

SELF-DETERMINATION FOR SOME: THE PALESTINIANS AND THE UYGHURS IN CHINA'S FOREIGN POLICY

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Self-determination is attractive so long as it has not been attained; alternatively, it is attractive so long as it is applied to others. Once realized, enthusiasm dies fast, since henceforth, it can only be used to undermine perceived internal and external stability.

-Antonio Cassese¹

ABSTRACT

China's first ever white paper publicly outlining its policy toward the greater Middle East affirmed Beijing's support for the Israeli-Palestinian peace process, as well as an independent Palestinian state based on pre-1967 borders with East Jerusalem as its capital. Beijing's support for Palestinian independence stands in stark contrast and apparent tension with its oppression of its Uyghur minority, who, like the Palestinians, aspire to an independent state of their own in present-day Xinjiang. What explains China's continued support for an independent, Muslim-majority Palestinian state despite its brutal crackdown of its own Muslim minority at home? Drawing on the literature on sovereignty and self-determination, I argue that these policy positions are not

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¹ ANTONIO CASSESE, SELF-DETERMINATION OF PEOPLES: A LEGAL APPRAISAL 5-6 (1995).

inconsistent, and can indeed be reconciled. As a doctrinal matter, international law has differentiated between permissible self-determination claims in the context of decolonization on the one hand, and impermissible secessionist claims on the other. In its foreign relations, China has consistently highlighted this distinction and characterized Xinjiang as an integral part of Chinese territory, with the necessary implication that Uyghur self-determination claims are irredentist in nature. Whatever the legalities, in practice, China has managed to reconcile these policies due in no small part to its significant economic and political leverage and its framing of its Uyghur policy as a security issue immune from criticism. By maintaining this careful balancing act, China has facilitated—or at least eliminated one possible roadblock to—the creation of a greater role for itself in the Middle East, while not abandoning its historical support for the Palestinians or emboldening secessionist movements at home.

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1. INTRODUCTION

In its first ever white paper publicly laying out China's policy toward the greater Middle East, the Chinese government devoted just two lines to the subject of Palestine, affirming its support for "the Middle East peace process and the establishment of an independent state of Palestine with full sovereignty, based on the pre-1967 borders, with East Jerusalem as its capital."² China, the paper continued, "supports the Arab League and its member states' efforts to this end."³ Belying the white paper's cursory treatment of the country's Palestine policy, China has for several decades staunchly advocated for the cause of Palestinian self-determination—a position borne out of a rich tradition of anti-colonial and anti-imperialist struggle. In the mid-1960s, for example, China provided significant material and moral support to various Palestinian guerrilla factions⁴ and became the first non-Arab country to recognize the Palestine Liberation Organization as an independent entity.⁵ More recently, China supported Palestine's successful bid to acquire "non-member observer state" status at the United Nations in 2012,⁶ and in July of 2017, announced a four-point Middle East peace plan reaffirming support for an independent Palestinian state with East Jerusalem as its capital.⁷

² Ministry of Foreign Affairs of the People's Republic of China, *China's Arab Policy Paper* (Jan. 13, 2016), https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1331683.shtml [<https://perma.cc/LW7L-CMPK>].

³ *Id.*

⁴ Lillian Craig Harris, *China's Relations with the PLO*, 7 J. PALESTINE STUDIES 123, 123 (1977) (stating the close relations between the People's Republic of China and the Palestinian guerrilla organization).

⁵ John K. Cooley, *China and the Palestinians*, 1 J. PALESTINE STUDIES 19, 25 (1972) (demonstrating that "Rashid Jarbou was appointed first PLO envoy in Peking, with what amounted to diplomatic status. China thus became the first non-Arab country in the world to recognize the PLO as an independent entity.").

⁶ See Press Release, General Assembly, General Assembly Votes Overwhelmingly to Accord Palestine 'Non-Member Observer State' Status in United Nations, U.N. Press Release GA/11317 (Nov. 29, 2012), <https://www.un.org/press/en/2012/ga11317.doc.htm> [<https://perma.cc/729U-KABC>] (noting Chinese ambassador Baodong Li's remark that the resolution represented "another positive step in Palestine's progress toward statehood.").

⁷ Press Release, Permanent Mission of the People's Republic of China to the U.N., Statement by Ambassador Liu Jieyi at the Security Council Open Debate on the Middle East (July 25, 2017), <http://www.china-un.org/eng/hyyfy/t1481733.htm> [<https://perma.cc/K79A-PHYH>].

China's support for Palestinian self-determination, though fitting comfortably into its anti-colonial and anti-imperialist foreign policy tradition, stands in stark contrast to – and in apparent tension with – its oppressive treatment of its Uyghur minority, a Turkic Muslim people who live in China's northwestern Xinjiang Uyghur Autonomous Region. Although the Uyghurs and the Palestinians are separated in many respects by geography, language, culture, and identity, the similarities between the two peoples and their circumstances have led some observers to decry the "Palestinization" of Xinjiang, a term coined by Chinese dissident Lixiong Wang to describe the "full mobilization of a people and the full extent of its hatred" toward the State.⁸ Indeed, apart from being predominantly Muslim, both the Palestinians and the Uyghurs view themselves as being victims of occupation and oppression – Palestinians by the Israelis, the Uyghurs at the hands of the Han Chinese majority.⁹ Like the Palestinians, the Uyghurs also aspire to an independent state of their own, one in present-day Xinjiang called East Turkestan. Moreover, many Uyghurs have expressed sympathy for and found common cause with the Palestinians, whom they view as enduring a plight similar to theirs.¹⁰

In contrast to Chinese support for Palestinian self-determination, however, China's policy towards the Uyghurs has been characterized by a lack of even modest self-determination or self-governance, despite what Xinjiang's official name might imply. Over the past decade, Beijing's control over this region has come under growing international scrutiny as bouts of ethnic violence between Uyghurs and Han Chinese have been met with a disproportionate security crackdown by the central government. In 2009, for example, Xinjiang's capital Urumqi was rocked by deadly

⁸ Wang Lixiong, *Excerpts from "My West China, Your East Turkestan" – My View on the Kunming Incident*, CHINA EXCHANGE (Mar. 3, 2014), <https://chinachange.org/2014/03/03/excerpts-from-my-west-china-your-east-turkestan-my-view-on-the-kunming-incident/> [<https://perma.cc/FHG4-7ENM>]; see also Michael Clarke, *China and the Uyghurs: The "Palestinization" of Xinjiang?*, MIDDLE EAST POLICY COUNCIL, <https://mepc.org/china-and-uyghurs-palestinization-xinjiang> [<https://perma.cc/FD9M-WZRZ>] (suggesting in 2011 that "[w]hile the situation in Xinjiang has not reached this point . . . the beginnings of the Palestinization of the region are discernable at three levels.").

⁹ See DANIEL JAMES SCHUSTER, *RESISTING UNDER OCCUPATION: A PALESTINIAN-UYGHUR COMPARISON* 10-12 (2017) (describing the similarities between the Uyghurs and the Palestinians).

¹⁰ See Joanne Smith Finley, *Chinese Oppression in Xinjiang, Middle Eastern Conflicts and Global Islamic Solidarities Among the Uyghurs*, 16 J. CONTEMPORARY CHINA 627, 652 (2007).

rioting that left more than 100 people dead,¹¹ and at least twenty-nine people were killed by Uyghur assailants during a mass stabbing attack at a train station in Kunming in 2014.¹² In the period between these attacks, China responded by investing millions of dollars in security infrastructure and personnel to create a “multi-tiered security state” within Xinjiang to prevent further attacks.¹³ Most recently, Beijing has drawn intense international condemnation after reports emerged that it has forced more than one million Uyghurs and other minorities into mass detention camps that Beijing describes as “job-training centers,” but which a growing body of evidence suggests are a network of forced labor camps intended to erase the cultural and religious identity of the Uyghurs and induce them to swear fealty to the Chinese Communist Party.¹⁴ While this and other security crackdowns conducted under the banner of the Strike Hard Campaign have been justified as a prudent response to the problem of international terrorism in the aftermath of September 11th,¹⁵ they represent a part of a broader

¹¹ Chris Buckley, *Xinjiang Riot Toll Hits 156 as Unrest Spreads*, REUTERS (July 6, 2009), <https://www.reuters.com/article/us-china-xinjiang-idUSTRE5650SW20090706> [<https://perma.cc/58ZM-F5JE>].

¹² Andrew Jacobs, *Train Station Rampage Further Strains Ethnic Relations in China*, N.Y. TIMES (Mar. 3, 2014), <https://www.nytimes.com/2014/03/04/world/asia/han-uyghur-relations-china.html> [<https://perma.cc/72ZS-5D5D>].

¹³ Adrian Zenz & James Leibold, *Xinjiang’s Rapidly Evolving Security State*, 15 CHINA BRIEF 4 (Mar. 14, 2017); Andrew Jacobs, *Train Station Rampage Further Strains Ethnic Relations in China*, N.Y. TIMES (Mar. 3, 2014), <https://www.nytimes.com/2014/03/04/world/asia/han-uyghur-relations-china.html> [<https://perma.cc/QRK6-L4X4>].

¹⁴ See, e.g., Chris Buckley & Austin Ramzy, *China’s Detention Camps for Muslims Turn to Forced Labor*, N.Y. TIMES (Dec. 16, 2018), <https://www.nytimes.com/2018/12/16/world/asia/xinjiang-china-forced-labor-camps-uyghurs.html> [<https://perma.cc/HQ37-Q79K>]; Austin Ramzy & Chris Buckley, *‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019), <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html> [<https://perma.cc/U4U6-D4M8>].

