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Boehm, Dana Carver

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China's Failed War on Terror: Fanning the Flames of Uighur Separatist Violence

Dana Carver Boehm*

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* Associate, Hogan & Hartson, LLP. B.A., Brigham Young University (2000); J.D., Harvard Law School (2005).

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In terms of race, ethnicity, and religion, China is a surprisingly diverse nation. Although only 9 percent of China’s population is comprised of ethnic minorities, over 60 percent of its vast landscape is pocketed and overlaid with diverse minority ethnic groups, together constituting 108.5 million people.¹ China’s diversity, of course, does not extend to politics, and its communist regime has demonstrated laser-like focus over the past several decades on assimilating China’s minorities into the Han-dominated political, social, and religious mainstream, or, at the very least, extinguishing any independent impulses these groups might harbor.² Although successful with some of China’s smaller and less-distinct minorities, Beijing’s efforts to assimilate minority populations have generated violent conflict among a handful of minority

1. INFORMATION OFFICE OF THE STATE COUNCIL, PEOPLE’S REPUBLIC OF CHINA, WHITE PAPER: A UNITED AND MULTI-ETHNIC COUNTRY, *available at* <http://www.china.org.cn/e-white/4/4.1.htm>; Yingling Liu, *China Releases Latest Census Results*, WORLDWATCH INSTITUTE, Mar. 21, 2006.

2. *See generally* STEPHANIE DONALD & RONALD BENEWICK, THE STATE OF CHINA ATLAS 111 (2005); Congressional-Executive Commission on China, 2005 ANNUAL REPT. at sec. 3, *available at* http://www.cecc.gov/pages/annualRpt/annualRpt05/2005_3a_minorities.php.

groups, most famously, of course, in Tibet.³ But Tibet is not alone in its resistance. In fact, the Uighurs—a group of over 18 million Muslims in China's arid and oft-forgotten northwest with close ethnic ties to Central Asia—have become one of China's primary targets in its crackdown on domestic separatist movements.⁴

While tensions between China's Uighur population and its central government have been high for well over a hundred years and have throughout that history erupted in violence (violence which, for a brief time, culminated in independence for the province), historically, those tensions have only rarely manifested themselves through terrorist violence.⁵

That can no longer be said. A little over ten years ago, China implemented its Strike Hard (*da fa*) campaign against any region with separatist sympathies, including Xinjiang, the Uighur homeland.⁶ The campaign's explicit goal is to "hit at enemy forces, purify society and educate the masses,"⁷ and in the years since its initial implementation,

3. *Id.*

4. See Abduhalik Aitbayev, *A Brief Introduction on Uighurs*, 1 UIGHUR AFFAIRS SURVEY 31 (Sept. 2001).

5. For over a hundred years, China's Uighur population has resented China's presence in Xinjiang and have at times engaged in violence. For example, members of the Uighur ethnic minority bombed a bus in 1992 and, according to Chinese reports, attempted attacks on an apartment building and cinema in 1993. There is little indication, however, of any coordinated terrorist activity until China abruptly accelerated its Strike Hard campaign following 2001. The systematic, overtly violent resistance of 2008 has revealed a newly-revitalized, cohesive, and violent strain of Xinjiang's separatist movement.

6. Also known as the "Xinjiang Uighur Autonomous Region" of China. Xinjiang is a rugged land of mountains, deserts, and steppes, located in China's northwest. Although Xinjiang comprises a sixth of China's territory, it contains barely a sixtieth of China's population. TYLER, *infra* note 12, at 3. In contrast to China's average population density of 135 people per square kilometer, Xinjiang houses only 10.3 people per square kilometer. The Tarim Basin stretches across most of the region and contains the Taklamakan Desert, which covers 205,000 of Xinjiang's total 1 million square miles and is largely uninhabitable. Travel and communication between the region's oases are challenging, water is scarce, and the arid land generally does not lend itself to agriculture. Its remoteness and difficult terrain have made the land resistant to unified control. Indeed, it was due in large part to the difficulty of conducting military campaigns in such a forbidding environment, that China made no attempt to cultivate Xinjiang as a province until 1884. J.P. MALLORY & VICTOR H. MAIR, *THE TARIM MUMMIES* 9 (2000).

7. Willy Lo-Lap Lam, *China Launches "Suppression" Campaign in Xinjiang*, CNN.COM, Oct. 25, 2001, available at <http://edition.cnn.com/2001/WORLD/asiapcf/east/10/25/china.willylam/> (quoting then-Communist Party Secretary Wang Lequan).

the Chinese government periodically has renewed its Strike Hard campaign, deploying additional forces to the region and tightening restrictions on cultural expression and religious practice.⁸ In addition to the Strike Hard campaign's religious and political implications, China's industrialization policies, directed at integrating the region's ethnic minorities into the economy, have instead forced them to the periphery, engendering bitter anti-Han sentiment. Many Uighurs are convinced that China's ultimate goal is to overrun their homeland, outlaw their Muslim faith, and erase their cultural distinctiveness altogether.

The Strike Hard campaign was initiated in April 1996,⁹ but the full force of the campaign was first felt in February 1997, when thousands of Uighurs peacefully gathered in Yining, Xinjiang to demand equality, religious freedom, and increased political autonomy from China's central government. The Strike Hard policy was set into action: armed Chinese paramilitary police confronted both demonstrators and bystanders and attempted to break up the protest, in the process killing dozens and detaining hundreds of others.¹⁰ In the protest's aftermath, the Chinese government detained thousands more on suspicion of participating in the demonstration, and, in the aftermath, hundreds of Uighur "separatists" were summarily executed.

In the wake of September 11, 2001, China accelerated its Strike Hard campaign with special force in Xinjiang—Uighurs are predominantly Muslim—arguing that its long-running efforts to staunch Uighur separatist inclinations aligned with the United States's worldwide "war on terror." In the twelve years since China's adoption of Strike

8. See *id.* For instance, in 2001, Beijing announced, as part of its "educate the masses" prong, that it would step up the education and training of religious personnel, including those working in mosques, to "strike hard at forces of religious extremism and to suppress illegal religious activities." See Lam, *supra* note 7.

China renewed its Strike Hard Campaign in 2001, in the wake of September 11, accelerated the campaign dramatically in the months leading up to the Beijing Olympics, and again stepped up the campaign following the pre-Olympic attacks. Government statistics released in January 2009 revealed that, in the first eleven months of 2008, 1,295 suspects were arrested and 1,154 individuals were indicted in 204 separate cases involving the charge of "endangering state security" – roughly double the total for all such arrests in of China. *Official Statistics on ESS Arrests, Indictments in Xinjiang Point to Big Crackdown on Political Crime in China in Olympics Year*, DUI HUA J., Jan. 6, 2009, at <http://www.duihua.org/hrjournal/2009/01/official-statistics-on-ess-arrests.html>.

9. Michael Dillon, *Ethnic, Religious, and Political Conflict on China's Northwestern Borders: The Background to the Violence in Xinjiang*, IBRU BOUNDARY AND SECURITY BULLETIN, 80, 83 (Spring 1997).

10. See discussion *infra* p. 109.

Hard, violence in Xinjiang, and particularly terrorist violence, has reached unprecedented levels. Xinjiang's separatist attacks have become increasingly sophisticated and increasingly tied to religion, a sign that militants' cries for *jihad* are finding more public support.

China's Strike Hard campaign is certainly not the only factor contributing to the uptick in Uighur radicalism and the development of a robust terrorist movement in Xinjiang, but its central role in that metamorphosis, particularly by means of its crackdown on Uighur religious freedom, is difficult to deny. Instead of quelling Xinjiang's separatists, China's Strike Hard campaign unwittingly seems to have fertilized a cohesive separatist movement—a movement that is increasingly embracing violence and terrorist activity, as witnessed in the lead-up to the 2008 Summer Olympics in Beijing.¹¹

Beijing has attributed Xinjiang's long-lived separatist movement to a wide variety of causes: Uighur exiles in Turkey, "pan-Turkist" fanatics, socialist imperialism, "international counter-revolutionary forces led by the United States,"¹² and, most recently, al-Qaeda.¹³ China has failed,

11. Similar hypotheses have been made about the increase of radical Islam in neighboring Uzbekistan. Although many countries in Central Asia have Islamic ethnic minority populations operating under oppressive regimes, "the most fertile ground for radical groups has been Uzbekistan where government repression has been more acute and targeted than elsewhere." Fiona Hill, *Central Asia: Terrorism, Religious Extremism, and Regional Stability*, Testimony before U.S. Congress, Committee on International Relations, Subcommittee on the Middle East and Central Asia, Jul. 23, 2008, available at http://www.brookings.edu/testimony/2003/0723asia_hill.aspx; see also Martha Brill Alcott, *The War on Terrorism in Central Asia and the Cause of Democratic Reform*, Testimony before U.S. Congress, Committee on International Relations, Subcommittee on the Middle East and Central Asia, [date not specified], available at <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=1320&prog=zr> (observing that that practice of arresting for sedition individuals "guilty of little more than wearing 'Islamic clothes'" is "destructive of support for the very secular values that anti-extremist legislation is designed to eliminate.").

12. CHRISTIAN TYLER, *WILD WEST CHINA: THE TAMING OF XINJIANG 177-78* (John Murray 2003) (citing an article published in December 2001). While China has shifted the focus of its accusations to al-Qaeda, it continues to condemn the United States for acknowledging in any way the human rights concerns inherent in China's campaign to quell its internal separatists. See, e.g., Jill Drew, *Chinese Say Bush "Rudely Interfered"*, WASH. POST., Aug. 1, 2008, at A11.

China issued its first formal list of terrorists in December 2003, accusing four Muslim separatist groups and eleven individuals of committing violence and acts of terror, while calling on other nations to help in cracking down on them. Jim Yardley, *China Brands Muslim Groups as Terrorists*, N.Y. TIMES, Dec. 16, 2003, at A15 [hereinafter *China Brands Muslim Groups as Terrorists*].

13. See Adam Wolfe, *China's Xinjiang Region: An Area of Strategic Interest*,

however, to recognize the impact of its own Strike Hard campaign in fueling the flames of Uighur separatism. If China wishes to dampen Xinjiang's fast-growing separatist movement and put an end to "terrorism" in the region, it should abandon its Strike Hard policy and pursue a new set of policies that allow Xinjiang's Uighur population increased religious freedom, economic opportunity, and self-determination.

This paper explores how China's "war on terror"—an effort to crush the Uighurs' then-tepid separatist movement—has become a self-fulfilling prophecy, instead helping to radicalize some factions of a relatively peaceful and non-cohesive separatist movement into a full-fledged terrorist operation. It is divided into five parts. In Part I, I examine the development of Xinjiang's separatist movement against the backdrop of international law, assessing legal definitions for "terrorism" espoused by the international community. Part I also sets forth the hypothesis that the religious oppression and relative deprivation faced by the Uighurs is likely to push them toward terrorist activity, but also explains that giving into the separatists, and permitting Xinjiang its independence, is not a viable option for the Chinese government. In Part II, I address how certain actions taken by the Chinese government in an effort to assimilate the Uighurs have had the opposite effect – uniting a traditionally divided group behind a common cultural identity. In Part III, I describe China's law on religion and the specific religious restrictions imposed on the region by the Chinese government, as well as the polarizing effect such restrictions have had on the Uighurs. In Part IV, I detail the history of Xinjiang's secessionist movement, describing its gradual progression towards a *jihadi* movement, and I offer suggestions on how to reduce secessionist sentiment and mitigate China's terrorist threat. Finally, in Part V, I set forth my conclusions, that while Xinjiang's Uighur separatist movement has become increasingly radical, the Chinese government may be able to halt the current progression toward Islamic fundamentalism and *jihadi* sentiment by reforming its laws and their enforcement, moderating its Strike Hard approach, and addressing Uighur concerns.

This paper will focus on the Uighurs, as they largely direct the region's separatist movement. But, anti-Beijing sentiment has grown across ethnic groups since the inception of Strike Hard, also increasing the likelihood of terrorist violence, and therefore will be noted

throughout the paper when relevant.

I. VIOLENT RESISTANCE BY UIGHURS: "SEPARATISTS" OR "TERRORISTS"?

There is no single agreed-upon definition of "terrorism." No reasonable formulation of that term, however, would fairly apply to the Uighur independence movement as a whole prior to China's implementation of the Strike Hard policy. In the last ten years, however, terrorism has become a much more common element in Uighur efforts toward independence, and some Uighurs, for the first time, see terrorism as a legitimate response to what they view as China's quest to eradicate their religion and culture from the region. While China certainly is not the sole cause of either the long-lived separatist sentiment in the region or some Uighurs' increasing willingness to resort to terrorist tactics,¹⁴ the close temporal relationship between the rise in religious oppression and political and economic inequality experienced in the region and the surge in terrorist activity and *jihadi* sentiment among some Uighurs indicates that China's policies likely are a factor in the trend toward terrorism. Nevertheless, as discussed below, simply giving into separatist sentiment in Xinjiang is not a viable option for the Chinese government. Therefore, this paper attempts to present not only some of the more salient factors behind the recent movement towards terrorist activity, but also possible solutions to reverse the current trend.

14. The Uighurs are not alone in their increasing willingness to resort to terrorist tactics. Since 2001, the use of suicide bombings and the recruitment and use of children in combat has been on the rise in Afghanistan, Pakistan, and elsewhere in Central Asia. Arguably, the destruction of Al Qaeda's headquarters in Afghanistan and the resultant scattering of these terrorists has caused them to establish strongholds elsewhere in Central Asia, has forced Uighur *jihadis* formerly training in Afghanistan back home, and has required Al-Qaeda and others to become more heavily involved in recruiting of their regional neighbors. See generally Patrick Frost, *GD Analysis: Terrorism in Central Asia*, FOREIGN POLICY ASSOC. FEATURES, Jan. 15, 2008, available at http://www.fpa.org/topics_info2414/topics_info_show.htm?doc_id=785930.

Of course, there is no indication that Al Qaeda, Afghans, or Pakistanis are at all involved in the Uighur secessionist movement. Nor have Uighurs been used in suicide attacks in Pakistan, Afghanistan, or elsewhere. Although there may be an association between the rise in Uighur terrorist violence and violence generally in Central Asia, this association may also be the result of similar government oppression exercised throughout the region. See, e.g., Hill, *supra* note 11; Alcott, *supra* note 11.

A. Defining Terrorism

International attempts at defining the term “terrorism” largely have focused on categorizing and criminalizing specific types of conduct, such as taking airplanes hostage and use of radioactive materials against the public (i.e., detonating a “dirty bomb”).¹⁵ The League of Nations defined terrorism as “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public.”¹⁶ As one national security commentator observed, “What sets terrorism apart from other violence is this: terrorism consists of acts carried out in a dramatic way to attract publicity and create an atmosphere of alarm that goes far beyond the actual victims. . . . Terrorism is theater.”¹⁷

Other definitions have focused not on the state of terror generated by terrorist acts, but on the targeting of civilians. For example, the United Nations has issued this rough draft of a convention defining terrorism:

the targeting and deliberate killing of civilians and non-combatants cannot be justified or legitimised by any cause or grievance, and we declare that any action intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population or to compel a government or an international organisation to carry out or to abstain from any act cannot be justified on any grounds and constitutes an act of terrorism.¹⁸

Terrorism is similarly defined by U.S. statute—“premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.”¹⁹

However terrorism is defined, it is clear that Xinjiang’s secessionist movement on the whole has historically not met the definition. As discussed more fully below, Xinjiang only occasionally has erupted into violence, and most such violence has been directed at Chinese organs of regional control – armaments supplies and police stations, not the

15. See Jorri Duursma, *Definition of Terrorism and Self-Determination*, HARV. INT’L REV., Dec. 20, 2008, available at <http://www.harvardir.org/articles/1757/>.

16. Ben Saul, *The Legal Response of the League of Nations to Terrorism*, J. INT’L CRIM. JUST. at 13 (2005), available at <http://jicj.oxfordjournals.org/cgi/rapidpdf/mqi096v1>.

17. Brian Michael Jenkins, *Where I Draw the Line*, CHRISTIAN SCIENCE MONITOR, available at <http://www.csmonitor.com/specials/terrorism/lite/expert.html>.

18. *Text: U.N. Proposals on Terrorism*, BBCNEWS.COM, Jul. 26, 2005, at <http://news.bbc.co.uk/2/hi/americas/4717687.stm>.

19. 22 U.S.C. § 2656f(d)(2) (Jan. 3, 2007).

civilian population – with the express goal of obtaining independence.²⁰ Although there unquestionably have been incidents of terrorism in Xinjiang over the years, those events have been isolated, and most Uighur separatist organizations firmly have advocated nonviolence.²¹ Although most Uighur separatist groups continue to vehemently eschew violence as a means to liberation, as resentment, frustration, and calls for Islamic fundamentalism have grown in the region, a rapidly growing number of Uighur activists have expressed increased willingness to employ any means available, including terrorism.²²

In the years immediately preceding the inception of China's Strike Hard campaign, much of what China has referred to as "terrorist activity" in Xinjiang in fact erupted out of peaceful public protests, only occasionally organized by separatist groups, that turned violent when law enforcement affirmatively clashed with demonstrators. Even those few protests organized by separatists traditionally have had little to do with aspirations for independence and have never targeted civilians or been directed at creating a general state of fear. Rather, they commonly have involved demands that mosques be reopened, clerics be freed, or nuclear testing be halted.

Over the past decade, however, increased authoritarianism from Beijing in the form of the Strike Hard campaign and an influx of Han migration to Xinjiang have served as a uniting and polarizing force not only among Xinjiang's Uighur population, but also among the region's

20. As discussed above, Xinjiang is not without a history of terrorist violence – bus bombings in the 1990s and attacks on Han settlers. However, these attacks have been few and far between. Moreover, it is difficult to say definitively what "terrorist incidents" are attributable to the separatist movement, as the Chinese government tends to blame virtually any unusual or unexplained event on the Uighurs when advantageous to it, to muster support for its internal "war on terror." See Preeti Bhattacharji, *Uighurs and China's Xinjiang Region*, WASH. POST, Aug. 1, 2008, at 3, available at <http://www.columbia.edu/cu/news/clips/2008/08/04/UighursTWPOST.pdf>; China: *Religious Repression of Uighur Muslims*, HUMAN RTS. WATCH, Apr. 10, 2005, available at <http://www.hrw.org/en/news/2005/04/10/china-religious-repression-uighur-muslims> (stating its view that "Beijing has undermined its credibility by erasing distinctions between violent acts and peaceful dissent" and noting China's practice of claiming that Xinjiang's terrorists sometimes pose as peaceful activists).

