

Foreign Affairs Committee

Oral evidence: Xinjiang detention camps - 12 01 21, HC 800

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Members present: Tom Tugendhat (Chair); Chris Bryant; Alicia Kearns; Stewart Malcolm McDonald; Henry Smith; Royston Smith; Graham Stringer.

Questions 52-86

Witnesses

I: Dr Kate Ferguson, Co-Executive Director at Protection Approaches and Chair of Policy at European Centre for the Responsibility to Protect, and Nicola Reindorp, Deputy Executive Director and incoming CEO of Crisis Action.

II: Dr Simon Adams, Executive Director at Global Centre for the Responsibility to Protect, Dr Gregory Stanton, Founding President and Chairman at Genocide Watch, and Ambassador Stephen Rapp, Former United States Ambassador-at-Large at Office of Global Criminal Justice.



Examination of witnesses

Witnesses: Dr Kate Ferguson and Nicola Reindorp.

Q52 **Chair:** Welcome to this afternoon's session of the Foreign Affairs Committee. We are going to be talking about the abuses in Xinjiang, in western China. I will ask our two witnesses to introduce themselves very briefly. For no other reason than it is how you appear on my screen, would you like to go first, Dr Ferguson?

Dr Ferguson: Thank you very much for having me. I am Dr Kate Ferguson. I am co-executive director at Protection Approaches, and I am also chair of policy at the European Centre for the Responsibility to Protect at Leeds.

Nicola Reindorp: Good afternoon. I am the deputy executive director and incoming CEO of Crisis Action¹, which builds coalitions to protect people from war and mass atrocities.

Q53 **Chair:** May I ask a relatively open question? Please do not feel the need to repeat each other's answers on it. Is the UK's approach to atrocity prevention appropriate to the challenges that we face? What should change?

Dr Ferguson: As you know, I have been analysing the UK's responses to atrocities for well over 10 years, and I am afraid that the answer has always been no. I would like to answer that as fully as I can in the time available.

It is really important to start by saying that there have always been excellent people in the UK civil service, in embassies, in Whitehall and in New York, so none of my remarks now or this afternoon should be interpreted as undermining that fact. Likewise, the UK does many things related to atrocity prevention very well. It has strengthened its conflict prevention work and its overseas development contributions. It is developing what I think is a very robust approach to organised crime. Many, myself included, would in fact consider modern atrocities as a form of organised crime. So there are many intersections that are done really well.

To my mind, however, the UK has never really taken a good look at its atrocity prevention efforts in anything close to a holistic way. That is in contrast to states such as the US, so either the UK has never thought about it or, in more recent years, there has been a sense that it has just hoped that its existing work on conflict prevention and development would suffice. What that means is that over the last few years, the specific skills, expertise and approaches that we know can work in reducing the risk of atrocities have fallen through the cracks between conflict prevention, international development and other areas.

¹ The witness later clarified they were speaking in a personal capacity.



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I suppose that is something that has always been a problem in UK Governments, so that is a criticism not just of this Government, but of past Governments. In some ways, perhaps, this Government have done more to acknowledge atrocity prevention explicitly than any other in this country for a very long time.

What is really important to underline is that the prevention of genocide and crimes against humanity can be seen to be absent in UK policy at almost every stage of the cycle of prevention. When I say that, I mean when we are talking about upstream prevention, when those risks are rising but they are still reversible; the moment when violence is imminent but still avoidable; the moment when violence is ongoing; and then after the fact, when atrocities have already occurred.

At every single stage, I am afraid, to my mind, atrocity prevention thinking and atrocity prevention strategy have been absent. While there are exceptions—I think the UK and South Sudan is an example for us to point to where things are done well, and I think the UK team in Myanmar is making some strides in increasingly learning the lessons of the mistakes that were made leading up to the terrible atrocities in Rakhine in 2017—there is no co-ordinating strategy.

So while there are related efforts that make a positive contribution, and there are exceptional individuals who help plug those gaps, there is simply no co-ordinating policy and no institutionalisation. That means that when you have good individuals in places where atrocities are a risk, there is no means of collecting that muscle-memory—that institutional memory—when they move on. I am afraid that none of that co-ordinating work is being done.

The second part of the problem, to my mind, is that an effective approach to atrocity prevention requires almost all Departments in Government. In order for the UK to be upholding its obligations to help prevent genocide and crimes against humanity, you need all sorts of Departments involved, not just the internationally facing ones—the Treasury needs to be involved because of sanctions; the Home Office needs to be involved because of asylum applications; the Department for Education needs to be involved to ensure that the kids know how to approach material that denies genocide and spreads division. As you said in the Chamber this afternoon, Chair, that involves being able to confront efforts to undermine both research and the very substance of culture and freedom in the UK. The Ministry of Justice also needs to be involved so that the UK can prosecute suspects that are present within this country. At the moment, none of that is being done intentionally. Some of it is being done indirectly. The UK does make important contributions to atrocity prevention, but not in a joined-up way.

The last thing I will say is that I think it is important for me to acknowledge the step forward that was made in 2019 by this Government in publishing, for the first time, their national approach to mass atrocity prevention. While this fell a great deal short of a national strategy—which this Committee, the UK Civil Society Atrocity Prevention Working Group and my organisation, Protection Approaches, have long called for—it did



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set out that atrocity prevention was a matter for the MOD, FCO and for DFID. It set out tools and related agendas that showed how Whitehall thinks about atrocity prevention.

This is an important step, which I would like to welcome and acknowledge, but without any co-ordinating mechanism, without any resources, and without it being anyone's job, it is very hard to see how this approach has any legs. While we are in a better place today than we were in 2018—and perhaps the last time that I was with the Committee to give oral evidence—there is still a long way to go.

I will end by saying that perhaps the FCO-DFID merger, however it came to pass, certainly brings an opportunity to reimagine what the architectures tasked with upholding that approach to atrocity prevention could look like. However, that requires a lot of work.

- Q54 **Chair:** Ms Reindorp, what is your take on this? You have done a lot of work in conflict prevention in the past. Do you think this is too conflated with atrocity prevention? Do you think we should look at both together or separately?

Nicola Reindorp: If I may—I hope this will not necessarily be the format of this—I will say a couple of things more simply than Kate but echoing them. To go back to why this matters, let us just remember the ingredients. For anything to happen in Government or in the world requires political will—to see that something matters as a priority. If you want to prevent anything, first and foremost, you need political leadership and you need the bureaucratic requirement that it is a priority. I will come back to understanding why, politically, I think that matters.

Kate, as ever, cogently talked through those other pieces. This is a priority, so let us have an effective early warning system that knows what we are looking for. We have an interdepartmental process that brings the relevant players to the table. Remember, it is the same thing as for diversity: you need different people with different lenses thinking through and analysing the problem, then thinking about what tools we are going to use. You need good tools and capabilities to be able to prevent atrocity or conflict, and you want to be able to do that effectively with others in a multilateral system and in a consistent way. Consistency is core to effectiveness.

If we go back to the political piece, what do I think, and what does Crisis Action see—this is a personal view and one of our partners—is the core to why Britain is being inconsistent, piecemeal and inadequate in the prevention of both atrocities and conflict? It is in the sense that it needs to be a political priority and for there to be political leadership at the highest levels through Departments that recognises that it is core to Britain's interest, and that the occurrence of atrocities outside of conflict can be an indicator of instability that threatens trade and prosperity. It is a threat to our interest because we need to be, and have been—the best of Britain has been—at the forefront of upholding and creating an international system of laws and rules.



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We were at the forefront, and I led the campaign in the United Nations for Oxfam, of getting agreement about the responsibility to protect. Remember that core notion: sovereignty brings responsibility. You are not entitled, in the 21st century, to do whatever you want to your domestic population. All Governments—the largest gathering ever of world leaders—came together to say that we have a national responsibility to protect our own populations from genocide, crimes against humanity, ethnic cleansing and war crimes, and that we have an obligation first and foremost to our own populations.

There is that sense that it is in Britain's interest to prevent atrocities. It is also core to our values and is part of our history, as with tackling the genocidal regime in the second world war. Let us remember that the worst of the atrocities, Kristallnacht, was outside of the context of an armed conflict at the time. The Rwandan genocide was kicked off not in the context of an armed conflict. So again, it is core to Britain's values.

Finally, it is who we are as Brits. Children anywhere matter. If we can seek to help someone, we do. If we can protect the most vulnerable, at risk of the worst crimes, as my friend Jo Cox wrote, "It is how history judges us." So I would recap the sense that, as Kate has laid out, there are bureaucratic changes that we need to happen, but at its core is the recognition of how fundamental the obligation is to protect and prevent genocide, crimes against humanity, ethnic cleansing and war crimes—the gravest crimes that can occur outside of conflict situations. The beginnings of the Holocaust showed us that. Rwanda, Myanmar—there are distinct situations where identity-based violence, the insurgence of hate speech and the incitement of crimes against individuals take place outside of a situation of armed conflict.