¹⁵ James Millward, *Violent Separatism in Xinjiang: A Critical Assessment*, EAST-WEST CENTER, 11 (2004), <https://www.eastwestcenter.org/system/tdf/private/PS006.pdf?file=1&type=node&id=32006> [<https://perma.cc/47V8-QT35>] (“Following the September 11 al Qaeda attacks on the United States, official PRC pronouncements began to stress the threat of ‘terrorism’ in Xinjiang as China’s leadership maneuvered to position itself ‘side by side with the United States in the war against terror.’ This apparently required a revision of the official description of separatists in Xinjiang. What had generally been described as a handful of separatists was now a full-blown ‘terrorist organization.’”)

effort by Beijing to suppress the identity and national aspirations of the Uyghur people through a variety of social, political, and economic means.¹⁶ As indicated in a 2002 document released by the Information Office of the State Council entitled “‘East Turkistan’ Terrorist Forces Cannot Get Away With Impunity,” these efforts stem from Beijing’s fear of attempts by Uyghur separatists – known as the East Turkestan Islamic Movement¹⁷ – to form an independent state called East Turkestan within the borders of present-day Xinjiang.¹⁸

With such actual and perceived threats to its rule in Xinjiang, what explains China’s continued support for an independent, Muslim-majority Palestinian state? Can its efforts to squelch ethnic separatism in Xinjiang be reconciled with a policy of support for Palestinian self-determination? Drawing on the literature on sovereignty and self-determination, I argue that these two policy positions are not inconsistent. Doctrinally, and as a matter of international law, self-determination that results in independence is much more robust and widely accepted in the context of decolonization than secession. In practice, the Chinese government has carefully hewed to this distinction in its foreign relations, voicing support for the right of non-self-governing peoples to self-determination, while at the same time condemning separatist movements and characterizing Xinjiang (like Taiwan and Tibet) as indisputably Chinese territory.

Whatever the legalities, the politics of foreign policy are such that in the modern era, China has managed to comfortably voice weak rhetorical support for the Palestinians while effectively

¹⁶ See, e.g., Staff of the Global Legal Research Center of the Law Library of Congress, Report for U.S. Department of Justice, *Treatment of the Uyghur Ethnic Group in the Peoples Republic of China*, 5–8 (Mar. 2015), https://www.justice.gov/sites/default/files/eoir/pages/attachments/2015/03/30/loc_03-2015_china.pdf [<https://perma.cc/PL5K-A2GA>] (discussing restrictions on Uyghurs’ religious practices, language, and cultural identity); Human Rights Watch, *Devastating Blows: Religious Repression of Uyghurs in Xinjiang* (Apr. 11, 2005), <https://www.hrw.org/report/2005/04/11/devastating-blows/religious-repression-uyghurs-xinjiang> [<https://perma.cc/ZA4X-HJME>].

¹⁷ Beina Xu, Holly Fletcher & Jayshree Bajoria, *The East Turkestan Islamic Movement (ETIM)*, COUNCIL ON FOREIGN RELATIONS (Sept. 4, 2014), <https://www.cfr.org/background/east-turkestan-islamic-movement-etim> [<https://perma.cc/T7D2-2FJR>].

¹⁸ CHINA INTERNET INFORMATION CENTER, “East Turkistan” Terrorist Forces Cannot Get Away With Impunity, <http://www.china.org.cn/english/2002/Jan/25582.htm> [<https://perma.cc/GFN7-65VY>].

muffling any criticisms of its policy toward its Uyghur minority at home. Indeed, China has managed to successfully frame the Uyghur issue as a security issue in its relations with its regional neighbors, an effort aided in no small part by its significant economic and political leverage. Indeed, even countries most sympathetic to the plight of the Uyghurs, such as Turkey, have increasingly shied away from taking any meaningful steps to hold China accountable for its oppression of the Uyghurs. By maintaining this careful balancing act, China has managed to stake a position that simultaneously facilitate a greater role for itself in the Middle East, while not abandoning its historical support for a revolutionary ally or emboldening secessionist sentiments at home.

This paper proceeds as follows. In Part 2, I discuss the legal and political norm of self-determination and its relation to the law of statehood in the international system. I show that the distinction the international community has drawn between self-determination in the decolonization context and secession has been embraced by the Chinese government in its foreign relations. In Part 3, I provide an overview of China's relationship with Palestine, focusing both on the historical origins of the relationship and its contemporary manifestations. Part 4 discusses China's control over Xinjiang, with an analysis of the implications of China's policies vis-à-vis the Uyghurs on its foreign relations. In Part 5, I discuss why Chinese support for Palestinian self-determination and its policies toward the Uyghurs are not incompatible, as well as the extent to which China itself has attempted to reconcile these positions. In particular, I argue that it is unlikely that China rhetorically supports Palestinian independence as a means of asserting influence in the Middle East; that support predates China's interest in expanding its footprint in the region and has faded, and Beijing has, moreover, cultivated closer political and military ties with Israel in recent years while supporting the broader "peace process" led by the international community.

2. SELF-DETERMINATION UNDER INTERNATIONAL LAW AND THE CHINESE POSITION

Most commonly associated with President Woodrow Wilson's Fourteen Points, the notion of self-determination can be traced to geopolitical developments that swept through eighteenth and

nineteenth century Europe¹⁹ – and perhaps even earlier still.²⁰ Self-determination is generally understood to be “[t]he proposition . . . that every people should freely determine its own political status and freely pursue its economic, social, and cultural development.”²¹ It can be exercised in the form of secession, association in a federation, or autonomy or assimilation in a unitary state.²² As it was first conceptualized, however, self-determination was understood to inure to the benefit only of states, as it was first manifested in the European contests for power that led to the creation of new nation-states in the aftermath of the disintegration of the Austro-Hungarian and Ottoman Empires.²³ Since that time, neither the status nor the content of self-determination have been identified with precision,²⁴ and today there exists no universally agreed-upon definition of what self-determination means.²⁵

As to status, Professor Brownlie notes that self-determination has been referred to variously as a political principle, a legal principle, and a legal right.²⁶ Self-determination was first enshrined as a “principle” in 1945 in Article 1(2) of the Charter of the United Nations, which did not, however, define its meaning.²⁷ Although

¹⁹ HURST HANNUM, *AUTONOMY, SOVEREIGNTY AND SELF-DETERMINATION* 27 (1996).

²⁰ See CASSESE, *supra* note 1, at 14-23 (arguing that the precursor to self-determination was the refrain heard during the French and American revolutions that sovereignty belonged to the people). See also KRISTINA ROEPSTORFF, *THE POLITICS OF SELF-DETERMINATION: BEYOND THE DECOLONIZATION PROCESS* 10-11 (2013).

²¹ John P. Humphrey, *Political and Related Rights*, in *HUMAN RIGHTS IN INTERNATIONAL LAW: LEGAL AND POLICY ISSUES* 193 (Theodore Meron ed., 1984). See also JAMES CRAWFORD, *BROWNLIE'S PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 647 (8th ed. 2012) (defining self-determination as a general matter as “the right of a community which has a distinct character to have this character reflected in the institutions under which it lives”).

²² CRAWFORD, *supra* note 21, at 141.

²³ See HANNUM, *supra* note 19, at 27-28.

²⁴ See LORI FISLER DAMROSCH & SEAN D. MURPHY, *INTERNATIONAL LAW: CASES AND MATERIALS* 309 (6th ed. 2009) (“Notwithstanding its treatment in legal documents and decisions, the concept of self-determination remains fraught with uncertainty . . .”); HANNUM, *supra* note 19, at 27 (“[T]he meaning and content of that right remain as vague and imprecise as when they were enunciated by President Woodrow Wilson and others at Versailles.”).

²⁵ CRAWFORD, *supra* note 21, at 646.

²⁶ *Id.*

²⁷ DAMROSCH & MURPHY, *supra* note 24, at 307. It was also recognized as a principle in non-treaty instruments such as the UN Declaration of Friendly Relations. G.A. Res. 2625 (XXV) (Oct. 24, 1970).

that principle was mentioned only twice in the U.N. Charter and not at all in the Universal Declaration of Human Rights of 1948,²⁸ self-determination thereafter “evolved” into a right when the U.N. Declaration on Colonial Countries declared that “[a]ll peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”²⁹ It was subsequently recognized as a right in treaty instruments such as the International Covenant on Social and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well.³⁰ Despite this wide recognition of a “right” to self-determination, a series of decisions rendered by the International Court of Justice has left self-determination’s status as a right under international law somewhat in doubt. As Professor Jan Klabbers notes, while the ICJ in the *South West Africa* case “displayed a conception of self-determination as a substantive right that accrues to peoples,”³¹ it consciously avoided using the term “right” in its *Western Sahara* opinion four years later—opting instead to refer to the “principle” of self-determination.³² Adding to this uncertainty, there exists some scholarly disagreement as to whether the principle of self-determination is a rule of customary international law, *jus cogens*, or not a rule of law at all.³³

Regardless of the status accorded to self-determination under international law, it is apparent that as a general principle, self-determination “will continue to be a major political force both internationally and domestically.”³⁴ In the post-Cold War era, however, the locus of the debate has centered on the scope of self-determination itself³⁵: to whom it applies, what practical consequences its realization should entail, the circumstances under which self-determination may be exercised, and how it is to be

²⁸ HANNUM, *supra* note 19, at 33.

²⁹ G.A. Res. 1514, 15 U.N. GAOR, Supp. (No. 16), U.N. Doc. A/4684 (1960).

³⁰ DAMROSCH & MURPHY, *supra* note 24, at 308.

³¹ Jan Klabbers, *The Right to be Taken Seriously: Self-Determination in International Law*, 28 HUMAN RIGHTS QUARTERLY 186, 191 (2006).

³² *Id.* at 195-96.

³³ HANNUM, *supra* note 19, at 44-45.

³⁴ *Id.* at 49.

