mosque other than on Friday,” giving children Islamic names or “inviting too many people to [a] wedding.” Most criteria for internment are both broad and subjective, including “insufficient patriotism.” For a better understanding of Chinese surveillance in Xinjiang, as well as factors that influence internment, *see id.*, at 4–6.

33. *See id.* at 5–6.

34. *See id.* at 4.

process in courts.³⁵ By December 2018, an “estimated 800,000 to 2 million Uyghur and other Turkic Muslims” had been placed in the camps and had been “asked to renounce their mother tongue and Islam, while pledging loyalty to the Chinese” government.³⁶ In smaller villages, like one in southern Khotän province where Han Chinese are still an ethnic minority, over one-fifth of the adult population was detained within four months of government cadre arrivals.³⁷

Detention centers for Uyghurs and other Turkic Muslims are sites of several alleged human rights violations. As of early 2021, 177 deaths had been reported in detention centers throughout Xinjiang.³⁸ Detention staff regularly “beat detainees, [hanging] them from ceilings . . . and forcibly depriv[ing] them of sleep.”³⁹ Aside from physical abuse, some detention facilities staff sexually abused and forced sterilization of detainees.⁴⁰ Detainees are also not permitted to speak Uyghur—even when alone, staff perpetually observed Uyghurs with video cameras and microphones.⁴¹ The Chinese government claims that its “re-education camps” will help provide new jobs for Uyghurs, but these jobs are forced labor.⁴² While the Chinese government often placed Uyghurs in industrial jobs through previous programs, coercion increased exponentially against Uyghurs after detention as a result of the Strike Hard campaign.⁴³ To keep up with the number of forced laborers from detention centers, satellite images of Xinjiang have shown the recent construction of numerous factories connected to camps, which the government encourages to move manufacturing centers closer to agricultural centers.⁴⁴ After years of allegations from non-governmental organizations and other political entities, the United Nations recently found claims of abuse, torture, and violence to be credible and called for government investigation

35. *See id.* at 5.

36. *Id.* at 2–3.

37. *Id.* at 4.

38. HUMAN RIGHTS WATCH, *supra* note 1, at 19.

39. *Id.*

40. *Id.* at 36–39.

41. *Id.* at 20.

42. *Id.* at 34.

43. *Id.*

44. *Id.* at 34–35 (noting that the Chinese government took advantage of forced labor in Xinjiang—the country’s largest producer of cotton—to encourage vertical integration of manufacturing and cotton production).

into other human rights violations in forced labor.⁴⁵

C. U.S.–CHINA TRADE WARS

After the CCP took control of China in 1949, trade between the United States and China ended with the severance of diplomatic relations with the communist government by the American government.⁴⁶ The United States and China finally normalized relations in 1979, which exploded global trade for China.⁴⁷ After opening up trade to the world, “China . . . began a decades-long process of economic reform . . . under Deng Xiaoping,” allowing private industry to develop.⁴⁸ After decades of economic development and industrialization, the United States lifted its annual review of Chinese human rights practices in 2000, allowing the country to enter the World Trade Organization (“WTO”) in 2001.⁴⁹ Since joining the WTO, China’s economy has become a global power dominating industry and manufacturing.⁵⁰

During the Trump administration, the United States began “accus[ing] China of unfair trading practices and intellectual property theft.”⁵¹ Meanwhile, China claims that the United States is trying to curb its global economic dominance.⁵² President Trump initiated a trade war with China, imposing four rounds of tariffs on more than \$360 billion of Chinese goods between 2018 and 2019.⁵³ China retaliated by placing tariffs on \$110 billion of American imports to the country.⁵⁴ The tariffs on products traded between the United States and China had a strong impact, as “China’s exports to the U.S. declined by 8.5%

45. Office of the U.N. High Comm’r for Hum. Rts., *OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China* ¶¶ 145, 151(iv) (Aug. 31, 2022).

46. Anshu Siripurapu & Noah Berman, *The Contentious US–China Trade Relationship*, COUNCIL ON FOREIGN RELS. (last updated Sep. 26, 2023, 12:00 PM), <https://www.cfr.org/backgrounder/contentious-us-china-trade-relationship>.

47. *Id.*

48. *Id.*

49. See Sarah H. Cleveland, *Human Rights Sanctions and International Trade: A Theory of Compatibility*, 5 J. INT’L ECON. L. 133, 133–34 (2002).

50. Siripurapu & Berman, *supra* note 46.

51. *A Quick Guide to the US-China Trade War*, BBC (Jan. 16, 2020), <https://www.bbc.com/news/business-45899310>.

52. *Id.*

53. *Id.*

54. *Id.*

[but] its exports to the rest of the world [only] rose by a statistically insignificant 5.5%.”⁵⁵ The trade war led many to speculate that the United States and China were decoupling as the United States sought to decrease its reliance on Chinese goods and services.⁵⁶ The United States sought to ban Chinese-owned social media apps WeChat and TikTok, which the Trump administration claimed was “necessary to protect national security and prevent Beijing from exploiting the apps” through data collection and propaganda dissemination.⁵⁷ Although the prospective ban was eventually dropped under President Biden in 2021, the United States continues to take a firmer stance against China.⁵⁸

D. IMPLEMENTATION OF THE UYGHUR FORCED LABOR PREVENTION ACT

The United States government, as a part of its recent strained relationship with China, examined human rights violations and sought to reprimand China for its alleged abuses. U.S. Senators Marco Rubio (R–FL) and Robert Menendez (D–NJ) introduced the Uyghur Human Rights Policy Act of 2020 (“UHRPA”) “to address . . . human rights violations against Uyghurs and other . . . Muslim Turkic people” and the President signed the bill into law on June 17, 2020.⁵⁹ The UHRPA updates U.S. policy towards China to address human rights in Xinjiang, requires a public report on human rights abuses and U.S. diplomatic responses, and requires the FBI to submit a report on

55. Linda Gorman, *How the US-China Trade War Affected the Rest of the World*, NAT'L BUREAU ECON. RSCH. (Apr. 2022).

56. See Ana Swanson, *Trump Bars Investment in Chinese Firms with Military Ties*, N.Y. TIMES (last updated June 3, 2021), <https://www.nytimes.com/2020/11/12/business/economy/trump-china-investment-ban.html> (claiming that a ban on investments in Chinese firms with military ties was the first major step to decoupling American finance from China).

57. Jeanne Whalen, Rachel Lerman, & Ellen Nakashima, *US Bans WeChat, TikTok as China Becomes Major Focus of Election*, WASH. POST (Sept. 18, 2020, 6:15 PM), <https://www.washingtonpost.com/technology/2020/09/18/tiktok-wechat-ban-trump/>.

58. See Bobby Allyn, *Biden Drops Trump's Ban on TikTok and WeChat but Will Continue the Scrutiny*, NPR (June 9, 2021, 1:38 PM), <https://www.npr.org/2021/06/09/1004750274/biden-replaces-trump-bans-on-tiktok-wechat-with-order-to-scrutinize-apps>.

59. *Uyghur Human Rights Policy Act of 2020 (S.3744)*, UYGHUR HUM. RTS. PROJECT (2020), <https://uhrp.org/bill-summary/uyghur-human-rights-policy-act-of-2020-s-3744/>.

efforts to protect Uyghurs from government intimidation in the United States.⁶⁰ The UHRPA also directs the President to impose visa bans and other sanctions on Chinese officials responsible for human rights violations under the Global Magnitsky Act, which authorizes the U.S. government to freeze the assets of foreign government officials and ban them from entering the country for human rights offenses.⁶¹

“Since 2019, [U.S. Customs and Border Protection] (“CBP”) has issued Withhold Release Orders (“WROs”) on specific goods from nine [Chinese] companies [that] us[e] government-sponsored forced labor,” most notably “on all Xinjiang cotton, tomatoes,” and products made from either one.⁶² While the WROs against Xinjiang products were implemented as a result of forced labor allegations, the United States had already banned goods made with forced labor.⁶³ Section 307 of the Tariff Act of 1930 “prohibits [any] imports of . . . products that w[ere] mined, produced, or manufactured . . . by forced labor.”⁶⁴ Despite Section 307, many companies still imported goods made with forced labor.⁶⁵ Section 307 contained a consumptive demand exception, allowing forced labor goods if they were not made in the United States in enough quantity to meet domestic demand.⁶⁶ The consumptive demand exception, however, was closed with an updated trade agreement in 2016.⁶⁷ Since the loophole was closed in 2016, CBP has increased the frequency and scope of enforcement of Section 307 through WROs.⁶⁸

In accordance with the United States government’s increased enforcement against forced labor and the recent focus on human rights abuses against Uyghurs in Xinjiang, Congress

60. Uyghur Human Rights Policy Act of 2020, Pub. L. No. 116-145, §§ 5, 7–8, 134 Stat. 648, 651–55 (2020).

61. *Id.* § 6, 134 Stat. at 652–53; see Global Magnitsky Act of 2016, 22 U.S.C. § 10102.

