



The need for a new EU policy on China and on the Sino-Tibetan conflict

A briefing note for the Swedish Presidency of the Council of the European Union
January 2023

Five recommendations for the Swedish EU Presidency

1. Promote an EU position on Tibet that is in line with its international legal status and international law;
2. Extend EU sanctions against Chinese individuals and entities responsible for human rights violations in Tibet; raise human rights issues and individual cases with the Chinese government;
3. Adopt an EU public statement opposing Chinese government interferences in the succession of the Dalai Lama;
4. Play an active role in the resolution of the Sino-Tibetan conflict by appointing an EU Special Coordinator for Tibet;
5. Promote opening the Tibetan plateau for scientific research and international collaboration.

Introduction

The Swedish Presidency Council of the EU represents an opportunity to promote a strong and united position of the European Union to advance human rights in China and Tibet. As stated in its Government Communication on China, the Government of Sweden “always builds on the interests and values of Sweden and the EU as a whole in dealings with China” and it “will raise the issue of the serious human rights situation in China in a clear and consistent manner”.¹

Sweden takes over from the Czech Republic, where a high-level conference on Tibet recently took place in the Senate. The event,² which was listed as part of the official program of the Czech EU Presidency and attended by representatives of both the Czech Government and EU institutions, was an important opportunity to explore concrete ways for the EU to support the Tibetan people in their struggle for freedom and democracy. Participants also expressed the need to reassess the policy of the EU and its member states on the legal status of Tibet - an occupied country under international law - particularly in light of the war in Ukraine and China’s disregard of international norms. Sweden can certainly build further on this, and also include an official event on the situation in Tibet and ways to promote its peaceful resolution during the next six months of its EU Presidency.

This note prepared by the Swedish Tibet Committee and the International Campaign for Tibet provides an assessment of the political and human rights situation in Tibet and proposes five concrete recommendations on EU’s policy on China and on the ways to overcome and resolve the conflict in Tibet.

A geopolitical context in transition

Russia’s invasion of Ukraine has “given birth to geopolitical Europe,” in the words of its chief diplomat Josep Borrell. This must now translate into a more principled defence of human rights and a rules-based order, which should be integrated into policy fields where they have leverage as normative and regulatory powers, including in trade and investment. As Malin Oud from the German Marshall Fund emphasizes, “the way forward does not lie in a choice between ‘engagement’ and ‘containment’, but in charting a third way that uses engagement strategically to promote human rights, the rule of law, and other objectives.”³

The war in Ukraine has forced the EU to redefine its foreign policy vis-à-vis an authoritarian regime that has adopted an aggressive foreign policy, is trying to reshape

¹ Government Communication: Approach to matters relating to China, Stockholm, 26 September 2019, <https://www.government.se/4adb19/contentassets/e597d50630fa4eaba140d28fb252c29f/government-communication-approach-to-matters-relating-to-china.pdf>.

² *China’s illegal occupation of Tibet raised at EU’s Presidency in the Czech Parliament*, International Campaign for Tibet, 15 November 2022, <https://www.savetibet.eu/chinas-illegal-occupation-of-tibet-raised-at-eus-presidency-conference-in-the-czech-parliament/>.

³ *Embedding Human Rights in European and US China Policy*, Malin Oud, Global Marshall Fund, 4 May 2022, <https://www.gmfus.org/news/embedding-human-rights-european-and-us-china-policy>.

the international order and attempts to increase its zone of influence and the control over territories belonging to other countries.

It echoes to some extent what has happened in Tibet when the military troops of President Mao invaded the “roof of the world”. As stated by Michael Van Walt Van Praag, an international legal expert who specializes in international conflict resolution: “An interesting outcome of the events in Ukraine today is that it has helped the world community to revive its memory about how a big nation like China used its brutal force to occupy weaker neighbouring nations like Tibet, East Turkistan and South Mongolia by imposing its own interpretation of history and law. The arguments being forwarded by President Putin of Russia today and the manner in which the Russian Army has invaded Ukraine have too many similarities to ignore how China occupied Tibet in 1950-1951 era (...)”.⁴

In order to be coherent and consistent, the EU should stand firmly behind occupied countries like Tibet, which was also colonized by the People’s Republic of China. In particular, the EU and its Member States should stop using certain terminology that the Chinese Communist Party has been trying to spread through very systematic and refined propaganda, such as the expression “ethnic minority” or “minority”, which, if used, represents direct acceptance of the Chinese government’s claim that Tibetans were an integral part of a wider Chinese population. But the reality is that Tibetans are an independent people with its own state, which became an occupied territory in recent history.