³⁵ ROEPSTORFF, *supra* note 20, at 31.

reconciled with conflicting principles of international law.³⁶ As a practical matter, it is well established that peoples living under colonial rule³⁷ and foreign occupation³⁸ have the right to self-determination. Indeed, self-determination's emergence as a more precise, substantive principle under international law took place with the articulation of the so-called "salt-water theory of decolonization," which required as a condition precedent to self-determination a people living "in a distinct overseas territory with an ocean separating them from the respective colonial power."³⁹ This theory of self-determination came to guide United Nations practice during the decolonization period.⁴⁰ In this context, international law recognizes the right of colonized people to independence.⁴¹

Although a "pronounced distinction" has developed between self-determination in the colonial and non-colonial contexts,⁴² the increase in the number of self-determination claims outside of the colonial context in the post-Cold War era—such as the dissolution of the Soviet Union and separatist movements in the Caucasus and Africa—has posed a challenge to the viability of this paradigm⁴³ and highlighted a parallel distinction between external and internal self-determination.⁴⁴ That distinction arose, in part, to limit secession to a very limited set of circumstances.⁴⁵ In its famous *Reference re:*

³⁶ See DAMROSCH & MURPHY, *supra* note 24, at 309 (citing EDWARD MCWHINNEY, *THE UNITED NATIONS AND A NEW WORLD ORDER FOR A NEW MILLENNIUM: SELF-DETERMINATION, STATE SUCCESSION, AND HUMANITARIAN INTERVENTION* (2000); JAMES R. CRAWFORD, *THE CREATION OF STATES IN INTERNATIONAL LAW* 107-48 (2d ed. 2006)).

³⁷ CRAWFORD, *supra* note 21, at 646.

³⁸ See *id.* (noting that self-determination "has been understood as the right of peoples under colonial, foreign, or alien domination to self-government"); CASSESE, *supra* note 1, at 90 (observing that "[s]tate practice and United Nations resolutions make it clear that external self-determination is a right belonging not only to colonial peoples but also to peoples subject to foreign occupation.").

³⁹ ROEPSTORFF, *supra* note 20, at 15.

⁴⁰ See DAVID RAIC, *STATEHOOD AND THE LAW OF SELF-DETERMINATION* 207 (2002).

⁴¹ CRAWFORD, *supra* note 21, at 14.

⁴² *Id.* at 647; see also HANNUM, *supra* note 19, at 46 (noting that the right to self-determination has been sharply limited to the colonial context and that no state has ever recognized the right of self-determination of *all* peoples).

⁴³ ROEPSTORFF, *supra* note 20, at 31; see also DAMROSCH & MURPHY, *supra* note 24, at 309.

⁴⁴ CRAWFORD, *supra* note 21, at 141.

⁴⁵ MILENA STERIO, *THE RIGHT TO SELF-DETERMINATION UNDER INTERNATIONAL LAW: "SELFISTANS," SECESSION, AND THE RULE OF THE GREAT POWERS* 22 (2013).

Secession of Quebec decision, the Canadian Supreme Court expounded upon the difference between internal and external self-determination, describing the former as “a people’s pursuit of its political, economic, social and cultural development within the framework of an existing state”⁴⁶ and the latter as a right that “arises in only the most extreme cases and, even then, under carefully defined circumstances.”⁴⁷ As with other aspects of the law on self-determination, the notions of internal self-determination and secession continue to arouse controversy.⁴⁸ This is especially true for the concept of remedial secession, which holds that a people that is subjected to gross and systematic human rights abuses can break away from a state that is committing those abuses against it.⁴⁹

Additionally, contemporary claims of self-determination are problematic in the legal sense in at least two respects. As an initial matter, the international instruments speaking to the right of self-determination of “peoples” do not establish whether the right to self-determination in general may be exercised outside the context of decolonization.⁵⁰ Moreover, external self-determination claims, such as those espoused by separatist movements, lie in obvious tension with the principle of territorial integrity enshrined in Article 2(4) of the UN Charter, as well as the principle of *uti possidetis*, which prioritizes the stability of international boundaries.⁵¹ As Professor Milena Sterio writes, these two norms interact such that “an act of external self-determination, resulting in secession, not covered by the right to colonial self-determination is typically (yet not always) considered unlawful in international law.”⁵² In a state-centric system that prioritizes order and stability and in which acquiring defined and fixed territory is a prerequisite to participation in such a system,⁵³ it is not altogether unsurprising that limits to the

⁴⁶ [1998] 2 S.C.R. 217 (Can.).

⁴⁷ *Id.*

⁴⁸ CRAWFORD, *supra* note 21, at 142.

⁴⁹ Jure Vidmar, *Remedial Secession in International Law: Theory and (Lack of) Practice*, 6 ST. ANTHONY’S INT’L REV. 37, 38 (2010).

⁵⁰ DAMROSCH & MURPHY, *supra* note 24, at 309; see also Milena Sterio, *Self-Determination and Secession Under International Law: The New Framework*, 21 ILSA J. INT’L & COMP. L. 293, 293 (2015) (“[I]nternational law is silent on the issue of whether a non-colonized minority group ever accrues the positive right to remedially.”).

⁵¹ STERIO, *supra* note 45, at 21.

⁵² *Id.*

⁵³ Joshua Castellino, *Territorial Integrity and the “Right” to Self-Determination: An Examination of the Conceptual Tools*, 33 BROOK. J. INT’L L. 503, 506-08 (2008).

assertion of self-determination claims outside of the colonial context have developed—particularly with respect to those claims that could result in the fracturing of international borders.

Notwithstanding the uncertainties surrounding the status and scope of self-determination under international law, the People's Republic of China—in both its statements and in practice—has adhered to a clear distinction between what it perceives as legitimate claims to self-determination in the decolonization context on the one hand, and illegitimate secessionist claims on the other. For example, in a written statement submitted to the International Court of Justice in the question of the *Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo*, China declared:

Although the principle of self-determination has become a basic principle of international law, it applies within specific limits, primarily restricted to situations of colonial rule or foreign occupation . . . The right of self-determination is different in nature from the so-called right of secession. The exercise of the right of self-determination shall not undermine the sovereignty and territorial integrity of the State concerned.⁵⁴

Similarly, in a 2004 statement before the U.N. Commission on Human Rights concerning the situation in Israel and Palestine, a Chinese envoy expressed China's unequivocal support for the struggle for self-determination and independence of colonized peoples while explicitly distinguishing attempts to secede from sovereign states:

The right of peoples to self-determination, which was historically important, was a powerful weapon for the oppressed nations to fight against imperialism and colonialism so as to win their national independence and the liberation of their peoples, is still of great relevance today. In the contemporary world, the right to self-determination is a sacred principle. It means that each people can choose its own political and social system as well as its own economic

⁵⁴ Written Statement of the People's Republic of China to the International Court of Justice on the Issue of Kosovo, in letter dated Apr. 16 2009 from the Amb. of the People's Republic of China to the Kingdom of the Netherlands addressed to the Registrar of the International Court of Justice, <https://www.icj-cij.org/files/case-related/141/15611.pdf> [https://perma.cc/7MXA-VRBY] (hereinafter *Kosovo Statement*).

model and path to development, oppose foreign aggression, interference and control, and safeguard sovereignty, independence and territorial integrity.

...

At the same time, we should be aware that there are some people, who, with their evil intention, openly advocate the splitting of sovereign states under the cloak of self-determination. Such practice also tramples upon the U.N. Charter and the fundamental principles of international law and deserves the condemnation and firm opposition from all peoples of the world.⁵⁵

In part, the distinction that China has drawn between legitimate claims of self-determination and illegitimate secessionist claims can be traced to its strong anti-colonial foreign policy and support for developing countries. During the 1960s and 1970s, facing what it perceived as a "hostile" international strategic environment, China provided both rhetorical and material support for various national liberation movements in Africa in part to counter Soviet "revisionism" and American imperialism, as well as to compete for influence against the Nationalist government in Taiwan.⁵⁶ The essence of China's foreign policy during this period was captured in Premier Zhou Enlai's 1975 declaration that "[t]he Third World is the main force in combating colonialism, imperialism, and hegemonism. China is a developing socialist country belonging to the Third World."⁵⁷ Similarly, in 1963, Chinese Foreign Minister Chen Yi stated: "China will support revolutions against imperialism and oppression. This is not to say that we are behind all revolutions . . . But China will support foreign revolutions both morally and politically. We are Marxists."⁵⁸

⁵⁵ Press Release, Permanent Mission of the People's Republic of China to the U.N. Office at Geneva, Statement by Mr. Mei Yuncai, Advisor of the Chinese Delegation on the Right to Self-Determination (Item5) at the 57th Session of the Commission on Human Rights (Apr. 16, 2004), http://www.china-un.ch/eng/dbtyw/rqrd_1/thsm/t85127.htm [<https://perma.cc/S9MN-Y4FD>].

⁵⁶ Shen Ding, *To Build a "Harmonious World": China's Soft Power Wielding in the Global South*, 13 J. CHINESE POL. SCI. 193, 199 (2008); see also George T. Yu, *China and the Third World*, 17 ASIAN SURV. 1036, 1037-42 (1977) (tracing the development of China's "Third World policy" in the 1970s to its efforts to combat U.S imperialism and Soviet "social-imperialism.").

⁵⁷ Yu, *supra* note 56, at 1036.

⁵⁸ Cooley, *supra* note 5, at 31.