Dr Ferguson: May I add something on the problem of conflating conflict prevention with atrocity prevention, to build on everything that Nicola has said? Although most incidents of modern mass atrocity occur in the context of armed conflict, a very significant minority do not. Although we can debate the numbers, roughly a third of modern atrocities, modern genocides and crimes against humanity take place in so-called peacetime. It is probably better to say that they occur outside of situations of hot armed conflict. The reason that we are here today, of course, is because of this important inquiry looking at the terrible crimes that are happening in Xinjiang. That is explicitly and very clearly an example of modern mass atrocities that are occurring outside a situation of armed conflict, ergo the approaches of conflict prevention can easily be seen to be inappropriate or ineffective in that context. It is very explicit for all to see that conflict prevention will not work in this context. Unfortunately, for far too long in the United Kingdom there has been this assumption that atrocity prevention is being done through conflict prevention.

To really underline that point, there is another false premise here. Unfortunately, for many, many people in the UK Government who I come into contact with, there is this sense that armed conflict leads to genocide and crimes against humanity, and there is therefore the idea that atrocity



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prevention is something that follows on from conflict prevention. That simply is not true. Certainly, we know that the instability and impact of war can have a radicalising effect, and we know that it can be a useful smokescreen for other manifestations of violence, but genocide and crimes against humanity do not just happen. They are not the unfortunate consequences or by-products of instability or war. Genocide and crimes against humanity have a political logic; they serve a purpose for those who perpetrate them. They are intentionally committed. The Holocaust and the second world war were related but distinct processes of violence.

That is such an important thing to remember, yet to me it seems quite absent from the way the UK understands atrocities. Actually, perhaps even more importantly, mass atrocities themselves are often a driver of modern conflict in our world today. Look at what is happening in Syria. The catastrophe in Syria over the past decade is not the product of a war in which atrocities have been committed. Instead, it is the result of a campaign of atrocities that then provoked war and other forms of violence. Despite this sense that war and identity-based violence might sometimes overlap, they are distinct violent phenomena, so they necessarily require sometimes related but necessarily distinct strategies of prevention and punishment.

The reason for that is that it is very, very hard. Genocide and crimes against humanity are crimes about prejudice, exclusion, discrimination, injustice and grievance. They are very often about the deliberate targeting of civilian populations or groups because of how perpetrators see or manipulate an aspect of their identity. We know that they are predictable and can sometimes be preventable, but we have to acknowledge the root of where those different forms of violence come from, and the roots of genocide and crimes against humanity are different from the roots of war. The warning signs of genocide and crimes against humanity are different from the warning signs of armed conflict. Yet at the moment, the UK's approach to atrocity prevention, such as it is, has been merged to such an extent that it is indistinguishable from conflict prevention. That is why the UK has been too late to come to the table when it comes to the detention of populations in Xinjiang: because it does not have the answers.

Chair: Thank you very much. Chris, do you want to come in on this?

Chris Bryant: To be honest, the question I was going to ask has been covered, thanks.

Chair: Graham?

Q55 **Graham Stringer:** What is the best example of success in atrocity prevention that this country has been part of?

Dr Ferguson: The long pause there may be illustrative of something. I can take a stab, but I am sure Nicola is really well placed to come at this. One of the problems when you talk about prevention is that you do not necessarily notice what has been prevented—that is sometimes a difficulty. Unfortunately, no enormous cases leap to mind of situations



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where the UK has taken a lead, unless perhaps you look at peace in Northern Ireland, say. I would consider that an example of a situation in which atrocity risks were high and atrocities had been ongoing, and that peace process has led to an absence of atrocities and to constrictive peace building.

I think there was a collective response from the international community following election violence in Kenya some years ago, and the UK, while not leading, was certainly prominent and present in those discussions.

There are certainly more well-documented instances where other states have had a conscious strategy and understanding of the principles of atrocity prevention where their efforts have been effectively implemented, to the extent that they have been credited with reducing atrocity risks. The US's Atrocities Prevention Board and its actions in the Central African Republic in 2014-15 are a good example. In a slightly different way, the national mechanism of genocide and atrocity prevention in Tanzania is credited with having a very effective impact in reducing group tensions and the likelihood of violence in its own country.

Q56 Graham Stringer: Those are all relatively small or not very economically powerful countries. Do we have to take a completely different approach to an economically powerful and large country like China—well, China specifically, not “like China”?

Nicola Reindorp: Without wanting to be glib, I would suggest the short answer is “Don’t take a different approach”, because consistency here is really important. As with any Government, if Britain is not consistent in how we demonstrate concern about atrocity prevention, it feeds the cynicism—the concern that there is one rule for the powerful and another for the powerless—and undermines that core commitment that was such a breakthrough at the world summit in 2005: that every Government has a responsibility to protect, and that it is no longer possible to claim, as China has, that there is non-interference in domestic affairs. The commitment to the responsibility to protect explicitly states otherwise.

If we again walk through the elements of what effective atrocity prevention looks like in practice, the warning signs come through that abuses are being committed from civil society, journalists and other member states. The UK then has to consider what levers it has; what tools it has at its disposal, whether to encourage the state in question to uphold its own national responsibility to protect—offers of assistance that a Government can make in order to enable a sovereign Government to uphold their responsibility—or, where it is manifestly failing, to take action without the consent of the Government concerned. That could mean the application of sanctions, including exclusion from key events, formal and informal sanctions, and targeted sanctions of the kind that this Government put in place through the Magnitsky sanctions from last year, targeting individuals. Those are all tools in the toolbox that can be used.

Then, of course, the UK can work with its partners internationally to cast opprobrium on what is going on, whether in international forums such as



the Human Rights Council or with our allies. This is also one of those situations where as domestic populations, as individuals, we have ways of signalling through our consumer power—where we get our cotton and where we get our cars—that we do not want our daily products to come at the expense of somebody else in slavery, or at the cost of our planet. Those core pieces of how the UK Government consider what levers and forms of influence they have should be the same, and done in a consistent way.

Let us remember, since Kate and I were sitting here scratching our heads and I was going to offer similar examples to those she has just shared, that the cases of effective prevention are few and far between.

However, the quicker a Government responds to signs that abuses are in the offing, the larger and less costly the toolbox you have to deal with that. Again, it comes back to the piece about political will, political priority and an interest in being consistent in how we uphold and protect fundamental human rights and fundamental norms, and uphold the core notion that sovereignty brings responsibility and it cannot get shelved in the interests of trade or if we seek to prioritise what we perceive as interests, narrowly construed, over the fundamental interests that Britain has of upholding international law and protecting our values for how we expect human beings to be treated and how the British Government should expect also to be held to account for how it is protecting its own population and how it is adhering to rules and norms around human rights, where I think there is a more questionable case—for example, in relation to Yemen and arms sales, or other places where the inconsistency in the UK Government's policy can be seen.

Q57 Graham Stringer: I have a final question. I am prepared to change my consumer behaviour—I am even prepared to try to persuade other people to change their consumer behaviour—but are you saying explicitly that this country should try to form an alliance to reduce trade in certain goods with China and try to get it expelled or withdrawn from certain international bodies? Individual action is very different. We can all feel better doing that, and it may be effective, but I think what you are asking for is for the Government to do these things. I just want us to be very clear about that.

Nicola Reindorp: In relation to consideration of, for example, expulsion from a body, Governments are voted on to the Human Rights Council of the United Nations, and one of the core reforms that came through in 2005 was the idea of a peer review mechanism—that every member of the United Nations should be held to account for its conduct and its adherence to core human rights norms. In this argument about the effectiveness of our international legal system and international law and norms, the desire for consistency and working effectively through those bodies—as I say, this is the conduct that, as members of the United Nations and the international community, we adhere to. I think Britain should be working effectively with its partners to do so. That, I think, is core to effective atrocity and conflict prevention—working effectively and collaboratively with allies and partners across the world.



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We need to remember and go back to the core of the responsibility to protect doctrine and how that got agreed. Where it is seen to be an alliance of western Governments working alone, where it is seen to be a split between the north and the south, that calls it into question and creates cynicism around the norms—cynicism that Britain or any western nation is interested in norms of human rights where that serves its own perceived domestic interests, but not where it might be subject to criticism.

So it's a question of working effectively with allies across the world that are interested to ensure that we do not conduct trade and international politics in a way that imperils our planet and imperils children, and behave in ways that demean us as human beings. That was my experience in meeting diplomats across the world when negotiating the responsibility to protect. If you ask, "Should we have stood by in the face of Rwandan genocide if we knew it was happening again?", nobody would say yes. Nobody thinks it is a good idea that we should stand by and do nothing where abuses are being created. I think it is possible to build those alliances to work through existing forums, to demonstrate opprobrium, as well as using trade and other tools, which is why, again, the cross-departmental process is so important. All parts of Government that have a bearing on engaging internationally need to be part of an effective policy.