21. Kurlantzick, *infra* note 125.

22. As will be discussed below, the traditionally secular East Turkestan Liberation Organization has observed that future military activity is "inevitable," and the East Turkestan Islamic Movement, which claims to be a non-violent organization, has refused to condemn violent separatism. See AMNESTY PRC "WAR ON TERROR" REPORT, *infra* note 98, at 37; Eckholm, *U.S. Labeling of Group in China is Criticized*, *infra* note 217, at A6.

other minority groups—Kazaks, Mongols, Kirghiz, Taranchi, Tatar, and Tajiks.²³ Although Uighurs historically have been the greatest threat to China's domination of the region, Beijing's economic, religious, and migration policies are feeding resentment across other Xinjiang ethnic groups as well.

As the former leader of one separatist group observed, China's crackdown on its far western province has left Xinjiang's independence movement no choice but to engage in violence, because peaceful opposition is outlawed.²⁴ A Uighur storeowner remarked similarly, referring to Uighur poverty: "Uighurs have to fight for everything. Better to fight the Chinese."²⁵

B. Factors Likely to Inspire Terrorism: Religious Oppression, Political Inequality, and Economic Deprivation

Although China's current crackdown is directed at defusing Xinjiang's separatist threat, the environment it has created in the region—one of political and economic discrimination and religious oppression—is instead the perfect breeding ground for terrorism.²⁶ As perceived oppression continues and educational and economic opportunities dwindle, the Uighurs are likely to become increasingly violent. Jessica Stern, a lecturer at Harvard's Kennedy School of Government and author of *Terror in the Name of God: Why Religious Militants Kill*, has noted several common attributes among the many terrorists she has interviewed. She observes, "People join religious terrorist groups partly to transform themselves and to simplify life. They start out feeling humiliated, enraged that they are viewed by some 'other'

23. See JUSTIN JON RUDELSON, OASIS IDENTITIES: UYGHUR NATIONALISM ALONG CHINA'S SILK ROAD 34 (1997) (Rudelson notes that competitions over history are so intense and explicit that local oasis presses often refuse to publish material written either about or by Uighurs from rival oases).

24. See Erik Eckholm, *China Muslim Group Planned Terror*, U.S. SAYS, N.Y. TIMES, Aug. 31, 2002, at A5 [hereinafter Eckholm, *China Muslim Group Planned Terror*].

25. Matthew Fomey, *One Nation Divided*, TIME (Mag.), Mar. 25, 2002, available at <http://www.time.com/time/asia/features/xinjiang/cover.html>.

26. COT Institute for Safety, Security and Crisis Mgmt., *Exploring Root and Trigger Causes of Terrorism*, TRANSNATIONAL TERRORISM, SECURITY & THE RULE OF LAW 16 (Apr. 2008), available at <http://www.transnationalterrorism.eu/tekst/publications/Root%20and%20Trigger.pdf>. ("It is generally agreed that a lack of democracy, civil liberties and the rule of law are preconditions for many forms of domestic terrorism.").

as second class. . . . The weak become strong.”²⁷

Stern notes the prevalence of relative deprivation and humiliation among those who turn to terrorism. As relative deprivation and humiliation among Uighurs continues, it becomes increasingly likely that individuals will embrace a more radical solution. And once terrorism has been embraced, very few return to pacifism.²⁸ For this reason, China's goal should not be to convert the violent; rather its goal should be to compete with the terrorists for the hearts and minds of the broader population, upon whom the terrorists rely for support.²⁹

C. Xinjiang's Significance to China: Why Giving in to Separatist Sentiment Is Not a Viable Option

Xinjiang is destined to remain a part of China for the foreseeable future, regardless of the degree to which its separatist movement adopts terrorist tactics. China will never set Xinjiang free, and the Uighurs have no realistic hope of throwing off Chinese rule. Xinjiang is important to China as a buffer zone against its neighbors, a source of natural resources, a new frontier, a regional springboard, and a symbol of Chinese authority in the region. Despite the province's sporadic separatist violence, China has invested heavily in the region. To gain a significant return on that investment, however, China must not only retain control of the region, but also ensure a climate of political and economic stability favorable to investment.

Xinjiang extends China's borders to the Middle East and Central Asia, its barren landscape effectively creating a “no man's land” between the mainland and its western neighbors. Historically, the region has shielded China from invasion from the Central Asian steppe, and today it

27. Jessica Stern, *Holy Avengers*, FIN. TIMES, June 12, 2004, at W1. See also COT Institute for Safety, Security & Crisis Mgmt., *supra* note 26, at 17 (“The victim role as well as longstanding historical injustices and grievances may be constructed to serve as justifications for terrorism. When young children are socialized into cultural value systems that celebrate martyrdom, revenge and hatred of other ethnic or national groups, this is likely to increase their readiness to support or commit violent atrocities when they grow up.”)

Dr. Dipak K. Gupta expands Stern's conclusion in a way directly relevant to the rise in violence in Xinjiang, noting that “[p]olitical violence takes place when a leader gives voice to the frustration by formulating a well-defined social construction of collective identity and paints in vivid colour the images of ‘us’ and ‘them.’” D.K. Gupta, *Exploring Roots of Terrorism*, in ROOT CAUSES OF TERRORISM 19 (T. Bjorgo, ed. 2005).

28. See *id.*

29. See *id.*

provides an area of low population where military maneuvers and nuclear testing can be conducted.³⁰ China “keeps an estimated [twelve] army divisions, six air bases, and most of its ballistic nuclear arsenal in the province.”³¹ Concentration of China’s military in Xinjiang not only makes China reluctant to let it go, it also makes the success of local revolutionaries even more remote.

The region also has vast natural resources and agricultural potential. Xinjiang’s Tarim Basin contains substantial untapped petroleum reserves, housing up to one-third of China’s proven oil resources.³² Some speculate that the Tarim Basin oil reserves may be as high as 74 billion barrels of oil and 282 trillion cubic feet of gas.³³ In addition, Xinjiang is home to 30 percent of the country’s oil and 40 percent of the country’s coal resources.³⁴ These resources are particularly important as China’s domestic energy demand increases and production in other domestic energy facilities decreases.³⁵ Indeed, additional petroleum deposits are essential to the continuation of China’s ambitious modernization programs and key to avoiding future dependence on Middle East petroleum.³⁶

Despite domestic unrest in the region, Beijing continues to rely on Xinjiang’s oil resources and plans for Xinjiang to supply one-fifth of the country’s total oil supply by 2010.³⁷ A multi-million dollar pipeline

30. Lillian Craig Harris, *Xinjiang, Central Asia and the Implications for China’s Policy in the Islamic World*, CHINA QUARTERLY, no. 133, 111, 115 (Mar. 1993). An uprising led by a Sufi-Muslim leader, Jahangira, began in 1817 and lasted for 7 years. It was followed by major crises in 1847, 1852, and 1862. *Id.* at 114.

31. Nader Hasan, *China’s Forgotten Dissenters: The Long Fuse of Xinjiang*, 22 HARV. INT’L REV., no. 3, at 38, 40 (2000).

32. Gaye Christofferson, *Xinjiang and the Great Islamic Circle: The Impact of Transnational Forces on Chinese Regional Economic Planning*, CHINA QUARTERLY, no. 133, 137 (Mar. 1993). It deserves to be noted that Beijing may be overstating Xinjiang’s oil potential. China measures oil reserves that are proven, but not necessarily recoverable. Indeed, some speculate that Tarim Basin’s complex rocky composition makes the likelihood of finding and recovering oil and gas in the basin difficult and likely not worth the costs associated. See Karen Teo, *Doubts Over Sinopec Oil Find in Tarim*, THE STANDARD (Hong Kong), Jan. 4, 2005, available at <http://www.thestandard.com.hk/stdn/std/China/GA04Ad01.html>.

33. Christofferson, *supra* note 32, at 137.

34. *Xinjiang to Forge Overland Channel for Energy Transmission*, CHINA.ORG.CN, Feb. 7, 2007, at <http://china.org.cn/english/environment/199295.htm>.

35. *Id.*

36. Harris, *supra* note 30, at 116.

37. Teo, *supra* note 32.

between Xinjiang and Shanghai has already been completed. Moreover, China is presently building an oil pipeline through Xinjiang which will connect it directly with Middle Eastern oil suppliers and will avoid having to ship in oil supplies through Malaysia's Straits of Malacca.³⁸

Xinjiang provides China's eastern provinces with other valuable resources. Xinjiang possesses 115 of the 147 kinds of minerals found in China.³⁹ The nascent regional infrastructure makes the costs of extraction significant, but China has shown sustained commitment to improving that infrastructure.⁴⁰ Xinjiang supplies one-third of all of China's cotton production,⁴¹ its crops generally recognized as the highest quality cotton in China. The government invested roughly 1 billion yuan in the industry in 2000 (almost \$121 million U.S. dollars), and continues to subsidize the region's cotton industry. Xinjiang is also one of China's major livestock breeding and beet-sugar producing centers.⁴² As Xinjiang's economic prospects continue to improve, Beijing keeps a closer watch on Xinjiang's political developments.

Han-Uighur tensions and the fear of impending terrorism are intertwined with the struggle for control over Xinjiang's natural resources.⁴³ Xinjiang receives over 50 percent of its expenditures through central subsidies,⁴⁴ and Beijing views its heavy investment as justification for the region having less political autonomy from the central government than China's coastal regions.⁴⁵ Xinjiang's residents note, however, that profits from the region's resources far exceed the subsidies it receives.⁴⁶ Xinjiang is permitted to keep little of this income, and the rapid rise in cultivation is decimating its natural resources.⁴⁷

38. *Xinjiang to Forge Overland Channel for Energy Transmission*, *supra* note 34.

39. Christofferson, *supra* note 32, at 137.

40. *Id.* In the 1990s China poured significant investment into the region's infrastructure in order to access these natural resources.

41. *Xinjiang Strengthens Investment on Cotton Base Construction*, PEOPLE'S DAILY, May 19, 2000, available at http://english.people.com.cn/english/200005/19/eng20000519_41222.html.

42. Chinese Embassy in Romania, *History and Development of Xinjiang* (2003), available at <http://www.chinaembassy.org.ro/rom/gyzg/t66076.htm>.

43. Christofferson, *supra* note 32, 137.

44. *Id.* at 138.

45. *See id.*

46. *See id.* (noting regional trade imbalance because of fuel trade).

47. For example, the cotton industry, a major supporter of Han migrants, requires vast amounts of water that Xinjiang (whose average precipitation is about one-ninth of southeast China's, its leading cotton competitor) cannot provide. Liew, *infra* note 129, at

Xinjiang's role as a land of economic opportunity for Han farmers and entrepreneurs is also part of its significance to China proper. The massive Han migration to Xinjiang began with exiles and migrant farmers, and then accelerated with labor and Communist reeducation camps. As far back as the Qianlong Emperor in the 18th Century, Chinese rulers were convinced that they could not prevent Han migrants from settling in Xinjiang, despite the inevitability that "expensive and dangerous conflicts" would result.⁴⁸ Between the years 1953 and 2000, the region's Han population jumped from well under 500,000 to 7.5 million, and it continues to rise dramatically⁴⁹, thanks to encouragement from Beijing.⁵⁰ The massive number of Han citizens now living in Xinjiang introduces yet another reason that Beijing is virtually certain never to abandon control over the region.

Xinjiang also plays a role in the Chinese psyche as a new frontier: a stage upon which the Han, as heirs of Confucian civilization, see themselves as engaging in benevolent rule and bestowing civilization on their barbarian neighbors.⁵¹ Han chauvinism, deeply resented by

206. Competition between agricultural products in Xinjiang has led to desertification, and excessive use of fertilizer and pesticides has polluted much of the remaining groundwater and rivers. *Id.* at 206-07 (noting that by the late 1990s, fifty-three of Xinjiang's eighty-seven districts have been afflicted by desertification). Disputes over water and other resources are worsening the already poor relationship between the Han and Xinjiang's ethnic population. Indeed, because China has focused its investment on Xinjiang's non-food cash crops like cotton, the region's food supply has hovered near a deficit since 1994. See CHINA STATISTICS PUBLISHING HOUSE, *THE POPULATION OF CHINA INTO THE 21ST CENTURY -- XINJIANG VOL. 346-74* (1994) (translated and excerpted by the U.S. Embassy in Beijing, available at <http://www.usembassy-china.org.cn/sandt/xjnotes.htm>). Local Han officials also have been enticing "dirty industries" from prosperous eastern regions to relocate in Xinjiang, where there is little regulation to curb their pollution. Liew, *supra* note 129, at 207. Although these industries provide employment opportunities to the region, they are taking a toll on both the health of the population and the environment, including heightening desertification problems. In addition to harming the productivity of indigenous agriculture, this, too, contributes to ethnic tensions and resentment of Beijing. See *id.* at 208.

48. Harris, *supra* note 30, at 114, quoting JACK GRAY, *REBELLIONS AND REVOLUTIONS: CHINA FROM THE 1800S TO THE 1980S*, 93 (Oxford: Oxford University Press, 1990).

49. Lydia Wilson & Poppy Toland, *Xinjiang: China's 'Other Tibet'*, ALJAZEERA.NET, Mar. 28, 2008, available at <http://english.aljazeera.net/news/asia-pacific/2008/03/2008525184819409441.html>.

50. Harris, *supra* note 30, at 116.

51. Harris, *supra* note 30, at 115. See also RAPHAEL ISRAELI, *MUSLIMS IN CHINA: A STUDY IN CULTURAL CONFRONTATION* 21-25 (Curzon Press, 1980).

Xinjiang's minority nationalities, is ubiquitous in Chinese culture.⁵² One of China's premier social scientists, Fei Xiaotong, has described the origins of unity among the Chinese people with a distinct tone of Han superiority, as he describes Han agricultural superiority as a "centripetal force," pulling nomadic groups like the Uighurs and others into assimilation.⁵³ Chinese dissident Harry Wu commented on similar messages in the Tibetan context, observing that "[t]o most Han Chinese, Tibetans are an 'uncivilized, ignorant, filthy and superstitious' people, who needed to be liberated by the Chinese Communist Party."⁵⁴ The Han view themselves as destined to bring modernization and culture to the people of China's far northwest, infusing their development of the region with a sense of "manifest destiny."⁵⁵

Xinjiang also serves as a regional springboard for Chinese influence. China's position as a Central Asian power enhances its regional authority, and through its leadership role in the Shanghai Cooperation Organization (a coalition of China, Russia, and former Soviet republics aimed at checking terrorism), China has strengthened its position vis-à-vis Russia as a regional leader.⁵⁶ Xinjiang's Muslim population provides Beijing with cultural connections to the Middle East, ties which it historically has exploited for economic and political gain.⁵⁷

Additionally, Xinjiang provides China with a platform for regional trade. Xinjiang's exports amounted to around \$12 billion in 2007, while

52. The most obvious manifestation is in the arts and media, which frequently portray the Uighurs as "happy, sensual natives" who sing, dance, and balance watermelons on their heads. Dru C. Gladney, *Constructing a Contemporary Uighur National Identity: Transnationalism, Islamicization, and State Representation*, 13 CAHIERS D'ETUDES SUR LA MEDITERRANEE ORIENTALE ET LE MONDE TURCO-IRANIEN 1, 18-20, Jan. – June 1992. In a painting entitled the "Awakening of Tarim," a state-employed artist's message is that it is only by "throwing off the traditional minority culture of Islam . . . [that] the region . . . can be modernised." *Id.* at 19.

53. See Fei Xiaotong, *Plurality and Unity in the Configuration of the Chinese People*, Tanner Lecture on Human Values delivered at the Chinese University of Hong Kong (Nov. 15 and 17, 1988) at 212-15, available at <http://www.tannerlectures.utah.edu/efgh.html>.

54. Harry Wu, *The Crux of the Tibetan Problem*, address to the European Parliament Forum on Tibet, Nov. 12, 2003, available at <http://www.chinasupport.net/site.php?page=buzz39>.

55. See S. FREDERICK STARR, ED., *XINJIANG: CHINA'S MUSLIM BORDERLAND* (Intro) 17 (2004).

56. *Id.*

57. Gladney, *supra* note 52, at 7.

imports jumped to about \$2 billion,⁵⁸ much of which was attributable to border trade, particularly with Kazakhstan. China trades food products, light consumer goods, technology, equipment, raw materials, and construction expertise in exchange for Central Asian raw materials. Trade organizations have been established in most of Xinjiang's thirty-three border counties and cities.⁵⁹ In addition to Xinjiang's own energy resources, the region provides a natural transit point for importing energy resources into the PRC from Central Asia.⁶⁰ Because Xinjiang enhances China's economic and political influence in Central Asia, China has an interest in retaining and stabilizing the region.

Finally, China is, and should be, concerned that if it releases any land that has "always been part of China," other similarly situated territories will increase pressure for similar concessions. In particular, if China allows Xinjiang its independence, it would set a dangerous precedent for relations with Taiwan and Tibet, both of which China considers essential to its national integrity.⁶¹ Chen Dongshen, a member of the Chinese economic team engineering its "Great Leap West," warned that Uighur nationalism could create a "Kosovo in Asia."⁶² Hu Angang, an economist at the Chinese Academy of Sciences, shared this sentiment: "The worst case scenario—and what we're trying to avoid—is China fragmenting like Yugoslavia."⁶³

58. *Xinjiang Imports and Exports*, STARMASS INT'L, available at http://www.starmass.com/china_review/provincial_overview/xinjiang_imports_exports.htm.

59. COLIN MACKERRAS, DONALD H. McMILLEN & ANDREW WATSON (EDS.), *DICTIONARY OF THE POLITICS OF THE PEOPLE'S REPUBLIC OF CHINA* 37 (1998).

60. Beijing is currently collaborating with Kazakhstan on a pipeline to carry 10 million tons of oil from central Kazakhstan to Xinjiang by 2006. Liew, *infra* note 129, at 209.