As Professor George Yu documents, beginning in the 1950s, Africa came to occupy an important part of Chinese foreign policy, with China concluding a variety of friendship, cultural, commercial, and economic aid agreements with newly-independent African countries in part by appealing to anti-colonialist and anti-imperialist sentiment, as well as a sense of Asian-African unity.⁵⁹ As part of its African foreign policy, China took the position that only when all African countries became free would the fight against colonialism end, and advocated armed struggle as one means of achieving that goal.⁶⁰ China's overtures to Africa were not divorced from the geopolitical reality taking place around it, however, and it emphasized as well that colonialism would not end so long as the forces of imperialism continued to present a threat.⁶¹ Additionally, China emphasized Asian and African peoples' common experience with imperialist and colonial subjugation by Europeans and Americans and the importance of mutual cooperation.⁶² It should be noted, however, that China did not support all national liberation movements, declining to do so where they might implicate its national interests.⁶³ For example, while exhibiting at least passing support for the Eritrea Liberation Front, China simultaneously sought closer relations with Emperor Haile Selassie of Ethiopia.⁶⁴ Similarly, China declined to support independence fighters in East Pakistan, opting instead to support the military authorities in West Pakistan.⁶⁵

To this day, China continues to draw explicitly on its own experiences with colonialism and imperialism in addressing self-determination, decolonization, and secessionist issues abroad. For example, in a written statement submitted to the ICJ on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 (Request for Advisory Opinion)*, China stated:

Once a victim of aggression and oppression under imperialism and colonialism, China sympathizes with the peoples under colonial rule and knows full well their

⁵⁹ George T. Yu, *Sino-African Relations: A Survey*, 5 *ASIAN SURV.* 321, 322-27 (1965).

⁶⁰ *Id.* at 322.

⁶¹ *Id.*

⁶² *Id.* at 323.

⁶³ Cooley, *supra* note 5, at 31.

⁶⁴ *Id.*

⁶⁵ *Id.*

sufferings. The Constitution of the People's Republic of China solemnly states in its preamble that "China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress". On the international stage, China firmly supports the efforts made by the United Nations to help colonial countries and peoples exercise their right to self-determination and achieve independence, takes an active part in the United Nations' work of decolonization, and gives strong support, both politically and economically, to colonial countries and peoples, including African countries.⁶⁶

Consistent with this position, in the contemporary era China has continued to support movements for independence from colonial rule while vigorously condemning secessionist movements elsewhere. For example, China played a role in East Timor's first bid for independence in the 1970s when it backed the Frente Revolucionaria de Timore-Leste Independente Party's (FRETILIN) declaration of independence from Portugal.⁶⁷ When, after a purported Indonesian annexation and a subsequent referendum, East Timor became fully independent in 2002, China was also the first country to establish formal diplomatic ties with the country. Since 2005, it has been a major funder of construction and infrastructure projects in the country in part to counterbalance U.S. influence in the region and to lure the country away from support for Taiwan.⁶⁸ When, on the other hand, Kosovo declared independence from Serbia on February 17, 2008, a spokesperson for

⁶⁶ Written Statement of the People's Republic of China to the International Court of Justice, *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* (Request for Advisory Opinion), 8 (Mar. 1, 2018), <https://www.icj-cij.org/files/case-related/169/169-20180301-WRI-03-00-EN.pdf> [<https://perma.cc/BM6A-HTAE>].

⁶⁷ Ian Storey, *China and East Timor: Good, But Not Best Friends*, JAMESTOWN (July 5, 2006), <https://jamestown.org/program/china-and-east-timor-good-but-not-best-friends-3/> [<https://perma.cc/6FTE-8DH2>].

⁶⁸ RHODA MARGESSON & BRUCE VAUGHN, CONG. RESEARCH SERV., RL 33994, *EAST TIMOR: POLITICAL DYNAMICS, DEVELOPMENT, AND INTERNATIONAL DEVELOPMENT* 20 (2009).

the Chinese Foreign Ministry expressed “grave concern” warning that “[t]he unilateral move taken by Kosovo will lead to a series of consequences.”⁶⁹ Later, in 2009, China submitted a written statement to the ICJ backing Serbia and arguing that U.N. Security Council Resolution 1244 (1999), which called for Kosovo to “enjoy substantial autonomy within the Federal Republic of Yugoslavia” and which reaffirmed the “sovereignty and territorial integrity of the Federal Republic of Yugoslavia,” furnished the only basis for resolution of the Kosovo issue.⁷⁰ Moreover, it made its first oral argument before the ICJ for the first time since the 1960s in support of Serbia’s position.⁷¹ Notwithstanding China’s vocal support for self-determination in the decolonization context and its opposition to secession, China’s stances on these issues have not been altogether entirely consistent. Indeed, as the cases of Hong Kong and Crimea illustrate, its policy of supporting self-determination claims (or not) does not adhere to rigid and inflexible rules but rather is informed by China’s present strategic interests.

For example, almost three months after the People’s Republic of China reassumed China’s seat at the United Nations, it successfully lobbied for Hong Kong to be removed from the U.N. Decolonization Committee’s list of colonial territories, arguing that Hong Kong (as well as Macau) was a Chinese territory that Britain had colonized on the basis of unequal treaties.⁷² The case of Crimea provides another interesting counterpoint to China’s policy of distinguishing between permissible self-determination claims and impermissible irredentist movements. On March 16, 2014, in a referendum criticized by Western observers as illegitimate, Crimea voted to secede from Ukraine and become a part of Russia.⁷³ The United States and the European Union swiftly condemned the move, with President

⁶⁹ Press Release, Chinese Foreign Ministry, Foreign Ministry Spokesperson Liu Jianchao’s Remarks on Kosovo’s Unilateral Declaration of Independence (Feb. 18, 2008), <https://www.fmprc.gov.cn/zflt/eng/fyrth/t408032.htm> [<https://perma.cc/MM6Z-KVAD>].

⁷⁰ *Kosovo Statement*, *supra* note 54, at 1-2.

⁷¹ Dan Bilefsky, *World Court Rules Kosovo Declaration Was Legal*, N.Y. TIMES (July 22, 2010), <https://www.nytimes.com/2010/07/23/world/europe/23kosovo.html> [<https://perma.cc/6TSJ-WLAY>].

⁷² Nihal Jayawickrama, *Hong Kong: The Gathering Storm*, 22 BULLETIN OF PEACE PROPOSALS 157, 164 (1991).

⁷³ David M. Herszenhorn, *Crimea Votes to Secede from Ukraine as Russian Troops Keep Watch*, N.Y. TIMES (Mar. 16, 2014), <https://www.nytimes.com/2014/03/17/world/europe/crimea-ukraine-secession-vote-referendum.html> [<https://perma.cc/66TP-777C>].

Obama telling Russian president Vladimir Putin in a phone call that the results of the referendum “would never be recognized by the United States and the international community.”⁷⁴ By contrast, China’s reaction was much more equivocal. For example, it abstained from a vote on a Security Council resolution condemning the referendum as illegal, which was ultimately blocked by Russia.⁷⁵ Later, Foreign Ministry spokesperson Qin Gang issued a statement on the Security Council vote, which reads, in part:

China always respects all countries’ sovereignty and territorial integrity. It is a basic diplomatic principle that has long been upheld by China. We believe that due to the complex historical and practical factors, we should take everything into consideration when dealing with the Ukraine issue. China disapproves of confrontation. The U.N. Security Council’s vote on the draft resolution will only lead to confrontation among all parties, which will further complicate the situation. It goes against the common interests of the Ukrainian people and the international community. Under the current circumstances, China calls on all parties to keep calm, exercise restraint and refrain from raising the tension. What is imperative now is to push for a political settlement.⁷⁶

Given China’s strong relations with Russia⁷⁷ – the two countries regularly participate in joint military drills and growing trade and

⁷⁴ Karen DeYoung, *U.S. Warns Russia Against Annexing Crimea*, WASH. POST (Mar. 16, 2014), https://www.washingtonpost.com/world/national-security/us-warns-russia-against-annexing-crimea/2014/03/16/2b4a7006-ad45-11e3-9627-c65021d6d572_story.html?utm_term=.dd09151af072 [https://perma.cc/99T4-JK7G].

⁷⁵ Shannon Tiezzi, *China Reacts to the Crimea Referendum*, DIPLOMAT (Mar. 18, 2014), <https://thediplomat.com/2014/03/china-reacts-to-the-crimea-referendum/> [https://perma.cc/A4SG-FB53].

⁷⁶ Press Release, Consulate General of the People’s Republic of China in New York, Foreign Ministry Spokesperson Qin Gang’s Remarks on the U.N. Security Council’s Vote on the Draft Resolution on the Referendum in Crimea (Mar. 16, 2014), <https://www.fmprc.gov.cn/ce/cgny/eng/fyrth/t1137754.htm> [https://perma.cc/W78E-MMXD].

⁷⁷ Robert Sutter, *Foreword* to MICHAEL S. CHASE ET AL., *RUSSIA-CHINA RELATIONS: ASSESSING COMMON GROUND AND STRATEGIC FAULT LINES*, at v (2017) (observing that “[c]ommon interests, opposition to U.S. pressure, and the perceived decline of the West” have prompted closer Sino-Russian ties).

investment links⁷⁸ – it was perhaps not altogether unsurprising that China avoided condemning the secession referendum outright. Nevertheless, its position stands in stark contrast to China's opposition to separatist movements that challenge the territorial integrity of sovereign states. Some Western observers have suggested that China's position on Crimea was driven in part by its concern about secessionist movements at home. For example, one journalist wrote that, "the way China responds to Crimean separatism highlights Beijing's refusal to recognise similar demands for political autonomy in its own backyard. If China respects Crimean demands to dictate their own political future, why not those in Tibet, Xinjiang or Taiwan?"⁷⁹ Similarly, noting that Chinese authorities had allegedly prohibited domestic media outlets from linking Crimea to the country's problems with Tibet, Xinjiang, and Taiwan, another observer wrote that "it's also dangerous for Beijing to go on record as supporting the secession of a piece of territory based on ethnic, cultural or linguistic differences."⁸⁰ Similar comments from Western observers and publications abound.⁸¹ By contrast, Lihua Zhang, a resident scholar at the Carnegie-Tsinghua Center for Global Policy, traces China's position on Crimea to three underlying themes. First, she argues that China's refusal to vote in favor of the UN Security Council's resolution was an implicit rebuke at what it perceives as the United States and its European allies'

⁷⁸ See Ethan Meick, *China-Russia Military-to-Military-Relations: Moving Toward a Higher Level of Cooperation*, U.S.-CHINA ECON. AND SEC. REVIEW COMMISSION 6-11 (Mar. 20, 2017), <https://www.uscc.gov/sites/default/files/Research/China-Russia%20Mil-Mil%20Relations%20Moving%20Toward%20Higher%20Level%20of%20Cooperati%20on.pdf> [<https://perma.cc/GF2F-DTAD>]; Evan S. Medeiros & Michael S. Chase, *Chinese Perspectives on the Sino-Russian Relationship*, in *RUSSIA-CHINA RELATIONS: ASSESSING COMMON GROUND AND STRATEGIC FAULT LINES* 1, 9 (2017).