Q58 Graham Stringer: I am looking for a slightly more than one-word answer, but essentially a one-word answer. You are saying that you would advocate an international trade boycott.

Nicola Reindorp: No. As with any country, Britain should be working effectively to consider where, for example, it needs more of a coherent strategy for China, as with any country where human rights is a concern, to prevent atrocities and uphold those core obligations. That should be at the heart of the overall navigation of the relationship with China. Should Britain be trading with countries that will enable companies to trade in areas where they are violating or committing crimes against humanity, or that are implicated in violating fundamental norms? No. Is that an absolute trade boycott? No. Is it about ensuring that there is legislation in place to prevent profit from being made from the situation? Yes.

Graham Stringer: Thank you.

Chair: We will move on. Alicia, you wanted to pick up on some of this cross-departmental stuff. Over to you.

Q59 Alicia Kearns: Thank you, Chair, and thanks to both witnesses for giving evidence today. You may be aware of my call, since I was elected, for the creation of an atrocity prevention unit at the Foreign Office, made up of legal experts and experts in sanctions, open-source intelligence, counter-disinformation, multilateral aid and urgent programming. I think this is really vital if we are to stop relying on country or subject teams to suddenly upskill themselves to be able to limit or stop atrocities, but also to ensure that atrocity warnings can be triggered earlier. How do you believe that atrocity prevention is best improved at the Foreign Office, and are there specific bodies or appointees that you think we should be



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making in order to do that most effectively? Dr Ferguson, do you want to go first?

Dr Ferguson: Thank you so much. I think that is a great question and I have really welcomed your recommendations and interventions on this issue. I really support them.

It is also a great question because you are asking it at a moment when the answer does not need to be hypothetical or a wish list, because we are at this weird inflection point for the UK where we have got the FCDO merger and we await the integrated review with bated breath. With that moment comes the opportunity to reimagine how the UK contributes to these cross-cutting issues, such as human rights, atrocity prevention, justice and accountability, which, as you know so well, have always fallen through the cracks.

Maybe what I can run through are the top lines of what I really would put forward for how atrocity prevention can be improved on that departmental level. I will maybe focus mainly on the FCDO in my remarks, because I have already mentioned that I think this needs to be a fully integrated, cross-cutting issue that touches on almost every Department in Government.

First of all, I think that atrocity prevention must be set out indisputably as a matter of UK national interest. It is in the UK's interests that these crimes do not take place, for many reasons—for instance, for global stability, for reasons of trade, for the enormous population movements that they force, and for the enormous human but also economic costs. These crimes are with us for generations.

I also think that we can learn some very important lessons from the steps forward that the US was able to take, not just in establishing the Atrocities Prevention Board but in integrating atrocity prevention in its international-facing policy from that moment of declaring atrocity prevention as a matter of national interest.

Then there needs to be a comprehensive national strategy for atrocity prevention. I have said repeatedly that I think that this should be along the lines of the serious and organised crime strategy. It is a comparable global challenge that impacts some people who are present in the UK—some of our own citizens—even if it exists primarily overseas. Whether co-ordination for atrocity prevention would sit ultimately in FCDO or maybe the Cabinet Office, it is necessary to have such a strategy to connect all those and other Departments with a means of strategic planning rooted in horizon scanning, scenario planning and that foresight prevention-thinking that we know is integral to the effective implementation of atrocity prevention, as well as having the capabilities that you yourself have mentioned about being able to activate very quickly in urgent situations.

Such a strategy would ensure that atrocity prevention thinking was integrated into related agendas, but also vice versa. And on this sort of cross-cutting way of thinking, I do think that the UK Government have



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been making very positive steps forwards in other areas. It is just that atrocity prevention has not yet been folded into that.

I think that we then need to look at early warning and risk assessment tools. They need to be considerably redesigned or supplemented to ensure that those specific indicators, and risks of genocide and crimes against humanity, are being monitored and integrated into the UK's strategic thinking and planning, the countries at risk index, the joint analysis for conflict and stability processes, and so on. For some time, we have been calling for a joint analysis tool or unit, which would fall across the UK's internationally facing Departments, where expertise in atrocity risk analysis can sit and be leveraged.

The next thing I would call for is for embassy teams to be trained. Other states have been doing that for a long time. The UK is making some steps in that direction but really needs to ramp it up. When I undertook research into the UK's response to the atrocities in Rakhine in 2017, not one official that I spoke to who had been in Yangon had received training in atrocity prevention. That is not exceptional—you will know that—but it is easily remedied. That is something that we can really make space on.

The next thing is that embassies in countries with populations at risk really need to think about what I would call an emergency communications protocol. At the moment, the established bureaucracy or hierarchy of communication that exists in the FCDO—my analysis was mostly done on the FCO, so we do not know what the new structure quite looks like—is such that those who are closest to the risks of violence are forced, very often, to pass up their information in communication processes up the hierarchy. That means that, very often, the urgency of what they are witnessing is diluted and sometimes lost. It is piled into the ministerial briefs, so the Minister just knows that something is an urgent situation, but he or she is also reviewing all the other issues that come across their desk.

Especially while we lack an atrocity prevention strategy, it is important to have a simple piece of infrastructure that is low resource and has practically no cost, but can potentially have an enormously life-saving impact, which is where those embassies have a directory of who to communicate with and when, a sense of what to measure and how, and an understanding of what tools are at their disposal and when they can implement them. Just like we have tsunami warnings and earthquake warnings—we will now always have pandemic warning systems—we need to have one for atrocity risks. That is something that can be applied.

The next thing is that atrocity prevention needs to become people's jobs. At the moment, there are very few people in the UK Government structure who have atrocity prevention on their job description. We know that civil servants work so hard. The idea that they are then expected to make time for something that some of us work on for our entire careers—it takes years and years to develop that skillset—is not fair on civil servants. We need to make it people's jobs and we cannot simply make it the most junior person's responsibility. That is unfair.



Chair: We will have to move on. Forgive me.

Dr Ferguson: I am halfway through my wish list. Okay. I can stop there. I think I have made a case.

Chair: I think you have. Stewart, you wanted to come in.

Q60 **Stewart Malcolm McDonald:** Thanks, Chair. Thanks to both our witnesses for being with us this afternoon. Dr Ferguson, you started to stray into what I was going to ask about, which is early warning mechanisms. Could you both talk about how you see the current early warning mechanisms? Are they fit for purpose? How could they be improved? There is praise for them in the written evidence that we have received from the Jo Cox Foundation, but there are also criticisms of them for being too slow and things end up being missed or do not get to a Minister's desk until it is too late. Can you talk us through what you see as the problems and how best to fix them?

Nicola Reindorp: Can I super quickly pick up on the problem piece? Kate can then talk a little bit about the solution. I have a slight tweak. As Ms Kearns showed, the importance of expertise matters, and having a requirement that you will be praised in your performance appraisal—that demand is really important. My slight tweak to what Kate has said is that it is right that atrocity prevention has to be somebody's business, and there needs to be an effective early warning to trigger early action. Again, all the imperatives and incentives need to be: "I will not be squeezed out or shouted down. I will be listened to. If I think there is something in the offing, all the alerts should be about putting this at the top of the Minister's brief, even if it is then found out to be not as bad as it could be." If you like, it is the precautionary principle. If there is a whiff of smoke, we should think about fire rather than waiting for the bonfire to be absolutely blazing before we say, "Oh yes, now we should, but we have something terrible going on."

There are a couple of tweaks to the idea that, like we say, if you have one general adviser, that is great for expertise. But it needs to be everybody's obligation to ensure that they are playing their part in looking out for potential atrocities or conflict. Again, the bureaucratic impulse needs to be that our instincts are that stuff should get raised and not buried. That comes back to the beginning of the conversation about the importance of political leadership and the signals from the top.

The last thing I will say is let us remember the nightmare example of a failure of early warning. When the Canadian General Roméo Dallaire was heading a peacekeeping operation in Rwanda in 1994, he had received lists of people who were targeted by the genocidal Rwandan Government and who they intended to murder. That was sent—he sent that to New York. It went to the Department of Peacekeeping Operations and got buried. That is the piece about the message that comes through and has been received. Does the recipient understand what they are seeing, and is the message that this has to get out of their hands and go up the chain as quickly as possible, as a trigger for action? The political leadership, the



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bureaucratic impasses, the requirement that everybody has a role in the prevention of atrocities and armed conflict, even if some colleagues have expertise to guide, trigger and convene—I think that is at the core of how you make sure that policy gets turned into practical action.

Dr Ferguson: I underline that point from Nicola: to be done effectively, atrocity prevention needs to be everyone's business. The reason that it cannot be, and that embassies or whoever in New York cannot do that, is that there is no national strategy. People do not have a public policy to follow. It is not a matter of national interest, so it is not automatically integrated into UK policy.