62. See Matt Caligur, *Understanding and Complying with the Uyghur Forced Labor Protection Act*, BAKERHOSTETLER (June 28, 2022), <https://www.bakerlaw.com/insights/understanding-and-complying-with-the-uyghur-forced-labor-protection-act/>.

63. See Tariff Act of 1930, 19 U.S.C. § 1307.

64. CATHLEEN D. CIMINO-ISAACS ET AL., CONG. RSCH. SERV., R46631, SECTION 307 AND U.S. IMPORTS OF PRODUCTS OF FORCED LABOR: OVERVIEW AND ISSUES FOR CONGRESS (2021).

65. *Id.*

66. *Id.* at 4

67. *Id.* at 12; see Trade Facilitation and Trade Enforcement Act, 19 U.S.C. § 4311.

68. CIMINO-ISAACS ET AL., *supra* note 64.

enacted the Uyghur Forced Labor Prevention Act (“UFLPA”) on December 23, 2021.⁶⁹ The UFLPA aims to strengthen the existing ban on goods made with forced labor, improve disclosure and transparency, and end the systematic use of forced labor in Xinjiang.⁷⁰ In order to do this, the UFLPA establishes a rebuttable presumption that goods mined, produced, or manufactured in Xinjiang or from a UFLPA Entity List are prohibited from U.S. importation.⁷¹ If an importer believes that items fall outside the scope of the UFLPA, they bear the burden of providing information to CBP demonstrating that imported goods have no connection to Xinjiang or companies on the Entity List.⁷² The Entity List describes the forced labor schemes of each company placed on it and outlines legal authorities available to CBP to support enforcement of the UFLPA.⁷³ The UFLPA supersedes all WROs related to Xinjiang and applies to all merchandise imported into the United States on or after June 22, 2022.⁷⁴

E. THE LINK BETWEEN TRADE & HUMAN RIGHTS

Trade and human rights have an intertwined relationship, as human rights often influence an international trade agreement’s prevalence, scope, or availability. Most of the world’s economically dominant countries use human rights language in their trade agreements.⁷⁵ Human rights have so permeated trade that over 75% of the world’s governments now have trade agreements that include human rights provisions.⁷⁶ While these trade agreements aim to devote more resources to human rights enforcement, their actual effect on international

69. Uyghur Forced Labor Prevention Act, Pub. L. No. 117–78, § 1, 135 Stat. 1525 (2021).

70. *Id.*

71. *Id.* § 3(a).

72. *Id.* § 3(b).

73. See US DEP’T HOMELAND SECURITY, OFF. STRATEGY, POL’Y, & PLANS, STRATEGY TO PREVENT THE IMPORTATION OF GOODS MINED, PRODUCED, OR MANUFACTURED WITH FORCED LABOR IN THE PEOPLE’S REPUBLIC OF CHINA 49–50 (June 17, 2022).

74. *Id.* at 8.

75. See Susan Ariel Aaronson & Jean Pierre Chauffour, *The Wedding of Trade and Human Rights: Marriage of Convenience or Permanent Match?*, WORLD TRADE ORG. https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm.

76. *Id.* (highlighting the prevalence of human rights language in trade agreements, leading to the estimation of the cited figure by Aaronson).

human rights is contested.⁷⁷

The World Trade Organization generally advocates for a free trade agenda between countries in which governments do not discriminate against imports with tariffs.⁷⁸ Despite this promotion, the WTO allows countries to use trade as a tool to achieve non-trade objectives, most notably in human rights violations.⁷⁹ In response to grave human rights violations or political tensions between governments, trade is often a coercive weapon to improve a violating country's human rights conditions through unilateral trade agreements.⁸⁰ These trade agreements “can be divided into two broad categories: ‘inwardly directed’ and ‘outwardly directed’ measures.”⁸¹ Inward trade measures “protect human rights within the implementing country” itself, while outward measures concern another country's human rights violations.⁸² Most often, outward trade measures are in the form of sanctions, a “unilateral coercive measure taken in reaction to an unlawful act,” often using trade and finance as a penalty.⁸³ Sanctions are further distinguished between “country-based and product-based sanctions.”⁸⁴ Product-based sanctions, like the UFLPA, “discriminate against goods based on the [manufacturing] process,” including forced labor.⁸⁵

II. ANALYSIS

A. APPROACHES TO UNILATERAL TRADE AGREEMENTS & THE XINJIANG CRISIS

Many countries have realized the usefulness of the nexus between trade and human rights to attempt to enact change in foreign regimes. The use of sanctions and other forms of unilateral trade agreements to increase transparency regarding human rights violations in foreign supply chains has steadily

77. *Id.*

78. Jenny Schultz & Rachel Ball, *Trade as a Weapon? The WTO and Human Rights-Based Trade Measures* 42 DEAKIN L. REV. 41, 42 (2007).

79. *Id.*

80. *Id.* at 43.

81. *Id.* at 43–44.

82. *Id.*

83. *Id.* at 44; Zaker Ahmad, *Unilateral Trade Sanctions to Secure Compliance with the Common Concern Doctrine*, in WTO LAW AND TRADE POLICY REFORM FOR LOW-CARBON TECHNOLOGY DIFFUSION 240, 241 (2021).

84. See Schultz & Ball, *supra* note 78, at 44.

85. *Id.* at 44.

increased in popularity since World War II, most notably in the United States and the European Union.⁸⁶ These countries often impose sanctions for a variety of non-human rights reasons, including putting pressure on governments to embrace democracy, punish regimes, and ensure that domestic companies are compliant with universal values in their global supply chains. The UFLPA is a tailored sanction targeting the human rights violations against Uyghur minorities that occur in the production of goods in Xinjiang.⁸⁷ The UFLPA ensures global supply chains are devoid of human rights violations related to Uyghur minorities in Xinjiang. Since enforcement began in June 2022, the rebuttable presumption of the UFLPA forces American companies to identify the sources for all of their Chinese raw materials and parts in detail, as well as ensure that their supply chains do not include products from Xinjiang.⁸⁸ The sanction, however, also follows the theory of regime punishment for human rights violations through trade. The U.S. has imposed import restrictions on human violations from all countries since 1930,⁸⁹ even revisiting the topic before the Xinjiang Crisis came to light to close loopholes for imports produced by forced labor.⁹⁰ While the UFLPA encourages enforcement and transparency of prohibiting human rights violations, it also serves as a way to explicitly punish the Chinese government for its actions in Xinjiang, as well as trade tensions that have persisted since the turn of the century.

Sanctions and other unilateral trade agreements are also differentiated by the targets of sanctions by an imposing government. The United States, as exemplified in the UFLPA, generally follows a blanket sanctions method, banning all products within a given description.⁹¹ While there is limited evidence on the effectiveness of these types of import bans on reducing forced labor in the long-term supply chain,⁹² these

86. Taku Nemoto, *Supply Chains, International Trade and Human Rights*, 46 EU-ASIA PROJECT 1, 1 (2022); see Ahmad, *supra* note 83, at 243.

87. See Sarah H. Cleveland, *Human Rights Sanctions and International Trade: A Theory of Compatibility*, 5 J. INT'L ECON. L. 133, 139 (2002).