⁷⁹ Celia Hatton, *China's Crimea Dilemma*, BBC (Mar. 17, 2014), <https://www.bbc.com/news/blogs-china-blog-26610475> [<https://perma.cc/8GUA-NFEZ>].

⁸⁰ Shannon Tiezzi, *China Reacts to the Crimea Referendum*, THE DIPLOMAT (Mar. 18, 2014), <https://thediplomat.com/2014/03/china-reacts-to-the-crimea-referendum/> [<https://perma.cc/A4SG-FB53>].

⁸¹ See, e.g., Geoff Dyer, *In the Battle for Crimea, China Wins*, FOREIGN POLICY (Mar. 12, 2014), <https://foreignpolicy.com/2014/03/12/in-the-battle-for-crimea-china-wins/> [<https://perma.cc/6K3J-ZBNB>] ("China is also allergic to separatist movements within countries. If Crimea can be allowed to vote for independence, why not Tibet?").

attempts to broaden their influence in Eastern Europe.⁸² Second, she argues that “[t]he Crimean referendum was an internal Ukrainian issue” and that, guided by its Five Principles of Peaceful Coexistence, China did not wish to intervene in Ukraine’s internal affairs.⁸³ Finally, Zhang argues that Russia and Ukraine have long had a complicated history and that it was understandable for Russia to consider Ukraine “as a part of its sphere of influence and as a defensive zone between itself and the EU.”⁸⁴

As is evident from China’s sometimes inconsistent positions on secessionist movements abroad, its decision to recognize or not recognize the legitimacy of those movements and their claims rests in no small part on broader strategic considerations and national interests. As one scholar has noted, with respect to China’s relationship with the Palestinians, “[t]he twin bases of China’s action in the world outside are ideology and national interest. The two are often interdependent, but sometimes they seem to clash.”⁸⁵ The rest of this paper seeks to identify whether and to what extent these ideological and national interests explain China’s continued support for an independent Palestinian state in light of its secessionist troubles at home, and whether that policy can be reconciled within the established framework that China has followed in distinguishing between legitimate and illegitimate claims of self-determination.

3. CHINA AND THE PALESTINIANS: FROM REVOLUTIONARY PARTNERS TO SYMBOLIC ALLIES

A full historical account of China’s relationship with the Palestinians is beyond the scope of this paper. Nevertheless, it is sufficient to note that China’s support for Palestine has been both longstanding and driven by its historical experience of subjugation at the hands of foreign powers, as well as broader strategic interests. For example, in his first speech to the United Nations in 1971, Chinese delegate Qiao Guanhua declared:

⁸² Lihua Zhang, *Explaining China’s Position on the Crimea Referendum*, CARNEGIE-TSINGHUA CTR. FOR GLOBAL POLICY (Apr. 1, 2015), <https://carnegietsinghua.org/2015/04/01/explaining-china-s-position-on-crimea-referendum-pub-59600> [<https://perma.cc/7GRA-EUCE>].

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ Cooley, *supra* note 5, at 32.

The intrinsic nature of the Middle East question lies in the aggression against the Palestinian people and the other Arab peoples committed by Israeli Zionism, with the support and connivance of the superpowers. The Chinese government and people give their resolute support to the Palestinian people and the other Arab peoples against aggression and are convinced that, in persevering in their struggle and maintaining unity, the heroic Palestinians and the other Arab peoples will surely be able to recover their lost territories and re-establish the Palestinian people in its national rights.

No one has the right to seek to conclude political deals behind the backs of the Palestinians and other Arabs so as to injure their right to existence and their other national interests.⁸⁶

Reflecting this interest in the Palestinian cause, a map published in the *Peking Review* in 1968 lists Palestine as one of twelve "revolutionary" zones of interest to China.⁸⁷ As scholar John Cooley notes, both China and Palestine were "invaded, attacked and humiliated by foreigners. The result in both cases was a profound case of culture shock."⁸⁸ In offering assistance to the Palestinians' struggle against the Israelis, China thus characterized its assistance as that of "revolutionary peoples" helping one another.⁸⁹ Indeed, China viewed Palestine as being in the national-democratic stage of an eventual socialist revolution; China was eager to lend its assistance in the hopes of demonstrating that its model of socialist revolution was both realistic and attainable.⁹⁰ China's interest in the Palestinians also may have been due to its desire to combat imperialism in the region and to counter Soviet influence in the region.⁹¹

Another reason for Chinese support of the Palestinians during this period was China's desire to use Palestine as a base to further

⁸⁶ *Id.* at 19 (quoting Agence-France Presse (AFP), November 16, 1971).

⁸⁷ *Id.* at 32.

⁸⁸ *Id.* at 20.

⁸⁹ *Id.*

⁹⁰ Harris, *supra* note 4, at 125-26.

⁹¹ *Id.* at 127 (quoting Mao Zedong as saying, "Imperialism is afraid of China and of the Arabs. Israel and Formosa are bases of imperialism in Asia. You are the gate of the great continent and we are the rear. They created Israel for you, and Formosa for us. Their goal is the same.").

project its influence throughout the Middle East.⁹² Despite having established relations with Egypt and Syria by the mid-1950s, China's relationship with Arab countries slowly deteriorated in the early 1960s over various disputes with Arab leaders, such as Gamal Abdel Nasser's 1959 decision to back rebels in Tibet⁹³ and an increased Soviet presence in Egypt and Syria.⁹⁴ Despite this, or perhaps as a consequence of these circumstances, China began to shore up its support for the Palestinians and, at least rhetorically, attempted to link Palestine with the broader interests of Arab countries. In 1964, for example, Zhou Enlai declared, "We are ready to help the Arab nations to regain Palestine. Whenever you are ready, say the word. You will find us ready. We are willing to give you anything and everything; arms and volunteers."⁹⁵ Following this declaration, China, among others things, announced that it would comply with the decisions of the Arab Office for the Boycott of Israel and began to support the Palestinian political faction Fatah.⁹⁶ The creation of the Palestine Liberation Organization allowed China to publicize its support for the Palestinian cause,⁹⁷ and, in 1965, China became the first non-Arab country to recognize the PLO as an independent entity.⁹⁸

Beginning in 1965, China began providing significant material and moral support for the Palestinians. That year, China agreed to provide the Palestinians with diplomatic, economic, and military aid in an agreement that would see that aid channeled through the PLO as an umbrella organization to other Palestinian factions.⁹⁹ Reports also indicate that, prior to the 1967 War, China provided a steady stream of arms and training to Palestinian forces through various ports in the region.¹⁰⁰ Verbally, China expressed support for the Arab governments in the days before the Israeli offensive, and even after the Arab countries were defeated, Zhou Enlai urged Ahmad

⁹² *Id.* at 126.

⁹³ Cooley, *supra* note 5, at 23.

⁹⁴ *Id.* at 24.

⁹⁵ *Id.* (quoting Information Bulletin, Embassy of the People's Republic of China (Cairo), December 24, 1964).

⁹⁶ *Id.*

⁹⁷ *Id.* ("These preparations and the creation of the Palestine Liberation Organization by the first Palestine National Council in 1964 enabled China to bring its support for the Palestinians out into the open.").

⁹⁸ *Id.* at 25.

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 26.

Shukaieiri, the first chairman of the PLO, to continue armed struggle and “fight on unflinchingly to final victory.”¹⁰¹ As a general matter, however, it appears that Chinese support for the Palestinians was marked by occasional meetings between officials from the two governments and did not extend to directing the day-to-day activities of their Palestinian counterparts.¹⁰²

Since the 1970s, however, the revolutionary fervor that once characterized China's early support for the Palestinians has dissipated.¹⁰³ For example, it appears China did not support any factions during the Lebanese civil war that began in 1975 – including Palestinian ones – when years before any conflict involving Palestinian groups would have prompted a firm response from the Chinese.¹⁰⁴ Moreover, China has evinced a preference for the more moderate Palestinian factions, such as Fatah, while also publicly calling on them to renounce the use of violence and to stop committing acts of international terrorism¹⁰⁵ – in stark contrast to China's earlier funneling of weapons to the Palestinians and calls for armed struggle in the region. Indeed, China deleted the term “armed” in front of “struggle” in its 1974 and 1976 statements on Palestine to the United Nations.¹⁰⁶

Particularly in the past twenty years, China has been less vocal in its support for the Palestinians, preferring instead to continue to publicly champion itself as a supporter of the developing world and emphasize diplomatic exchanges between the two countries.¹⁰⁷ At

¹⁰¹ *Id.* at 27.

¹⁰² Harris, *supra* note 4, at 125.