The question of early warning is really critical. There are two major headlines that I would emphasise on what is wrong with the current early warning systems and why atrocity risks consistently seem to be missed or are absent. One is that it is too focused on armed conflict. The other is because of the timeframes or horizon on which our early warning mechanisms are focused. There is not an emphasis on prevention; it is more about firefighting. It is more about responding to the crisis that we can see and then reacting, rather than really investing in prevention thinking—that foresight policy making of looking for the crises that are less obvious. That is really where sustainable stability and prevention is rooted.

To highlight an example of where these limitations are, let us take a very brief moment to think about the UK's Joint Analysis of Conflict and Stability tool—JACS. This is one of the major early warning and risk assessment tools that the UK Government has at its disposal. First, it tends to be triggered only when the situation is worsening, and secondly, it is only really focused on hot conflict. It is a conflict tool, so while it might be very useful in situations of armed conflict, it has repeatedly appeared to be not very effective in situations where we are talking about mass atrocities. A JACS was not initiated in Rakhine until long after the summer of 2017. Either it is not fit for purpose in a context where mass atrocity risks are very high, or it is not being implemented or triggered in such contexts. A question I would ask, if I was able to, of those who are responsible in FCDO, is: "Has a JACS been triggered for Xinjiang? If not, what other means are there for triggering a means of analysis? What is missing?"

There are many things that the UK could think about implementing, as well as an internal alarm system of early warning, which I mentioned. Use more public perception data; atrocity crimes are about perceptions of grievance as much as they are the reality of inequality. Undertake scenario planning in embassies; that is such a useful early warning tool. Yes, there are serious limitations, but they could be reasonably rectified without investing in expensive resources.

- Q61 **Royston Smith:** Dr Ferguson, you mentioned the US earlier, and atrocity prevention as a matter of national interest. You will probably say the US—I am not sure—but which countries are doing well and what could we learn from them?



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Dr Ferguson: That is a great question; I am mindful of the fabulous session that is following this one, where there will be experts who are far better placed to speak on that US experience than I am. There are different models of atrocity prevention prioritisation that the UK could learn from, and maybe I will briefly run through some of those, but I am happy to speak at greater length if that is necessary.

The EU's atrocity prevention toolbox is really limited. However, it was still something, and the UK has now lost access to that toolkit. It would be interesting to know whether the UK plans on replicating that modest set of internal communication and co-ordinating with European partners. I don't say that the EU toolbox is a model of excellence, but it is a means of internal communication and flag-raising that the UK now does not have access to.

There are modest contributions that are really important and make a difference, such as undertaking atrocity prevention training. States such as Australia, for example, have invested funds—not loads; we are talking tens of thousands rather than hundreds of thousands—in undertaking training of their diplomats and their embassy staff in the principles and fundamentals of atrocity prevention. There are examples of states and different embassies doing that together.

The US is perhaps an example where the atrocity prevention agenda and policy priorities have been most comprehensively integrated. As well as its being acknowledged as a matter of national interest, under President Obama they established the Atrocities Prevention Board. That model would probably not be replicable for the United Kingdom, but there are other things that the US did during that Administration, some of which have continued under this Administration, that are useful for the UK to replicate—very simple things, such as providing a field guide for USAID on atrocity prevention and the relationship between atrocity prevention and development. It is a very simple concept and a useful practical outcome that UK DFID never had.

The way the US co-ordinates with its civil society on atrocity prevention is exceptionally important. Perhaps you will say I would always say this, but I would always welcome a warmer and more open relationship with our Government counterparts. We are here to help. The UK has a rich civil society that has that expertise and, especially in times of great need and narrowing resources, engaging with UK civil society and the network of 25 NGOs and experts that form the atrocity prevention working group would be following the model of the US in a way that would be useful.

Something that the US did when it first established the atrocity prevention working group was to appoint two fellows in atrocity prevention. One came from Government but the other came from civil society. It was a way of augmenting that expertise—it did not, at that time, necessarily exist in the way that it does now—in the US Administration, within the State Department. It also fostered strong bonds between this emerging mechanism of atrocity prevention and civil society. Again, I think that is something that could be replicable.



Q62 **Royston Smith:** What do either or both of you think we should do to co-ordinate with other countries?

Nicola Reindorp: Shall I kick off, Kate, and then you can pick up? Obviously, the UK Government sits in a number of places where we can actively engage. Of course, it is a member of the Security Council. There is also the commitment within NATO around prevention and the protection of civilians from genocide and ethnic cleansing. On the protection of civilians, there is a lot of work going on.

The UK is part of the international atrocity prevention group, which is a group of like-minded states, where it can collaborate. This year is a moment where there are important initiatives taking place to think through ways of getting greater connection between action on climate change, pandemic prevention, inequality and prevention of conflict and atrocities. As the chair of the G7, as well as hosting the climate summit, there is an opportunity for the UK to set out how it wants to be a leader and not a laggard across a range of agendas around the prevention of harms to both people and the planet.

There are any number of forums in which the UK can work as an effective international partner and be able to collaborate. As I mentioned earlier on, as a member of the UN Human Rights Council, there is a sense of being able to convene to identify the strategy on a particular country, to collaborate with other members of the international community, to deploy that in different forums and to use the different tools at its disposal. There are a range of options.

Dr Ferguson: I would add that one simple way is being clearer about how the UK seeks to uphold its obligations when it comes to genocide and crimes against humanity. That would in itself foster and encourage stronger collaboration with other states.

I realise that Dr Simon Adams is in the next session, and he will tell me off if I get this wrong, but I believe the network of focal points for the responsibility to protect is now made up of over 70 states—74, or something like that. They have appointed focal points who are charged with upholding or co-ordinating their national responsibilities to protect.

Our own focal point is James Kariuki, who is at the multilateral directorate. He has at his disposal this network of states, and individuals within those states who have, as part of their job description, this commitment and knowledge set. The Global Centre for the Responsibility to Protect convenes regular meetings. There is access there to like-minded thinkers and allies that could also be leveraged. Thinking about how the Government might want to better resource the position of our focal point as a means of global co-ordination and leadership, that is worth considering.

Chair: I am going to stop there and say thank you very much to our two witnesses. I am extremely grateful for the context in which they have put this. I am going to go straight on to the second panel, because we are



relatively tight on time. Thank you very much, Dr Ferguson and Ms Reindorp. We are extremely grateful.

Examination of witnesses

Witnesses: Dr Simon Adams, Dr Gregory Stanton and Ambassador Stephen Rapp.

Q63 **Chair:** I will ask all three witnesses to introduce themselves briefly, and then we will go straight into the questions. For no reason other than that this is the order in which they appear in on my screen, please can we have Ambassador Rapp, then Dr Stanton and then Dr Adams?

Ambassador Rapp: Good afternoon. I am Stephen Rapp; I am a former international prosecutor for Rwanda and Sierra Leone, and I served for six years during the Obama Administration as the US Ambassador-at-Large for global criminal justice. I am now a senior fellow, both at the US Holocaust Memorial Museum's Center for the Prevention of Genocide and at Oxford Blavatnik school's programme on international peace and security. Today, I appear in my individual capacity.

Dr Stanton: I began working to tackle genocide when I served in Cambodia for Church World Service and CARE, and realised that the Khmer Rouge needed to be put on trial for their crimes. I started a project on the Cambodian genocide when I was still at Yale law school; I gathered a lot of evidence for that, and then realised that we needed to really change the way the international system works. In order to do that, I joined the State Department, and, right away, the Rwandan genocide occurred, so I was then moved to the office that dealt with the aftermath of that and wrote the resolution that created the Rwandan tribunal. I then also worked to get the resolution for the Cambodian tribunal. I realised, however, that we also needed a worldwide mass movement against genocide.

Chair: Sorry, Dr Stanton; I am going to ask you to keep it very brief, because we are just trying to do one-line introductions.

Dr Stanton: That's good enough. I started Genocide Watch in 1999, and that is where I am right now.

Dr Adams: I am the suspect previously mentioned by Kate Ferguson in the first panel. I am Simon Adams, the Executive Director at the Global Centre for the Responsibility to Protect.

Q64 **Chair:** Thank you very much indeed. Ambassador Rapp, how would you characterise, so far, the response to the Xinjiang crisis?

Ambassador Rapp: Frankly, it has been inadequate, in the sense that we haven't had resolutions from UN bodies that have been able to carry like we have in situations outside the Security Council, on the Human Rights Council, on Myanmar, Syria or South Sudan. It has been quite inadequate.



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I would like to say something as a former international prosecutor who led the prosecution of individuals at the Rwanda tribunal and won convictions of genocide. The evidence of genocide, because of the intentional imposition of measures to restrict birth, is actually stronger in the case of Xinjiang than it was in any other case since Rwanda. This is a matter that should be of profound international concern, and it is a real disappointment that, because of the strength of China, it hasn't been possible to take the kind of response to it that has been possible in other situations of atrocity crime in the last 25 years.