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

The worsening human rights situation in China and Tibet

Chinese authorities are committing mass atrocities targeting Uyghurs and other Turkic communities. Beijing’s actions are grossly violating Tibetans’ cultural, linguistic, and religious rights, and similarly threaten Hong Kong’s once-vibrant civil society and democratic rights. The government has deepened its use of high-tech state surveillance, persecuted or prosecuted countless independent activists, and seeks to weaken

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

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

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

international human rights standards and mechanisms by which it could be held accountable at the United Nations.

In Tibet, the Chinese Communist Party has imposed a rigorous assimilation ("sinicization") policy, aimed at forcing Tibetans to assimilate into Chinese society by eradicating their culture and replacing it with Chinese culture. This applies to the forced settlement of Tibetan nomads and herders; the restrictions on Tibetan language and Tibetan language education, combined with the attempt to alienate the Tibetan people - especially the youth - from their culture (including by sending Tibetan children in boarding schools where they live separated from their families and are subjected to highly politicized education, primarily in Chinese);⁷ compulsory work programs;⁸ and ongoing efforts to place Tibetan Buddhism under full state control.⁹

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

Despite this high level of repression, Tibetans continue to resist for the protection of the culture, identity and of their environment. For instance, ICT's latest report analyses information on 50 cases of known Tibetan environmental defenders who have actively defended their land against Chinese government development policies and have been reportedly persecuted since 2008 because of their activities.¹⁰ The EU should acknowledge that Tibetan community activists and rights advocates, their knowledge of the unique environment and their traditional communal and subsistence-based practices are needed to protect and also build vitality and resilience in the land.

One of the most pressing issues regarding Tibet is the question of the succession of the Dalai Lama, which the Chinese Communist Party clearly intends to control. In recent years, the Chinese government has adopted a number of laws and regulations to legitimize its interference in the issue, including most recently the revised Regulations on Religious Affairs, which require that 'living Buddhas' be approved by the government,¹¹ or the Measures for the Administration of Religious Clergy (Order No. 15), which undermines the

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

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

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

¹⁰ *Environmental Defenders of Tibet: China's persecution of Tibetan environmental defenders*, International Campaign for Tibet, June 2022, https://savetibet.de/wp-content/uploads/2022/06/2205-ICFT-Report_V8.pdf.

¹¹ *China's revised religious regulations threaten survival of Tibetan Buddhism*, International Campaign for Tibet, September 2017, <https://savetibet.org/chinas-revised-religious-regulations-threaten-survival-of-tibetan-buddhism/>.

authority of Tibetan Buddhist leaders.¹² China's position not only ignores Tibetans' centuries-long history of selecting the Dalai Lama without foreign interference, but also violates their fundamental right to religious freedom¹³ and will inevitably add to the long-standing grievances of the Tibetan people and create instability in this strategic region.

According to rankings from the watchdog group Freedom House and for the second year in a row, Tibet is the least-free country on Earth, in a tie with South Sudan and Syria.¹⁴ As a consequence, close to 160 Tibetans have self-immolated since 2009 to protest against Chinese policies and to ask for the return of the Dalai Lama to Tibet, in the biggest wave of self-immolations as political protests that has ever taken place. After two years without any known self-immolations, at least three Tibetans have resorted to this dramatic form of protest this year, including popular pop-singer Tsewang Norbu¹⁵ and a 81-year-old man named Taphun.¹⁶

The situation is not set to improve anytime soon, as the 20th Party Congress of the Chinese Communist Party held last October made it clear that China's security and assimilation policies will intensify and accelerate during Xi's third term and beyond, with further negative impacts on the lives of Tibetans.¹⁷

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

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

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

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

¹² *New clergy regulations hurt Tibetan Buddhists, Catholics*, International Campaign for Tibet, 25 February 2021, <https://savetibet.org/new-clergy-regulations-hurt-tibetan-buddhists-catholics/>.

¹³ In June 2020, five UN experts and bodies appeal to the Chinese government "to ensure that Tibetan Buddhists are able to freely practice their religion, traditions and cultures without interference," as freedom of religion includes the right of Tibetan Buddhists "to determine their clergy and religious leaders in accordance with their own religious traditions and practices." OHCHR, AL CHN 2020/12, 2 juin 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25294>.