61. See Hasan, *supra* note 31, at 40.

62. TYLER, *supra* note 12, at 207.

63. *Id.*

II. CHINA'S ATTEMPT TO ASSIMILATE ITS UIGHUR POPULATION HAS STRENGTHENED ETHNIC IDENTITY AND UNITED TRADITIONALLY ADVERSARIAL GROUPS

However lacking in historic and genetic evidence,⁶⁴ China has long maintained that Xinjiang has “always” been part of China, and that the Uighurs are Chinese.⁶⁵ Such claims are part of China’s concerted effort to compel assimilation of ethnic minorities currently residing in the region. Part of Beijing’s approach has been to refer to the history of minority groups only in the context of Chinese history.⁶⁶ For instance, state-sponsored textbooks used in Uighur elementary and high schools assert that the arrival of the Uighurs to Xinjiang occurred in the ninth century, well after China came to control the region.⁶⁷

Of course, the Uighurs are only one of many ethnic groups represented in the region. Bordering Russia, Afghanistan, Pakistan,

64. Across the Xinjiang Province, evidence of a forgotten Caucasian people has belied China’s claims to unbroken control over the region. The remains of tall, blond Europeans, whose remains date back to 2,000 B.C. and who appear to have lived in the region until about 1,700 years ago, have been unearthed in Xinjiang’s Tarim Basin region. MALLORY & MAIR, *supra* note 6, at 7. The region’s most famous Caucasian mummies were found in the Taklamakan Desert: the Beauty of Loulan, a corpse dating back to 1,800 B.C., has deep-set eyes and a sharp nose that look far more European than Chinese, and Cherchen Man, a nearly 6-foot-tall specimen with brown hair and a short beard and moustache. *Id.* at 24. These mummies bear little resemblance to the Han people the Chinese claim have always controlled Xinjiang. *Id.* at 25. Indeed, based on the mummies’ clothing, many surmise that these early inhabitants share common ancestry with the Scottish or the Austrian Celts. TYLER, *supra* note 12, at 25. Other portions of the region have revealed ancient cave paintings of white men with blue eyes and light-colored hair. ELIZABETH WAYLAND BARBER, *THE MUMMIES OF URUMCHI* 213-14 (1999). These ancient Indo-Europeans are powerful physical evidence of what objective researchers have long known: the Han were not the earliest occupants of Xinjiang. Indeed, the Indo-Europeans were likely followed by immigrants from Iran, and only later joined by Sino-Mongolians from the east. MALLORY & MAIR, *supra* note 6, at 28. Genetic research has shown that the Uighurs, the largest ethnic minority group in Xinjiang, are over half Caucasian, causing some Uighur historians (along with several Western researchers) to surmise that the Uighurs are direct descendants of the Tarim Basin mummies, and were established in Xinjiang long before the Han arrived. *See* TYLER, *supra* note 12, at 27-28 (describing the Uighur-Tarim Basin mummy connection as accepted fact). *But see* RUDELSON, *supra* note 23, at 157 (calling Uighur claims of descent from the Tarim Mummies “quite unlikely, perhaps impossible”).

65. Although China views Xinjiang as “always” having been part of China, it made no attempt to cultivate Xinjiang as a province until 1884. MALLORY & MAIR, *supra* note 6 at 9.

66. RUDELSON, *supra* note 23, at 137-38.

67. *Id.*

Mongolia, India, Kazakhstan, Kyrgyzstan, and Tajikistan, Xinjiang is home to a diverse array of ethnicities: ‘Kazaks, Kirghiz, Uzbeks, Russians, Tajiks, Tibetans, Afghans, Dolons, Jews, Mongols, Hui, and Kokandi, to name a few.’⁶⁸ Of the fifty-five ethnic nationalities recognized by China, seven are located almost entirely in Xinjiang, and all seven of these nationalities are Muslim.⁶⁹ From the early days of Han trade in Xinjiang, China has attempted to play these local ethnic minorities against each other to strengthen its own position. In the early 1900s, China began a systematic campaign to divide the ethnic groups and thereby conquer the region.

A. Creating the Uighur Identity

The Chinese historically have focused on local ethnic identity in order to maintain the fragmented nature of the area and to exploit ethnic rivalries. China’s age-old tactic of *yiyi zhiyi*, “using barbarians to deal with barbarians,”⁷⁰ inspired Sheng Shi Cai, who consolidated China’s control over the region in the late 1930s,⁷¹ to formally recognize each individual ethnic group in the region. He hoped that by focusing on their ethnic identities, he would remind them of longstanding regional rivalries. The Communists took a similar tack. After initial promises of self-determination to secure the region’s support for their revolution, the Communists adopted a policy of “national regional autonomy,”⁷² dividing the region by ethnicity into sub-autonomous regions.⁷³

68. Laura Newby, *Xinjiang: In Search of an Identity*, in UNITY AND DIVERSITY: LOCAL CULTURES AND IDENTITIES IN CHINA 72-73 (Tao Tao Liu & David Faure, eds., 1996).

69. These seven groups are: the Uighur, Kazak, Kirgiz, Tajik, Uzbek, Tatar, and Russian. China Statistics 2005, 2-10 *Geographic Distribution of Minority Nationalities*, ALLCOUNTRIES.ORG, Apr. 26, 2006, available at http://www.allcountries.org/china_statistics/2_10_geographic_distribution_of_minority_nationalities.html; Ma Rong, *Population Distribution and Relations Among Ethnic Groups in the Kashgar Region, Xinjiang Uyghur Autonomous Region*, in CHINA’S MINORITIES ON THE MOVE, *supra* note 64, at 107.

70. TYLER, *supra* note 12, at 140.

71. Sheng Shi Cai was a warlord who despotically controlled the Xinjiang region in the late 1930s, early 1940s. A Nationalist general, Sheng was sent to reassert control over the region for the central government, but eventually stopped taking orders from his distant superiors (with Soviet support). The Nationalists managed to reassert control in 1944, when Sheng was recalled to Beijing. LINDA BENSON, *THE ILI REBELLION: THE MOSLEM CHALLENGE TO CHINESE AUTHORITY IN XINJIANG - 1944-1949*, at 27-29 (1990).

72. Immediately following the Long March, Mao had intimated to Xinjiang’s ethnic minorities that he would grant them independence if they chose it. Indeed, the 1931 draft

The least threatening ethnic groups, starting with those who had not requested autonomy, were the first to receive it.⁷⁴ The Hui received the first autonomous county, at Karashahr, near Korla, in March 1954.⁷⁵ Although the Hui are recognized as a *shao-shu min-zu*, or a minority nationality, ethnically they are no different from the Han; rather, their minority status derives from their Muslim religious background.⁷⁶ The second county was apportioned to the Sibo people near Gulja, while the third was a Mongol prefecture, covering a large part of the eastern Tarim Basin.⁷⁷ The Kyrgyz were given a county in Tian Shan, the Kazaks were apportioned land in the north, and a Tajik parish was established in the Sarikol area of the Pamir Mountains.⁷⁸

The Uighurs, a Muslim-Turkic people who had been involved in a series of rebellions against Chinese rule, were the last to be recognized by Beijing. On October 1, 1955, Xinjiang was renamed the "Xinjiang Uighur Autonomous Region." Although the Uighurs had their name attached to the province as a whole, they were not apportioned a specific autonomous region by the Chinese government. Moreover, Xinjiang's prefectures were drawn to ensure that the Uighurs were minorities in each prefecture.⁷⁹ Beijing had a practice of consistently dividing up territories with homogeneous populations so that in some areas the "majority" race after which the administrative unit was named, was actually a minority.⁸⁰ However, the Uighurs were singled out for exceptional treatment even beyond this practice, seemingly as punishment for a series of rebellions against Chinese authority dating

constitution promised the right of self-determination to Mongols, Uighurs, Tibetans, Miaos, Koreans, and others. Once the victory over the Nationalists was clear, however, the Party began talking of self-government within a united China, and in 1947, the Party line changed completely and secretly to a policy of "national regional autonomy." See TYLER, *supra* note 12, at 138.

73. Gardner Bovington, *Heteronomy and its Discontents: "Minzu Regional Autonomy" in Xinjiang*, in *GOVERNING CHINA'S MULTIETHNIC FRONTIER* 118 (Morris Rossabi ed., 2004).

74. TYLER, *supra* note 12, at 139.

75. *Id.*

76. Morris Rossabi, *Introduction*, in *GOVERNING CHINA'S MULTIETHNIC FRONTIER*, *supra* note 73, at 7.

77. TYLER, *supra* note 12, at 139.

78. *Id.*

79. *Id.* at 139-40.

80. *Id.* at 140.

back to 1862.⁸¹ For instance, the Kazak's autonomous prefecture was established in an area where Uighurs were in the majority, and its capital, Ghulja, was widely-known as a Uighur city.⁸² Similarly, the Mongol's prefecture in Korla was comprised of twelve counties that were mostly populated by Uighurs; only three of the counties had a Mongol presence and only one boasted a Mongol majority.⁸³ Moreover, the cities with large Uighur populations, such as Kashgar, Khotan, and Aksu, were not given autonomous status at all.⁸⁴ Overall, although Beijing formally recognized the existence of the Uighurs, Xinjiang's majority population, it carefully constructed political barriers to their true autonomy.

Instead of enhancing local conflicts, however, division into ethnic groups provided these local people—and especially the Uighurs—a national identity in addition to their religious one, thereby accenting their growing grievances against what they perceived to be a Han invasion.⁸⁵ Although the local people initially rebelled against Sheng Shi Cai's introduction of “new” names for their ethnic groups (e.g., “Uighur,” when the locals preferred to call themselves “Turki” or by their oasis names), eventually the new names began to take hold.⁸⁶ Once no more than members of isolated oasis communities, the Uighurs began to see themselves as having a distinct national ethnic identity. As one scholar noted, “[B]y uniting all the sedentary Turkic Muslim oasis dwellers under a single identity, [the Chinese] effectively drew a map within which the [Uighurs] already saw themselves living,” thereby allowing them to compete with Hans as a nationality.⁸⁷

B. Strengthening the Uighur Identity

China's more recent investment in Xinjiang's infrastructure also has had the unintended effect of enhancing inter-community ethnic identities. Traditionally, due largely to the difficulty of regional travel, local ethnic groups have had more contact across the Soviet (and now former-Soviet)

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.*

85. TYLER, *supra* note 12, at 136.

86. BENSON, *supra* note 71, at 30-31.

87. RUDELSON, *supra* note 23, at 7.

borders than between Xinjiang's oases.⁸⁸ These transborder contacts and trade networks have strengthened individuals' oasis identities, because each oasis historically has had a distinct set of cross-border networks that its local inhabitants access.⁸⁹ China's expansion of Xinjiang's transportation, however, made it faster to travel between oases than across country borders, facilitating increased contact between oases and diminishing foreign influence in the region.⁹⁰

Although China's motivation behind these improvements was to cut Xinjiang's cross-border ties and compel the assimilation of Xinjiang's minority nationalities into the broader Chinese identity, these improvements instead have strengthened local ethnic identity.⁹¹ In other words, rather than bringing the Uighurs more firmly under Beijing's thumb, the inward focus created by improved transportation primarily resulted in an increased sense of ethnic unity.⁹² A study of Uighur migrants revealed that peasants migrating to oasis towns relied almost exclusively on assistance from people of the same ethnic group or from ethnically-linked institutions (e.g., local mosques) in finding employment and housing in their new environment; the vast majority did not even consider seeking help from non-Uighurs.⁹³

C. Destroying the Uighur Identity?

In recent years China has made a concerted attempt to assimilate the Uighur identity into a broader Han Chinese identity.⁹⁴ Although Article

88. Due to Xinjiang's largely uninhabitable geography, civilization and societal structures in the province has developed around water resources, or oases. Because the forbidding geography historically has made travel difficult between oases as well, cultural identity for the region's inhabitants have been tied much more closely to oases than to religion or ethnicity. *See id.*

89. RUDELSON, *supra* note 23, at 9.

90. *Id.* at 40.

91. *Id.*

92. *Id.*

93. Of 184 Uighur migrants surveyed, only 62 said that they thought about getting help from non-Uighurs. *See* Tsui Yen Hu, *Uyghur Movement Within Xinjiang and Its Ethnic Identity and Cultural Implications*, in CHINA'S MINORITIES ON THE MOVE, *supra* note 64, at 129-30. Uighur migration within Xinjiang has increased markedly in recent years, as young unmarried Uighurs migrate to towns in hopes of a better life. *Id.*

94. Some Uighurs believe that Beijing's efforts are directed toward ending their ethnicity's very existence. China's birth control policies in particular have been much resented by the Uighurs. Urban minorities are permitted two children (three for farmers), but for the Muslim Uighurs, any birth control is an affront to God. These restrictions are

4 of the Chinese Constitution guarantees cultural and linguistic protection for all nationalities,⁹⁵ the Chinese government has not undertaken measures to protect Uighur culture. Instead, as part of the Strike Hard campaign, local authorities have engaged in the opposite type of conduct: burning Uighur historical literature, imprisoning Uighur authors, banning traditional music with Muslim references, and forbidding instruction in the Uighur language at Xinjiang University, the largest university in the region.⁹⁶ The burning campaign ostensibly was directed at materials “promoting independence,” but few expressions of Uighur culture, however pacific, have been immune.⁹⁷ Between March 2002 and September 2003, Uighur exiles alleged that tens of thousands of people had been detained as “separatists” or “terrorists,” the result of security operations in Xinjiang aimed at confiscating or destroying Uighur materials that the government viewed as promoting independence.⁹⁸ China’s attempts at regulating Uighur culture, however, have only strengthened Uighur identity. Uighurs, historically divided by oasis, now view government disapproval as a stamp of legitimacy on Uighur culture.

Uighur intellectuals’ efforts at promoting a pan-Uighur identity traditionally have only served to divide the ethnic group along oasis lines; however, Chinese oppression of the group has overpowered these traditional fissures in the Uighur identity. Uighur intellectuals from different oases historically have competed with one another in their efforts to sculpt a pan-Uighur identity, because each individual’s conception of Uighur identity has been rooted in the oases of their

viewed as discriminatory: Uighurs have higher mortality rates than do the Han and a smaller population (and in Xinjiang, Hans are permitted two children as well). Further, Beijing’s policy of offering financial incentives to Han who marry Muslim minorities (and then register the offspring of these unions as Han) also raises Uighur concerns of effective ethnic cleansing. TYLER, *supra* note 12, at 159-62.

95. Despite the Constitution’s express prohibitions in Article 4, the Constitution also provides justification for cultural discrimination, as Article 52 calls on citizens to “safeguard the unity of the country and the unity of its nationalities,” and article 13 criminalizes separatist beliefs. See *Xinjiang - Uighurs*, CONGRESSIONAL-EXEC. COMM’N ON CHINA ANNUAL REP’T (2002), available at <http://www.cecc.gov/pages/virtualAcad/uighur/xinannrept02.php#fn203>.

96. *Id.*

97. *Id.*

98. AMNESTY INT’L, PEOPLE’S REPUBLIC OF CHINA UIGHURS FLEEING PERSECUTION AS CHINA WAGES ITS “WAR ON TERROR” 10, Jul. 7, 2004, available at <http://web.amnesty.org/library/index/engasa170212004> [hereinafter AMNESTY PRC “WAR ON TERROR” REPORT].

birth.⁹⁹ Moreover, between Xinjiang oases, competitions over history have been so intense and explicit that local oases presses frequently have refused to publish material written either about or by Uighurs from rival oases.¹⁰⁰ Uighur identity also has been fragmented by social group and occupation—even more so than by family type or ancestry. Even within an oasis, intellectuals have expressed frustration over the conflicting notions of peasants and merchants regarding what it means to be a “Uighur.”¹⁰¹

The Chinese government, despite its interest in Uighur disunity, has unwittingly bridged these fissures in the Uighur identity. Under the Strike Hard campaign, anyone whose writing is deemed to touch on Uighur separatist or pan-Turkic themes can face imprisonment, house arrest, or a lifetime ban from writing; and the Chinese government has applied a broad definition to what writing warrants punishment.¹⁰² Such government action has tended to provoke support and unity with regard to that author or piece of writing, even overcoming traditional oasis divisions.¹⁰³ As one Uighur from the Turpan region remarked: “The government has banned [this book] and because of that we know it must be true.”¹⁰⁴ China’s attempts to subjugate the Uighur identity, while aimed at decreasing unity and militancy, instead have bridged regional divides.

D. Diluting the Uighur Majority

China’s frenetic modernization of its western province and its tacit sponsorship of Han migration to the region have fueled Uighur fears that the government is attempting to destroy their culture and push them out of their homeland. As one observer noted: “the grand projects, the huge subsidies, the frantic pace of construction are all an economic means to a political end.”¹⁰⁵ Although China believes economic prosperity and an increased Han presence will encourage Uighur assimilation, China’s efforts appear to be having the opposite effect: most Uighurs view

99. RUDELSON, *supra* note 23, at 4.

100. *Id.* at 34.

101. *Id.* at 4.

102. *See id.* at 33.

103. *Id.* at 158-60.

104. *Id.* at 159.

105. TYLER, *supra* note 12, at 206.

Beijing's economic development policies as a determined effort to destroy their culture and ravage their homeland.

1. Han Migration

Although Han migration to Xinjiang began as early as the Qin Dynasty in the Third Century B.C.E., initially, the only Han sent to Xinjiang were exiles, dissident officials, and soldiers. The soldiers maintained the border, while the exiles worked in labor camps to support the troops.¹⁰⁶ During the Qing Dynasty, merchants began to gravitate to the border. The Qing emperor at first established rules to protect the Uighur homeland: merchants were not allowed to fraternize with Muslims or to live in Turki townships, and Chinese civil servants were barred from holding office in the province.¹⁰⁷ In 1830, though, the government began to allow the Han to bring their families and settle in the region.¹⁰⁸ By this time the Qing had reached the same conclusion that the Communists would over one hundred years later: more Han residents equals better government control.¹⁰⁹

Han migration only began in earnest when the Communists came to power. The Communists made a concerted effort to colonize their far western province, sending tides of Han migrants westward through economic incentives and even forcible transfer. As part of one plan, the Communists relocated 433,000 Han to the borderlands.¹¹⁰ In the summer of 1956, they drafted 45,000 young men and women into Xinjiang farms, ranches, and factories.¹¹¹ During the late 1950s, the Communists established support systems for Han migrants, sending in counselors from the emigrants' home provinces to bolster flagging morale, setting up reception centers in Xinjiang for new arrivals, and offering new homes to willing migrants.¹¹²

When the Communists first established control over the region in 1949, Uighurs comprised 90 percent of Xinjiang's population,¹¹³ and the

106. *Id.* at 185.

107. *Id.* at 185-86.

108. *Id.* at 186.

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.*

113. Louisa Lim, *China's Uighurs Lose out to Development*, B.B.C. NEWS, Dec. 19, 2003, available at <http://news.bbc.co.uk/1/hi/world/asia-pacific/3330803.stm>.