¹⁰³ See Sam Chester, *How Syria, Israel, the Palestinians, and Egypt View China's Growing Role in the Middle East*, GEO. SECURITY STUD. REV. 47, 55-56 (2015) (“During the Cold War, Palestinian leaders could hardly have been more satisfied with China . . . In the last two decades, however, China's attitude to the Palestinians has noticeably cooled.”).

¹⁰⁴ Harris, *supra* note 4, at 152-53.

¹⁰⁵ See PAUL J. SMITH, THE TERRORISM AHEAD: CONFRONTING TRANSNATIONAL VIOLENCE IN THE TWENTY-FIRST CENTURY 151 (2008) (noting an example in which China described the murder of Israeli Olympic athletes in Munich as “unfortunate” and a Chinese official telling the UN that China has “never been in favor of such adventurist acts of terrorism.”); Chris Zambelis, *China's Palestine Policy*, JAMESTOWN (Mar. 4, 2009), <https://jamestown.org/program/chinas-palestine-policy/> [<https://perma.cc/7RT4-KSZB>] (stating that China supports the principles outlined in the various peace initiatives in Israeli-Palestinian issue).

¹⁰⁶ Harris, *supra* note 4, at 153.

¹⁰⁷ Zambelis, *supra* note 105; see also Mohammed al-Sudairi, *China's Stance on East Jerusalem*, MERIP (Jan. 28, 2016), <https://merip.org/2016/01/chinas-stance->

the United Nations, China consistently votes in favor of resolutions supporting Palestinian self-determination and condemning Israeli uses of force against the Palestinians and the Israeli settlement enterprise.¹⁰⁸ However, much of its diplomacy in the region, at least as it relates to Palestine, is set in the broader context of the so-called Middle East “peace process,” as China appears to have signed onto the international consensus. For example, it has expressed support for the 1991 Madrid Conference, the Oslo Accords, the 2002 Road Map, and the 2007 Annapolis Conference.¹⁰⁹ At the same time, China has also been fostering closer political, military, and economic ties with Israel. For example, when Prime Minister Benjamin Netanyahu visited China in 2017, the two countries signed ten bilateral agreements with a value of more than \$25 billion.¹¹⁰ China has also been investing in infrastructure projects in Israel as well as the country’s high technology, agriculture, food, water, and biotech sectors.¹¹¹ On the political-military front, however, relations remain cool: arms sales between the two countries have been limited as a result of pressure from the United States.¹¹² However, since 2011, a number of high-level Israeli military delegations have visited China, including defense minister Ehud Barak in 2011, who discussed

on-east-jerusalem/ [https://perma.cc/UL3S-NECU] (observing that China’s “revolutionary Maoist solidarity was gradually shelved in favor of a discourse of peaceful resolution of the [Israeli-Palestinian] conflict that would accommodate some Israeli demands.”); see also Charlotte Gao, *China Takes Bigger Role in Palestine-Israel Issue as UN Rejects Trump’s Jerusalem Move*, DIPLOMAT (Dec. 22, 2017), <https://thediplomat.com/2017/12/china-takes-bigger-role-in-palestine-israel-issue-as-un-rejects-trumps-jerusalem-move/> [https://perma.cc/P5ZX-4XD3] (stating that China may be starting to take on a larger role in the Middle East “Peace Process” as the Trump Administration begins to drop any pretense of being a neutral peace broker).

¹⁰⁸ See, e.g., *Illegality of Israeli Settlements in Palestinian Territory Occupied Since 1967*, Security Council Resolution 2334 (2016); *Protection of the Palestinian Civilian Population*, UN General Assembly Resolution ES-10/20 (June 13, 2018); *The Right of the Palestinian People to Self-Determination*, UN General Assembly Resolution 73/158 (Dec. 17, 2018); *Ensuring Accountability and Justice for All Violations of International Law in the Occupied Palestinian Territory, including East Jerusalem*, UN Human Rights Council Resolution 31/35, A/HRC/29/52 (Mar. 24, 2016).

¹⁰⁹ Zambelis, *supra* note 105.

¹¹⁰ Elliott Abrams, *What’s Behind Israel’s Growing Ties with China?*, COUNCIL ON FOREIGN RELATIONS (June 21, 2018), <https://www.cfr.org/expert-brief/whats-behind-israels-growing-ties-china> [https://perma.cc/KYH5-CSJ9].

¹¹¹ *Id.*

¹¹² *Id.*

issues such as Iran, the Israeli-Palestinian peace process, and counterterrorism.¹¹³

4. CHINA AND THE UYGHURS: A FRAUGHT RELATIONSHIP

Xinjiang is an autonomous region¹¹⁴ in northwest China that is home to approximately 20 million people from thirteen major ethnic groups.¹¹⁵ The largest of these is the Uyghurs, a Turkic Muslim minority who comprise about 8 million of the region's 20 million people.¹¹⁶ Xinjiang first became a part of China around the 1750s, though it was not at first colonized or otherwise settled, but rather maintained as a strategic border area guarded by thousands of Manchu and Chinese troops.¹¹⁷ As a region, Xinjiang experienced sporadic bouts of autonomy, beginning with the collapse of the Qing Dynasty in the early 20th century until it was fully incorporated into the People's Republic of China in 1949.¹¹⁸ For its part, China claims that Xinjiang "has been an inseparable part of the unitary multi-ethnic Chinese nation" since at least 206 B.C.¹¹⁹

A region little-known to outsiders, Xinjiang, in recent years, has made world headlines as bouts of ethnic violence have rocked the region. The most noteworthy occurred in in 2009, when Uyghur rioters took to the streets of Urumqi, the region's capital, and in 2014,

¹¹³ Hiddai Segev, *Sino-Israeli Security Relations: In America's Shadow*, MIDDLE E. INST. (May 15, 2018), <https://www.mei.edu/publications/sino-israeli-security-relations-america-shadow> [<https://perma.cc/4YT5-WSKJ>].

¹¹⁴ For more on China's system of regional national autonomy as it relates to Xinjiang, see Matthew Moneyhon, *Controlling Xinjiang: Autonomy on China's "New Frontier"*, 3 *ASIAN-PAC. L. & POL'Y J.* 120, 135-144 (2002).

¹¹⁵ Preeti Bhattacharji, *Uighurs and China's Xinjiang Region*, COUNCIL ON FOREIGN RELATIONS (May 29, 2012), <https://www.cfr.org/backgrounder/uighurs-and-chinas-xinjiang-region> [<https://perma.cc/R95G-YY5E>]. China officially recognizes 56 ethnic groups, though there are a number of ethnic groups in China that are "unrecognized." For more on China's ethnic minority policy and its ethnic classification system, see generally THOMAS S. MULLANEY, *COMING TO TERMS WITH THE NATION: ETHNIC CLASSIFICATION IN MODERN CHINA* (2011).

¹¹⁶ Bhattacharji, *supra* note 115.

¹¹⁷ Elizabeth Van Wie Davis, *Uyghur Muslim Ethnic Separatism in Xinjiang, China*, *ASIA-PAC. CTR. FOR SEC. STUDIES* (Jan. 2008), <https://apcss.org/college/publications/uyghur-muslim-ethnic-separatism-in-xinjiang-china/> [<https://perma.cc/9F55-8XSE>].

¹¹⁸ Bhattacharji, *supra* note 115.

¹¹⁹ FOREWORD, <http://www.china.org.cn/e-white/20030526/foreword.htm> [<https://perma.cc/6SW5-GNWZ>].

when Uyghur assailants killed at least 29 people in a mass stabbing attack in Yunnan province.¹²⁰ These incidents were, however, the symptoms of much more deeply-rooted social and economic grievances on the part of the Uyghur minority that began as early as the 1950s. It was during the Anti-Rightist campaign of 1957 and the Cultural Revolution that the Uyghurs first experienced the suppression of their religion at the hands of the state when their religious texts and mosques were destroyed.¹²¹ While China began to relax its policies toward ethnic minorities between the 1970s and 1990s,¹²² China's recent drive to develop Xinjiang has increased economic disparities between the Uyghurs and recent Han immigrants, leading to greater unrest and a concomitant crackdown on Uyghur religious life.

The drive to develop Xinjiang began in 1999 as part of the Great Leap West (*xibu da kaifa*) initiative.¹²³ Although Xinjiang was rich in natural resources, throughout the 1960s and 1970s Xinjiang's economy lagged behind that of the rest of China's provinces as a result of isolationist policies designed to counter Soviet influence and respond to domestic opposition to the central government's policies.¹²⁴ Despite the initiation of drastic economic reforms in 1992 heralded by Deng Xiaoping's visit to Shenzhen, the benefits of development were spread unevenly in favor of China's eastern provinces, and Xinjiang continued to be financially dependent on the central government.¹²⁵ In 1999, however—cognizant of the role ethnic division had played in the dissolution of the Soviet Union and Yugoslavia and responding to increased separatist violence in Xinjiang¹²⁶—President Jiang Zemin announced a one hundred billion renminbi (RMB) project to transform the demographic makeup of and invest in the infrastructure of the country's western regions, with Xinjiang as the initiative's main focus.¹²⁷ Over the

¹²⁰ *China Mass Stabbing: Deadly Knife Attack in Kunming*, BBC NEWS (Mar. 2, 2014), <https://www.bbc.com/news/world-asia-china-26402367> [<https://perma.cc/M8ND-AP8M>].

¹²¹ Van Wie Davis, *supra* note 117.

¹²² *Id.*

¹²³ Amy H. Liu & Kevin Peters, *The Hanification of Xinjiang, China: The Economic Effects of the Great Leap West*, 17 *STUD. ETHNICITY & NATIONALISM* 265, 266 (2017).

¹²⁴ June Teufel Dreyer, *Ethnicity and Economic Development in Xinjiang*, 2 *INNER ASIA* 137, 140 (2000).