88. Nemoto, *supra* note 86, at 3.

89. See Tariff Act of 1930, 19 U.S.C. § 1307.

90. See Trade Facilitation and Trade Enforcement Act of 2015, Pub. L. No. 114-125 § 910.

91. Cleveland, *supra* note 87, at 142.

92. Irene Pietropaoli et al., *Effectiveness of Forced Labour Import Bans*, MOD. SLAVERY PEC 6 (Dec. 15, 2021), https://modernslaverypec.org/assets/downloads/ImportBans_briefing-updated-final.pdf.

sanctions contribute to a decrease in individual states' human rights violations.⁹³ Blanket sanctions against products in a country are often used to target opposed policies and punish the targeted state for such policies.⁹⁴ These sanctions, however, have only successfully changed policies about one-third of the time.⁹⁵ Notwithstanding, one should also bear in mind that sanctioned surveys are mostly targeted at overall regime changes.

These sanctions, which are country-specific rather than product-specific, are exemplified in former U.S. sanctions against Myanmar.⁹⁶ The military junta in Myanmar cracked down on student protesters in 1988 and refused to recognize Aung San Suu Kyi's democratic election in 1990, detaining her for twenty-one years.⁹⁷ These events led to tightened sanctions by the United States, banning any new investments in Myanmar in 1997 and placing a general ban on imports from Myanmar in 2003.⁹⁸ These sanctions contributed to democratic uprisings in Myanmar in 2007 but were unsustainable, as the military seized control of the country again after a coup in 2021.⁹⁹ Blanket sanctions against the Burmese junta were targeted against all products in the country and aimed at removing an entire regime,¹⁰⁰ a much larger task than human rights violations like

93. See Buhm-Suk Baek, *Economic Sanctions Against Human Rights Violations* (Cornell L. Sch. Inter-Univ. Graduate Student Conf. Papers) Apr. 4, 2008, Paper No. 11, at 60. *But see* Dursun Peksen, *Better or Worse? The Effect of Economic Sanctions on Human Rights*, 46 J. PEACE RSCH. 59, 60, 62 (2009) (arguing economic sanctions do not contribute to effective change and cause harm to civilians in affected countries); *see also* Kristoffer Fretland Øygarden, *The Effect of Sanctions on Human Rights: Assessing the Impact of Economic Sanctions on Human Rights Violations in Targeted Countries* (May 2017) (Master's dissertation, University of Oslo) (corroborating Peksen's research and further showing that economic sanctions appear to have a detrimental impact on a subset of civil and political rights such as freedom of speech).

94. Cleveland, *supra* note 87, at 142.

95. Michael Ewing-Chow, *First Do No Harm: Myanmar Trade Sanctions and Human Rights*, 5 NW. J. INT'L HUM. RTS 153, 153 (2007).

96. *See generally id* (providing historical background of Burmese political history and international sanctions imposed against the military junta in Myanmar).

97. *Id.* at 154.

98. *See* Burmese Freedom and Democracy Act of 2003, Pub. L. No. 108-61, 117 Stat. 864; Schultz & Ball, *supra* note 78, at 44–45. *See generally* Ewing-Chow, *supra* note 95.

99. Lindsay Maizland, *Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict*, COUNCIL ON FOREIGN RELS. (Jan. 31, 2022, 11:00 AM), <https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya>.

100. Ewing-Chow, *supra* note 95, at 157–58.

those in Xinjiang, in which the state targets a specific ethnic group. A case study of country-specific sanctions by the United States against South Africa offers insight into the long-term benefits blanket sanctions could have in eliminating human rights violations abroad. In 1985, the Reagan administration imposed limited country-specific sanctions against South Africa for its government's racial restrictions and apartheid system, banning the import of South African goods and investments.¹⁰¹ South African sanctions, along with boycotts of sporting events and global public outcry, contributed to the release of activist Nelson Mandela from twenty-seven years of prison in 1990 and the later repeal of most apartheid laws in following years.¹⁰² Under the popular method of general sanctions, those that target specific human rights violations rather than entire regimes may be more effective in creating long-term enforcement.

The European Union takes a more targeted approach to sanctions, a notable difference from product- or country-based sanctions adopted by countries like the United States. Targeted sanctions, also known as smart sanctions, are placed on individuals or corporate entities to apply coercive pressure on transgressing parties, leaders, and their network of supporters.¹⁰³ Targeted sanctions are used to minimize effects on the civilian population and are often in the form of travel bans, arms embargoes, and asset freezes of specifically designated individuals and companies.¹⁰⁴ The EU adopted targeted sanctions after negative humanitarian consequences provoked by the United Nations Security Council ("UNSC") sanctions against Yugoslavia, Haiti, and Iraq.¹⁰⁵ Whereas

101. Bronwen Manby, *South Africa: The Impact of Sanctions*, 46 J. INT'L AFFS. 193, 199 (1992)

102. See Comprehensive Anti-Apartheid Act of 1986, Pub. L. No. 99-440, 100 Stat. 1086; Baek, *supra* note 93, at 50–51. See generally Manby, *supra* note 101, at 203, 217 (1992) (providing historical background on the South African apartheid system of racial segregation and sanctions' impact on the dissolution of apartheid in the early 1990s).

103. MIKAEL ERIKSSON, TARGETING PEACE: UNDERSTANDING UN & EU TARGETED SANCTIONS 25, 27, 43 (2011).

104. Gary Clyde Hufbauer & Barbara Oegg, *Targeted Sanctions: A Policy Alternative?*, 32 LAW & POL'Y INT'L BUS. 11, 12 (2000).

105. Alexandra Hofer, *The Proportionality of Unilateral "Targeted" Sanctions: Whose Interests Should Count?*, 89 NORDIC J. INT'L L. 399, 403 (2020). See Haiti & Yugoslavia: W.M. Resiman & D.L. Stevick, *The Applicability of International Law Standards to United Nations Economic Sanctions Programmes*, 9 EUR. J. INT'L L. 86, 112–24 (1998), for a comprehensive

general blanket sanctions make no distinction between policymakers and the general population of a given country, targeted sanctions apply pressure on specific individuals without harming the civilian population.¹⁰⁶ These sanctions, however, are often considered less impactful in mitigating human rights violations, with a lower success rate than general economic sanctions.¹⁰⁷ This could, however, be attributed to the fact that there are many more targeted sanctions than general sanctions, and not every subject of such sanctions is a figure that could lead to a total dissolution of certain human rights violations.

In response to the Xinjiang Crisis, both the United States and the European Union imposed their preferred methods of unilateral trade agreements. These sanctions in response to Xinjiang are the first placed against China since the Tiananmen Square Massacre of 1989, in which both the U.S. and EU imposed an arms embargo against the Chinese government.¹⁰⁸ The US, however, strays from general, country-specific sanctions and employs product-specific bans in the UFLPA against all goods manufactured in Xinjiang unless otherwise approved.¹⁰⁹ Additionally, the UFLPA does not target the entire Chinese government like previous sanctions against Myanmar, instead specifically sanctioning Xinjiang and the governmental organizations that support Uyghur detention and forced labor.¹¹⁰ The effects of the UFLPA could still have a significant impact on China without adversely affecting civilians per se, as its products are everywhere in the global supply chain of consumer goods, and increased due diligence by American

background on the UNSC sanctions in Yugoslavia and Haiti and their negative impacts on human rights in both countries. See Iraq: J. Miller & K. Müller, *Sanctions of Mass Destruction*, 78 FOREIGN AFFS. 43 (May–June 1999), for a discussion on the 1993 UNSC sanctions against Saddam Hussain for the Iraqi invasion of Kuwait, providing a background understanding of the events that led to the Iraq War in 2003.

106. ERIKSSON, *supra* note 103, at 25.

107. *Id.* at 26–27, 29–30.

108. *Uighurs: Western Countries Sanction China over Rights Abuses*, BBC NEWS (Mar. 22, 2021), <https://www.bbc.com/news/world-europe-56487162>; see David Skidmore & William Gates, *After Tiananmen: The Struggle over U.S. Policy Toward China in the Bush Administration*, 27 PRESIDENTIAL STUDS. Q. 514, 520–25 (1997).