Q65 Chair: Dr Stanton, would you say that the UK has been leading appropriately on this, or would you say that it could do more?

Dr Stanton: It is hard for me to really judge how the UK has responded. I know that the UK and the US—and, for that matter, a lot of other countries—could do a lot more.

Ambassador Rapp is right. It is genocide, and it is very clear. Under articles 2(d) and (e) of the Genocide Convention, it is very clear. They are restricting births within the group and they are taking children away from the group; those are acts of genocide, and they are doing a lot more—a lot of other crimes against humanity.

I would argue that right now, gathering the evidence should be our main focus. Who knows how long this will go on, but there will come a time when those who are doing this could be put on trial, and they should be aware that they will be put on trial. I would argue for use of the UN Human Rights Council to create an independent international fact-finding mission, or body, which would investigate these crimes and gather the evidence. If they can come out with a report as searing and definitive as their report on Myanmar—444 pages of solid evidence—it could have a very deep impact, so that would be one thing I would certainly recommend.

I also recommend keeping the Magnitsky type of sanctions on certain individuals, and also preventing imports of things that are produced out of the slave labour they have set up.

Q66 Chair: Of course, the difference between the Rakhine report and any report into Xinjiang is that Burma did not have a veto, and it is not the world's second-largest economy.

Dr Stanton: There is no veto in the UN Human Rights Council, so the UN Human Rights Council could still have this independent fact-finding mission.

Q67 Chair: Do you think that China would allow such a mission to proceed?

Dr Stanton: No, I do not think it would let anybody in, but a lot of the investigations can be done even if they cannot get in, and that is what the Myanmar commission also had to face. They could not get in, but they were still able to interview a lot of people.

Q68 Chair: Dr Adams, you have no doubt seen many reports, including some



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from the organisation Bellingcat, into some of the incidents that we have seen in Xinjiang. What more do you think the UK can do, other than supporting reports like the Australian Strategic Policy Institute's work on Xinjiang, or indeed giving the freedom for Bellingcat to operate?

Dr Adams: I think there are a lot of things that can be done, and I back up what has been said by Dr Stanton and Ambassador Rapp so far. I think the evidence of what is going on is overwhelming and undeniable, and I also agree with Ambassador Rapp that given all of that, the global response has been woefully inadequate.

On what the UK could do in particular, I would just draw attention to one part of the problem, which is the whole issue of forced labour. We know that there are now at least 135 detention facilities where people are being forced or coerced into labour. We have very good reports—including one produced by the BBC, by the way—regarding the cotton sector. Some 20% of the world's cotton supply comes from Xinjiang, and we have already seen some major British retailers, such as Marks & Spencer, saying that they will not source cotton from Xinjiang any more. The UK Government, I think, have already acknowledged the use of forced labour—that these are credible claims—and have expressed their concern. However, there are proposals afoot to impose fines if companies cannot show due diligence in terms of their supply chains, and I think those proposals should be supported. We need to untangle this web of complicity that we see at the moment around Xinjiang, not just on the issue of forced labour but more generally.

I would also encourage the UK Government to look at targeted sanctions against senior Chinese Government officials, who we know are involved in what is going on in Xinjiang; the names are out there. Multilaterally, again, I support what Dr Stanton just said: the UK, which of course was just elected to the 2021-2023 term on the UN Human Rights Council, should support the idea of an independent investigative mechanism to look at the situation.

I will just add one final thing, because I think there are other mechanisms that are kind of neglected in all of this, and one I would particularly like to point out is UNESCO. What the Chinese Government are doing in Xinjiang is also focused on systematically destroying the cultural underpinnings of the Uyghur people. It is bulldozing mosques, it is changing them, and it is attacking their culture in very fundamental ways. As a leading member of UNESCO, the UK could also use that as another forum to increase the pressure on the Chinese Government to stop committing these crimes.

Chair: Thank you very much. Alicia, you wanted to come in.

- Q69 **Alicia Kearns:** This really follows on from a question I asked during the first session, which was about the atrocity prevention taskforce in the US. This is not something I am particularly aware of or particularly understand, and it would be really interesting to understand whether you feel a body like that would be beneficial to the UK, and who you think would be best placed to sit on that body. Is it armed forces? Is it



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independent advisors? Is it Ministers? What is the best approach for us to structure atrocity prevention within the UK that we can learn from other countries?

Ambassador Rapp: Let me jump in on that. My office was in charge of leading the process under a presidential security directive issued by President Obama in 2011 that led to the creation of the Atrocities Prevention Board in 2012. By the way, that has continued, although its name has been changed to the Atrocity Early Warning Task Force in the Trump Administration.

That was a whole-of-Government approach using the structure of our national security office. That is something similar to within the Cabinet Office in the United Kingdom, but it would include, as it did in the United States, the State Department and the Foreign, Commonwealth and Development Office. The defence establishment, the intelligence community, homeland security and justice were all also components of that.

We can talk about it—obviously the earlier speaker, Dr Ferguson, discussed what we were able to do in the Central African Republic—but it was always a process that was extremely fact-based. Every meeting, which was held monthly, brought in the latest intelligence on what was happening and then we did deep dives into various countries. That included, of course, having our embassy personnel, even in the middle of the night on the other side of the world, on the calls as well, looking for levers and looking for ways in which we could affect the situation before it became more serious. Obviously, there were situations such as Syria that were very hard to get a handle on, with the Government going all in and the strong Russian support, but in other places I think it was possible to have effectiveness, even when things had gone very badly initially, such as in the Central African Republic.

I think the structure makes sense. I hope to talk later about the ways in which we tried to bring it on to a more multilateral level with the working group that I think was discussed earlier. I heard your proposal earlier and it was music to my ears, given the leadership that the United Kingdom has exercised around the world and given the different tools that you have. It will be very important.

I would say a small thing in terms of my own engagement. I probably visited on King Charles Street 15 or 20 times during my tenure and after it. I was extremely well received, but whenever I was dealing with my issues, it was always a matter of having multiple meetings. There was no one person to deal with. I met in the legal office, certainly, then went on to the multilateral director, and then dealt with the stabilisation people, who are extremely forward-leaning but focused on conflict reduction. Then they were always nice and gave me an office somewhere where I could begin to meet the regional teams every half hour on the various situations around the world. That was often the situation.



Even when we went to multilateral sessions, we would get only a piece of Government that would attend, often the legal people. You did not always get all the players—the people who were working on stabilisation or humanitarian or trade issues where you have those levers that could impact the situation. Since they were not in the room, the ability to begin thinking in that area was not there, although those multilateral processes did at least force Governments to write up a memo in preparation for the meeting and caused some focus. Obviously, if it can be done within the United Kingdom through your own initiative, that is what would be really needed and very beneficial.

Q70 Alicia Kearns: You hit the nail on the head, although you failed to mention the human rights directorate, the conflict prevention department and all the other teams that also exist.

Ambassador Rapp: I am trying to deal with the large boxes, not the small ones—but we got to the smaller boxes too, I'm afraid.

Q71 Alicia Kearns: I have one question before we move on; I would like to hear the other witnesses as well. What sort of internal resistance did you come up against when you were trying to create the board? Are there any lessons that we should be prepared for, or that we should be paying attention to in advance?

Ambassador Rapp: There certainly was resistance. In our Government, as in many, the regional bureaux that all answer to our under-secretary for political affairs have the greatest power and they often have the resources and the real interest. Of course, we all know that embassies often come forward and say, "Well, things aren't so bad. Aung San Suu Kyi is making progress," and so on.

You have those kinds of resistance that you have because there are the multiple interests that any Government has in various parts of the world, with countries that are allies on one thing and not on another, or useful in the war on terror and so on. You have those kinds of pressures. Within the US Government, unlike many, we have established these special functional bureaux, offices like mine on global criminal justice, and other Governments have not. There is always that tension in how to put this together. So you have that pushback and, to some extent, you run the risk of having a kind of a stovepipe discussion amongst yourselves—you and the human rights people—and saying, "Wasn't it awful?" Meanwhile, you are doing other things in the Capitol. So the key thing is to get those people all in the room. At least during the Obama Administration and traditionally—a little less so under President Trump—policy making often involved bringing everybody into the room, but usually in country-specific situations, once the situation was far gone. People are used to this inter-agency process, but not an inter-agency process that gets out ahead of the game on a more global basis. That is what was truly revolutionary with our Atrocities Prevention Board.

Dr Stanton: May I add one more thing? I completely agree with Ambassador Rapp about this. Just a couple of comments. One is that I



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hope that if you did this it would become much more open to civil society, human rights organisations and so forth than ours ever became. The Atrocities Prevention Board essentially operated independently. It was almost secret. I did not even know who the members are, and I am the head of Genocide Watch. We cannot have that. In fact, that is a reform we need to make here in the United States. The better model in the United States is the US Commission on International Religious Freedom, which is both politically appointed and an expert body. It has open hearings and so forth. I would urge that, especially because you have a superior form of government—you have the parliamentary system—so you can, in fact, have open hearings much more easily than we can.