¹⁴ *Tibet least-free country alongside South Sudan, Syria in new ranking*, International Campaign for Tibet, 2 March 2022, <https://savetibet.org/tibet-least-free-country-alongside-south-sudan-syria-in-new-ranking/>.

¹⁵ *Report of Popular Tibetan singer's self-immolation*, International Campaign for Tibet, 9 March 2022, <https://savetibet.org/report-of-popular-tibetan-singers-self-immolation/>.

¹⁶ *Octogenarian Tibetan sets himself on fire in protest against Chinese rule*, International Campaign for Tibet, 5 April 2022, <https://savetibet.org/octogenarian-tibetan-sets-himself-on-fire-in-protest-against-chinese-rule/>.

¹⁷ *China's 20th Party Congress: intensification of security and assimilation*, International Campaign for Tibet, 28 October 2022, <https://savetibet.org/chinas-20th-party-congress-intensification-of-security-and-assimilation/>.

It is high time the EU re-assessed the way it views and handles the Sino-Tibetan conflict, and the Swedish EU Presidency presents an important opportunity to achieve this. Sweden can certainly promote a strong and united position of the European Union to advance human rights in China and Tibet during the six months of its EU Presidency, and the International Campaign for Tibet and the Swedish Tibet Committee would like to suggest the five following recommendations in this regard.

RECOMMENDATIONS

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

The EU and its Member States should frame the Sino-Tibetan conflict for what it is - an unresolved international conflict caused by the PRC's illegal annexation of Tibet. This entails using language that reflects the international legal status of Tibet, and not the language desired by Beijing, that perpetrates and solidifies a false representation of Tibet and Tibetans. Tibet is an occupied country, the Sino-Tibetan conflict is an international conflict, and the Tibetans are an occupied people, not a "minority". The international community has responsibilities and obligations vis-à-vis Tibet and China under international law, and acting in accordance with these obligations is not only about doing right by the Tibetans and upholding the rule of law, but is a political and security imperative as well. Such a position should be expressed via a statement by the High Representative of the EU for foreign affairs and security policy on behalf of the 27 Member States or should be included in the conclusions of a meeting of the Foreign Affairs Council.

2- Extend the EU sanctions against those responsible of human rights violations in Tibet" and raise human rights issues and individual cases with the Chinese government"

The Swedish government should actively promote the extension of EU sanctions to those individuals and entities in the Chinese state and party apparatus responsible for systematic human rights violations in the Tibet Autonomous Region or in the Tibetan areas of the neighbouring provinces. In particular, it should consult non-governmental organizations and take their suggestions into account.

The sanctions imposed on Wang Junzheng, who was appointed party secretary of the Tibet Autonomous Region from the Xinjiang Uyghur Autonomous Region (XUAR) in October 2021, should be extended.

On 12 December 2022, the US administration sanctioned Wu Yingjie, the Tibet Autonomous Region Party Secretary between 2016 and 2021, and Zhang Hongbo, the director of the TAR Public Security Bureau from 2018. Both were accused of "serious human rights abuse" of the Tibetan people and included in a list of 40 sanctioned

individuals from nine countries.¹⁸ ICT strongly believes that the European Union and its Member States should follow this initiative by the United States.

The European Union, in addition, should raise both the policies of the Chinese government in Tibet that violate international human rights standards and cases of Tibetan rights defenders, intellectuals, religious and lay persons who are being persecuted solely for their peaceful expression of dissent, opinion, activism or religious beliefs. The EU should undertake this bilaterally and multilaterally, in private and public, in its exchanges with the Chinese government or at the United Nations.

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

The EU should treat the issue of the Dalai Lama's succession with particular attention – not only in line with international human rights principle on religious freedom and with the EU Guidelines on the promotion and protection of freedom of religion and belief,¹⁹ but also in the interest of active conflict prevention in the region. The EU on behalf of the 27 EU Member States should publicly state that it fully supports the religious freedom of Tibetan Buddhists and firmly opposes the intervention of the Chinese state in the appointment and determination of Tibetan Buddhism leaders, especially the Dalai Lama.

In July 2020, High Representative Borrell, answering a question by Members of the European Parliament, expressed the EU's position on this issue, stating that it opposes any interference in the process by the Chinese government.²⁰ The governments of the Netherlands,²¹ Belgium²² and Germany²³ have also officially stated that it is up to the Tibetan religious community to select the future Dalai Lama. What is now needed is a more formal statement on behalf of the 27 EU Member States in order to demonstrate the EU's unified approach on this critical issue. Such an initiative could be promoted and coordinated by the Swedish Special Envoy for Religion in Conflict and Peace Building Mr. Peter Weiderud.