109. See generally Uyghur Forced Labor Prevention Act, Pub. L. No. 117–78, § 1, 135 Stat. 1525 (2021).

110. *Id.*

companies economically impacts Chinese industrialization.¹¹¹ The UFLPA is more general than EU sanctions against China, however, which freeze assets and impose travel bans against the director of local police forces, government members that oversee Uyghur detention, and officials in the Xinjiang Production and Construction Corps (“XPCC”),¹¹² an appendage of the Chinese government that creates detention policies for security centers.¹¹³ While sanctions imposed by the EU and the U.S. could both coerce changes in Uyghur human rights policies, the UFLPA places harsher economic punishment on China and could be more influential against the XPCC.¹¹⁴ Additionally, the product-based approach of the UFLPA largely impacts those detained and, while possibly damaging to Chinese industry and economy, would not disadvantage Chinese civilians as harshly as previous U.S. sanctions.

B. NECESSARY CORPORATE CHANGES IN RESPONSE TO THE UFLPA

The UFLPA creates new compliance and due diligence requirements for many companies importing goods from China.¹¹⁵ Any product with materials made or sourced from Xinjiang is subject to the UFLPA’s rebuttable presumption.¹¹⁶ Aside from necessary corporate changes in response to the UFLPA, the act represents much more than a U.S. condemnation of human rights practices in China. The UFLPA is just one aspect of the much broader hard stance against Chinese economic dominance that comprises the trade wars.

Since the UFLP went into effect on June 22, 2022, companies must now look at their supply chains to ensure their

111. See François Godement, *Values and the Role of Sanctions in the Europe-China-US Triangle*, INSTITUT MONTAIGNE (Apr. 13, 2021), <https://www.institutmontaigne.org/en/analysis/values-and-role-sanctions-europe-china-us-triangle>.

112. See *id.*; Skidmore & Gates, *supra* note 108, at 520–25.

113. Cullen S. Hendrix, *Xinjiang’s Problem Is Not a Few Rogue Actors*, BARRON’S (Sept. 16, 2022, 9:00 AM), www.barrons.com/articles/xinjiangs-problem-is-not-a-few-rogue-actors-51663330722.

114. See *US, EU and China – Forced Labor Trade Restrictions and Countermeasures*, DENTONS (Feb. 20, 2023), <https://www.dentons.com/en/insights/articles/2023/february/20/us-eu-and-china-forced-labor-trade-restrictions-and-countermeasures>.

115. See generally Uyghur Forced Labor Prevention Act, Pub. L. No. 117–78, § 1, 135 Stat. 1525 (2021).

116. *Id.*

due diligence and compliance against forced labor in Xinjiang.¹¹⁷ A supply chain is defined as a system that converts raw materials into finished products, which are distributed to end consumers.¹¹⁸ As part of their supply chain management, companies must carefully review trade compliance programs or risk significant revenue losses when products are seized or blocked from entering the United States. This is particularly important for apparel, footwear, electrical machinery, and appliances companies, as 16.8% of the world’s cotton comes from Xinjiang.¹¹⁹ Other high-alert sectors that will be scrutinized more heavily by CBP include silica-based products used to make solar panels.¹²⁰ Most companies, however, have reported increased issues in engaging Chinese suppliers, most of whom are supportive of their government’s policies.¹²¹ Additionally, such blockages of imports from goods made in Xinjiang risk a company’s reputation and association with supporting forced labor acts as another economic detriment.

Considering China’s dominance in several sectors, companies looking to import goods from China that complete exhaustive supply chain analyses will also struggle with UFLPA compliance. Establishing different hubs for vertical integration and how the supply chain works to produce a certain product would thus prove difficult for companies with already established ties to Chinese manufacturers and producers.¹²² Since the UFLPA took effect, companies must now come up with new ways to ensure compliance and keep their imports from CBP blockage. In order to comply with due diligence, importers must check all suppliers against the Entities List, but the

117. *Id.*

118. See GIANPAOLO GHIANI ET AL., INTRODUCTION TO LOGISTICS SYSTEMS PLANNING AND CONTROL 3–4 (2004).

119. See Fleur Britten, *US Ban on Cotton From Forced Uyghur Labour Comes into Force*, THE GUARDIAN (June 21, 2022, 1:00 AM), <https://www.theguardian.com/world/2022/jun/21/us-ban-on-cotton-from-forced-uyghur-labour-comes-into-force> (“About 20% of the world’s cotton comes from China, and 84% of that comes from Xinjiang.”).

120. See Emily E. Sanders, *The Uyghur Forced Labor Prevention Act (UFLPA) Is Now in Effect*, NEXSEN PRUET (July 19, 2022), <https://www.nexsenpruet.com/publication-the-uyghur-forced-labor-prevention-act-uflpa-is-now>.

121. See Mark Burstein, *Have You Explored the Business Implications of Import Bans?*, LOGILITY, <https://www.logility.com/blog/have-you-explored-the-business-implications-of-import-bans/>.

122. *Vertical Integration*, CORP. FIN. INST. (last updated Dec. 9, 2022), <https://corporatefinanceinstitute.com/resources/management/vertical-integration/>.

rebuttable presumption means that this simple check is not enough due diligence for most importers.¹²³ One possible solution for companies is creating a supply chain map that identifies each entity, as well as the specific locations of manufacturers, farms, or processing centers.¹²⁴ Other information on worker recruitment and internal controls to ensure work was voluntary, as well as credible third-party audits, would ensure compliance with the UFLPA.¹²⁵ Other strategies for importers include a comprehensive assessment of the risk associated with importing goods made with forced labor in China, as well as drafting policy guidelines that recommend efforts, initiatives, and technologies to identify and trace affected goods.¹²⁶ While this may be exhaustive, costly, and difficult to achieve, certificates of origin, purchase orders, packing lists, payment records, and a list of production steps and chain of custody records for imported materials may suffice to rebut the UFLPA's presumption.¹²⁷ How much supply chain tracing and documentation is enough to satisfy the UFLPA's new standards, however, is still being determined.¹²⁸ To ascertain as much information as possible regarding supply chain tracing will likely require weighing the costs versus the ability to actually obtain such information.

C. HARD ECONOMIC STANCE ON CHINA

The UFLPA represents the United States' harder stance against Chinese economic dominance rather than just a criticism of the ongoing human rights situation. After China joined the WTO in 2001, the United States has had more difficulty in

123. See US DEP'T HOMELAND SECURITY, *supra* note 73, at 49–50.

124. See Brent J. Gurney, et al., *Uyghur Forced Labor Prevention Act Goes into Effect*, WILMERHALE (July 7, 2022), <https://www.wilmerhale.com/insights/client-alerts/20220707-uyghur-forced-labor-prevention-act-goes-into-effect>.

125. See *id.*

126. *Id.*

127. See Sofia Nazalya, *Everything You Need to Know About the Uyghur Forced Labour Prevention Act (UFLPA)*, VERISK MAPLECROFT (May 2, 2022), <https://www.maplecroft.com/insights/analysis/everything-you-need-to-know-about-the-uyghur-forced-labour-prevention-act-uflpa/>.

128. See Jeffrey S. Neeley et al., *Practical Implementation of the Uyghur Forced Labor Prevention Act (UFLPA) for US Importers*, HUSCH BLACKWELL (July 1, 2022), <https://www.huschblackwell.com/newsandinsights/practical-implementation-of-the-uyghur-forced-labor-prevention-act-uflpa-for-us-importersdf>.

establishing global economic dominance.¹²⁹ Particularly after the trade wars between the two countries, the United States claims that China must either reduce state intervention to make its economic system more like the United States or the two countries should decouple.¹³⁰ One of the main vessels of targeting the economy and global supply chains is through transparency-based legislation that aims to eradicate human rights issues, like forced labor, from global supply chains.¹³¹ This method largely targets large multinational corporations, the leaders in global markets, and the most prominent traders.¹³² These companies are the biggest players in trade, and a unilateral trade agreement could coerce change that would impact the target country's economy.