The second thing I would argue is that the lawyers stood in the way. They did not want an Atrocities Prevention Board because they did not like the word “genocide”. They take the same position as your Foreign Office lawyers that the word “genocide” is kind of a sacred word. It cannot even be used unless a court rules that it is a genocide. That is a wrong perspective. It is not in the genocide convention. It takes the individual prosecution burden of proof and then tries to transport it into the state sponsorship of genocide, and it is not right. State sponsorship should not have a burden of proof that is beyond reasonable doubt; it should be if there is evidence. That is the prosecutorial standard of proof. That is what we need, and your Foreign Office is wrong to approach “genocide” as though it is a sacred term and cannot be used unless a court says it is. That is why Genocide Watch takes an event-driven model for early warning of genocide. It is why we look at it as a process and we see a lot of things coming in to contribute to the genocidal process. It is not a linear process, but it is one that allows you to then see it coming. I would urge that sort of preventive approach in your analysis of genocide, and that is why you can start calling it genocide long before a court does.

Ambassador Rapp: May I just ask the Committee’s indulgence for one minute to respond to the very friendly criticism of my friend, Dr Stanton? I think he is entirely right about the Atrocities Prevention Board as it began and I hope that it is modified in the coming Biden Administration. The challenge here was that this was placed within the National Security Council, which is highly secretive. Every one of our meetings began with a report from the CIA or other components of the intel community on immediate intelligence about what was happening in certain capitals and certain areas and that was quite a closed process. I think a lot of us have come to realise that a great deal of documentation, for instance, is available from civil society organisations, who are frankly leading the way in these areas and the Geneva processes, just like the new mechanisms for Syria and Myanmar, rely on those. So we really need to be able to develop sources that are outside intel; that will also help us to have sanctions regimes that can be defended if challenged in court—the intel community sometimes cannot come into court and provide the evidence that it has.



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So, in that area and others, this needs to be much more open. We did make efforts to brief people and to engage, but frankly they were not as adequate as they should have been.

Dr Stanton: In fact, our experience was that we were shut out. I think—there is a lot of proof now—that open-source information is better than the CIA's, so you do not need a CIA briefing before every Atrocities Prevention Board meeting.

Alicia Kearns: We might have to leave that point of dispute for another day.

Chair: I would just like to say how much Bellingcat has done to expose quite a lot of the abuses we have seen in Xinjiang and, by the way, elsewhere as well. Alicia, do you want to finish there?

Alicia Kearns: I think Dr Adams raised his hand—then I am done.

Dr Adams: I will try to be very quick and maybe I will try to bring peace among the Americans, which is something I try to do as somebody living in New York more generally. In the early part of the Atrocities Prevention Board under the Obama Administration, I did get invited to Washington DC a few times, where they did do some consultations with civil society, and all I will say about that is that it was always very interesting to see, as an outsider, how the different parts of the US Government were not really co-ordinating or talking to each other unless they were convened by a body that brought them together to do so. So I would very much encourage the UK to think about some kind of an atrocity prevention body.

I will add to that, because it was mentioned in the last panel, that the role of your R2P Focal Point inside the UK Government is incredibly important. That person—currently James Kariuki—is part of the global network of R2P Focal Points which involves 61 states, plus the EU, plus the Organisation of American States. But he could do a lot more, if he was empowered to do a lot more, as a mechanism to convene people around atrocity prevention. So I encourage you, in whatever you look at in terms of a potential body, to also think about resources and support for the office or the people you want to put at the centre of this thing.

Q72 **Stewart Malcolm McDonald:** Dr Adams, I feel, as a Scotsman, that it should be me bringing peace to the Americans, given our responsibility for the current incumbent in the White House.

Dr Stanton: Oh my God!

Ambassador Rapp: Eight more days—yes.

Stewart Malcolm McDonald: I want to come back to a question I asked earlier. Ambassador Rapp, you will have heard me ask about the UK's early warning mechanisms and the criticisms made of them as being too slow. In particular, Dr Ferguson said in the previous session that they are too focused on armed conflict and, at that, too focused on the conflict that



we can see right in front of us. How did the early warning mechanisms work for the board that you were a part of?

Ambassador Rapp: Well, understand that these could have been better, as my friend Dr Stanton pointed out, and obviously from open-source and civil society documentation there is a lot more available. Frankly, even before the creation of the Atrocities Prevention Board, the intel community had a regular monthly publication on atrocities watch, looking at situations such as high-stakes elections where political parties are on ethnic or sectarian lines.

As we have seen in the United States and in so many other places—most prominently Kenya—disputes on elections can blow up and create violence. Meanwhile, in our foreign policy, we are pushing for elections and pushing these things forward for very profound reasons, but sometimes you do not see those impacts and dangers. There is obviously the need to monitor social media, the otherisation of certain populations and the blaming of groups for the country's problems, which is often a strategy of corrupt leaders who want to divert attention from their own theft and corruption. Keeping track of those things, looking at failures of state institutions, and guardrails, and corruption under rule of law, etc.; the ways things can be manipulated to the benefit of certain communities, or other communities can be prosecuted with false evidence; all of those things are indeed worrying signs that need to be monitored. That's what is key to this, and one's opportunity to engage then is a whole lot easier—not that it's ever easy—than when the killing has started, when any intervention would have to put somebody in harm's way.

That's part of it. I would note, I am a strong believer in accountability; I want to see the perpetrators held to account. Quite often, we also see some very positive things done by our Governments that actually work at cross-purposes. I'm all in favour of peace negotiations, but on the other hand, many times that people have got involved, they immediately elevate armed groups. If a group goes out and kills a lot of people, they need to be brought in, so people kill folks in order to get themselves in the room. You actually have situations where peace efforts unintentionally elevate atrocities.

In the humanitarian area we want to feed people who want to have access, but as my friend Charles Petrie OBE, a long-time British UN officer, has said—he wrote the report on Sri Lanka and the ways in which the desire to have access to the area for humanitarian purposes, working in the development offices and everything else, actually contributed to the mass killings that occurred at the end of the conflict. We had a similar report from the Guatemalan ambassador Gert Rosenthal regarding Myanmar.

You have to have that focus on the atrocities, who is doing it, and make sure that your other engagements don't actually encourage—or fail to respond to—those actors that are responsible.

Q73 **Stewart Malcolm McDonald:** Can I just press you on the specifics?



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Today we are discussing Xinjiang; what were the early warning signs that the US picked up on, and when were they picked up—how early on?

Ambassador Rapp: Understand that my own tenure in government ended in 2015, and I've continued to be involved in these things from the outside since then. It really began in a big way in 2014, with the so-called effort to counter terrorism through action of the Government, then the move of Chen Guangguo from Tibet to Xinjiang in 2016. In that year, there were these intense applications of population reduction that have now resulted in the Uyghur areas having one-eighth the birth rate of the Han areas in this autonomous region. All of those things could be seen, and then of course through satellites and everything else we began to see the development of these detention facilities—not re-education; these aren't places people want to go—and the building up of them to the point that we now have 135 million people in there, but up to 3 million in the past. These elements began to be seen, and there were civil society groups that were calling out this kind of activity, and there were some political leaders that were speaking to it.

Dr Stanton: Let me add to that. I agree—I think the civil society groups were the ones who drove this, and in fact it was Congress who drove it. That's why, as mentioned earlier, the Committee on International Religious Freedom started hollering about the genocide against the Uyghurs before anybody I know of. They certainly had a lot more effect than the Atrocities Prevention Board. So I think having Parliament directly involved in this is very healthy.

Dr Adams: Can I add to that as well?

Dr Adams: Can I add to that as well? It is not just the situation regarding the Uyghurs, but my organisation works on all mass atrocity situations and works closely with the UN Security Council and Human Rights Council. I cannot think of a single case over the last nine years where we did not have early warning of something heading in a very dangerous and deadly direction in terms of the rising threat of mass atrocities. We have plenty of early warning, as has been mentioned by both speakers, coming from a range of different areas. We see the identity-based conflicts; we see the contestation of power. There can be triggering points, but the underlying factors are ones that are apparent and increase over time. So it is not a failure to predict that we are dealing with; it is a failure to respond.

Q74 **Stewart Malcolm McDonald:** Dr Adams, we are obviously discussing the Uyghurs and Xinjiang specifically today. What are the early warning signs today that maybe three years from now you might be recalled to come back and talk to us about?

Dr Adams: Perhaps this goes back to comments that were made in the last panel and what has been said by Ambassador Rapp, Dr Stanton and others: I think we are in a genocidal situation in Xinjiang. The evidence is overwhelming. Just because we are not seeing machetes, gas chambers and mass graves, it should not distract us from the fact that there is a systematic attempt under way in Xinjiang by the Chinese Government to



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destroy Uyghur identity, to pull apart families, mass incarceration, and to destroy the cultural underpinnings of the people.