Han comprised 5 percent.¹¹⁴ Today, the percentage of Han residents is estimated to be approximately 40 percent.¹¹⁵ Although Beijing no longer openly advertises its support of Han migration, the *Da Gong Bao*, a state-run newspaper, reported on June 2, 1999, that China's official policy was "to adjust the proportions of the populations of different ethnic groups in Xinjiang."¹¹⁶ At one point, Beijing proposed transporting approximately 100,000 Han displaced by the Three Gorges Dam to Kashgar, the most traditional Muslim province in Xinjiang; the plan was changed after the announcement resulted in international and domestic outrage, as well as a visit by a delegation comprised of several individuals from the Muslim former Soviet states.¹¹⁷ In its 2007 annual report to the United States Congress, the Congressional-Executive Commission on China noted China's tacit policy of encouraging Han migration, remarking that the Chinese government "provides incentives for migration to the region from elsewhere in China, in the name of recruiting talent and promoting stability."¹¹⁸ Unsurprisingly, the government's alleged encouragement of Han migration has become one of the rallying cries for secessionist groups, who couple their calls for independence with demands for a halt in Han migration.¹¹⁹

By encouraging Han migration and creating a Han majority in the region, the Chinese government is able to accomplish several goals. First, it is able to ensure that it has a well-trained and politically reliable workforce through which to accomplish its economic development goals for the region, with the workforce organized under the XPCC.¹²⁰ China has long held the view that economic prosperity quells the desire for a democratic voice, and by importing Han migrants to bring economic prosperity to the region, not only is it able to reap those financial benefits, but, in theory, Uighur dissent will decrease in the face of their

114. Christofferson, *supra* note 32, at 135.

115. Bhattacharji, *supra* note 20. Others have speculated that the Han population in recent years has been as high as 80 percent. John C.K. Daly, *China's Uighurs Fight for Rights*, SECURITY WATCH, Nov. 21, 2007, available at <http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?ots591=4888CAA0-B3DB-1461-98B9-E20E7B9C13D4&lng=en&id=52195>.

116. See John Derbyshire, *Hell, No, Uighur Won't Go*, WEEKLY STANDARD, Dec. 5, 1999, available at <http://www.olimu.com/Journalism/Texts/Commentary/Uighur.htm>.

117. MICHAEL DILLON, XINJIANG - CHINA'S MUSLIM FAR NORTHWEST 75 (2004).

118. Bhattacharji, *supra* note 20.

119. DILLON, *supra* note 117, at 68 (describing leaflets distributed by separatist groups).

120. Daly, *supra* note 115.

inevitable growing prosperity.¹²¹ Second, by increasing the Han presence in the region, China likely hopes to encourage Uighur assimilation by establishing solid political control over the region¹²² and reshaping the norms of the region by sheer strength of numbers. The Chinese government's philosophy aligns itself with the view expressed by one Han Chinese student studying in Xinjiang, that "[w]e all belong to the same country, so the two cultures should assimilate."¹²³ Indeed, China appears to be counting on the Uighurs accepting the reality noted by Nicholas Bequelin, a researcher with Human Rights Watch, that if Uighurs choose their culture over modernity, they will "end up marginalized economically."¹²⁴

2. Economic Development

Many Xinjiang residents view Beijing's economic development of the region as a related attempt to push them out of their homeland. This is in part because economic reforms typically benefit the Han more than the Uighurs, and, moreover, economic development has triggered a new wave of Han migration. Urumqi, Xinjiang's largest city, is virtually a Han metropolis, with the few remaining Uighurs confined to poor, ghetto-like communities,¹²⁵ peddling their traditional wares in the shadow of new high-rise office buildings.¹²⁶ Indeed, 98 percent of the Han Chinese population is located in urban areas, while about 90 percent

121. See Zissis, *infra* note 336 (noting that "[a]lthough many experts thought political liberalization would accompany economic development in China, the political leadership's focus on a booming economy appears to have deepened the public's faith in the central government and undermined dissent."). See also CONGRESSIONAL-EXEC. COMM'N ON CHINA ANNUAL REP'T 14 (2007), available at <http://www.cecc.gov/pages/annualRpt/annualRpt07/CECCannRpt2007.pdf>.

122. Daly, *supra* note 115.

123. Peter Ford, *Uighurs Struggle in a World Reshaped by Chinese Influx*, CHRISTIAN SCI. MONITOR, Apr. 28, 2008, at 2, available at <http://www.csmonitor.com/2008/0428/p01s01-woap.html?page=1>.

124. *Id.* at 3.

125. See Joshua Kurlantzick, *The Unsettled West*, FOREIGN AFFS. (Jul./Aug. 2004), available at <http://www.foreignaffairs.org/20040701fareviewessay83414a/joshua-kurlantzick/the-unsettled-west.html> (reviewing books written on Xinjiang by Michael Dillon, Christian Tyler, S. Frederick Starr).

126. This image is captured in a photograph accompanying a *New York Times* article on Urumqi. See Howard W. French, *Urumqi Journal; On Old Silk Road, Condos, Mosques and Ethnic Tensions*, N.Y. TIMES, Mar. 16, 2004, at A4, available at <http://www.nytimes.com/2004/03/16/international/asia/16URUM.html?ex=1113451200&en=2c9d477601754ecb&ei=5070>.

of Uighurs live in rural areas.¹²⁷ Deep cultural and lifestyle differences separate the two ethnic groups. For instance, while the Han Chinese drive cars, the Uighurs travel by horse and cart, and while Han women wear mini-skirts and platform shoes, Uighur women wear the traditional Muslim garb. Neither group speaks the other's language.¹²⁸ As Xinjiang's economy grows,¹²⁹ so does the economic gap between the Han and Uighur. The exact statistics are classified, but "the unemployment rate among Uighurs is said to be over 70 percent, while that of the Han Chinese in the region is less than 1 percent."¹³⁰ Some estimate that Xinjiang's Han Chinese residents earn on average more than 3.6 times the income earned by Uighurs.¹³¹ The economic disparity between the Han and the Uighurs has further fueled ethnic tensions and anti-Beijing sentiment.

Although Beijing had hoped that economic development would encourage Uighur assimilation, the nature of that growth appears to be fueling separatism instead. In the wake of economic reforms in 1979, most permits for private businesses were given to the Han, rather than to Xinjiang's minority nationalities.¹³² The Xinjiang Production and Construction Corps ("XPCC")¹³³, directed by the People's Liberation Army, drives Xinjiang's economic development, running everything from schools and prisons to farms, forests, and mines. Its 2.45 million employees comprise 14 percent of Xinjiang's population.¹³⁴ Of its total employees, only 250,000 are Muslim.¹³⁵ Rather than staffing its projects

127. *Renewed Strike Hard Campaign Ordered in Xinjiang*, RADIO FREE ASIA, Sept. 9, 2005, at http://www.rfa.org/english/news/politics/china_strikehard-20050929.html.

128. Hasan, *supra* note 31, at 39-40.

129. Xinjiang's per capita GDP increased from 82.6 percent to 97.4 percent of the national average between 1978 and 1998. Leong H. Liew, *Reaching out to Taiwan, Keeping in Xinjiang: The Impact of Marketization and Globalization on National Integration*, in NATIONALISM, DEMOCRACY, AND NATIONAL INTEGRATION IN CHINA 196, 201 (Leong H. Liew & Shaoguang Wang, eds. 2004).

130. Hasan, *supra* note 31, at 40.

131. *Renewed Strike Hard Campaign Ordered in Xinjiang*, *supra* note 127.

132. DILLON, *supra* note 117, at 71.

133. The XPCC has been renamed the China New Construction Enterprise Group, but is still largely referred to by its previous name. See Hutzler, *infra* note 339. For the purposes of this paper, I will refer to the organization as the "XPCC."

134. Information Office of the State Council, People's Republic of China, WHITE PAPER: HISTORY AND DEVELOPMENT OF XINJIANG (May 26, 2003), available at http://www.china.org.cn/archive/2003-05/26/content_1065428.htm#10; see Forney, *supra* note 25.

135. *Id.*

from the local population, the XPCC has brought hundreds of thousands of people from all over the country to run its operations.¹³⁶ In 1997 alone, the XPCC imported 70,000 Han migrants to work its factories and farms.¹³⁷ Indeed, many claim that the cotton industry, Xinjiang's largest enterprise, is "especially targeted to generate jobs for incoming Han immigrants" because it employs labor-intensive technology.¹³⁸ Critics contend that "politics rather than economics are responsible for the impressive growth of cotton production in Xinjiang."¹³⁹ While Beijing ostensibly intends for Xinjiang's economic development to benefit the region's minority nationalities (and thereby neutralize separatist influences), it continues to favor Hans over minority groups in its hiring decisions.¹⁴⁰

The Han are not only capturing the region's new high-paying jobs, but they are displacing Uighurs from less-lucrative traditional industries. In Urumqi, Uighur salesmen can no longer afford to rent stalls at the well-known Erdaoqiao Market, a massive bazaar where local products and souvenirs are sold.¹⁴¹ The open-air bazaar used to be run by locals, but development led to a new building; as rents increased, many Uighurs were priced out of the market.¹⁴² Beijing hopes that economic development will facilitate inter-ethnic harmony, but instead it appears to

136. See Hasan, *supra* note 31, at 40.

137. TYLER, *supra* note 12, at 200-01.

138. Liew, *supra* note 129, at 205. Part of the problem is the education gap afflicting Xinjiang's minority nationalities. As the Provincial Communist Party Secretary, Wang Lequan remarked, "the education and cultural level of the people here is quite low. In Xinjiang, we lack the talent needed for modernization and advanced industry." See Lim, *supra* note 113. Indeed, foreign and Chinese companies attracted to Xinjiang's oil resources are hiring Han, rather than Uighur, residents. Hasan, *supra* note 31, at 40. Accordingly, the Han have monopolized Xinjiang's best paying jobs. Oil industry jobs lead the province in prestige and salary, but require skilled labor, thereby excluding the predominantly low-skilled minority nationalities. DILLON, *supra* note 117, at 71. The inability of ethnic minorities to attain high-status and high-paying jobs heightens the region's already powerful resentment of Han migrants.

139. Liew, *supra* note 129, at 205.

140. Indeed, built into China's economic development vision for Xinjiang was the assumption that Uighurs and other ethnic minorities would provide manual labor and basic administrative support for Han-controlled business organizations. See Christofferson, *supra* note 32, at 130. With the constant flow of poor Han migrants to staff entry-level positions, however, the model actually has been that Han people work through Han organizations to promote Xinjiang's development. See Lim, *supra* note 113.

141. Lim, *supra* note 113.

142. *Id.*

be increasing unemployment among Uighurs and expanding the wealth gap between Uighurs and their Han peers.¹⁴³

Although China continues to support Xinjiang's economic development with significant subsidies, these funds and the infrastructure programs they support largely benefit the urban, Han segment of Xinjiang's population, rather than its ethnic minority groups.¹⁴⁴ Xinjiang's major projects, such as railroads, roads, and natural resource development—though Uighurs no doubt share in the benefit of improved transportation networks—are aimed to benefit foreign and domestic businesses and their Han employees.¹⁴⁵

In addition, China has done little to alleviate the region's poverty or to encourage rural development or minority empowerment.¹⁴⁶ Xinjiang's minority nationalities continue to live in poverty while witnessing Han accessions to wealth. The Uighur part of Urumqi is a slum, its unpaved roads heaped with trash, but it is not far from the glitzy new skyscrapers of Han businessmen.¹⁴⁷ The more the Uighurs view the Han as a group that makes them second-class citizens on their own soil and threatens their culture with extinction, the more likely they will be to support violent methods of resistance and unite behind a fundamentalist Islamic identity to fight for their survival.¹⁴⁸

III. CREATING AN ISLAMIC TERRORIST MOVEMENT: CHINA'S EFFORTS TO SQUELCH RELIGIOUS IDENTITY HAVE ADDED A RELIGIOUS CHARACTER TO THE INSURRECTION

Islam, and particularly the government's opposition to its practice as part of its Strike Hard campaign, has served as a powerful centralizing force for the Uighurs. Historically, feuding between Uighur Islamic sects has assisted the Chinese in maintaining control over the region. Indeed, political and economic motivations, rather than religious or ideological fervor, have largely been the impetus for the waves of rebellion that have periodically swept the region.¹⁴⁹

143. *See id.*

144. *See Lim, supra* note 113.

145. *Id.*

146. *Id.* (quoting Nicolas Becquelin of Human Rights Watch).

147. *Id.*

148. *See* Michael B. Salzman, *Globalization, Religious Fundamentalism and the Need for Meaning*, 32 INT'L J. INTERCULTURAL RELS. 318 (2008).

149. *See, e.g.,* BENSON, *supra* note 71, at 132-33; RUDELSON, *supra* note 23, at 28, 47;

China's enforcement of oppressive religious regulations, however, has added a new religious character to the rebellion. Indeed, the practice of Islam has become a strongly symbolic means of confronting the Chinese state.¹⁵⁰ Embracing Islam is a symbol for Uighurs of their rejection of Chinese Communism's atheism and its vision of modernization and social liberation for the Xinjiang region.¹⁵¹ Even Uighur intellectuals who oppose Islamic traditionalism now consider themselves Muslim and take part in Islamic cultural practices.¹⁵² Indeed, Islam has become so integral to Uighur society that many consider the cultural identifiers inextricable.¹⁵³ Although this Islamic revivalism is in part a result of increased contact between the Uighurs and the international Muslim community, as discussed further below, China's anti-Islam policies have forged new ties between Islam and the Uighur separatist movement. Moreover, its continued oppression of Islam is likely to nudge some frustrated Uighurs toward religious fundamentalism.

A. *A Historically Secular Rebellion*

Beijing's religious oppression of the Uighurs in the second half of the twentieth century transformed a largely secular separatist movement into one rooted in religious fervor. Unlike today, in early Uighur rebellions, religious identity played a minimal role in mobilizing the populace. Yakub Beg's 1856 rebellion, though it resulted in a Muslim state for the Uighurs, did not rely on religious symbols for legitimacy.¹⁵⁴ During the late 1920s, Xinjiang erupted into multiple local rebellions against Chinese rule.¹⁵⁵ Colonialism, rather than religious and cultural divisions, sparked the rebellions.¹⁵⁶ Russia and Great Britain, through their consulates in the region, spread the concepts of nationalism and self-determination among the local population, inspiring Xinjiang's Muslim elite to fight for increased control over the region's affairs.¹⁵⁷

see also TYLER, *supra* note 12, at 63-64.

150. RUDELSON, *supra* note 23, at 47.

151. *Id.*

152. *Id.*

153. *Id.* (observing that to "call oneself Uighur is also to accept Islam").

154. *See id.* at 159-62.

155. Jonathan N. Lipman, *Patchwork Society, Network Society*, in 2 ISLAM IN ASIA: SOUTHEAST AND EAST ASIA 262 (Raphael Israeli & Anthony H. Johns, eds., 1984).

156. BENSON, *supra* note 71, at 34.

157. *Id.*

Although Muslim warlords largely controlled the region, most of them actually seemed inclined to support Beijing.¹⁵⁸ Rebels did seek a Muslim state, but did so only as a natural consequence of the population's religious demographics, not out of a desire to institute theocracy. When the Uighurs and Kazak Turks united in 1942 to resist Sheng Shi Cai's oppression, pamphlets advocating rebellion invoked self-determination, anti-Han sentiment, and made passionate appeals that Eastern Turkestan be considered the Uighur homeland, but did not rely on religious rhetoric.¹⁵⁹

B. Religion and Rebellion

In contrast, since the crackdown, Xinjiang secessionist movements have used Islam as a mobilizing force, sometimes even invoking *jihād*. China's active targeting of Islam undoubtedly has played a role in this shift. Although the practice of Islam was forbidden during the Cultural Revolution, when mosques were destroyed or closed, Arabic forbidden, religious publications banned, and religious sites desecrated,¹⁶⁰ Deng Xiaoping's ascent to power in 1978 brought a limited return of religious tolerance. Mosques were rebuilt or reopened, some Xinjiang Muslims were permitted to make the *hajj*, and foreign Muslims were allowed to visit Islamic sites in China, leading to a greater awareness of the international Muslim community.¹⁶¹ Indeed, this Islamic revivalism even sprouted up in traditionally secular areas, like Turpan in east

158. Lipman, *supra* note 155, at 262.

159. See RUDELSON, *supra* note 23, at 160-61. Sheng Shi Cai's oppressive political and economic policies contributed to the uprising, and conflict flared when, upon consolidating control of the region in 1942, the Nationalists closed the Soviet border, cutting Xinjiang's traders and businessmen off from their major market. See BENSON, *supra* note 71, at 36, 38 (detailing Sheng's extensive reliance on secret police, his widespread use of indefinite detention and torture, and the rumors of massive Han migration that began under his rule). This move came in the midst of a massive regional economic decline and the threat of a changeover to the Nationalists' inflation-ridden currency. *Id.* at 36-37. By 1943, the Kazaks were making scattered attacks on Chinese police posts, and on September 11, 1944, as Sheng was boarding a plane for the east, massive rioting began. *Id.* at 42-43.

160. See DONALD DANIEL LESLIE, *THE INTEGRATION OF RELIGIOUS MINORITIES IN CHINA: THE CASE OF CHINESE MUSLIMS* 40 (1998). See also Paul George, *Islamic Unrest in the Xinjiang Uighur Autonomous Region*, CANADIAN SECURITY INTEL. SERV. COMMENTARY, No. 73 (spring 1998), available at http://www.csis-scrc.gc.ca/eng/comment/com73_e.html.

161. *Id.*

Xinjiang.¹⁶² Connections to international Islam renewed thoughts of separatism and autonomy, and soon secessionist groups began to mobilize by using mosques and religious schools (*madrassas*).¹⁶³

China, suspicious of foreign interloping and worried about the influence of Xinjiang's Islamic neighbors and the Middle East, gradually shifted back towards its anti-Islam posture.¹⁶⁴ By the early 1990s, Beijing began to limit mosque construction and renovation, banned the public broadcasting of sermons, prohibited religious education, and disallowed any religious material that was not authorized by the Religious Affairs Bureau.¹⁶⁵ Beijing also began purging religious activists from state positions and restricted *hajj* pilgrimages to authorized persons over fifty years old.¹⁶⁶ The return of religious restriction triggered sporadic outbreaks of violence across the region. Indeed, as one regional analyst noted:

[T]he increase in Muslim unrest in Xinjiang is a function of the resentment that has grown as the community's aspirations for greater autonomy based on the conjunction of national identity and religious revivalism have been curtailed. The Islamic revival is not primarily an ideological reawakening; instead, the truncated interaction with the cultural heritage of the Islamic world made the religious element an important new focus of anti-Chinese unity.¹⁶⁷

C. Religion and the Law

Beijing has continued to aim its law enforcement efforts at the practice of religion, both in Xinjiang and elsewhere.¹⁶⁸ According to Beijing, the freedom of religion enshrined in its Constitution¹⁶⁹ is

162. *Id.* at 63-64.

163. LESLIE, *supra* note 160, at 40. A *madrassa* is an Islamic religious school. During the Afghan *jihād* against the Soviets, a new kind of *madrassa* emerged, one focused on training religious warriors. *Analysis Madrassas*, FRONTLINE, available at <http://www.pbs.org/wgbh/pages/frontline/shows/saudi/analyses/madrassas.html>.

164. *See* George, *supra* note 160.

165. *Id.*

166. *Id.*

167. *Id.*

168. DILLON, *infra* note 117, at 90 (citing Hong Kong newspaper *Ming Pao*). *See also* Harris, *supra* note 30, at 117.

169. CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA, Chapter II, Art. 36: Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not

permitted in Xinjiang, so long as it is practiced through patriotic organizations.¹⁷⁰ But, as the *Xinjiang Daily*, a state-run newspaper, reported in May 1996, “[f]reedom of religious beliefs is not freedom for religion.”¹⁷¹

The Chinese Constitution proclaims that PRC citizens “enjoy freedom of religious belief,” but goes on to explain that “[t]he state protects *normal* religious activities.”¹⁷² Beijing protects these activities from foreign domination, but not necessarily from state control.¹⁷³ Indeed, although religious freedom is protected by law, the relevant statute also makes it clear that “[r]eligious bodies . . . shall safeguard unification of the country, unity of all nationalities and stability of society.”¹⁷⁴ The statute also sets forth a broad caveat that no one may use a religious organization to engage in “activities that harm State or public interests.”¹⁷⁵ Such activities are, of course, not defined in the statute or elsewhere; rather, compliance with the statute is more often

believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

170. DILLON, *infra* note 117, at 88.

171. AMNESTY INT’L, PEOPLE’S REPUBLIC OF CHINA: CHINA’S ANTI-TERRORISM LEGISLATION AND REPRESSION IN THE XINJIANG UIGHUR AUTONOMOUS REGION 13, Mar. 2002, *available* at <http://www.amnesty.org/en/library/asset/ASA17/010/2002/en/f8e02362-d873-11dd-9df8-936c90684588/asa170102002en.pdf> [hereinafter AMNESTY ANTI-TERRORISM LEGISLATION REPORT].

172. PRC CONSTITUTION, *supra* note 169, art. 36 (emphasis added).

173. AMNESTY ANTI-TERRORISM LEGISLATION REPORT, *supra* note 171.

Of course, China has been adamant to its international critics that it strictly protects religious freedom. In a statement made to the United Nations on April 16, 2004, China’s delegation to the U.N. asserted that “freedom of religious belief is effectively guaranteed” and that “[r]especting and protecting freedom of belief is a long-term policy of the Chinese government.” Of course, the delegation also asserted that “[t]he government always respects and protects the freedom of choice of Chinese citizens over belief,” an implicit re-affirmation of its policy of excluding religions with foreign leadership. Chinese Delegation, Statement by the Chinese Delegation under Item 11 on Civil and Political Rights at the 57th Session of the Commission on Human Rights (Apr. 16, 2004), *available at* <http://www.fmprc.gov.cn/ce/cegv/eng/gjhyfy/hy2001/t85134.htm>.

174. Regulations on Religious Affairs (promulgated by the State Council of the People’s Republic of China on July 7, 2004, effective Mar. 1, 2005), art. 3, *translated in* AMITY NEWS SERVICE, *available at* <http://www.amitynewsservice.org/page.php?page=1289>.

175. *Id.*

gauged on an ad hoc basis by local law enforcement officers or party leaders.¹⁷⁶

Although the Chinese government's policy of religious oppression policies may be in accordance with Chinese law, it does not comport with Western notions of "religious freedom" or those set forth in international law.¹⁷⁷

1. *Cracking Down on "Illegal Religious Activities"*

Beijing's Strike Hard campaign in Xinjiang has focused in large part on "illegal religious activities" and "extremist religious forces."¹⁷⁸ By early November 2001, police had closed down thirteen "illegal religious centers" in Kashgar and arrested more than fifty people worshipping there.¹⁷⁹ In the Bayingolin Mongol Autonomous Prefecture, local police arrested nine Muslims for "illegal preaching" in December 2001. The men had allegedly translated the Koran into local languages and were using it to preach separatism.¹⁸⁰ In Khotan, a province in southwest Xinjiang, a religious teacher was detained briefly and fined, along with her teenage students.¹⁸¹ Dozens of Muslim clerics and students reportedly have been detained or arrested for "illegal" religious activities throughout the region.¹⁸² In Karakash (near Khotan), officials closed down a local mosque because of its proximity to a school; the government later converted it to a carpet factory.¹⁸³ The Khotan Religious Affairs Bureau confirmed in October of 2001 that during the prior year, three of Khotan's mosques had been demolished.¹⁸⁴

176. See Joshua Rosenzweig, *China's Battle over the Right to Criticize*, FAR EASTERN ECONOMIC REV., May 1, 2009, available at <http://www.feer.com/essays/2009/may/chinas-battle-over-the-right-to-criticize>.

177. China signed the International Covenant on Civil and Political Rights in 1998, Article 18 of which guarantees every citizen "the right to freedom of thought, conscience and religion." However, more than ten years later, it still has not ratified that covenant. Sun Shiyun, *The Understanding and Interpretation of the ICCPR in the Context of China's Possible Ratification*, CHINESE J. INT'L LAW (Feb. 2, 2007).

178. AMNESTY ANTI-TERRORISM LEGISLATION REPORT, *supra* note 171, at 14.

179. *Id.*

180. *Id.*

181. *Id.*

182. *Id.*

183. *Id.* at 15.

184. *Id.*

China's war on "illegal religious activities" has continued through the present. According to the State Department's Annual Report on Religious Freedom, "repression of religious freedom intensified in some areas" in China, including Xinjiang, in the lead-up to the Beijing Olympics.¹⁸⁵ In 2008, Chinese officials forced all young men to cut off their beards before the beginning of the holy month of Ramadan.¹⁸⁶

China also has made efforts to eradicate Islam from state-sponsored institutions. Fasting, one of the pillars of the Islamic faith, was banned in schools and government offices in various places, even during Ramadan.¹⁸⁷ Schools were instructed to encourage Muslim children and students to break their fasts.¹⁸⁸ In 2001, Beijing began compulsory "political education" classes for imams (Muslim clerics) in charge of major mosques across Xinjiang, forcing attendance of around eight thousand imams by the end of the year. Party officials conducted the classes to provide imams "a clearer understanding of the party's ethnic and religious policies."¹⁸⁹ Beijing also has worked to reduce the influence of traditional Uighur religious and cultural customs, reportedly requiring Uighur government and Party officials to seek permission before attending any such festivals or ceremonies and report to the government afterward.¹⁹⁰

2. *Tying Religion to Party Membership*

Uighurs are largely unrepresented in government, due in significant part to China's policy of forbidding Muslims from Communist Party membership. Communist Party membership, an essential for career advancement (party membership is required for almost all high-level positions in government and in state-owned businesses and organizations),¹⁹¹ requires disavowal of all religion.¹⁹² Islam remains

185. Elise Labott, *U.S.: Chinese Targeted Religious Groups before Olympics*, CNN.COM, Sept. 19, 2008, at <http://edition.cnn.com/2008/WORLD/asiapcf/09/19/china.religion.report/>.

186. William Foreman, *China's Muslims Say Ramadan a Time of Repression*, ASSOCIATED PRESS, Sept. 30, 2008, available at <http://www.unpo.org/content/view/8725/236/>.

187. AMNESTY ANTI-TERRORISM LEGISLATION REPORT, *supra* note 171, at 16.

188. *Id.* at 15.

189. *Id.*

190. *Id.* at 16.

191. *Chinese Communist Party (CCP)*, GLOBAL SECURITY.ORG, available at <http://www.globalsecurity.org/military/world/china/ccp.htm>.

particularly taboo, and the Communists have had notable success in suppressing religious membership in its Xinjiang ranks: in 1990, 25 percent of Xinjiang party members were practicing Muslims; by 1996, this number had fallen to 7 percent.¹⁹³ In 1998, the government fired 260 Uighur officials in Xinjiang due to their religious affiliation with Islam.¹⁹⁴ Muslims who work in government offices or state agencies have been told they will lose their jobs if they attend mosque.¹⁹⁵ Indeed, the signs posted outside of a large mosque in Khotan are emblematic of China's eradication of Islam from public service, which state among the rules: limitations on the length of the imam's sermon at Friday prayer, prohibition of public prayer outside the mosque, and a warning that government workers and nonreligious people cannot be "forced" to attend services at the mosque—gentle phraseology for the law that prohibits government workers and Communist Party members from attending the mosque.¹⁹⁶

Eradicating Islam from Communist membership is not the same, however, as eradicating fundamentalism or separatism from public sentiment. Beijing believes that tying the significant benefits of Party membership to the abandonment of religion will encourage ambitious Uighurs to disavow their religious convictions. While this has had success among a small number of Uighurs, the majority appears to have chosen religious identity over political and economic opportunity.¹⁹⁷ As a result, Xinjiang's Muslims of various ethnic groups, the bulk of Xinjiang's population, have largely been disenfranchised from the political process and important economic opportunities. Instead, it is chiefly the Han who reap the benefits of Party membership and direct the region's governance, validating Uighur feelings of isolation, distinctness, and religious persecution. Consequently, Uighurs have turned to their local communities and mosques for economic support and a political voice. This in turn spurs Uighur separatist tendencies and pushes

192. *Id.*

193. DILLON, *supra* note 117, at 90-91.

194. Hasan, *supra* note 31, at 39.

195. TYLER, *supra* note 12, at 157.

196. Edward Wong, *Wary of Islam, China Tightens a Vise of Rules*, N.Y. TIMES, Oct. 8, 2008, available at <http://www.nytimes.com/2008/10/19/world/asia/19xinjiang.html?fta=y>.

197. See MacKinnon, *infra* note 200 (contrasting the optimistic views of one secular Uighur Communist Party member about the future of the region with the frustrated and secessionist mood of men in a Kashgar religious book stall).

frustrated Muslims closer to the edge of religious fundamentalism.

3. *Government-Directed Religion*

The Chinese government has attempted to exploit differences between authorized mosques and registered Islamic organizations¹⁹⁸ and those the government considers illegal and heretical.¹⁹⁹ Islamic worship is permitted only in government-sanctioned mosques,²⁰⁰ and government-approved imams are not allowed to criticize government policies.²⁰¹ Although Beijing points to the frequently crowded state mosques as evidence of the success of its state-sanctioned program, many Muslims do not register with the Islamic Association of China (“IAC”) because “it is not the true Islam.” Instead, they seek to hide their religious beliefs to avoid being observed by the government.²⁰²

China’s attempts to control religion appear to be bolstering, rather than impeding, the Uighur separatist movement by providing separatists with a vehicle for garnering public support. Indeed, while the separatist movement traditionally has lacked a religious character, China’s oppression appears to be mobilizing Xinjiang’s residents around Islam and *jihad*.²⁰³

D. *Islamic Revivalism or Radicalism?*

The Chinese government equates the new Islamic awareness that is sweeping Xinjiang with Islamic radicalism, but others question the truth of this assumption. In fact, Uighurs belong to a fairly moderate Islamic sect: Sufi Islam, a mystical brand of Islam that focuses on internal spiritual development, tends to be considered “heretical” by Shia Muslims, and is generally viewed with suspicion by orthodox Sunni

198. Only mosques and organizations affiliated with the Islamic Association of China (IAC), which Beijing directs, are allowed to operate in Xinjiang. Jehangir Pocha, *China’s Terror Fight Fuels Muslim Fears, Alienation*, BOSTON GLOBE, Jan. 17, 2004, at A4.

199. DILLON, *supra* note 117, at 108.

200. See Rebecca MacKinnon, *Rumblings of Discontent Among Ethnic Muslims on China’s Asian Frontier*, CNN.COM, Dec. 14, 2000, available at <http://www.cnn.com/SPECIALS/views/y/2000/12/mackinnon.xinjiang.dec14/>.

201. See *id.* (speaking specifically of Muslim criticisms of China’s family-planning policies).

202. Pocha, *supra* note 198, at A4.

203. Despite the debate surrounding the definition of the word *jihad*, I use this term because the Uighurs who do resort to violent resistance employ it in their own propaganda. See *infra* note 228.

Muslims.²⁰⁴ Accordingly, no Islamic state endorses Sufism as its official religion.²⁰⁵ Moreover, there is no evidence of the more radical Wahhabism infiltrating Xinjiang.²⁰⁶ Indeed, many Uighurs are afraid of the transformative force Wahhabism might bring to their communities.²⁰⁷

Still, while fundamentalism traditionally has not been mainstream in Xinjiang, China's continued religious oppression has pushed the Uighurs toward that end.²⁰⁸ As one expert on Muslim affairs in Communist areas stated, "Islam discourages a Muslim to acquiesce willfully to a state of minority if he cannot exercise his right to worship the One True God."²⁰⁹ According to Islamic theology, if a Muslim is placed in that situation, he should emigrate, engage in holy war, or keep his faith secretly until either emigration or holy war is possible.²¹⁰ Currently many of Xinjiang's Muslims are taking this third path, practicing in secret to avoid government persecution,²¹¹ but it is unlikely that they will continue to do so forever. Given restrictions on emigration and restrictions on the practice of Islam in Xinjiang, some Xinjiang Muslims may begin to consider *jihad* the only viable resort.

Beijing has attempted to provide Xinjiang's Muslims with another alternative; it is currently encouraging the assimilation of Xinjiang's residents, through economic development, Han migration to the region,

204. *Sufi Islam*, GLOBALSECURITY.ORG, at <http://www.globalsecurity.org/military/intro/islam-sufi.htm>.

205. *Id.*

206. See Matthew Oresman & Daniel Steingart, *Radical Islamization in Xinjiang - Lessons from Chechnya?*, CENTRAL ASIA - CAUCASUS ANALYST, Jul. 30, 2003, available at http://www.cacianalyst.org/view_article.php?articleid=1616.

207. *Id.*

208. *Id.*

209. John Obert Voll, *Soviet Central Asia and China: Integration or Isolation of Muslim Societies*, in ISLAM IN ASIA: RELIGION, POLITICS, AND SOCIETY 125, 127 (John L. Esposito, ed. 1987) (quoting M. Ali Kettani).

210. *Id.* The Quran explains: "Those who are still sinning for themselves when the Angels raise them up in death will be asked: 'In what conditions were you?' and they will say, 'We were among the oppressed of the earth.' Then, [the Angels] will say, 'Is not the earth of God large enough for you to emigrate in it?'" For such as those, Hell is their refuge . . . He who emigrates in the path of God will find frequent refuge and abundance." *Id.* at 128, quoting Surah 4:97-100 (that author's translation).

211. See, e.g., Forney, *supra* note 25 (describing an interview with a Uighur Muslim, who explained that he would educate his son in secret at home because children were not allowed to attend mosque until the age of 18).

and pro-unity propaganda.²¹² Assimilation into a purely secular existence, as advocated by China, however, is untenable for most of Xinjiang's Muslims. Islamic theology views abandoning religious practices to assimilate into non-Muslim cultures as apostasy: it "was usually seen as being as sure an end to Islamic life as massacre or genocide."²¹³ Because religious freedom is not available, emigration is not permitted, and assimilation is not an option, Beijing has left faithful Uighur Muslims with only one possible recourse: *jihad*.²¹⁴

Beijing quite reasonably contends that affording absolute religious freedom to Xinjiang's Muslims is unlikely to appease Xinjiang separatists. Indeed, the government argues it was the increased religious freedom available under Deng Xiao Ping that led to this latest incarnation of Xinjiang separatism.²¹⁵ China is not alone in recognizing this catch-22. As Raphael Israeli, an expert on Chinese Islamic communities, has observed: "Past experience has shown that in modern China whenever Islam was oppressed to the point of jeopardizing its existence or when it was given enough leeway to express itself freely, voices of separatism came to the fore, at times violently."²¹⁶

While it may be true that both religious oppression and religious freedom will lead to "voices of separatism," religious oppression is far more likely to lead to extreme forms of religion-based, violent separatism than is religious freedom. Unlike Deng Xiao Ping's reforms, Chinese repression has unified the Uighurs around religion-based separatism. Uighurs practice a moderate Sufi form of Islam which typically has not been associated with radical Islam.²¹⁷ Moreover, the

212. See French, *supra* note 126, at A4. See also Forney, *supra* note 25 (describing the red banners bearing anti-splittism slogans omnipresent at Urumqi's Xinjiang University).

213. Voll, *supra* note 209, at 128.

214. I use the word *jihad* in the sense it is most widely used in the West, and as some Uighur terrorist organizations such as the Turkistan Islamic Party have used it: to describe a violent holy war. Raphael Israeli notes, however, that "*jihad*" can encompass both violent and peaceful (evangelical) resistance. Moreover, even without the formal announcement of a *jihad*, once Islam in China has become no longer a workable way of life, a Muslim is no longer bound to respect the country's laws and "would be justified in rising against it." Raphael Israeli, *Muslims in China: Islam's Incompatibility with the Chinese Order*, in 2 ISLAM IN ASIA: SOUTHEAST AND EAST ASIA 275, 295-96 (Raphael Israeli & Anthony H. Johns, eds., 1984).

215. See "Religion and Rebellion" section, *supra* at 91.

216. RAPHAEL ISRAELI, ISLAM IN CHINA 48 (2002).

217. See Ziad Haider, *Clearing Clouds over the Karakoram Pass*, YALEGLOBAL, Mar. 29, 2004, at 1, available at

Uighur community is clearly divided over the wisdom of independence.²¹⁸ Indeed, many Uighurs seek to work with the Chinese government to improve Uighur living standards.²¹⁹ Continuing the campaign of religious repression, however, is likely to continue to polarize Uighurs undecided on the wisdom of separatism, and may convert some patriotic Uighurs to radicalism.

China's Strike Hard campaign has prompted some Uighurs to flee to nations with more militant forms of Islam. Many foreign nationals fighting for the Taliban originally came to Afghanistan merely to study and practice Islam freely, but eventually took up arms and joined the *jihad* (some voluntarily, others by order).²²⁰ Indeed, religious oppression may in part explain the presence of between three hundred and seven hundred Uighurs in Afghanistan prior to September 11, 2001.²²¹

Granting increased religious freedom to Xinjiang's Muslims would not only work to preempt violent conflict, but would also allow Beijing to remain involved in Islamic affairs. As Raphael Israeli, an expert in Sino-Muslim relations, notes:

[A]s long as an appearance of peace and accommodation can be maintained, the minority Muslim community, although entertaining a vague hope for the fulfillment of its political aspirations at some future time, can contain the discrepancy between reality and dream, and the tension between the two can go unresolved.²²²

Religious oppression, on the other hand, has united Uighur communities historically divided by oasis identities and bridged divisions between Uighur communities and Xinjiang's other minority

<http://yaleglobal.yale.edu/display.article?id=3603&page=1>; see also Erik Eckholm, *U.S. Labeling of Group in China as Terrorist is Criticized*, N.Y. TIMES, Sept. 13, 2002, at A6 [hereinafter Eckholm, *U.S. Labeling of Group in China as Terrorist is Criticized*].

218. MacKinnon, *supra* note 200 (quoting Dru Gladney, a professor at the University of Hawaii and an expert on China's Muslim ethnic groups).

219. *Id.* In October of 1997, the *Voice of Eastern Turkestan*, a newspaper published by émigré Uighurs in former Soviet Central Asia during the 1990s, acknowledged a significant split within the émigré community and the emergence of a pro-China faction. See DILLON, *supra* note 117, at 113.