As a result of rising economic tensions, the United States has begun increasing tariffs and import restrictions in order to constrain China. One vessel of attempting to force economic change in China is through forced labor import bans like the UFLPA. The rationale for using human rights-related unilateral trade agreements is morally tied to domestic citizens avoiding purchasing or supporting Chinese goods in order not to be complicit in human rights violations.¹³³ Supporting companies that purchase goods made with forced labor strongarms corporations to begin decoupling from Chinese manufacturing. In China, the apparel and electronic machine industries are heavily sourced from Xinjiang and import bans on forced labor now affect large multinational corporations.¹³⁴ This move by the United States is a direct economic blow to China. Although the UFLPA has only been in effect for under a year, the act has already discouraged many importers from working with China, causing a large ripple between the two countries.¹³⁵

129. See Gregory Shaffer, *Governing the Interface of US-China Trade Relations*, 115 AM. J. INT'L L. 622, 626–27 (2021).

130. See *id.* at 629.

131. See David Hess, *Modern Slavery in Global Supply Chains: Towards a Legislative Solution*, 54 CORNELL INT'L L.J. 247, 258 (2021).

132. *Id.* at 255.

133. See Shaffer, *supra* note 129, at 661.

134. See Evan Fallor, *Apparel, Tech Companies Face Most Risk if US Widens China Sanctions over Uighurs*, S&P GLOBAL (Oct. 12, 2020), <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/apparel-tech-companies-face-most-risk-if-us-widens-china-sanctions-over-uighurs-59410196>.

135. See Jeffrey Gerrish & Brooks Allen, *Get Used to the New Normal in US-China Trade Relations*, SKADDEN, ARPS, SLATE, MEAGHER, & FLOM LLP: THE INFORMED BOARD 1 (2021), <https://www.skadden.com/-/media/files/>

The UFLPA acts as more than just a stance against human rights violations; it is a pattern of creating transparency measures that appeal to people across a political spectrum. At minimal cost to the government, the United States has been able to show they have taken legislative action against forced labor in Uyghur but has also progressed its narrative of a hard stance on China while putting the burden of compliance and transparency on large countries. While the Biden administration has emphasized more decisive action on human rights, it has also retained most of the measures taken by the Trump administration against China, as was predicted.¹³⁶ The United States could have gone to the U.N. about its grievances with human rights in Xinjiang. Instead, it chose to speak out against China as part of a bigger strategy intended to harm the Chinese economy. Despite an administration change since the trade wars of 2018–19, the UFLPA is a strong example of continued decoupling from China and economically reprimanding the country.

D. UNINTENDED CONSEQUENCES OF THE UFLPA

While the United States intended to call out human rights violations as an advantage to its hard economic stance against China, it is important to discuss the possible unintended consequences of the UFLPA in China. The UFLPA could be a source of more contentious and worsening relations between the United States and China. Additionally, it is important to understand the CCP's logic for creating re-education camps, as well as the reality of terrorism's threat in China. Many Han Chinese citizens agree with this ideology, and global compliance with the UFLPA has resulted in a mass outcry from Chinese citizens, leaving large corporations in a tough position.¹³⁷

publications/2021/02/the-informed-board/
getusedtothenewnormalinchinaustraderelationsrev.

136. *Id.*

137. See, e.g., Bai Yunyi (白云怡), *H&M, Nike Zai Hua Yinfa Zhongnu Hou, Zara Mu Gongsi Yi Qiaoqiao Cong Guanwang Che Xia Dizhi Xinjiang Mian Shengming* (H&M, 耐克在花印法众怒后, Zara 母公司疑悄悄从官网撤下抵制新疆棉声明) [After H&M and Nike Caused Public Outrage in China, Zara's Parent Company Suspected of Quietly Withdrawing Its Statement on Boycotting Xinjiang Cotton from Its Official Website], HUANQIU SHIBAO (环球时报) [GLOBAL TIMES] (Mar. 24, 2021, 9:17 PM), <https://m.huanqiu.com/article/42RmJGVlyUG>.

1. Impact on Diplomacy & Chinese Citizens

Unilateral trade agreements, especially those against global economic players, are bound to affect diplomacy with the implementing country. While sanctions are sometimes criticized for being ineffective in creating policy in a country subject to unilateral bans, the research regarding the potentially wider consequences of forced import bans has been quite limited.¹³⁸ Regardless, the CCP has made it clear that it plans to retaliate against the United States for the forced labor ban, vowing to uphold the interests of Chinese companies and citizens.¹³⁹ The CCP claims that the UFLPA seeks to force the rest of the world to decouple with China for “so-called allegations of ‘forced labor’ and ‘genocide’ in Xinjiang,” which are “nothing but vicious lies concocted by anti-China forces.”¹⁴⁰ China calls out the United States for “creat[ing] rumors” and “making trouble,” pointing out that the United States itself has a deplorable track record of human rights violations, including forced labor in its prison systems.¹⁴¹ China maintains that its re-education camps in Xinjiang were created in pursuit of a better life, finding jobs, and creating a more secure region for all ethnicities in the region.¹⁴² As a domestic issue, any allegations of Uyghur maltreatment are “internal affairs” and should remain subject to the discretion of China.¹⁴³

The Chinese stance on the UFLPA is, of course, quite critical. However, it is a warning to other nations, and the threat of diplomatic retaliation indicates the severity of China’s view

138. See Pietropaoli et al., *supra* note 92, at 8.

139. *China Firmly Opposes US’ So-Called Uyghur Forced Labor Prevention Act, Will Make Further Response*, GLOBAL TIMES (Dec. 24, 2021, 9:28 AM), <https://www.globaltimes.cn/page/202112/1243292.shtml> [hereinafter *China Opposes So-Called UFLPA*].

140. *Id.* See Zhao Juehui (赵觉理) & Liu Xin (刘欣), *Mei Shandong Mengyou Daya Xinjiang Chanye, Zhuanjia: Mangmu Gensui Meiguo, Hui Faxian Shi Bei La “Xiashui”* (美煽动盟友打压新疆产业, 专家: 盲目跟随美国, 会发现是被拉“下水”) [*The US Incites Its Allies to Suppress Xinjiang Industries. Experts: Follow the US Blindly and You Will Find That You Are Being Dragged into the Water*], HUANQIU SHIBAO (环球时报) [GLOBAL TIMES] (June 22, 2022, 5:32 PM), <https://world.huanqiu.com/article/48X5sIvtQgF> (warning other countries that siding with the United States in condemning its affairs in Xinjiang is the wrong decision).

141. *China Opposes So-Called UFLPA*, *supra* note 139.

142. *Id.*

143. *Id.*; see also *Chinese UN Envoy Refutes US Accusations over Counter-Terrorism in Xinjiang*, XINHUA (Feb. 8, 2020, 7:28 AM), https://www.xinhuanet.com/english/2020-02/08/c_138765081.htm.

on the UFLPA. Since joining the WTO, China's economy has grown exponentially,¹⁴⁴ and despite criticisms of its communist government and limited freedom, many countries have been quick to ignore these issues in favor of economic prosperity.¹⁴⁵ The trade war was one of the first instances of a major global nation decoupling with China. Additionally, rapid economic growth in other countries has made it somewhat easier for U.S. companies to pull from other countries for their supply chain, although ties to China are still difficult to avoid.¹⁴⁶ The difference in political ideology between the two countries and the threat of Chinese dominance has undoubtedly influenced the United States to take economic and diplomatic action against China. The UFLPA is one such measure, and the threat of economic impacts on large industries like apparel has sparked considerable outrage from China.¹⁴⁷ While there is no discernable method of decreasing the UFLPA's impact on increased tensions between the United States and China—because that, in part, was a goal of the act itself—Chinese criticism points out a valid criticism of the United States. The United States does, to a lesser extent, have a contested labor issue in its prison systems,¹⁴⁸ and working on the domestic issue while tackling human rights issues abroad would decrease criticisms from China and other countries that economically depend on it. This is crucial to the success of the UFLPA in effecting change in human rights as discussed later, more countries need to create similar unilateral trade agreements in light of Uyghur human rights issues to enact change.