¹²⁵ *Id.* at 151.

¹²⁶ Liu & Peters, *supra* note 123, at 266.

¹²⁷ *Id.* at 267.

years, this project has been facilitated by a massive influx of Han migrants¹²⁸ who, although initially concentrated in Urumqi, the capital of Xinjiang, have spread throughout the region and into traditional centers of Uyghur life.¹²⁹ While Uyghurs accounted for over 75% of Xinjiang's population in 1949, and Han Chinese only 7%, as of 2009 Uyghurs represented only 46% of the population, whereas Hans accounted for at least 40% of the population.¹³⁰

The large in-migration of Han Chinese to Xinjiang has generated a variety of social problems and fueled rising income inequality between the Han and Uyghurs. For example, the NGO Human Rights in China reported that Han migration had "reduced human access to clean water and fertile soil for drinking, irrigation and agriculture."¹³¹ Moreover, on average, the monthly income for Uyghur residents of Urumqi was 892 RMB in 2011, compared to 1,141 RMB for Han Chinese.¹³² Ironically, the very economic development that China believed would be instrumental in promoting ethnic harmony and undermining secessionism in Xinjiang¹³³ appears to have had the opposite effect: apart from rising income inequality, experts say that Uyghurs are the frequent victims of employment discrimination, and many feel that the changing demographic balance between Han Chinese and Uyghurs is diluting

¹²⁸ *Id.* at 269 ("The tremendous demographic shift is not an unintended consequence of the Great Leap West campaign. Instead, it appears to be a fundamental policy that ties into China's manifest destiny."). See also Anthony Howell & C. Cindy Fan, *Migration and Inequality in Xinjiang: A Survey of Han and Uyghur Migrants in Urumqi*, 52 *EURASIAN GEOGRAPHY & ECON.* 119, 119 (2011) (noting that while Han migration to Xinjiang from the 1950s to the 1970s was "primarily state-orchestrated, recent Han migrants tend to be self-initiated"); *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, HUMAN RIGHTS WATCH (Apr. 11, 2005), <https://www.hrw.org/report/2005/04/11/devastating-blows/religious-repression-uighurs-xinjiang> [<https://perma.cc/ZA4X-HJME>] ("The transfer of ethnic Chinese labor was and is still seen widely in Chinese policy making circles as aiding political integration and ultimately removing reasons for political unrest.") [hereinafter *Devastating Blows*].

¹²⁹ GRAHAM E. FULLER & S. FREDERICK STARR, *THE XINJIANG PROBLEM* 16 (2003).

¹³⁰ Liu & Peters, *supra* note 123, at 269.

¹³¹ Preeti Bhattacharji, *Why China's Xinjiang Spiraled Out of Control*, NBC NEWS (July 7, 2009), <http://www.nbcnews.com/id/31780068/displaymode/1098> [<https://perma.cc/W893-TUZZ>].

¹³² Liu & Peters, *supra* note 123, at 270.

¹³³ See Van Wie Davis, *supra* note 117 (noting that "[t]he underlying idea is that if the western regions, most notably Xinjiang, have sufficient development, then the minorities will prosper, be less restive, give less support for separatist activities, and be more integrated into the fortunes—both economic and political—of China.").

their culture.¹³⁴ Much of this repression has been state-directed. Beginning in the mid-1990s, for example, state authorities embarked on a concerted effort to discourage religious observance by surveilling mosques and harassing Uyghurs they perceived as too religious.¹³⁵ These policies were part of a broader “securitization” campaign by state authorities that, among other things, called for “severe” control of mosques, the banning of radio stations and confiscation of unauthorized literature, the installation of security cameras to surveil residents and houses, and profiling based on levels of religious observance.¹³⁶ Simultaneously, China also embarked on a diplomatic campaign to pressure neighboring countries to limit Uyghur separatist activities within their borders.¹³⁷

As noted previously, economic disparities and increased state repression have only continued to fuel ethnic unrest in Xinjiang and led to violent clashes between Uyghurs and Han Chinese. This has led to a downward spiral in which ethnic violence has been met with increased security measures, which has only fueled Uyghur resentment toward the Han Chinese and the central government. Although one might expect Muslim-majority countries in the Middle East to harshly rebuke the most recent manifestation of China’s “Strike Hard Campaign,” they have, in fact, remained largely silent.¹³⁸ For most China observers, this lack of a response is not surprising. As Professor Michael Clarke observes:

In the context of the wider Islamic world, . . . the Uyghur issue has had only moderate resonance. Many Islamic states, particularly in the Middle East, have for the majority of the

¹³⁴ Michael Martina, *In China’s Xinjiang, economic divide seen fuelling ethnic unrest*, REUTERS (May 6, 2014), <https://www.reuters.com/article/us-china-xinjiang-insight/in-chinas-xinjiang-economic-divide-seen-fuelling-ethnic-unrest-idUSBREA450X520140506> [<https://perma.cc/456R-LNHF>].

¹³⁵ *Devastating Blows*, *supra* note 128.

¹³⁶ Pablo Rodriguez-Merino, *China’s Protracted Securitization of Xinjiang: Origins of a Surveillance State*, E-INT’L REL. (Aug. 15, 2018), <https://www.e-ir.info/2018/08/15/chinas-protracted-securitization-of-xinjiang-origins-of-a-surveillance-state/> [<https://perma.cc/LN3G-WWCT>].

¹³⁷ *Id.*

¹³⁸ See, e.g., Nithin Coca, *Islamic Leaders Have Nothing to Say About China’s Internment Camps for Muslims*, FOREIGN POLICY (July 24, 2018), <https://foreignpolicy.com/2018/07/24/islamic-leaders-have-nothing-to-say-about-chinas-internment-camps-for-muslims/> [<https://perma.cc/FB5J-4CQK>]; *Muslim Governments Silent as China Cracks Down on Uighurs*, BLOOMBERG (Aug. 30, 2018), <https://www.bloomberg.com/news/articles/2018-08-30/muslim-governments-stay-silent-as-china-cracks-down-on-uighurs> [<https://perma.cc/9WTP-G6N7>].

past decade perceived China to be not only a major source of investment and a reliable customer for oil and gas but also a potential foil for U.S. dominance in the region.¹³⁹

Another reason for Middle Eastern countries' trepidation with confronting China about the Uyghur issue is that, unlike an issue like Palestine, which is connected to one of the holiest cities in Islam, "China has little place in the cultural imagination of Islam".¹⁴⁰ The tepid response of Middle Eastern countries to China's policy toward the Uyghurs has been due in part to China's ability to "isolat[e] government-to-government relations from the Uyghur issue."¹⁴¹ At first, China accomplished this in the 1990s by committing its regional neighbors to pursue a "zero tolerance approach" to Uyghur separatism.¹⁴² Subsequently, after the September 11th terrorist attacks ushered in the so-called Global War on Terror, China framed its Uyghur policy as a matter of protecting Xinjiang from Islamic terrorism, and in a way both normalized (and internationalized) its handling of the Uyghur issue.¹⁴³ China has also successfully deprived the world of access to Xinjiang and the Uyghurs of access to the wider world. For example, it restricts Uyghur's freedom of movement, punishes them for contacting families living abroad, and interrogates and imprisons those with foreign ties.¹⁴⁴ At the same time, it has also been successful—at least until recently—in deflecting media attention away from and controlling media access to the region. As one observer notes, in contrast to the faces of persecuted Rohingyas and images of clashes in Palestine, "few images are emerging from Xinjiang due to restrictions on press access and the massive state censorship apparatus. That means the world sees little more than blurry satellite footage of the internment camps."¹⁴⁵

¹³⁹ Michael Clarke, *China and the Uyghurs: The "Palestinization" of Xinjiang?*, MIDDLE E. POL'Y COUNCIL, <https://mepc.org/china-and-uyghurs-palestinization-xinjiang> [<https://perma.cc/6UC8-CKFV>].

¹⁴⁰ Coca, *supra* note 138.

¹⁴¹ Clarke, *supra* note 139.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ "Eradicating Ideological Viruses": China's Campaign of Repression Against Xinjiang's Muslims, HUMAN RIGHTS WATCH (Sept. 9, 2018), <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs> [<https://perma.cc/M6CG-KV2N>].

¹⁴⁵ Coca, *supra* note 138.

5. BEIJING'S BALANCING ACT

How and to what extent does the Uyghur issue fit into China's policy toward Palestine? As some observers have noted, there appears to be an inherent tension in China's support for an independent (presumably Muslim-majority) Palestinian state while at the same time trying to contain the Uyghurs' national aspirations at home. Aron Shai, for example, writes that "if China persists in criticizing Israel and continues to advocate a strict right to self-determination for Palestinians and Israeli Arab [sic], it could well boomerang back and affect her delicate situation in Xinjiang and Tibet (another problematic province as far as Beijing is concerned."¹⁴⁶ Similarly, Matthew Moneyhon observes that "[i]n its dealings with Xinjiang, the party walks a fine line between encouraging a safe amount of autonomy (thereby placating and neutralizing independence-minded Uighurs) and breeding local nationalism or even more dangerous, 'splittism'—the drive for separation from the national body politic."¹⁴⁷ Why does Beijing feel the apparent need to temper its support for an independent Palestine with an eye toward its problems with the Uyghurs at home? As Graham Fuller and S. Frederick Starr cogently note:

Nations tend to endorse the struggle of those peoples with whom their own interests are linked—or, as often as not, as an instrument against opponents. Governments readily apply double standards depending on how such standards affect friend and foe and how they relate to their perceptions of their own national interests at the moment.

...