220. Carlotta Gall, *Fighters Were Lured to Afghanistan by Islam, Holy War, or the Promise of Escape*, N.Y. TIMES, Jan. 1, 2002, at A13.

221. See Oresman & Steingart, *supra* note 206 (noting the number of Uighurs found in Afghanistan, but just conjecturing that their presence there is an indication of radicalization resulting from oppressive Chinese religious policies).

222. ISRAELI, *ISLAM IN CHINA*, *supra* note 216, at 44.

nationalities.²²³ Some observers believe that a majority of the Uighur population now supports independence from China.²²⁴

Tellingly, since the Chinese government began its religious restrictions in the 1990s, “almost every popular nationalistic uprising against Chinese rule in Xinjiang has begun as a religious protest.”²²⁵ These clashes have resulted in the deaths of hundreds of Uighurs, and many more injured and imprisoned, and have in turn fueled resentment toward Han authorities.²²⁶ In the early 1990s, discontent was expressed through mass protests, but beginning with bus bombings in Urumqi in 1997, Xinjiang’s separatists have moved toward more lethal forms of resistance – terrorism – involving directed attacks and assassination.²²⁷ Chinese-authorized clergymen have been victims of attack by underground Islamic religious schools organized by separatist groups.²²⁸ As Paul George, an independent analyst specializing in issues of international security and development policy, observed: “the increasingly savage suppression of Muslim protests is generating unprecedented unity within the various separatist groups in Xinjiang and greater coordination is quickly developing.”²²⁹

Indeed, as discussed above, Xinjiang’s separatist movement has begun to refer to its battle against the PRC as *jihad*.²³⁰ In the days

223. See RUDELSON, *supra* note 23, at 136.

224. See Hasan, *supra* note 31, at 39. While it is unclear how many Uighurs actively support independence or separatist violence, because separatist violence is “the only mode of political praxis that actively, frequently, and aggressively contests Chinese authority,” separatists have gained the silent support of many Uighurs. Sean L. Yom, *Uighurs Flex Their Muscles*, TAIWAN ECON. NEWS, Jan. 23, 2002, available at <http://www.atimes.com/china/DA23Ad01.html>.

225. Oresman & Steingart, *supra* note 206.

226. *Id.*

227. See *id.* As discussed in more detail above, the switch from targeting military targets to targeting civilian buses symbols a universally recognized shift from general violent resistance to terrorist activity.

228. DILLON, *supra* note 117, at 87.

229. George, *supra* note 160.

230. See Transcript of Turkestan Islamic Party (TIP) Videotape, *Steadfastness and Preparations for Jihad in the Cause of Allah* (NEFA Found., trans. Jan. 20, 2009), available at <http://www.nefafoundation.org/miscellaneous/FeaturedDocs/nefatip0409-4.pdf> (referencing “jihad” in its title, noting that “[a]rmed jihad is inevitable, and so we must train for it,” and querying, “how would it be possible to have jihad, the obligation that Allah ordered us to follow, without this, [our] armed resistance?”); see also Murad Batal Al-shishani, *Journal of the Turkistan Islamic Party Urges Jihad in China*, 7 TERRORISM MONITOR 3, 4 (Apr. 10, 2009), available at

leading up to the 2008 Beijing Olympic games, a group calling itself the Turkestan Islamic Party released three videos threatening attacks, naming as targets government and police facilities and key Olympic areas.²³¹ Shortly after the release of these videos, China was rocked by three separate terrorist attacks within nine days, coinciding with the opening of the Olympic games.²³² China reported thwarting multiple other attacks as well.²³³

Nor is there any doubt that these attacks fit comfortably within any definition of the term “terrorism.” Although security officials were the targets of the attacks, they were undertaken without concern for the danger posed to noncombatants nearby and clearly directed at the theater China had become in the lead-up to the Olympic games (as the use of videotaped messages demonstrates).²³⁴ Indeed, two Uighur women involved in the attacks acted as suicide bombers, a tactic which has become synonymous with terrorism.²³⁵ In all, the attacks resulted in 31 deaths across Xinjiang.²³⁶ As a China researcher for Human Rights Watch observed of the attacks, “The pattern of attacks, three in a row during the Games with security force on high alert, is an act of defiance that is unparalleled in recent Xinjiang history.”²³⁷

IV. XINJIANG’S TERRORIST SECESSIONIST MOVEMENT AND NEUTRALIZING THE THREAT

Xinjiang’s history has been violent for more than a century, going back to 1884, when China first attempted to assert its authority over the

http://www.jamestown.org/uploads/media/TM_007_9_01.pdf (discussing the recent publication of journals by the Turkistan Islamic Party, the second volume of which quoted the group’s former leader, Hasan Mahsum, as describing “preparation for jihad” as an Islamic duty).

230. See STATE DEP’T COUNTRY REPORTS ON TERRORISM, *supra* note 302, at 138.

231. Jill Drew, *Three Killed in Renewed Violence in Western China*, WASH. POST, Aug. 12, 2008.

232. *Id.*

233. *See id.*

234. *Id.*

235. Richard Lloyd Parry, *Female Suicide Bombers in Uighur Separatist War in Xinjiang Province*, TIMES ONLINE (UK), Aug. 11, 2008, available at <http://www.timesonline.co.uk/tol/news/world/asia/article4507446.ece>.

236. *Id.*

237. *Id.*

province.²³⁸ However, the movement has taken on a new character in the years since China brutally initiated its Strike Hard campaign. Although violence, and even terrorist violence, has occasionally cropped up over the secessionist movement's history, only in recent years, since the inception of Strike Hard, has the movement taken on a religious, *jihadi* character, and, accordingly, only since the Strike Hard campaign has the movement begun to reflect a consistent pattern of terrorist tactics.

A. Secessionist Organizations

Most of the Uighur separatist organizations, even those listed by China as terrorist organizations, historically have claimed to preach non-violence and reject terrorist tactics and have continued to do so. However, as one secessionist explained, "Our principal goal is to achieve independence for East Turkestan by peaceful means. But to show our enemies and friends our determination on the East Turkestan issue, we view a military wing as inevitable."²³⁹

Uighur separatists remain factionalized and politically disorganized; they are spread across the globe and divided over the wisdom of non-violent advocacy. The longer the Uighur people continue to feel victimized, however, the greater the likelihood of violence in the region. Erken Alptekin, whose father, Isa Yusuf Alptekin, was the elected leader of the short-lived Eastern Turkestan Republic, claims that Uighurs have been rationing food and medicine in preparation for a large-scale insurrection.²⁴⁰ Indeed, newspapers have reported that the next aim of separatists in the region is the establishment of an urban guerrilla force, which could act in cities throughout China.²⁴¹ Although many Uighurs, including Erken Alptekin, Nobel Prize nominee Rebiya Kadeer, and Anwar Yusuf, president of the Eastern Turkestan National Freedom Center, are working with international institutions to secure increased freedom and better living conditions for the Uighur people, others see the fruitless 70-year struggle of pacifist Isa Yusuf Alptekin as evidence of

238. MALLORY & MAIR, *supra* note 6, at 9.

239. A statement from Mehmet Emin Hazret, leader of the East Turkestan Liberation Organization (ETLO). *Uyghur Leader Denies Terror Charges*, WORLD UIGHUR NETWORK NEWS, Jan. 29, 2003, available at http://www.uygur.org/wunn03/2003_01_30.htm.

240. DILLON, *supra* note 117, at 114.

241. *Id.* at 109.

the futility of peaceful methods.²⁴²

Abdujelil Karakash leads the Germany-based East Turkestan Information Center (ETIC), one of the four Uighur groups China has labeled as terrorists. Karakash was also personally included among eleven individuals wanted for terrorism-related crimes by Beijing.²⁴³ He maintains that his organization has “no connection with terrorists,” and that moreover, “China itself is a terrorist.”²⁴⁴ The World Uighur Youth Congress (WUYC), another of China’s alleged terrorist groups, is also based in Germany, and similarly maintains that it opposes the use of violence.²⁴⁵ Its leader, Dolkun Isa, joins Karakash on China’s list of terrorists, as does Mehmet Emin Hazret, leader of the East Turkestan Liberation Organization (ETLO). The ETLO, a fairly secular organization, has also denied engaging in any attacks inside or outside of China; it claims to seek independence by peaceful means, but regards future military activity as “inevitable.”²⁴⁶

The ETLO has been careful to deny any ties to the more extreme East Turkestan Islamic Movement (ETIM), also listed among China’s terrorist groups. The U.S. State Department and the U.N., after much lobbying by Beijing, have joined China in listing the ETIM as a terrorist group.²⁴⁷ Its leader, Hahsan Mahsum, denies endorsing violence but has also refused to condemn it, explaining, “Any rational human being has the duty to fight against invaders to protect his homeland.”²⁴⁸ There is evidence that the organization has engaged in military training, but some analysts say Pakistan eviscerated the ETIM in June 2002, when it rounded up around eighty ETIM members and returned them to China.²⁴⁹ Many analysts believe that the ETIM is another name for the

242. See Yitzhak Shichor, *Changing the Guard at the World Uyghur Congress*, THE JAMESTOWN FOUNDATION, Jan. 10, 2007, available at <http://www.asianresearch.org/articles/2986.html>.

243. See Pocha, *supra* note 198, at A4.

244. Antoine Blua, *Kyrgyz Rights Activists Call for End to Deportation of Uighurs to China*, EURASIANET.ORG, Jan. 25, 2004, available at <http://www.eurasianet.org/departments/rights/articles/pp012504.shtml>.

245. AMNESTY PRC “WAR ON TERROR” REPORT, *supra* note 98, at 13.

246. *Uyghur Leader Denies Terror Charges*, *supra* note 239.

247. Because there is little evidence that ETIM has actually engaged in violent activity, aside from Chinese claims, the U.S.’s addition of the ETIM to its terrorist list has spurred both domestic and international criticism. See Eckholm, *U.S. Labeling of Group in China as Terrorist is Criticized*, *supra* note 217, at A6.

248. *Id.* (citing a telephone interview conducted by Radio Free Asia).

249. *Id.*

Eastern Turkestan Islamic Party of Allah (ETIP), a group that played a prominent role in separatist activity in the 1990s,²⁵⁰ and the Turkestan Islamic Party (TIP), a group that has claimed responsibility for a wave of terrorist attacks that occurred in the lead-up to the Beijing Olympics.²⁵¹

Although Beijing and the U.S. have alleged that the ETIM has ties to al-Qaeda, many experts disagree with the assertion, regarding it as a self-serving link manufactured by China to increase support for its “war on terror.”²⁵² Indeed, although the U.S. government captured twenty-two Uighurs in its Afghanistan operations, the Bush Administration determined that at least half of the Uighurs were eligible for release, putting it in the difficult quandary of determining where to send them.²⁵³

Indeed, the D.C. Circuit and U.S. District Court for the District of Columbia have each made clear that, under the laws of the United States, the Uighur detainees being held at Guantanamo Bay do not qualify as “enemy combatants” who legally can be detained. In *Parhat v. Gates*, the D.C. Circuit held that the U.S. government had failed to prove its claim that Parhat, a Uighur detained in Afghanistan, was an “enemy combatant.”²⁵⁴ The court instructed the U.S. government that Parhat either had to be released, sent to another country, given a new hearing on his combatant status, or allowed to pursue his habeas rights. The court determined that, although Parhat had been training in a terrorist camp in

250. See discussion of ETIP-led separatist activism, *infra* at p. 109. The ETIP has been through several different incarnations over the years, with the TIP claiming to be its current manifestation. According to the TIP, the ETIP was founded in 1980 as a “jihad movement.” Transcript of Turkestan Islamic Party (TIP) Videotape, *supra* note 230.

251. See STATE DEP’T COUNTRY REPORTS ON TERRORISM, *supra* note 302, at 138.

252. See Holly Fletcher & Jayshree Bajoria, *Terrorism Q&A: The East Turkestan Islamic Movement (ETIM)*, COUNCIL ON FOREIGN RELATIONS, available at http://cfrterrorism.org/groups/etim_print.html; see also Embassy of the People’s Republic of China in the Republic of Estonia, *Terrorist Activities Perpetrated by “Eastern Turkistan” Organizations and their Links with Osama Bin Laden and the Taliban*, Nov. 29, 2001, available at <http://www.fmprc.gov.cn/ce/ceee/eng/ztlm/fdkbzy/t112733.htm> (alleging that the ETIM “is a major component of the terrorist network headed by Osama bin Laden” and is acting under his direction, that ETIM militants have received training in al-Qaeda camps in Afghanistan, and that former ETIM leader Hasan Mahsum has received hundreds of thousands of dollars directly from bin Laden).

253. See Neil A. Lewis, *Freedom for Chinese Detainees Hinges on Finding a New Homeland*, N.Y. TIMES, Nov. 8, 2004, at A17 (describing the difficulty U.S. officials are facing in releasing the detainees -- although the Uighurs are eligible for release, U.S. military officials are hesitant to return them to China, where they fear they will be tortured or killed as terrorists).

254. See *Parhat v. Gates*, Slip Op. No. 06-1397 (June 20, 2008).

Afghanistan, they found credible his testimony that he had gone to Afghanistan solely to join the resistance against China, and viewed China – and not the U.S. – as his enemy.²⁵⁵ The Court also found that the U.S. government had failed to demonstrate that the ETIM was a terrorist organization under the Department of Defense’s definition of the term.²⁵⁶ In October of 2008, Judge Ricardo Urbina of the U.S. District Court for the District of Columbia, citing the D.C. Circuit’s opinion, ordered the U.S. government to release seventeen other Uighur detainees.²⁵⁷

The Chinese government continues to maintain that “more than a thousand” Xinjiang separatists have received terrorist training in Afghanistan, but only one Uighur separatist group, the Eastern Turkestan Islamic Party of Allah (thought to be the same organization as the ETIM and TIP”), appears to have operated in Afghanistan.²⁵⁸ Other Uighur groups, however, have links to small guerrilla cells scattered throughout the Taklamakan Desert. These groups include the East Turkestan Opposition Party, the Revolutionary Front of Eastern Turkestan, the Organization for Turkestan Freedom, and the Organization for the Liberation of Uighurstan.²⁵⁹ The Organization for Turkestan Freedom claimed responsibility for the Beijing bus bombing of 1997. Another group, the Home of East Turkestan Youth (also known as “Xinjiang’s Hamas”), is alleged to have over 2,000 members, some of whom were trained in the use of explosive devices in Afghanistan and other Islamic countries.²⁶⁰ The Committee for Eastern Turkestan, based in Alma-Ata, Kazakhstan, is known as one of the more radical of the separatist groups and has become increasingly militant.²⁶¹ A 2001 Congressional

255. Parhat described in his Combatant Status Review Tribunal that he viewed the Chinese government as his enemy because “in China there is torture and too much pressure on the Uighur people. . . . The Uighur people only have the privilege of having two children. If a female gets pregnant with a third child, the government will forcibly take the kid through abortion.” *Parhat*, Slip Op. No. 06-1397, at 15.

256. *See id.* at 17-23.

257. William Glaberson, *Judge Orders 17 Detainees at Guantanamo Freed*, N.Y. TIMES, Oct. 7, 2008, available at <http://www.nytimes.com/2008/10/08/washington/08detain.html>.

258. Chien-peng Chung, *China’s “War on Terror”*; *September 11 and Uighur Separatism*, FOREIGN AFFAIRS (Jul.-Aug. 2002), at 8.

259. *Id.* at 9.

260. *Uighur Militants Committee for East Turkestan*, GLOBAL SECURITY.ORG, available at <http://www.globalsecurity.org/military/world/para/uighur.htm>.

261. *Id.*

Research Service report documented other armed Uighur groups operating in the region: the Wolves of Lop Nor, the Xinjiang Liberation Organization, the Uyghur Liberation Organization, and the Free Turkestan Movement.²⁶²

As an ethnicity, Uighurs feel humiliated, enraged, and persecuted. The practice of their religious beliefs is outlawed.²⁶³ They live in poverty as Han migrants new to the region quickly find employment. The few oases in their homeland are swiftly turning to desert, their water is drying up, and the central government has used their homeland to test nuclear weapons. As floods of Han descend from the east, Beijing has banned books discussing Uighur culture and has imprisoned those who dare speak out against the practice. For years, their demands for increased autonomy have produced no success. The Uighurs now believe that they are the targets of cultural genocide, and many see independence from China as the only solution to their afflictions.²⁶⁴ Accordingly, the more China confronts separatism with unforgiving, hard-nosed policies, the more likely the Uighurs are to resort to violence and terrorism as the only possible means to achieve a return of their dignity.

B. Xinjiang's Secessionist History

In April 1990, in Xinjiang's southwestern Baren province, the Uighurs, Kyrgyz, Hui, and Kazaks united in protest against the Chinese, likely because of the closing of a mosque immediately before a religious festival.²⁶⁵ More than one thousand residents took to the streets, and over fifty pro-independence rioters were killed by police gunfire.²⁶⁶ The Chinese authorities called the incident a "counter-revolutionary rebellion" and claimed that some of the participants had been secretly training for a holy war against the Han.²⁶⁷

Sporadic demonstrations against Chinese rule broke out across the region following the abortive Soviet coup of August 1991, and some sources reported that guns were being smuggled into Xinjiang from

262. See AMNESTY PRC "WAR ON TERROR" REPORT, *supra* note 98, at 13.

263. See generally discussion in section III(c), *supra* at pp. 92-97.

264. See generally discussion in section II(c)-(d), *supra* at pp. 81-89.

265. See TYLER, *supra* note 12, at 164.

266. Harris, *supra* note 30, at 117 (official reports put the death toll at less than thirty).

267. *Id.* at 117-18.

Afghanistan and Pakistan.²⁶⁸ In 1992, separatists launched a series of bus bombings; a February 1992 bus bombing killed at least six people and injured twenty-six in Xinjiang, while a seven-meter hole was reported to have been blown in the front of Kashgar's Ministry of Agriculture building in June 1993.²⁶⁹ In 1992, the Chinese government alleged that Xinjiang separatists attempted to bomb a cinema and an apartment building.²⁷⁰ The bombings were condemned by some Uighur organizations,²⁷¹ but encouraged others, such as the Front for the Liberation of Uighurstan, to engage in similar activity.²⁷²

An anti-nuclear demonstration at Lop Nor in March 1993 began peacefully but ended in violence and was followed by massive disturbances in Xinjiang's northwestern city Yining in April 1995.²⁷³ As many as 100,000 workers, teachers, and shopkeepers went on strike to end Chinese rule. According to PRC accounts, approximately 3,000 of these residents surrounded local government offices, drove buses into police stations, stole guns and police vehicles, and ransacked local government offices. Uighur accounts of how the violence unfolded differ dramatically from the accounts promulgated by the Chinese government.²⁷⁴ In the aftermath, over eighty people were arrested, and

268. *Id.* at 118.