Unilateral trade agreements also often end up economically impacting the citizens of a receiving country, although they are often uninvolved in human rights violations or affected

144. Yeling Tan, *How the WTO Changed China*, FOREIGN AFFS. (Feb. 16, 2021), <https://www.foreignaffairs.com/articles/china/2021-02-16/how-wto-changed-china>.

145. See, e.g., Dickens Olewe, *Why African Countries Back China on Human Rights*, BBC (May 1, 2021, 6:14 A.M.), <https://www.bbc.com/news/world-africa-56717986>.

146. See Henry Storey, *Mexico and Vietnam's Role in Global Supply Chain Reshuffle*, HINRICH FOUND. (Sept. 26, 2023), www.hinrichfoundation.com/research/article/sustainable/global-supply-chain-reshuffle.

147. *China Opposes So-Called UFLPA*, *supra* note 139.

148. For a discussion on and introduction to labor issues in U.S. prisons, see Wafa Junaid, *Forced Labor: Punishment for a Crime?*, 116 NW. UNIV. L. REV. 1099, 1100 (2022).

themselves.¹⁴⁹ According to some pro-Chinese news sources, the U.S. import ban on products from Xinjiang deprives people of their right to work, possibly returning them to poverty.¹⁵⁰ While this may have been true before the Strike Hard campaign, the statement ignores the credible concerns that forced labor exists in Xinjiang. Regardless, many global markets still side with China, as it would be unrealistic to disassociate from the country's economic hold completely. Chinese consumerism, however, remains a huge market for multinational corporations, and compliance with the UFLPA creates a complex situation for many corporations. Companies that comply with the UFLPA and rely less on Chinese products have already received severe backlash from Chinese citizens.¹⁵¹ Other companies, like Zara, H&M, and Zara, have suffered boycotts in Chinese markets, even closing stores as a result.¹⁵² As a result, many large corporations with presences in China have quietly withdrawn their statements boycotting Xinjiang cotton, only complying with UFLPA regulations when necessary.¹⁵³ This corporate action works against the intention of the UFLPA, as public condemnation of human rights violations in Xinjiang would bring awareness and pressure the Chinese government to enact change. Since these corporations have continued to source Xinjiang materials for their growing markets in China and abroad, China may not feel as much of an economic impact as the act intended. While this unintended consequence is unlikely to change without other countries taking similar actions against China, this could be a good transition period for imports to the United States in the technology industry, as too much

149. See Jerg Gutmann, et al., *The Impact of Economic Sanctions on Target Countries*, 24 CESIFO 5, 6 (2023).

150. See Jeff Pao, *Xinjiang Import Ban Worsens China–US Relations*, ASIA TIMES (June 22, 2022), <https://asiatimes.com/2022/06/xinjiang-import-ban-worsens-china-us-relations/>.

151. See Clara Hudson, *China Forced Labor Law Prompts Sweeping Supply Chain Reviews*, BLOOMBERG LAW NEWS (Aug. 4, 2022, 4:00 AM), <https://news.bloomberglaw.com/esg/china-forced-labor-law-prompts-sweeping-supply-chain-reviews> (reporting that Walmart received backlash from Chinese consumers for pulling Xinjiang-produced products from its app globally and another U.S. chip-making company issued an apology for its opposition to Xinjiang labor which resulted in Chinese outcry).

152. See Zhang Li (张荔), *H&M Zhongguo Shoudian Guanmen! (H&M中国首店关闭!)* [China's First H&M Store Has Closed!], ZHENGQUAN SHIBAO (证券时报) [SECURITIES TIMES] (June 29, 2022, 6:39 AM), https://news.stcn.com/sd/202206/t20220629_4696687.html.

153. See Bai, *supra* note 137.

decoupling could impair the “tech ecosystem,” in which many raw materials originate from Xinjiang.¹⁵⁴ While the effects of the UFLPA may not be immediate, it still acts as an important step in the decoupling relationship with China without throwing off the balance of trade and economics.

2. Xinjiang & Terrorism

Given the United States’ complicated past with the War on Terror,¹⁵⁵ China claims its reaction to attacks from militant Uyghurs is not much different. In its own People’s War on Terror, the CCP says that its scrutiny in Xinjiang is to protect the safety and security of local communities. It also claims that import bans like the UFLPA intervene with its security policies and the threat of terrorism in the country. The CCP frames counterterrorism efforts in Xinjiang as an effort against the “three evil forces’ of terrorism, separatism, and extremism,” which it says has left Xinjiang as a violent, unstable, and poor region since the early 1990s.¹⁵⁶ De-radicalization campaigns across the region empower Uyghurs and other Turkic minorities to find jobs and learn standard Mandarin Chinese.¹⁵⁷ From the Han Chinese perspective, internment camps are a preventative measure against the security threats of religious, cultural, and educational life in Xinjiang.¹⁵⁸ In order to create a more secure region, re-education camps must “dilute” the aspects of minority culture that destabilized Xinjiang.¹⁵⁹ The CCP considers the Uyghur internment a security success, bringing social stability

154. See generally JON BATEMAN, US-China Technological “Decoupling”: A Strategy and Policy Framework 1 n.2, 38 (2022).

155. For a discussion on human rights violations and negative effects of the War on Terror, see generally REBECCA SANDERS, *The Fate of Human Rights in the Global War on Terror*, in PLAUSIBLE LEGALITY: LEGAL CULTURE AND POLITICAL IMPERATIVE IN THE GLOBAL WAR ON TERROR 154, 154–68 (2018).

156. See Sheena Chestnut Greitens, Myunghee Lee, & Emir Yazici, *Counterterrorism and Preventive Repression: China’s Changing Strategy in Xinjiang*, 44 INT’L SEC. 9, 14 (2020); see also *Xinjiang Fan Kong Yu Qu Jiduan Hua Chengxiao Xianzhu* (新疆反恐与去极端化成效显著) [Significant Achievements in Counter-Terrorism and De-Radicalization in Xinjiang], RENMIN RIBAO (人民日报) [PEOPLE’S DAILY] (Nov. 18, 2021, 5:22 AM), <http://politics.people.com.cn/BIG5/n1/2021/1118/c1001-32285265.html>.

157. See Ma Shikun, *The True Story of Xinjiang*, CHINA US FOCUS (May 12, 2021), <https://www.chinausfocus.com/society-culture/the-true-story-of-xinjiang>.

158. See Greitens et al., *supra* note 156, at 44.

159. *Id.*

and ending attacks from the ETIM over the last four years.¹⁶⁰

While China claims it is hypocritical of the United States to call out China’s own “security policies,” this is merely a diversion that ignores serious human rights violations in Xinjiang. The UFLPA does not create an unintended consequence of serious terrorism threats—as sporadic attacks could be dealt with in a much better way—but rather condemns state terrorism against Uyghurs. State terrorism has four elements: (1) the state commits deliberate acts of violence against civilians or uses threats of violence that instill fear, (2) these acts are perpetrated by actors of the state, (3) the acts or threats are intended to induce extreme fear, and (4) the acts or threats induce its target audience to consider changing its behavior.¹⁶¹ The high scrutiny and militarization in Xinjiang under the Strike Hard campaign are constant warnings and threats against Uyghurs in the region that dissent will not be tolerated.¹⁶² The re-education camps, regardless of human rights abuses, also serve as a threat or act of violence meant to instill fear.¹⁶³ Although the CCP does not directly oversee the detention centers in Xinjiang, it works with other government agencies that are responsible for the scale and effects of internment.¹⁶⁴ Mass internment systems in Xinjiang are intended as warnings to non-interned individuals of the consequences of “extremist activities,” and these centers were created with the intention of changing the behaviors of Uyghurs and other Turkic Muslims in Xinjiang.¹⁶⁵ Fear of detention has also led to self-censorship, both online and in-person, to avoid internment.¹⁶⁶ While attacks from militant independence groups have been violent in Xinjiang before, even the “most generous estimates of Uyghur militant capability . . . do not imply that insurgency is either present or imminent.”¹⁶⁷ Even if there was a large threat of violent attacks and militant activity, state terrorism and human rights violations exceed the scope of any security policies China claims are necessary. While the CCP critiques the UFLPA and foreign criticism of “re-

160. Shikun, *supra* note 157.

161. Smith Finley, *supra* note 26, at 15–19.

162. See HUMAN RIGHTS WATCH, *supra* note 1, at 16.

163. *Id.* at 45–46; see also Smith Finley, *supra* note 26, at 16.