Like the United States,²⁴ the EU should also prepare itself to adopt sanctions in case Beijing appoints a successor to the Dalai Lama.

¹⁸ *US sanctions on Chinese officials raise pressure on Beijing*, International Campaign for Tibet, 12 December 2022, <https://www.savetibet.eu/us-sanctions-on-chinese-officials-raise-pressure-on-beijing/>.

¹⁹ Which recognize that the right for religious communities to perform acts integral to the conduct of their basic affairs includes “non-interference in internal affairs” and “the freedom to select and train leaders”.

²⁰ “*The selection of religious leaders should happen without any government interference and in respect of religious norms. (...) In the framework of the EU-China Human Rights Dialogue, the European External Action Service has repeatedly expressed the position that China needed to respect the succession process of the Dalai Lama,*” Borrell said. https://www.europarl.europa.eu/doceo/document/E-9-2020-002786-ASW_EN.html.

²¹ <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vl3rj06x72zt>.

²² <https://www.lachambre.be/doc/CCRI/pdf/55/ic091.pdf>.

²³ <https://dserver.bundestag.de/btd/19/174/1917407.pdf>.

²⁴ *Congress passes key legislation supporting Tibetans' aspirations, rights*, International Campaign for Tibet, 21 December 2021, <https://savetibet.org/congress-passes-key-legislation-supporting-tibetans-aspirations-rights/>.

4- Play an active role in the resolution of the Sino-Tibetan conflict by appointing an EU Special Coordinator for Tibet

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

EU and EU Member States' leaders should also establish contact and have an open and regular dialogue with representatives of the Central Tibetan Administration, and in particular with its democratically elected leader Sikyong (President) Penpa Tsering.²⁵ The Swedish EU Presidency should consider inviting him to give an update and exchange views on the situation in Tibet and ways to resolve it at a next COHOM or COASI meeting.

The EU should also consider appointing an EU Special Coordinator for Tibetan affairs with the mandate to promote a substantive dialogue and negotiations process between the Government of the PRC and the Dalai Lama or his representatives. The Special Coordinator should also promote the EU policy pressing for respect for human rights and encouraging the preservation of and respect for the distinct culture, religion, language and identity of Tibet. The appointment of an EU Special Coordinator for Tibetan Affairs would be a crucial step to promote a unified EU position on Tibet, to coordinate the policies, programs, and projects concerning Tibetan issues at EU level and between EU Institutions and national capitals and ultimately counter Chinese divide and rule strategy on Tibet in Europe. Last but not least, it would send a strong message of hope and solidarity to the Tibetans inside Tibet.

5- Promote the opening the Tibetan plateau for scientific research and international collaboration

The Tibetan plateau is often called the “Third Pole” or Asia’s “water tower”, because it holds the largest volume of frozen freshwater outside the polar regions and is the source of Asia’s eight great rivers. Almost two billion people rely on the water from the Tibetan plateau to sustain their livelihoods and a further 40 per cent of the world’s population rely on its ecosystem services, which include the generation of the East Asian and South Asian monsoons. Despite the serious environmental risks facing the Tibetan plateau, very little is known about the unique ecosystem, its dynamics, and the processes affecting it. The lack of scientific data and knowledge poses serious risks for future generations and downstream countries, as it limits the development of predictions and policies to adapt to anticipated changes in the Himalayan region.²⁶

²⁵ The Czech Minister for Foreign Affairs Jan Lipavský for instance met Penpa Tsering during a Washington visit in May 2022 - see <https://savetibet.org/tibetan-sikyong-president-builds-crucial-support-during-washington-visit/>.

²⁶ *Environmental Defenders of Tibet: China’s persecution of Tibetan environmental defenders*, International Campaign for Tibet, June 2022, https://savetibet.org/wp-content/uploads/2022/08/2205-ICFT-Report_V8.pdf.

The EU should urge China to facilitate the country visit of UN Special Rapporteur on human rights and the environment and/or the Special Rapporteur on human rights and climate change; furthermore it should cooperate with countries in the region to facilitate the creation of a regional environmental council that discusses and implements means and mechanisms to protect the fragile environment of the Tibetan plateau.

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

About the Swedish Tibet Committee: The Swedish Tibet Committee is a non-profit organization campaigning since 1967 for the freedom and human rights of Tibetans.