269. TYLER, *supra* note 12, at 167; Harris, *supra* note 30, at 118.

270. DILLON, *supra* note 117, at 68.

271. *Id.* at 179.

272. *See* Harris, *supra* note 30, at 118.

273. China's use of Xinjiang's Taklamakan Desert for underground nuclear testing likewise has spurred regional resentment and domestic unrest. In March 1993, an anti-nuclear demonstration was held at Lop Nor, where Beijing tests its nuclear warheads. One thousand people broke into the compound, setting fire to aircraft, tanks, and other vehicles, and pulling down a perimeter fence. The PLA opened fire on the crowd, killing some of the protestors and arresting hundreds of others. TYLER, *supra* note 12, at 167. A Hong Kong publication reported that the protestors stole radioactive materials and explosives. Although Beijing may view its exploitation of the region as a legitimate prerogative of national authority, its refusal to respond to Uighur concerns may lead to an increased number of violent encounters and will likely fuel the efforts of those interested in separation. Beijing's environmental policies have also led to unrest in other parts of the country. A crowd that may have been as large as 50,000 to 60,000 recently gathered in southeastern China to protest pollution from nearby factories. In 2004, tens of thousands of protesters in western Sichuan Province clashed with the police over a dam project. Smaller protests in rural areas are commonplace and frequently violent. Jim Yardley, *Rural Chinese Riot as Police Try to Halt Pollution Protest*, N.Y. TIMES, Apr. 14, 2005, available at <http://www.nytimes.com/2005/04/14/international/asia/14riot.html?ex=1114142400&en=a5fba60b8fc75aaa&ei=5070>.

274. *See* Human Rts. Watch Report, *infra* note 313, at 15.

as many as 220 may have been killed.²⁷⁵

Further protests erupted in southwest Xinjiang, in Khotan, in July 1995 after an imam was arrested at a mosque. In 1996, in Aksu, also in the southwest, people dressed as police robbed six families, and two masked men attacked and killed the imam of a county mosque – a “patriotic religious figure” according to Chinese authorities.²⁷⁶ Throughout 1996, the region was beset with police shootings, attacks on “patriotic religious figures,” and scattered bombings of military and civilian targets.²⁷⁷ In August 1996, shortly after the inception of the Strike Hard campaign, an exiled separatist leader claimed that his organization had bombed at least fifty military vehicles in Xinjiang since the end of the previous month.²⁷⁸

As discussed earlier in this paper, perhaps the most violent clash occurred in Yining (also known as “Ghulja”) in 1997. In the freezing early morning hours of February 5, hundreds of young Uighurs (thousands by some accounts) took to the street carrying banners and shouting slogans, demanding the release of imprisoned religious leaders and more jobs.²⁷⁹ In the mayhem that followed the armed Chinese paramilitary police’s violent dispersal of the protest, an effort which included turning hoses onto the freezing masses, at least ten Hans were killed by young Uighurs, hundreds of Uighurs were injured, and as many as three hundred protestors may have been killed.²⁸⁰ The protests had been planned by the East Turkestan Islamic Party of Allah, which had sent more than twenty members from southern Xinjiang to Yili to preach violent resistance and develop the organization there. In January of 1996, the group’s leader had sent people into the villages of Yining and its rural counties to establish training areas. The group had organized the protest and provided the protestors the slogans for the banners.²⁸¹

275. DILLON, *supra* note 117, at 69.

276. *Id.* at 70.

277. *Id.* at 86-90.

278. *Id.* (citing a claim by Yussupbek Mukhlisi, exiled in Kazakhstan).

279. TYLER, *supra* note 12, at 168.

280. DILLON, *supra* note 117, at 94 (Uighur exiles reported that three hundred were killed). Official Chinese reports claimed that nine people, including four policemen, were killed in the incident. TYLER, *supra* note 12, at 169. Several of the eyewitness reports assert that troops used machine guns, dogs, and high-pressure hoses on the crowd.

281. The Uighur banners contained Arabic script and proclaimed messages like, “It has begun” and “Fight the unbelievers with all our might using the Qur’an as a weapon.” DILLON, *supra* note 117, at 96-97.

Scattered uprisings occurred in the wake of the Yining incident, including three bus bombings on February 25, an attack on a prison in the Tarim Basin, and on March 1, a fourth bomb in a building where police officers were gathered.²⁸² On March 7, 1997, the secessionists brought the battle to Beijing: they blew up a bus passing through the Xidan area of the city and a vehicle near a department store in the Chaoyang district. A dozen or so people were injured in the bus bombing.²⁸³

After the Yining crackdown, protests dwindled, but a new militant opposition emerged, attacking military targets, seizing weapons, and occasionally detonating bombs to terrorize and kill Han Chinese settlers.²⁸⁴ These new military targets included army airbases, armaments factories, police stations, and even a guided missile base.²⁸⁵ Although official reports identify the last bombing as taking place in April 1998,²⁸⁶ other organizations report that in March 1999, a remote control bomb destroyed several vehicles in a police motorcade just outside Urumqi, and that in September 2000, a bigger blast killed sixty and wounded more than three hundred in an Urumqi street.²⁸⁷ Uighur militants have also been active abroad: in addition to fighting in Afghanistan, Uighur separatists opened fire on a Chinese government delegation in Bishkek, Kyrgyzstan in 2000, and may have been involved in the Bishkek killing of two Chinese men, including a senior diplomat, in July 2002.²⁸⁸

On January 22, 2005, the *China Daily* reported two separate explosions in Xinjiang that killed thirteen and injured eighteen others.²⁸⁹ Chinese officials did not rule out the possibility that the explosions are linked to Uighur separatists, though the results of the investigation were never made public.²⁹⁰ In the first explosion, nine passengers of a minibus, reportedly Uighurs, were killed instantly as the bus traveled through the Yili Kazak Autonomous Prefecture, about 200 kilometers

282. *Id.* at 99.

283. *Id.* at 100-01. *See also* TYLER, *supra* note 12, at 171.

284. TYLER, *supra* note 12, at 172.

285. *Id.*

286. AMNESTY PRC "WAR ON TERROR" REPORT, *supra* note 98, at 29.

287. TYLER, *supra* note 12, at 172-73.

288. *See* Reuters, *Chinese Shot in Kyrgyzstan*, N.Y. TIMES, Jul. 1, 2002, at A7.

289. B. Raman, *Explosive Situation in Xinjiang*, ASIA TIMES, Jan. 28, 2005, available at <http://www.atimes.com/atimes/China/GA28Ad04.html>.

290. *Id.*

from the Kazakhstan border. The bus exploded shortly after a man in his forties boarded the bus carrying a black canvas bag. The second blast occurred in downtown Urumqi, and is claimed by local officials to have been an accident caused by natural-gas leakage in a military vehicle. The unusual circumstances of the explosion, however, have led some to speculate that separatists may have been involved.²⁹¹

More recent years have revealed a newly-revitalized, violent, religion-based separatist movement. In 2006, a video was released on the Internet, urging a new *jihad* in Xinjiang. In early 2007, Beijing raided a camp of suspected militants along the border of Tajikistan, Afghanistan, and Pakistan, killing eighteen and capturing another seventeen, along with a cache of firearms and homemade grenades.²⁹² A similar raid took place a year later, this time in Urumqi.²⁹³ In the March National People's Congress session in Beijing, officials reported an attempt by a Uighur militant to down a Chinese passenger jet on March 7. According to that report, a female 19-year-old Uighur smuggled two containers of gasoline aboard a flight bound from Urumqi to Beijing, and attempted to ignite a fire in the plane's restroom.²⁹⁴ Beijing also reported that between March 26 and April 6, they had detained forty-five militants, along with explosives and jihadist literature, and in the process uncovered plots to attack Beijing and Shanghai during the Olympics.²⁹⁵

As part of the security measures leading up to the Olympics, security forces were put on the alert for foreign Muslims, particularly women, who could be infiltrating or surveilling in preparation for a terrorist attack—a tacit acknowledgement that the terrorist threat it feared included more than just the traditional Uighur population.²⁹⁶ In May 2008, a bus mysteriously blew up in Shanghai, killing three people and

291. *Id.* For instance, the official report claims the explosion was caused by poorly packaged explosives and a bumping road, but eye witnesses say the vehicle was caught in a traffic jam when the blast occurred, on the same day that Chinese Prime Minister Zhu Rongji was touring the region. Moreover, several journalists of the *Lanzhou Evening News* were allegedly dismissed for reporting independently on the explosion rather than carrying the official version of the events. *Id.*

292. *China: The Evolution of ETIM*, STRATFOR GLOBAL INTELLIGENCE, May 13, 2008, available at http://www.stratfor.com/analysis/china_evolution_etim.

293. *Id.*

294. *Id.*

295. *Id.*

296. *Id.*

injuring many more.²⁹⁷ The Turkistan Islamic Party claimed responsibility for the bombing several months later,²⁹⁸ and, indeed, commentators noticed immediately its similarity to the 1997 bus bombings perpetrated by Xinjiang separatists.²⁹⁹

In late July and early August 2008, just days prior to the start of the Beijing Olympics, one of Xinjiang's militant separatist groups, the Turkestan Islamic Party (TIP), claimed responsibility for a series of attacks and security incidents across China, in which Xinjiang separatists launched several deadly attacks which included terrorist videotapes, improvised explosive devices (IEDs), and suicide bombers.³⁰⁰

Days later, on August 4, 2008, two Uighur men drove a stolen dump truck into a group of seventy Chinese border police in Kashi, Xinjiang. The attackers carried knives and IEDs and carried literature and manifestos in which they expressed their commitment to *jihād* in Xinjiang.³⁰¹ At the end of the attack, sixteen police officers were dead and another sixteen wounded.³⁰² On August 9, 2008, several explosions rocked Kucha County in Xinjiang, near the Tibet border.³⁰³ On August 10, 2008, a group of Uighurs, including two women, attacked a police department and other government buildings with explosives, also in

297. Nicholas D. Kristof, *Terrorism and the Olympics*, N.Y. TIMES, May 29, 2008, available at http://www.nytimes.com/2008/05/29/opinion/29kristof.html?_r=1&scp=9&sq=xinjiang&st=cse.

298. Ed Johnson, *Uighur Militants Threaten Olympic Attacks, U.S. Monitor Says*, BLOOMBERG.COM, Aug. 8, 2008, available at <http://www.bloomberg.com/apps/news?pid=20601087&sid=an5iNqNKLXJI&refer=home>.

299. Kristof, *supra* note 297.

300. Johnson, *supra* note 298; *Chinese Border Assault Kills 16*, BBC NEWS, Aug. 4, 2008, available at <http://news.bbc.co.uk/2/hi/asia-pacific/7540138.stm>; Shohret Hoshur, *Ethnic Tensions in Xinjiang's Internet Cafes*, RADIO FREE ASIA, Feb. 6, 2009, available at <http://www.rfa.org/english/news/uyghur/xinjianginternetcafe-02062009150519.html>.

301. *Chinese Border Assault Kills Sixteen*, *supra* note 300.

302. According to the 2008 U.S. State Department Terrorism Country Report for China, the total number of People's Armed Police Border Guards killed in the attack ultimately rose to seventeen. See OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM, U.S. DEP'T OF STATE, COUNTRY REPORTS ON TERRORISM 2008, April 30, 2009, available at <http://www.state.gov/s/ct/rls/crt/2008/122413.htm> [hereinafter STATE DEP'T COUNTRY REPORTS ON TERRORISM].

303. *Explosions Kill Two in Northwestern China*, CNN.COM, Aug. 9, 2008, available at <http://www.cnn.com/2008/WORLD/asiapcf/08/09/china.explosion/index.html>.

Kucha County.³⁰⁴ A total of 31 people were killed in just a two-week span, making it the deadliest increase in violence Xinjiang has experienced in many years.³⁰⁵

C. *Neutralizing China's Secessionist Threat and Eliminating the Appeal of Jihad*

China should embrace a three-pronged approach³⁰⁶ to appease separatist sentiment: redefine "illegal religious activities," moderate its Strike Hard campaign, and seek to address Uighur concerns. By moderating its approach to Islam and political dissidence, and by actively responding to Uighur cultural and economic concerns, Beijing will further its goal of peace and stability in the region by addressing the widely held Uighur view that China seeks the demise of Uighur culture.

1. *Redefining "Illegal Religious Activities"*

Increased contact with the international Islamic community may indeed have renewed Uighur thoughts of separatism,³⁰⁷ and certainly Islamic institutions have provided a venue for revolutionary Uighurs to meet and mobilize, but China's response to these developments has been counter-productive.³⁰⁸ Some restrictions on extremist brands of Islam may be necessary, but the government's full-scale attack on the religion is only fanning the flames of separatism. Oppression will unite Muslims of different factions, polarize secular and patriotic Muslims, and will provide a theological justification for resistance. Permitting Muslims to worship in non-state-sanctioned mosques may provide venues for Xinjiang's Muslims to discuss their discontent with Beijing, recruit likeminded individuals to the separatist cause, and organize separatist activity,³⁰⁹ and therefore may in some ways strengthen the separatist

304. Hoshur, *supra* note 300.

305. Tony Cheng, *Xinjiang Tense in Wake of Attacks*, ALJAZEERA.NET, Aug. 14, 2008, available at <http://english.aljazeera.net/focus/beijing08/2008/08/200881493430228155.html>.

306. China's approach to suppressing separatist violence is also three-pronged: (1) attack illegal religious activities; (2) prevent sabotage; and (3) allow the XPCC to fulfill its multiple roles as a military, production, and propaganda force. DILLON, *supra* note 117, at 84-85.

307. See discussion *supra* p. 91.

308. See LESLIE, *supra* note 160, at 40.

309. See discussion *supra* p. 91 for historical precedent of Uighurs using non-state Islamic institutions such as mosques and *madrassas* as forums to mobilize the separatist

movement, but it will also allow traditional divisions to resurface,³¹⁰ give footing to Uighur moderates, and rob *jihadis* of their rallying cry.

China is unlikely to fully embrace a western notion of religious freedom, but, for pragmatic reasons, China should curb its prohibitions on religious practice in Xinjiang. By prohibiting the practice of specific central Islamic tenets, persecuting imams, razing mosques, and prohibiting children's participation in Islam,³¹¹ China makes the true practice of Islam impossible for Xinjiang residents, and therefore sets the stage for violent resistance. Some religious restrictions may be useful in inhibiting militant separatist groups, who frequently organize through Islamic institutions, but China may be better served by focusing more on improving its relationship with Islam. Instead, by banning fasting in schools and other government institutions, China is conveying the opposite message: faithful Muslims cannot participate in the Chinese state. Doing so illustrates to Muslims that political processes are not available to them as a people, prompting some Muslims to feel their only choices are violence and emigration. As one Uighur shopkeeper explained, he would be content under Chinese rule, if only the authorities allowed more religious freedom: "I don't want independence. I just want greater respect."³¹²

movement.

310. In the same way that China's religious oppression has strengthened a joint religious identity for the Uighurs, China's acceptance of free religious practice may allow traditional ethnic divisions to return to their previous prominence and thereby weaken the increasing unity of the separatist movement.

311. Children in Xinjiang have long been prohibited from attending religious schools, known as *madrassas*, or from praying at mosques. See Ryan Anson, *China Cracking Down on Muslim Minority Uighurs*, SAN FRANCISCO CHRONICLE, Nov. 7, 2008, available at <http://www.pulitzercenter.org/openitem.cfm?id=1201>.

In 2001, China amended its religious law, shifting from requiring prior approval for religious institutions to establish seminaries, schools, or scripture classes, to prohibiting anyone from teaching "scripture students" without prior approval. See Human Rts. Watch Report, *infra* note 313, at 36. The law appears to apply not just to religious institutions. In other words, although traditionally, in the countryside, parents would arrange for their children to receive some religious education, along with cultural education (e.g., storytelling and folk songs), from community elders, the law restricted even such informal educational relationships. *Id.* Although the prohibition does not appear to apply to parents teaching their own children, some parents have indicated that they have refrained from doing so out of fear that their children might inadvertently display signs of religious awareness that would inspire the suspicion of officials. *Id.*

312. *Analysts: China Crackdown Fueling Attacks*, LATELINENEWS.COM, Aug. 15, 2008, at <http://lateline.com/news/11/english/10076483.shtml?cc=21396>.

Disallowing children from entering private or public mosques³¹³ further demonstrates Beijing's open hostility toward Islam and its desire to ultimately uproot the religion from the region. Not only does this type of humiliation encourage extremism, as Jessica Stern posits,³¹⁴ but as a theological matter, Muslims prevented from practicing central tenets of their religious beliefs are obligated to engage in civil disobedience—even violent resistance—in order to ensure continued religious practice.

If only out of pragmatism, China should limit its religious restrictions to those that will reduce terrorism without encroaching on the fundamental tenets of Islam. Doing so does not require China to completely abandon its traditional policy of putting some controls on religious practice. For example, China has placed limits on who is able to make the *hajj* or study at Islamic institutions abroad in order to limit Uighur contact with extreme brands of Islam. While China should not flatly ban the *hajj*, a central tenet of the Islamic faith, restricting the *hajj* to applicants fifty or older³¹⁵ is not likely to trigger *jihād*. Limiting Muslim clerics' contact with foreigners,³¹⁶ while somewhat authoritarian, also leaves the essential practice of Islam intact. Beijing also caps the number of Uighurs permitted to study in the Middle East, restricting the privilege to Uighurs who are largely non-religious and those who have demonstrated political loyalty.³¹⁷ Although these requirements are clearly discriminatory, they may mitigate some of the fundamentalist influences on the region without triggering calls for *jihād*.

Finally, China could improve its relationship with Xinjiang's Muslim community by not only reducing religious persecution, but also by showing an active interest in fostering positive relationships with Muslims. Beijing's current efforts in this realm focus on sponsoring conferences between state-sponsored Islamic leaders and the regional Communist Party leadership.³¹⁸ However, because most Muslims, and

313. *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, 17 HUMAN RTS. WATCH, no. 2, at 56 (April 2005), available at <http://www.hrw.org/reports/2005/china0405/china0405text.pdf> [hereinafter Human Rts. Watch Report].

314. See discussion of reasons individuals join terrorists organizations, *supra* p. 70; Stern, *supra* note 27, at W1.

315. See Harris, *supra* note 30, at 121.

316. See *id.*

317. See Human Rts. Watch Report, *supra* note 313, at 57.

318. See e.g., Embassy of the People's Republic of China in the United States, *Senior Leader Holds New Year Talks With Religious Group Leaders*, Feb. 1, 2005, available at <http://www.china-embassy.org/eng/zt/zgrq/t182139.htm>.

especially those most likely to rebel, do not view state-sponsored leaders as legitimate, such meetings are unlikely to appease Xinjiang's Muslims. Moreover, China's policy of excluding Muslims from the Communist Party ensures that Xinjiang's largely Muslim minority is insufficiently represented in leadership positions. Indeed, forcing Muslims to choose between their faith and party membership (and the resultant economic opportunities) reinforces their perception of being victimized and justifies their feelings of isolation from the Chinese state.