164. See *id.*

165. See *id.*

166. See *id.* at 19 (discussing how Uyghurs in Xinjiang censor themselves on the internet and remove halal or Islamic signage for storefronts to “de-extremify” and avoid the threat of persecution).

167. Greitens et. al., *supra* note 156, at 29.

education camps” in Xinjiang, there is no negative risk of terrorism that would arise from ending internment camps in the region.

E. CHALLENGES TO ENACTING SIGNIFICANT CHANGE IN XINJIANG

While the UFLPA is a large step toward decoupling from China and placing economic pressure on Chinese exports to the United States, there are several challenges and future issues that must be addressed to maximize the act’s effectiveness. Current enforcement of the UFLPA and the transitional period have begun impacting companies in the United States. China’s plans for development abroad have influenced other countries to support China despite its human rights violations in Xinjiang, offering economic pathways despite the UFLPA.¹⁶⁸ To increase pressure and increase the effectiveness of the UFLPA, other countries must prioritize passing similar sanctions or decrees against human rights violations in Xinjiang and offer support for the Uyghur people.

1. Current Enforcement of the UFLPA

The UFLPA targets massive industries in the Chinese economy.¹⁶⁹ Xinjiang produces nearly one-fifth of the world’s cotton and half of the world’s polysilicon, a material used in solar panels.¹⁷⁰ While these are large industries, goods from Xinjiang only comprise about 0.01% of the total goods imported into the United States.¹⁷¹ Raw materials are integrated into many other industries throughout China and eventually exported, but the Department of Homeland Security (DHS) adopts a narrow enforcement focus of the UFLPA.¹⁷² This means that several goods that are later manufactured or processed in other parts of

168. See, e.g., Tan, *supra* note 144; DEP’T OF HOMELAND SEC., STRATEGY TO PREVENT THE IMPORTATION OF GOODS MINED, PRODUCED, OR MANUFACTURED WITH FORCED LABOR IN THE PEOPLE’S REPUBLIC OF CHINA 13 (2022). See also *infra* Section II.E.2.

169. Marti Flacks & Madeleine Songy, *The Uyghur Forced Labor Prevention Act Goes into Effect*, CTR. FOR STRATEGIC & INT’L STUD. (June 27, 2022), <https://www.csis.org/analysis/uyghur-forced-labor-prevention-act-goes-effect>.

170. *Id.*

171. *Id.*

172. *Id.*

China—including paprika, wind turbines, cars, and PVC—are not as harshly scrutinized when imported into the United States.¹⁷³ While CBP enforces a narrow scope of the UFPLA, the act has resulted in large seizures and blocks at U.S. ports.¹⁷⁴ Products worth nearly \$500 million have been stopped at entry points in the United States since the UFLPA went into effect, largely in the polysilicon and solar panel industries.¹⁷⁵

The UFLPA aims to coerce companies to cut off ties with many Chinese companies that source materials or manufacture in Xinjiang.¹⁷⁶ Although the act has just recently gone into effect, these companies have only made the necessary changes for U.S. imports. Many companies, especially multinational corporations, are continuing to source materials from China for their markets there and abroad.¹⁷⁷ To combat this, more countries must take similar actions in unilateral trade agreements against Xinjiang that would create a harsher economic impact on China. In order to maximize the impact of the UFLPA, CBP and DHS must eventually broaden their enforcement of the act to prevent companies from importing products that have materials from supply chains that were created with forced labor in Xinjiang. Additionally, U.S. companies will have to look to other countries for materials in green industries like solar panels. Blocking polycarbonate from China has slowed down the production and integration of solar panels in the United States, and while the Biden administration wants to keep a hard stance on China, it also has large goals for green initiatives.¹⁷⁸

173. See *id.*; see also Ana Swanson, *Global Car Supply Chains Entangled with Abuses in Xinjiang, Report Says*, NY TIMES (Dec. 6, 2022), <https://www.nytimes.com/2022/12/06/business/economy/global-car-supply-chains-xinjiang-forced-labor.html> (explaining that most car companies manufacture using raw materials that are sourced from Xinjiang).

174. Flacks & Songy, *supra* note 169; see also Eric Martin, *US Ban on Xinjiang Imports Is Off to Remarkably Good Start*, BLOOMBERG (Oct. 20, 2022, 6:53 PM), <https://www.bloomberg.com/news/articles/2022-10-20/us-ban-on-xinjiang-imports-is-off-to-remarkably-good-start>.

175. *Id.*; see Nichola Groom, *US Blocks More than 1,000 Solar Shipments over Chinese Slave Labor Concerns*, REUTERS (Nov. 11, 2022, 11:33 AM), <https://www.reuters.com/world/china/exclusive-us-blocks-more-than-1000-solar-shipments-over-chinese-slave-labor-2022-11-11/>.

176. See Flacks & Songy, *supra* note 169.

177. Jacob Zinkula, *23 Major Brands Suspected of Illegally Sourcing Products Made by Forced Labor in China*, BUS. INSIDER (Dec. 17, 2022, 6:15 A.M.) <https://www.businessinsider.com/companies-brands-china-supply-chains-illegal-forced-labor-2022-12>.

178. See Neil Ford, *U.S. Solar Builders Face Delivery Woes in Pull Away*

2. China's Plan for Development: Belt & Road Initiative

China's strengthening global presence in the developing world through its Belt and Road Initiative endeavor poses challenges to the efficiency of the UFLPA in decreasing human rights violations. Through the Belt and Road Initiative, China aims to promote international cooperation, funding infrastructure, trade, and economic projects throughout Asia and the world.¹⁷⁹ China has developed several "economic corridors" involving rail links to Europe through Russia, economic development in the Middle East, trade pathways in Pakistan and Southeast Asia, and trade pathways through India to the Indian Ocean.¹⁸⁰ Outside of the Belt and Road initiative, China has also funded multi-million dollar projects in mining and development throughout Sub-Saharan Africa.¹⁸¹ These projects have created a "soft colonialism," influencing countries that receive large financial assistance from China to follow its lead and blindly support the CCP despite Chinese exploitation of foreign raw materials abroad.¹⁸²

Most of these foreign development programs, particularly as part of the Belt and Road Initiative, require the use of Xinjiang as a strategic vantage point.¹⁸³ Xinjiang is a "critical region to

from China, REUTERS (MAR. 3, 2023, 5:02 A.M.), <https://www.reuters.com/business/energy/us-solar-builders-face-delivery-woes-pull-away-china-2023-03-03>.

179. ORG. FOR ECON. COOP. & DEV., CHINA'S BELT AND ROAD INITIATIVE IN THE GLOBAL TRADE, INVESTMENT AND FINANCE LANDSCAPE 4 (2018).

180. *Id.* at 10–11.

181. See Nick Van Mead, *China in Africa: Win-Win Development, or a New Colonialism?*, THE GUARDIAN (July 31, 2018, 8:00 AM), <https://www.theguardian.com/cities/2018/jul/31/china-in-africa-win-win-development-or-a-new-colonialism> ("The new port of Bagamoyo could see the revival of what Tsang calls 'the very first China in Africa mega-project': the Tazara railway line, stretching from the copper mines of Zambia to Dar Es Salaam.").

182. *Id.*; see Anthony Kleven, *Belt and Road: Colonialism with Chinese Characteristics*, THE INTERPRETER (May 6, 2019), <https://www.lowyinstitute.org/the-interpreter/belt-road-colonialism-chinese-characteristics> ("In reality, the BRI has already turned into a Chinese neo-colonialist project."); see also Sungmin Cho & Joshua Turner, *The Economics of Repression: The Belt and Road Initiative, COVID-19, and the Repression of Uyghurs in Xinjiang*, AIR UNIV. (Dec. 9, 2020), <https://www.airuniversity.af.edu/JIPA/Display/Article/2441685/the-economics-of-repression-the-belt-and-road-initiative-covid-19-and-the-repre/> ("In a 2019 UNHRC letter supporting Beijing's human rights handling in Xinjiang, over half of its signatories were Muslim majority nations.").