If there is a sense of frustration in my voice, it is not directed at you and your Committee at all. It comes from the fact that over the last nine years of working on mass atrocities, all too often, I end up doing memorial events or post mortems on why something happened, rather than having more discussions about timely and appropriate action up front or about what could be done right now to prevent this from getting worse.

Stewart Malcolm McDonald: Sure. Thank you.

Q75 **Chair:** Chris, you wanted to come in? Do you want to carry straight on to the other issue you wanted to raise?

Chris Bryant: Yes, I will be very brief, as we have pretty much covered everything. In reference to that comment about a genocidal situation, I want to understand fully. There was a reference earlier to the five different markers—I think article 2(a), (b), (c), (d) and (e), (d) being preventing births and (e) being the forcible transferring of children from one community to another. I guess you could also argue that (a) and (b) are also invoked, because (a) is about the killing of people, and we are pretty clear that that has happened, and (b) is serious bodily and/or mental harm being done to people. Yes? I see you both nodding.

Dr Adams: Yes.

Dr Stanton: Yes, and I think (c) as well: intentionally creating conditions of life that are intended to destroy the group, as such.

Q76 **Chris Bryant:** So that is all five markers basically. Laying above that, there has to be an intent to destroy a race or a religious community, yes?

Ambassador Rapp: In whole or in part, and under customary law, it has to be substantial. I think the intent is one issue. I am a prosecutor, so I lead with my strong evidence, but I am always aware of the defence. We have the kind of defence that when we are talking about these biological factors, China has a very intense birth control programme: mandatory one child, modified to two children in urban areas and three children in more rural areas, and of course Xinjiang is an area that is much more rural. To some extent, you have a policy that frankly violates international human rights, aspects of which could be crimes against humanity, but do you have genocidal intent under those circumstances? A little like Ukraine in the 1930s—collectivisation being more rigidly enforced, with mass famine—it was a horrible policy, but was there a genocidal intent?

Given the fact that we have had the forcible implantation of IUDs with tracking that prevents them from being removed, along with other kinds of surgical sterilisation—1% of that was happening in Xinjiang, and now 80% of it is happening in this area, which is lightly populated compared with the rest of China—and a dramatic reduction in births in that community within the region compared with the Han community, we can infer the intent. You do not see a document, but I think we have the case.



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Keep in mind that there are a lot of crimes against humanity here, and one of the things that we have to be careful about when we talk about this is that we need to deal. I prosecuted in Sierra Leone; there was no genocide there, but there were other horrendous crimes. This has to respond to all of that. There can be situations where it is a political motivation, not an ethnic or sectarian one, with horrendous consequences, such as in the Arab spring and what happened in Syria and Libya thereafter. We do not want to absolve genocide completely, but I don't think there is any question that we have got it here.

Dr Stanton: Let me add one thing: everyone assumes that Gambia is going to win the Myanmar case. What Stephen Rapp has just pointed out is that the whole question of intent is very problematic, because according to the ICJ rulings on Bosnia and Croatia, if you have any other intent, they cannot define genocide. I believe those decisions are wrong. Nevertheless, the test that they applied in both Bosnia and Croatia—it has to be the only intent that can be inferred from the acts—is going to be a serious problem in any prosecution for genocide in the future.

Chris Bryant: Yes.

Ambassador Rapp: I also think that point can be applied in not quite as rigid a way. In Rwanda, the intent to destroy the Tutsis was about, "Well, they are going to be allies of the RPF in a Tutsi takeover. Therefore, we cannot trust them. They are traitors."

Q77 **Chris Bryant:** If I might interrupt you, I was going to say that this brings me to several points. One: I guess we need an overhaul of all international law on genocide.

Dr Stanton: Yes.

Q78 **Chris Bryant:** That seems clear to me. Secondly, whether or not you choose to call it genocide, and whether or not you put all your eggs in that legal basket, you still want it to stop. That requires people to face justice and people to have to stop, and I do not know how we achieve either of those two outcomes.

Ambassador Rapp: Keep in mind that we have had it in Rwanda, Yugoslavia, Sierra Leone, Cambodia and a variety of situations where it has been possible. I am a supporter of the ICC—obviously, the US is now sanctioning it; we hope those sanctions are eliminated immediately by President Biden, but I do not anticipate the United States joining it. In the Obama Administration, we supported every case that it prosecuted. There are ways to get out these things. Of course, when you deal with Myanmar, potentially over forced deportation, there are cases. We have also seen that in Syria, and in universal jurisdiction cases in Europe. There is a very good prosecution in Koblenz—one that I hope will soon be filed—against the Syrian general and alleged torturer in Vienna. There are ways to get this out, and there are state responsibility cases. A state could bring China to the International Court of Justice, just as Gambia brought Myanmar and as we see with the Netherlands bringing Syria to the Court for torture. That will not punish anybody, but it will certainly get an important



judgment at the end of the day, though we are limited there to genocide or torture. We cannot deal with the other crimes against humanity, because there is no international convention there.

Q79 Chris Bryant: Why would Britain not do that?

Dr Stanton: It could. In fact, Britain already makes genocide a crime of universal jurisdiction; so does the United States, and so do a lot of western European countries, Senegal and a few others such as Australia. I would like to see one of the objectives of UK foreign policy, as well as US foreign policy, being to generalise making genocide a crime of universal jurisdiction, as torture already is, so that anywhere that somebody goes, if they have been a torturer or a genocidist, they can be arrested and prosecuted.

Dr Adams: I agree with my colleagues about the legal part of this, particularly on questions of universal jurisdiction. I think that the reservations that China has put around the genocide convention might make an ICJ case much more difficult than an ICC case—very much so.

Let me very quickly emphasise that I think we have to continue to think of this not just as a legal question. At the moment, China is operating with a complete sense of impunity. There is almost no cost to what it is doing. That is why, as I mentioned before, we need to increase the cost in the economic area and in the sourcing of materials. We need to look at the issue of targeted sanctions on officials who are complicit in all this, and we need to increase the pressure at the UN Human Rights Council and in all international fora, including UNESCO, as I mentioned, so that there is no way of escaping scrutiny for what they are committing in Xinjiang.

Q80 Chris Bryant: Preferably more than scrutiny.

Dr Adams: Absolutely.

Ambassador Rapp: There are other tools that we can look at. You have mentioned Magnitsky-type sanctions that can be implemented, and there are trade restrictions. I know that you have an individualised Magnitsky regime under a 2018 law outside the EU structure. The same thing should be done in terms of trade, EU GSP-plus-wise, and so on. There are ways in which trade can be restricted because of these things, and those other tools need to be deployed.

Q81 Alicia Kearns: Following on from what we have just been discussing, which is essentially scrutiny rather than justice, how do we bring the perpetrators of the genocide in Xinjiang to meaningful justice? What does justice actually look like in this situation? As a Committee, we have looked at the ICC frustrations, the UN Security Council, the UN Human Rights Council—we have looked at all these obstacles, problems and things that stop us getting justice. How do you hold to account a superpower that is committing genocide?

Ambassador Rapp: I am a believer in individual criminal responsibility. As was said in Nuremberg in the judgment of Lord Justice Lawrence, the UK judge, it is not abstract entities that commit these crimes; it is



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individuals who direct them and make them happen. That is why I think that we could establish multilateral mechanisms with a plurality vote in the Human Rights Council. I notice that the one on Venezuela passed 19 to seven with, I think, 25 abstentions, so you can actually pass these things. At the moment, with China on there, unless you have the OIC countries lined up to a greater extent than they are, it is going to be a difficult vote.

Those resolutions can create a record and fact-finding missions. There can be names named, as there was in the fact-finding mission for Myanmar. Then you need to support civil society and open-source efforts, and fund these things, in order to get the information. You have a horrible crime—who is making it happen? Who is in that chain of command? All that needs to be developed. Then you need to list these people. They are going to be diplomats who are not going to be accredited or get agrément. They are not going to be able to travel to visit their money and families abroad. You can begin to have some impact even with a powerful state.

Dr Adams: This partly goes on from what I just I said. I think we need to think of it as a justice issue, and we need to think about it more generally in terms of ending the climate of impunity that senior Chinese officials are currently operating in. There is possibility—a very remote one—of an ICC case. A complaint has been lodged by a number of London-based lawyers regarding the return of people seeking asylum from neighbouring countries. The ICJ angle is very difficult.

Let me say something about that. My centre worked very closely with the Gambian Government on the ICJ case. We and our partners at the Global Justice Centre talked to dozens and dozens of countries, including very powerful countries who talk all the time about human rights. Nobody wanted to take that case on—nobody. It required The Gambia, the smallest country on the African continent, thinking imaginatively and having a very committed Justice Minister to get that case lodged. Now everybody sees it as a logical consequence, but at the time it was a very hard push.