China would be better served by allowing Islam to enter the education system in limited ways, joining Xinjiang's curriculum with ethnic heritage and customs.³¹⁹ Many of Xinjiang's fundamentalists embraced separatism as children in underground *madrassas*,³²⁰ where faithful Muslim parents leery of a secular Chinese education currently feel obligated to send their children.³²¹ By allowing the community to participate in establishing curriculum in some limited ways, including permitting the recognition of Islamic heritage and allowing the teaching of Uighur history,³²² China may keep young Uighurs out of *madrassas* and therefore out of separatists' control. Further, China could foster more positive relationships with its Muslim community by emulating some aspects of the U.S. government's "Friendship Through Education" program,³²³ namely, by encouraging Han Chinese (especially those located in Xinjiang) to learn about Muslim culture and to study Uighur or other minority languages. By reducing religious persecution and facilitating improved relations with Xinjiang's Muslim population, China can suppress militancy in its far western province and encourage integration into state institutions.

319. See MacKinnon, *supra* note 200. See also Human Rts. Watch Report, *supra* note 313, at 58 (quoting the Urumqi Manual, which lists restrictions on religious education of any sort in Chinese schools).

320. See *supra* n. 163 and accompanying text.

321. See Harris, *supra* note 30, at 121; Gaye Christoffersen, *Constituting the Uyghur in U.S.-China Relations: The Geopolitics of Identity Formation in the War on Terrorism*, 1 STRATEGIC INSIGHTS (Sept. 2002), available at <http://www.ccc.nps.navy.mil/si/sept02/eastAsia.asp>.

322. See Harris, *supra* note 30, at 121 (observing that teaching Uighur history is forbidden in Chinese schools).

323. The Friendship Through Education initiative was launched by the U.S. Department of Education in response to the events of September 11 and aims to build strong and lasting friendship between American children and those from other countries and cultures. See Friendship Through Education Website, at <http://www.friendshipthrougheducation.org/>.

2. Moderating the Strike Hard Campaign

China's efforts at deterring violence would be more effective if it limited the scope of its Strike Hard campaign to actual criminal or terrorist activity. China must reform its criminal law (or its enforcement) to demonstrate to the Uighurs that punishment is not arbitrary or discriminatory; it should confine its prosecution of "terrorists" to actual militant separatists, rather than targeting political opposition as well.

China's Criminal Law, amended following September 11, not only fails to restrict police and judicial authority, but it provides the basis for arbitrary and draconian punishment.³²⁴ As a result, between March 2002 and February 2005, tens of thousands of people reportedly had been detained in Xinjiang and hundreds, possibly thousands,³²⁵ had been charged or sentenced for "terrorist"³²⁶ offenses. The numbers rose steeply following September 11, 2001, when China linked its campaign to the broader war against terror.³²⁷ China should use criminal sanctions to punish those who engage in violence in Xinjiang, but it should not use criminal sanctions to punish those who peaceably oppose its policies in the region, nor, as in Rebiya Kadeer's case, their families.³²⁸ By

324. AMNESTY PRC "WAR ON TERROR" REPORT, *supra* note 98, at 3-5, 28.

325. *Id.* at 9-10. Beijing has limited news outlets' and human rights organizations' access to the region, so any figures relating to the Strike Hard campaign are estimates based on the little available data.

326. Following September 11, 2001, China changed from referring to Xinjiang's Muslim revolutionaries as "separatists" to calling them "terrorists"; part of its larger public relations efforts to recast its battle with Xinjiang as its own "war on terror." See Willy Wo-Lap Lam, *Terrorism Fight Used to Target China Secessionists*, CNN.COM, Oct. 23, 2001, available at <http://edition.cnn.com/2001/WORLD/asiapcf/east/10/23/willy.china.split/index.html>.

327. See Kurlantzick, *supra* note 125.

328. The Chinese government began to monitor Rebiya Kadeer, a mother of eleven and a prominent Uighur businesswoman, in 1997, shortly after her husband began to work as a broadcaster with *Voice of America* and *Radio Free Asia*. See Jim Yardley, *China Frees Muslim Woman Days Ahead of Rice's Visit*, N.Y. TIMES, Mar. 18, 2005, at A11 [hereinafter *China Frees Muslim Woman*]. In 1999, her son and secretary were detained and sentenced without charge or trial to two- and three-year "re-education through labor" terms respectively. AMNESTY PRC "WAR ON TERROR" REPORT, *supra* note 98. Ultimately, in a secret trial in March 2000, Kadeer was sentenced to eight years imprisonment for "illegally providing state intelligence abroad." *China Frees Muslim Woman*, *supra* note 328.

Kadeer's alleged "espionage" consisted of sending newspaper clippings about the treatment of China's Uighur population to her husband in the United States. *Id.* Fortunately for Kadeer, her high profile prior to her arrest (she had been a prominent businesswoman actively involved in representing the region both in Beijing and at the

suppressing peaceful dissent, China pushes the Uighurs towards more violent forms of opposition.

China amended its Criminal Law in December 2001 to allow itself more latitude in pursuing Xinjiang's separatists. The amendments heighten the punishment for activities already criminalized under existing law and prescribe punishment for those who fund terrorism.³²⁹ China's criminal law also sets out punishment for people who "disturb social order" by gathering in public places, blocking traffic, or obstructing agents of the state from carrying out their duties.³³⁰ As with many Chinese laws, however, these new provisions fail to define several key terms which are referred to throughout the law, including "terrorism," "terrorist organization," or "terrorist crime."³³¹

Beijing has used these provisions to punish organizations that few other countries would consider "terrorist." "Terrorist organization" is not defined in the statute, and therefore can be, and often is, interpreted to encompass peaceful political opposition or religious groups.³³² Indeed, in practice, China equates "terrorism" with "separatism," a term that it has used to refer to a broad range of activities, including peaceful opposition or religious practice. Under China's criminal law, individuals funding peaceful political opposition or religious organizations can potentially be punished by execution, in cases that involve "serious circumstances."³³³ Individuals may be confined to jail simply for membership in a religious or political organization of which Beijing does not approve, or for participating in a public protest.³³⁴ Such measures

United Nations) led to an early release in March 2005, just days in advance of then-Secretary of State Condoleezza Rice's diplomatic visit to China. *Profile: Rebiya Kadeer*, B.B.C. NEWS, Mar. 17, 2005, available at <http://news.bbc.co.uk/1/hi/world/asia-pacific/4357607.stm>. Kadeer quickly fled China for the United States after her release.

Beijing's persecution of Ms. Kadeer's family continued after her release in March. The headquarters of her trading company were ransacked in May and four people were arrested. Ms. Kadeer's son, who helps run the family business, fled and remains in hiding. Associated Press, *Four Arrested as Chinese Ransack Exile's Firm*, WASH. POST, May 15, 2005, at A23.

329. AMNESTY ANTI-TERRORISM LEGISLATION REPORT, *supra* note 171, at 3.

330. *Id.* at 4-5 (citing Article 291 of China's Criminal Law).

331. *See id.* at 3-5.

332. *Id.* at 16.

333. Article 120 of the criminal law establishes default penalties of fines to five years' imprisonment for funding terrorist offenses, except "when the circumstances of the case are serious," in which case no maximum penalty is established. *See* AMNESTY ANTI-TERRORISM LEGISLATION REPORT, *supra* note 171, at 3-4.

334. Punishment for Article 291 disturbing "social order" offenses ranges from public

are not only draconian, but are likely to be met with increased violence.

Beijing would more effectively deter politically driven criminal activity by defining, as the United States has,³³⁵ what constitutes terrorism under its own laws. As discussed above, international disagreement exists over how best to define "terrorism," but that does not justify China's failure to even attempt to define the term. The broad and intentionally ambiguous use of "terrorism" in China's law indicates to both the masses and to law enforcement that political opposition is unacceptable, and that the government may suppress it by any means available. Although China has exhibited some democratic reforms elsewhere in the country,³³⁶ overall some experts speculate that the central government in Beijing actually has strengthened its grip on power in recent years.³³⁷ For that reason, in some respects, the problems of political repression in Xinjiang are not unique to that region. Nevertheless, China's intentionally ambiguous use of the term "terrorism" to justify repressing any dissent, whether violent or peaceable, signals to Xinjiang's population that peaceful political dissent in China is futile and increases the likelihood that people committed to reform will pursue violent solutions to political problems.

3. *Responding to Uighur Concerns*

At present, the majority of Uighurs feel victimized by Beijing. Uighurs lack religious freedom and political expression, their culture is seemingly under attack, and although Xinjiang's economy prospers, they continue to languish in poverty. The result is growing resentment toward Beijing and Han migrants. To curb this resentment and the separatist leanings that result, Beijing should actively seek to halt Han migration, employ more ethnic minorities in the Xinjiang Production and

surveillance to five years' imprisonment. *Id.* at 4-5.

335. For instance, the State Department defines terrorism as "premeditated, politically motivated violence perpetrated against noncombatant [including off-duty military personnel] targets by subnational groups or clandestine agents, usually intended to influence an audience." Brian Whitaker, *The Definition of Terrorism*, GUARDIAN, May 7, 2001, available at <http://www.guardian.co.uk/world/2001/may/07/terrorism>. "Terrorism" is also defined in U.S. statute. See 22 U.S.C. § 2656f(d).

336. China has begun to permit small-scale democratic reforms in villages across the country, has made more-inclusive changes, in the nominating process for local Community Party officials, and has permitted increased public input on legislative matters. Carin Zissis, *China's Slow Road to Democracy*, COUNCIL ON FOREIGN RELATIONS, Mar. 7, 2008, available at <http://www.cfr.org/publication/13616/#2>.

337. *Id.*

Construction Corps, and improve educational systems. By improving the lives of Uighurs and responding to their concerns, Beijing would demonstrate that local fears of ethnic cleansing are misplaced, that Uighurs have a voice in determining Xinjiang's future, and that the Uighurs are valued and respected by the national government. In addition, by reducing wealth disparities and improving the quality of life for Xinjiang's Uighurs, Beijing would largely mute the extremist militants' call to arms.

i. Ending China's Encouragement of Han Migration

The growing Han presence in Xinjiang represents what Uighurs consider a concerted effort by Beijing to end their cultural existence. By ending its encouragement of Han migration, Beijing shows that its aim is not to end Uighur civilization, and thereby negates separatists' claims to the contrary.

Of course, the Chinese government is likely to view such a measure as impractical. A strong Han presence in the region is an important element of China's assimilation policy, and Beijing likely would fear that ending Han migration completely would be tantamount to embracing a long-term goal of returning the region to its ethnic minority residents. Moreover, at present, Beijing views the Han migrants as an essential engine in the region's economic development. Beijing is likely to recognize, however, that ending its pro-migration policy will not end Han migration to the area; the eastern Han already widely view Xinjiang as a land rich with opportunity.

Halting encouragement of migration likely would only slow the flow of Han migrants westward, but the actual effect on migration is less important than the effect of actively addressing Uighur concerns. Announcing a change to its pro-migration policy (and actually making that change) signals to Xinjiang's Uighurs that Beijing is cognizant of their concerns and willing to respond to them. Such responsiveness undercuts claims by separatist militants that their homeland is under attack from the government and that violence is the only means of affecting change.

i. Diversity in the XPCC

Halting Beijing's encouragement of Han migration should be coupled with efforts to improve Uighurs' access to employment. Although the XPCC claims to employ a "mosaic of people from 37

ethnic groups,”³³⁸ the organization’s employees are more than 80 percent Han.³³⁹ Given the 2.38 million people employed by the XPCC, these numbers are significant.³⁴⁰ The XPCC is the leading engine for industrial growth in Xinjiang, yet the local populations are largely excluded from it. Not only has the XPCC encouraged Han migration to the region, but the organization itself represents the control the Han Chinese exert over the Uighur homeland. The XPCC, which orchestrates virtually all public facets of regional life, is controlled by Beijing, not the local Xinjiang government.³⁴¹ The organization’s stated mission is to “work for the well-being of the people of all ethnic groups in Xinjiang,”³⁴² but Xinjiang’s ethnic groups have little voice in determining what projects would improve their “well-being,” nor, by and large, do they participate in the implementation of XPCC projects.

By incorporating minority nationalities into the XPCC leadership and workforce, China would dampen separatism in Xinjiang. Beijing believes that the economic development and industrialization of Xinjiang will increase the region’s wealth and encourage the integration of its peoples. But, until that development begins to directly benefit the Uighurs,³⁴³ Uighurs will continue to view the central government as an outside power imposing its will on their homeland.

Beijing should take measures to ensure Xinjiang’s ethnic minorities benefit from the region’s economic development. If the ethnic composition of the XPCC workforce reflected that of the local population, the organization might no longer appear as another arm of the Han conspiracy. Beijing could require foreign investors to reserve jobs for minority employees (China already requires foreign investors to reserve certain jobs for Chinese employees³⁴⁴), thereby improving the

338. Government of the Xinjiang Uighur Autonomous Region, *Establishment, Development and Role of the Xinjiang Production and Construction Corps*, HISTORY AND DEVELOPMENT OF XINJIANG, available at [http://www.xinjiang.gov.cn/1\\$002/1\\$002\\$010/123.jsp?articleid=2004-10-27-0015](http://www.xinjiang.gov.cn/1$002/1$002$010/123.jsp?articleid=2004-10-27-0015).

339. Charles Hutzler, *China Paramilitary Corps Changes*, ASSOC. PRESS, Dec. 19, 1998, available at http://www.future-china.org/spcl_rpt/uygr/ugr19981219.htm.

340. *Id.*

341. *See* Government of the Xinjiang Uighur Autonomous Region, *supra* note 338.

342. *Id.*

343. *See* discussion of economic development’s effects on the region, *supra* p. 86.

344. *See e.g.*, Ministry of Construction & Ministry of Commerce, *Issues Concerning Proper Handling of the Administration of Qualifications of Foreign-Invested Construction Enterprises Circular: 4200/04.09.06.*, 18 CHINA LAW & PRACTICE 57 (Dec. 2004) (listing specific positions that foreign investors are permitted to fill from outside

Uighurs' access to Xinjiang's best-paying jobs.

iii. Improving Minority Education

Beijing likely considers increasing minority hiring impracticable because of the limited education of Xinjiang's ethnic minorities. Although this is indeed an obstacle, the solution is apparent: the Chinese government should work to improve the education of its ethnic minorities in Xinjiang.

China generally has recognized the importance of education in battling regional separatism, but has taken only perfunctory steps to solve the problem. Xinjiang expenditures on education remain well below many of China's richer provinces, and it is not yet clear whether Beijing will use some of the income from the sale of Xinjiang's oil and gas to improve education in the region.³⁴⁵ The government also has created some affirmative action programs to increase the proportion of ethnic minority students in Xinjiang University and universities elsewhere in the country.³⁴⁶ Even as Beijing encouraged minority enrollment at Xinjiang University, however, it ended the university's long-standing policy of permitting instruction in Uighur, severely limiting educational opportunities for the Uighur youth (who generally do not speak Mandarin).³⁴⁷ Requiring Uighurs to learn Mandarin may indeed increase their employability, but Beijing would better facilitate the spread of Mandarin by incorporating it into Xinjiang University's required curriculum, rather than making the language a barrier to attaining higher education. By improving educational opportunities for China's Uighurs, China would counteract claims of pro-Han discrimination and increase the likelihood that Uighurs are gainfully employed and integrated into the local economy.

CONCLUSION

China's Strike Hard Policy in Xinjiang has helped transform the Uighur independence movement from a loosely-organized campaign into

China).

345. Linda Benson, *Education and Social Mobility among Minority Populations*, in S. FREDERICK STARR, ED., *XINJIANG: CHINA'S MUSLIM BORDERLAND 205-06* (2004).

346. DILLON, *supra* note 117, at 74-75.

347. See Rupert Wingfield-Hayes, *Language Blow for China's Muslims*, B.B.C. NEWS, June 1, 2002, available at <http://news.bbc.co.uk/1/hi/world/asia-pacific/2020009.stm>.

a relatively cohesive—and far more violent—crusade. In other words, China's so-called “war on terror” has generated just the terror it was purportedly designed to prevent.

Meanwhile, an uncontrolled influx of Han migrants to the region, coupled with Beijing's crackdown on Uighur culture, threatens, in the Uighur view, the very survival of their civilization. China's industrialization policies, directed at integrating the region's ethnic minorities into the economy, have instead forced them to the periphery, engendering bitter anti-Han sentiment. As Muslim incomes continue to dwindle relative to the Han, the Uighurs and other ethnic minorities feel increasingly victimized by the central government.

Certain that Beijing wishes to extinguish their ethnic identity, once-divided Uighur communities are increasingly banding together. The frustration with China's policies is fueling the very separatist militancy that Beijing wishes to suppress. And though few Uighurs have ever before adopted radical strains of Islam, Beijing's efforts to restrict religious practice in Xinjiang increasingly has generated Uighur calls for *jihād*.

It is likely that as Uighurs feel increasingly victimized by Beijing, more and more Uighurs will tend toward separatism and religious extremism. Xinjiang's separatist attacks have become increasingly sophisticated and increasingly tied to religion, a sign that militants' cries for *jihād* may find more public support. Moreover, an increasing number of traditionally non-violent Uighur separatist groups now view militancy as an inevitable recourse, signaling a broader sense of desperation. By adopting policies that foster separatist sentiment, Beijing fuels its own “terrorist” threat.

To stem violence by Uighur separatists, China must recognize Xinjiang's unique religious and cultural identity, properly distinguish between violent and peaceable dissent by moderating its Strike Hard campaign, and promote economic development that directly benefits minorities. Xinjiang's separatist movement is sufficiently fragmented that it will likely never secure independence, but the fight for it may result in significant loss of life and serious injury to regional investment and the local economy. If China hopes to achieve long-term stability in the region, it must abandon its discriminatory policies and pursue others that will allow the Uighurs increased religious freedom and economic opportunities. Beijing should permit the practice of central Islamic tenets and actively foster positive relationships with its Islamic populace. China should also reform its criminal law (or its enforcement) to

demonstrate to the Uighurs that punishment is not arbitrary or discriminatory; it should confine its prosecution of “terrorists” to actual militant separatists, rather than targeting all political opposition. Moreover, Beijing should attempt to alleviate the wealth disparities between the Uighurs and the Han Chinese. For instance, it should embrace affirmative action policies, strengthen the region’s education system, and stop encouraging Han migration. If China can demonstrate a willingness to respond to the concerns of its Uighur minority, militant claims that self-determination and cultural preservation are only possible through violence are more likely to fall on deaf ears.