183. Cho & Turner, *supra* note 182.

the success” of the Belt and Road, as it connects China with countries throughout Central Asia and the Middle East.¹⁸⁴ This strategic location of Xinjiang has driven “the CCP to intensify its [scrutiny and] repression” against Uyghurs in the region.¹⁸⁵ From the CCP’s perspective, attacks or destabilization in Xinjiang could threaten the success of economic pathways to Central Asia and the Middle East.¹⁸⁶ Additionally, China intensifies its oppression of Uyghurs because these same pathways enhance connections with these regions, meaning that Muslim Uyghurs would be more exposed to external influences than Han Chinese majority socio-cultural influences.¹⁸⁷ Most of these pathways, including one in the small town of Khorghos on the Xinjiang–Kazakhstan border, are largely empty, as most local people remain to see the benefits of the Belt and Road Initiative.¹⁸⁸ While China claims that the Belt and Road Initiative would decrease poverty, the lack of economic integration for many locals in Xinjiang and other less-developed provinces would increase inequality in China.¹⁸⁹ The CCP claims that poverty is one of the main sources of extremism in Xinjiang, yet the government does not seem to care about affecting actual change in poverty and inequality in the region.¹⁹⁰ However, the largest threat from the Belt and Road Initiative against Uyghur internment is its dominance and influence over other countries. The United States and other countries could assist development projects in developing countries to combat this, but the scale of China’s assistance would still be much larger and more effective. If the United States were to pursue this method, it would also run the risk of taking part in “soft colonialism,” which would create more issues for the country than benefits.

184. *Id.*

185. *Id.*

186. *Id.*; see also Rebecca Warren, *Xinjiang and the Belt and Road Initiative*, STRATEGY BRIDGE (June 17, 2019), <https://thestrategybridge.org/the-bridge/2019/6/17/xinjiang-and-the-belt-and-road-initiative>.

187. *Id.*

188. See Warren, *supra* note 186. (“Although a major distribution hub is being developed at the small town of Khorghos on the Xinjiang-Kazakhstan border, the tax-free shopping centres on the Kazakhstan side are largely empty, and the local market is still the heart of commerce. Traders flocked there initially but were disappointed; the area is sparsely populated, and the 2015 currency devaluation by Kazakhstan meant that few could afford to shop there. The benefits for local people remain elusive.”).

189. See *id.*

190. *Id.*

3. Necessity of Other Countries Support to Pass Similar Sanctions

The Belt and Road Initiative thus highlights the importance of economically impacting China rather than seeking help from international organizations like the U.N. In theory, supply chain audits and import bans would be an effective way to change human rights policies in China, but this is unlikely to be fully effective given media censorship in Xinjiang and the fractional role of Xinjiang production in the overall Chinese economy.¹⁹¹ If several countries would vote in support of China on resolutions calling for the end to Uyghur internment in Xinjiang, other countries should join U.S. efforts to impose sanctions that may affect change in Chinese security policies. After the UFLPA, the European Union imposed targeted sanctions targeting four Chinese officials linked to Xinjiang policy, including a top security director, for its human rights abuses, leading to a halt in investment agreement talks between the European Union and China.¹⁹² While these targeted sanctions act similarly to the UFLPA, going after specific individuals through sanctions is often considered less impactful.¹⁹³ Canada did not impose sanctions against China but took another route of criticizing China by recognizing the persecution of Uyghurs in Xinjiang as genocide in 2021 and accepting 10,000 Uyghur refugees living outside China beginning in 2024.¹⁹⁴ This expanded coalition between governments working together to enforce restrictions on Xinjiang goods is a valuable step, but the European Union, Canada, and others should go beyond simple sanctions or refugee acceptance for those already outside China. Sanctions—including those under the UFLPA—could be expanded to include financial transactions of entities responsible for Uyghur internment, as well as applying import bans to online retailers

191. Hendrix, *supra* note 113.

192. See Henry Ridgewell, *EU Suspends China Trade Deal as Tensions Grow over Xinjiang, Hong Kong*, VOA (May 10, 2021, 4:36 PM), https://www.voanews.com/a/east-asia-pacific_voa-news-china_eu-suspends-china-trade-deal-tensions-grow-over-xinjiang-hong-kong/6205673.html; see Robin Emmott, *EU Extends Human Rights Sanctions, Including on Chinese Officials*, REUTERS (Nov. 24, 2021, 8:31 AM), <https://www.reuters.com/world/eu-extends-human-rights-sanctions-including-chinese-officials-2021-11-24/>.

193. ERIKSSON, *supra* note 103.

194. See Adela Suliman, *Canadian Parliament Votes Unanimously to Accept 10,000 Uyghur Refugees*, WASH. POST (Feb. 2, 2023, 10:39 AM) <https://www.washingtonpost.com/world/2023/02/02/canada-uyghur-refugees-resettle-china/>.

that use goods sourced in Xinjiang.¹⁹⁵ Since corporations unfortunately often prioritize economic growth over human rights, increased sanctions against China, support for the Uyghur people, and convincing countries that receive economic support from China would be pivotal in countering the human rights violations against Uyghurs and other Turkic Muslims in Xinjiang.

III. CONCLUSION

Uyghurs in Xinjiang have a long history of dominance and suppression from the Chinese government.¹⁹⁶ After militant separatist groups began attacks in China, however, the severity of this oppression rapidly increased.¹⁹⁷ Internment of Uyghurs and other Turkic Muslims has resulted in several human rights abuses, including torture, sexual abuse, forced sterilization, and forced labor.¹⁹⁸ While China claims there are no such abuses and “re-education camps” are solely counterterrorism efforts, the presence of state terrorism against the Uyghur minority is quite clear.¹⁹⁹ The United States, in its efforts to call out these abuses, underscored its hard stance on China and decoupled from its economic reliance on the country by passing the Uyghur Forced Labor Prevention Act (UFLPA). Unilateral trade agreements like import bans have been employed to enact change in human rights to varying degrees, using finances to coerce countries to change their policies.²⁰⁰ The United States takes advantage of the recent trade wars to do just that.

There are, however, several challenges to the true success of the UFLPA. Multinational companies risk ostracization from the growing Chinese market for changing their global supply chains, leading many only to make necessary adaptations to U.S. imports. China’s soft colonialism efforts, like the Belt and Road Initiative, also create enforcement challenges, as many countries receiving development funding have become more closely

195. Hendrix, *supra* note 113; *see, e.g.*, Margaret Sutherland, *Shein’s Cotton Tied to Xinjiang—Where China Is Accused of Forced Labor*, BLOOMBERG (Nov. 21, 2022, 8:15 AM), <https://www.bloomberg.com/news/newsletters/2022-11-21/shein-s-cotton-tied-to-xinjiang-where-china-is-accused-of-forced-labor>.

196. *See* Kaw, *supra* note 4.

197. *See* Smith Finley, *supra* note 26, at 2.

198. *See generally* *See* HUMAN RIGHTS WATCH, *supra* note 1.

199. Smith Finley, *supra* note 26, at 15–19.

200. Schultz & Ball, *supra* note 78, at 43.

aligned with China regardless of its human rights violations.²⁰¹ In order to maximize the intended economic impact of the UFLPA, the European Union and other countries must enact similar unilateral trade agreements that would force multinational companies to change their supply chains and move away from Chinese reliance. Given the complex relationship between sanctions and human rights, however, it is still unclear whether this change would end the egregious human rights abuses committed by the Chinese state against Uyghurs.

201. See, e.g., Jamey Keaten, *UN Rights Body Rejects Western Bid to Debate Xinjiang Abuses*, AP (Oct. 6, 2022, 10:31 P.M.), <https://apnews.com/article/voting-rights-religion-china-geneva-middle-east-64078b301797f08b7f32e147c185c77f> (“China locked down ‘no’ votes among its usual allies, plus many African countries and Persian Gulf states.”).