The fact that the Uyghur are also Muslim adds a special intensity to the issue because of the high degree of interconnectedness that exists among the world-wide Muslim community—the umma. The very existence of an umma . . . creates special bonds of awareness and sympathy as Muslim minorities increasingly discover other Muslims in similar predicaments.¹⁴⁸

¹⁴⁶ Aron Shai, *China, Israel, the PLO and the Second Intifada*, in *CHINA & ANTITERRORISM* 158, 158 (Simon Shen ed., 2007).

¹⁴⁷ Moneyhon, *supra* note 114, at 145.

¹⁴⁸ FULLER & STARR, *supra* note 129, at 35-36.

Indeed, in stark contrast to China's ability to securitize the issue in its bilateral relations with its neighbors and largely avoid any meaningful criticism of its treatment of Uyghurs at the government level,¹⁴⁹ major voices outside of official government institutions continue to voice criticism of China's policies in Xinjiang. Contradicting the official Indonesian government line on Xinjiang, for example, the Indonesian Chinese Muslim Association (PITI) and Muslim-based Prosperous Justice Party (PKS) harshly rebuked China for its brutal treatment of Uyghurs in Xinjiang.¹⁵⁰ Similarly, a leader of the Muslim Brotherhood in Egypt suggested that Egypt's unwillingness to rebuke China over its treatment of Uyghurs was borne out of a desire to avoid criticism of its own policy of silencing dissent at home.¹⁵¹

Although there is a logical tension in China's support for an independent Palestinian state and its efforts to suppress calls for independence in Xinjiang, I argue that these policies are not contradictory and that China has managed to balance the two remarkably well in its post-Cold War era international diplomacy. As an initial matter, while not entirely consistent on this front, China has hewed closely to the distinction drawn by international legal jurisprudence and international legal instruments between self-determination in the context of military occupation and decolonization on one hand, and secession on the other. In supporting an independent Palestinian state, China has expressed its view that Palestinian self-determination falls into the former camp, while calls for an independent "East Turkestan," by contrast, belong to the latter. As a historical matter, China's support for Palestinian independence was a natural outgrowth of its efforts to export Chinese socialist revolution abroad and counter American imperialism and Soviet influence. Thus, while Palestine then as now did not offer China much in the way of material benefits, it served as an ideal export market for its model of Chinese socialist revolution and an opportunity to gain a foothold of influence in the Middle East when China was only beginning to assert itself on the international stage.

Today, while China no longer actively supports revolutionary movements abroad to the extent that it once did, its support for Palestine continues to retain a similar, though purely symbolic value

¹⁴⁹ Turkey and Iran are two notable exceptions. See Clarke, *supra* note 139.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

for China. While the need to brand itself as a revolutionary state and to counter—as a defensive matter—Soviet influence and U.S. imperialism in the region has dissipated, China is now eager to proactively extend its influence westward throughout Asia and the Middle East and to counter U.S. hegemony in Asia.¹⁵² By demonstrating China's sympathy and support for a people and a cause that Middle Eastern countries are similarly sympathetic towards, China's support for Palestine enables it to make further inroads into the region. However, a belief that China's Palestine policy figures prominently into these countries' calculus regarding their relations with Beijing would be misplaced. As an initial matter, while some have argued that China's support for Palestinian independence is intended also to deflect criticism away from its treatment of Uyghurs,¹⁵³ the value China derives from its Palestine policy vis-à-vis the "Uyghur issue" is, in my opinion, questionable: in its public statements and actions, China has largely refrained from—at least explicitly—linking the issues of Palestine and the Uyghurs together, and likely for good reason. China's regional neighbors are keenly aware of China's actions in Xinjiang,¹⁵⁴ but both lack the means and the desire to criticize China on this issue in light of their own security and economic interests.¹⁵⁵ Moreover,

¹⁵² See Thomas P. Cavanna, *What Does China's Belt and Road Initiative Mean for US Grand Strategy*, THE DIPLOMAT (June 5, 2018), <https://thediplomat.com/2018/06/what-does-chinas-belt-and-road-initiative-mean-for-us-grand-strategy/> [https://perma.cc/ET65-MH8W] (commenting that "[t]he BRI [Belt and Road Initiative] aims to stabilize China's western peripheries, rekindle its economy, propel non-Western international economic institutions, gain influence in other countries, and diversify trade suppliers/routes while circumventing the U.S. pivot to Asia Yet over time the BRI could threaten the very foundations of Washington's post-WWII hegemony.").

¹⁵³ See, e.g., Nima Khorrami Assl, *Palestine UN Bid: Where does China stand?*, AL JAZEERA (Sept. 29, 2011), <https://www.aljazeera.com/indepth/opinion/2011/09/2011928163950390354.html> [https://perma.cc/7Y4V-2U4G].

¹⁵⁴ Clarke, *supra* note 139 (noting that "China's image among the publics of these [Central Asian] states . . . is tarnished by the perceived ill-treatment of the Uyghurs in Xinjiang and fears regarding Beijing's influence in Central Asia" and that many Central Asian experts on China are highly critical of China's policies toward the Uyghurs).

¹⁵⁵ See Gene A. Bunin, *Central Asia Struggles with Fallout from China's Internment of Minorities*, FOREIGN POLICY (Aug. 15, 2018), <https://foreignpolicy.com/2018/08/15/central-asia-struggles-with-fallout-from-chinas-internment-of-minorities/> [https://perma.cc/PD7X-ENLX] ("Though people in Kazakhstan, Kyrgyzstan, and Pakistan all demand the reunification of their families and the safety of relatives in Xinjiang, their governments, despite not openly supporting China's internal policies, still find themselves numb before an

China has been able to successfully securitize the Uyghur issue in its bilateral relations with regional neighbors and convince them to “accede to its conception of the Uyghurs as ‘terrorists, extremists and separatists’”.¹⁵⁶

Additionally, one need only look to the massive loans and financial aid that Chinese President Xi Jinping has pledged to Middle Eastern countries as part of the so-called “Belt and Road Initiative” to understand that the projection of China’s influence westward is primarily a consequence of its military and economic power, rather than simply China’s policy toward a single country.¹⁵⁷ Another reason to doubt that China’s Palestine policy factors significantly into Middle Eastern countries’ calculus regarding their relationships with Beijing is that, on the whole, these countries themselves have largely refrained from playing an active role in helping to secure better treatment for Palestinians and an independent Palestinian state.¹⁵⁸ However, through minimal material and somewhat more rhetorical support for the Palestinians, China has managed to facilitate—or at least eliminate one possible roadblock to—the creation of a greater role for itself in the Middle East, while at the same time not abandoning the Palestinian cause outright emboldening secessionist movements at home.

The question is, of course, whether in China’s calculation of its strategic interests, Palestine will continue to play a positive or at least neutral role in its foreign policy, or whether its continued support for Palestinian independence represents a liability that could worsen its secessionist troubles at home. Though dissimilar, the case of North Korea and China’s continued support for the regime in Pyongyang suggests that China probably will not abandon Palestine anytime soon—at least in its public words and diplomacy. Ultimately, this careful balancing act will continue to be facilitated by a lack of reproach from foreign governments about China’s treatment of Uyghurs, as well as the careful distinction that China—and international law—has drawn between permissible

overwhelmingly powerful neighbor. The numbness is understandable – too much of these countries’ future development depends on China.”).

¹⁵⁶ Clarke, *supra* note 139.

¹⁵⁷ Maya Margit, *China Entices Arab States with ‘Belt and Road’ Initiative*, THE MEDIA LINE (July 12, 2018), <http://www.themedialine.org/biztec/china-entices-arab-states-with-its-belt-and-road-initiative/> [<https://perma.cc/UZ5F-5RFR>].

¹⁵⁸ See, e.g., Noga Tarnopolsky, *Palestinians look to Arab governments for support, but the response is tepid*, L.A. TIMES (May 25, 2018), <https://www.latimes.com/world/middleeast/la-fg-gaza-arab-react-20180525-story.html> [<https://perma.cc/7MSK-JJ36>].

claims of self-determination in the colonial and occupation context and generally disfavored secessionist claims.

6. CONCLUSION

Both historically and to the present day, Palestine has occupied an important symbolic position in China's foreign policy. Over the years, as China's interests have evolved and its geopolitical influence increased, so too have the fundamental characteristics of its policy towards Palestine. While in the 1950s and 1960s China provided moral and material support to Palestine as part of a broader strategy of exporting Chinese socialism abroad, China's contemporary Palestine policy has largely been subsumed under the mantle of a broader strategy of securing an economic and strategic foothold in the Middle East. In this context, in which the success of China's "Belt and Road Initiative" has rested primarily on securing lucrative economic and trade deals with Middle Eastern countries that have themselves largely eschewed responsibility for and expressed a lack of interest in securing peace between the Israelis and the Palestinians, China has been able to confine its support for Palestine to expressions of support for the so-called Middle East "peace process" and corresponding actions at the United Nations.

Although many scholars have noted the apparent tension in China's support for Palestinian self-determination and its efforts to quash Uyghur secessionist elements in Xinjiang, it is unclear whether this apparent tension has figured into the calculus of Chinese policymakers responsible for policy toward Xinjiang and Palestine respectively. To the extent that it has, I argue that it has only done so minimally. Palestine offers little to nothing to China in terms of its interests in the Middle East—especially given other Middle Eastern countries' lack of interest in the Palestine issue—and China has generally been successful in "securitizing" the issue of Xinjiang in its relations with its regional neighbors and characterizing its Xinjiang policy as a matter of internal affairs. Moreover, China at least outwardly benefits from the failure of the international community to draw parallels between Xinjiang and Palestine—though this has not prevented human rights groups from doing so. In the context of international law, however, the seemingly uneasy coexistence of China's Palestine and Xinjiang policies fits comfortably into the distinction drawn between permissible claims of self-determination in the context of

decolonization on one hand, and impermissible secessionist claims on the other.