There are a number of other things. For example, China is a signatory to the international convention on the elimination of all forms of racial discrimination. That has a treaty monitoring body and there are opportunities for the UK Government and others to raise objections there. I have already mentioned UNESCO.

Finally, I will underline the point about universal jurisdiction. People like to come to London. They like to go shopping; they like to visit the Tower of London. We need to ensure that London, or Birmingham, or Upton Snodsbury become no-go zones for Chinese officials who are complicit in what is going on in Xinjiang. They should be too afraid to come and avail themselves of those opportunities because they might end up in a set of handcuffs and facing charges of genocidal crimes against humanity in a UK court. That is not going to be the solution to the crisis in Xinjiang, but it is certainly part of tipping the balance away from the impunity that exists at the moment.



Dr Stanton: Let me add one other place: the UN General Assembly. The Security Council is not the only major institution in the United Nations. The General Assembly, where there is no Chinese veto, is a place where you could find strength and support for resolutions that denounce this kind of discrimination against the Uyghurs and other Muslims in China.

Q82 **Chair:** You have no doubt seen some of the reports that the Committee has produced since 2017 on money flows within the United Kingdom and dirty money being spent on property. The identification of students was another element, where some of the red princes from the new Chinese aristocracy are demonstrating their elite status and separateness from the people by spending the money they have stolen off their fellow citizens on elite education in the UK. It is not very difficult to imagine ways in which this new Chinese princely class could be punished for its brutal repression of those it claims to govern.

Dr Stanton: Communism has always worked that way—that idea of an egalitarian system has always been a myth.

Chair: You won't find any disagreement from me, Dr Stanton.

Q83 **Henry Smith:** Sincere thanks to Dr Stanton, Dr Adams and Ambassador Rapp for their contribution. China currently justifies its actions in Xinjiang as part of some kind of proportionate counter-terrorism campaign. Why do you think that narrative is seemingly accepted by so many countries, and what do you think we can be doing to better counter that?

Ambassador Rapp: That is an excellent question. We see a variety of regimes doing that. The Assad regime, before it faced ISIS, probably created more extremists than it took out through its repression, which it said was to eliminate terror. We have to be extremely careful about what we talk about as appropriate responses to terror: it should be action based on the conduct of individuals or their work with specific terrorist organisations that have engaged in mass killing of innocents. The idea of some kind of prophylactic action against a whole group because some part of it—in this case a relatively minor part, tiny compared with other places—has done some terrorist acts at some time in the past would justify almost any horrendous crime against humanity, or even genocide, if carried to its extreme.

We need to discount that, but that is obviously one of the arguments the Chinese use that resonates with countries that they are assisting financially within the Islamic bloc, such as Pakistan and others. They say, "Well, we face terrorism." Egypt faces the Muslim Brotherhood, and so on. They can use that argument and I think it needs to be called out as the most ineffective thing to do about jihadist terrorism, and also as the wrong strategy—the counterproductive strategy—when it comes to dealing with these kinds of threat.

Dr Adams: If you look at the documentation that is being leaked—the police station documentation, some of which was republished by *The New York Times* and by other people—you see people being thrown into detention centres for almost unending periods of time on the basis of



religious devotion. They are being sent to prison for very simple things, like turning up at mosque, or having an abnormal beard, because there is a prohibition of it, and so forth.

I think the assumption that China made was that by framing this in terms of fighting terrorism and fighting religious extremism, other states who face threats at home would be willing to turn a blind eye to what it was doing in Xinjiang because of that argument. And I think that regrettably, and initially at least, it was were absolutely correct. I think that it did have a deadening effect on people's criticisms of China. So I think it is incredibly important for the international community, including the UK Government, to counter this narrative and say, "You don't fight terrorism by locking up 1 million people behind bars, bulldozing their ancient cultural heritage, removing their children and attempting to destroy all the cultural bonds that hold men, women and children together". China isn't fighting terrorism in any sense in Xinjiang; it is perpetrating crimes against humanity and genocide. I think that the more Governments that say that openly, and that reject that counter-terrorism narrative, the better.

Dr Stanton: Yes—calling the enemy terrorists has become the default position for people who want to commit genocide.

Q84 **Chair:** Thank you very much indeed. Can I just go back to a question that I meant to ask Dr Stanton about how the UK can take the lead on evidence-gathering activities, because in many UN bodies, such as the OHCHR and the Human Rights Council, there is a requirement not just to attend, of course, and present an argument but to gather the evidence in advance?

Dr Stanton: Right.

Q85 **Chair:** What can the UK do, and what can other countries do, to collect that evidence?

Dr Stanton: That is a really good question and I would urge the UK, in fact, to be a leader for that collection of evidence. And I have already mentioned that I think that the UN Human Rights Council should have an independent international investigative fact-finding commission on this issue, and the UK can take the lead on it.

I mean, the US, of course, stupidly withdrew from the UN Human Rights Council. I hope we will be back. But in any case, the UK is a very good body to do that and I am sure you will get a lot of support from a lot of other countries to do this. I would agree with that, and I hope that it would be well funded and that it would have the same kind of effect that we had with the UN fact-finding commission on Myanmar.

Ambassador Rapp: Let me follow up on that briefly. I am the pro bono chair of the Commission for International Justice and Accountability, or CIJA, which has been funded by the UK Government on Syria and Iraq, and in Myanmar and elsewhere, and which works with civil society and trains people up to do things according to a criminal justice standard. For instance, it has a million documents from inside Syria as a result of that,



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and its evidence is the core of the evidence being used, together with the Caesar photos, in determining cases.

It is extremely important to support that kind of organisation, or others, and efforts to improve the standards of evidence collection by civil society. Britain has taken the lead on making sure that that is not done in a way that retraumatises the victims, but, frankly, the victim aspect of it and that testimony is less needed than the efforts to connect and link high-level actors with the crime scene; that is where a lot of the emphasis needs to be made.

That needs to be funded and as we see in Geneva with the independent mechanisms for Syria and Myanmar, and with the team that lead on Daesh—UNITAD, which was possible through the Security Council—those organisations largely now rely on what civil society is providing to them, and they are verifying it, vetting it, collating it and so on, only, to some extent, supplementing that information.

This is something I am working on at Oxford in this project to really strengthen accountability, but fundamentally it is about documentation and it is about supporting civil society in those efforts, particularly those groups that have access to the ground, which are sending out videos and other things, taking risks with their own lives. They need to be taking the right pictures and providing the right information, or they are taking risks for no good reason. That is the formula, I think, for building more effective back lining. Having then a multilateral mechanism and putting it together in an unbiased way is a key part of it as well.

Q86 Chair: Thank you. Can I turn to Dr Adams briefly? Based on what we have heard so far, what responsibilities does the UK have to act in respect of Xinjiang under the R2P principle?

Dr Adams: Thanks for the question. I think R2P—as everyone on this Committee knows—is a global principle that the UK has consistently endorsed and championed. It emerged 15 years ago in response to genocide in Rwanda and in the former Yugoslavia. It seeks to ensure that we do not become spectators again and again to genocide, crimes against humanity, war crimes and ethnic cleansing.

Excuse me for reiterating this, but under this principle Governments have a responsibility to prevent those four crimes in their territories, a responsibility to assist other states in preventing those atrocities, and a responsibility to act in accordance with international law when states are manifestly unwilling or unable to uphold those responsibilities. The UK is a very important country. It is a permanent member of the UN Security Council, as has been mentioned. I believed in the Spider-Man theory of international relations: with great power comes great responsibility. I think it is, therefore, incumbent on the UK to lead on this question.

Even though, as has been pointed out, China's veto at the Security Council is a massive obstacle to action there, there are other UN bodies, including the General Assembly, the Human Rights Council and other bodies that



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have been mentioned here today where there is a possibility to lead. I think there is a range of actions that the UK could take, in keeping with its responsibility to protect, which was also mentioned, including sanctions on responsible entities and individuals, banning products from Xinjiang, and exploring accountability options under universal jurisdiction.

I think the UK definitely has a responsibility to protect the persecuted population, the Uyghur population in Xinjiang, because I think the only antidote to the climate of indifference and inaction that we see at the moment in relation to these crimes against humanity and potentially genocide is a dedicated commitment to raise your voice, to bear witness and to act.

Chair: Thank you very much. That was a very powerful statement and I am grateful that you made it. Many years ago, I published a report alongside a friend of many of ours, Jo Cox, on the cost of doing nothing. Indeed, as we see the atrocities not only in Xinjiang, but around the world, we are reminded that, although sometimes actions do have consequences, inaction also has consequences. Sadly, we have seen rather more inaction than action of late. On that note, I will draw the session to a close. Thank you all very much. Ambassador Rapp, Dr Stanton and Dr Adams, thank you for joining the Foreign Affairs Committee.

Dr Stanton: Thank you, it was an honour.

Ambassador Rapp: Thank you. It was an honour for me as well.