

Submission to the Foreign Affairs, Defence and Trade Committee

Inquiry into Australia's Sanctions Regime

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Introduction

The Australia Tibet Council (ATC) welcomes the opportunity to make a submission to the Foreign Affairs, Defence and Trade Committee's Inquiry into Australia's Sanctions Regime.

ATC is a membership-based community organisation which campaigns for the freedom and human rights of Tibetans. ATC is the largest community of Australians standing in solidarity with the people of Tibet. Our vision is a free Tibet in which Tibetans can determine their own future and freely pursue their cultural, political and economic developments.

The terms of reference of the inquiry are to examine the Australia's Sanctions Regime. This submission deals with the questions raised by the Foreign Affairs, Defence and Trade Committee (listed below).

Australia is yet to impose Magnitsky-style sanctions on any Chinese Communist Party (CCP) officials. for their human rights violations in Tibet.

The USA have sanctioned several CCP officials such as, Wu Yingjie (Wu), Zhang Hongbo (Zhang), Chen Quanguo (Chen) and Zhu Hailun (Zhu) for their human rights abuses against Tibetans and Uyghurs. Their human rights crimes in Tibet include: extrajudicial killings, physical abuse, arbitrary arrests, and mass detentions in Tibet. As well as forced sterilisation, coerced abortion, restrictions on religious and political freedoms, and the torture of prisoners.

These are grievous human rights abuses, and yet the Australian Government is allowing the Chinese Government to commit these crimes with impunity.

The USA has issued visa bans for CCP officials relating to the Chinese Government-run colonial boarding school system, which has resulted in the separation of one million Tibetan children from their families into state-run institutions. The banned officials are responsible for this policy of forced assimilation designed to eliminate Tibet's distinct linguistic, cultural, and religious traditions among younger generations of Tibetans.

Foreign Minister Penny Wong has applied Magnitsky-style sanctions against 13 individuals and three entities from Russia and Iran, and yet none to any CCP official responsible for widely recognised human rights abuses in Tibet, Hong Kong or East Turkistan, home of Uyghurs.

Magnitsky sanctions are designed to target individuals accused of gross human rights abuses by means of asset freezes and travel bans. Currently, the CCP can arrest and torture Tibetans with impunity.

Magnitsky-style sanctions on Chinese Communist Party officials are one of the few tools Australia have that could deter officials from their brutality towards Tibetans and punish their abuses of Tibetan human rights.

Australia should join our allies in sanctioning these CCP officials responsible for human rights abuses in Tibet. In Australia, the Magnitsky Act has been underutilised by the Government as a mechanism to improve the lives of Tibetans in Tibet.

Given the seriousness of human rights abuses in Tibet and the threats to cultural genocide, it is time for Australia to take action for Tibet.

A short history and background of China's actions in Tibet

Tibet, an independent Buddhist nation, was invaded by China in 1950.

In 1951, Tibetan Government representatives signed the controversial '17 Point Agreement' codifying self-governance if Tibet became part of the People's Republic of China (PRC). This document is disputed by Tibetans as it was signed under significant duress.

In 1959, an uprising of Tibetans was brutally suppressed by the Chinese Army (PLA) leading to the flight into exile of the Dalai Lama and approximately 100,000 Tibetans. In addition, at least 87,000 Tibetans were killed because of the uprising².

During the 1960s and 1970s, Tibetans suffered badly during the Cultural Revolution. Many monasteries were destroyed, with some estimates at more than 6,000³.

In this period many Tibetans were made destitute. Between 1960 and 1962 an estimated 340,000 Tibetans died during famines caused by economic reforms introduced by China⁴.

During a brief period under Deng Xiaoping there was a relaxing of the very tight controls. However, after the Tiananmen Square Massacre in 1989 tighter restrictions were again imposed.

As well as continual resistance to Chinese rule, significant uprisings of Tibetans occurred from 1987-1989 and preceding the Beijing Olympics in 2008.

The Dalai Lama⁵ and Central Tibetan Administration (Tibet's Government in Exile)⁶ estimate that at least 1.2 Million Tibetans have been killed since the invasion.

In 1988, His Holiness the Dalai Lama presented the Strasbourg Proposal in the European Parliament, including his Five-Point Peace Plan and Beijing announces a willingness to negotiate with Tibetans and says that His Holiness the Dalai Lama can choose the date and venue for negotiations. However, before the talks can begin, the Chinese government reverts to its former hard-line position and says that the Strasbourg Proposal cannot be the basis of talks.

In 1988, the Dalai Lama is awarded the Nobel Peace Prize for his advocacy for a peaceful solution to the issue of Tibet based upon an approach of tolerance and mutual respect.

For decades, the Dalai Lama has proposed the 'Middle Way Approach' which is a proposal to end the Sino-Tibet Conflict. Historically, Tibet was an independent country, and legally, it has the right to be free. Nevertheless, China continues to claim Tibet as its own and rules over it with an iron fist, denying fundamental rights to the Tibetan people. The Middle Way Approach is a middle ground between those opposing positions.

Under the Middle Way, Tibet would remain part of the People's Republic of China, but Tibetans would have meaningful autonomy. If the Middle Way is implemented, China will oversee Tibet's defence and foreign affairs, but the people of Tibet would manage their own affairs, including religion, culture, education, economy and environment.

Envoys of His Holiness the Dalai Lama and Chinese officials engaged in a dialogue process in order to bring about a peaceful solution to the status of Tibet. From 2002 until 2010, ten rounds of dialogue were held between the PRC authorities and the 14th Dalai Lama's representatives. However, the dialogue failed to produce a settlement that resolved differences, and the two sides have not met since January 2010.

An obstacle to further dialogue is that the government of the PRC continues to impose conditions on His Holiness the Dalai Lama for a resumption of dialogue, including a demand that he says that Tibet

has been part of China since ancient times, which the Dalai Lama has refused to do because it is a false claim.

In 2024, the USA has passed the *Promoting a Resolution to the Tibet-China Conflict Act*, with an expressed purpose of the Act being to encourage meaningful and direct dialogue between PRC authorities and the Dalai Lama or his representatives, without preconditions, to seek a settlement that resolves differences.

What is Tibet?

To Tibetans, Tibet includes all three traditional provinces of *U-Tsang*, *Amdo* and *Kham*. When China refers to Tibet, it means only the Tibet Autonomous Region (TAR), the boundaries of which include only a part of historic Tibet.

Shortly after the Chinese occupation of Tibet in the 1950s, China carved up Tibet into various administrative regions. U-Tsang and part of Kham came under the Tibet Autonomous Region (TAR), and Amdo and the remaining part of Kham were incorporated into the Chinese provinces of Qinghai, Sichuan, Gansu and Yunnan.

Tibetan regions within the Chinese provinces are labelled as *Tibetan Autonomous Prefectures*. Many Tibetan towns incorporated into the Chinese provinces are today widely known by their Chinese names. For instance, 'Yushu Tibet Autonomous Prefecture' in Qinghai province is, to the Tibetans, 'Jyekundo' in Kham province.

The PRC refers to Tibet as the Tibet Autonomous Region (TAR), however this name misrepresents the reality – Tibet under the occupation of the Chinese Government has no autonomy. In the Freedom House thinktank's annual report ranking global freedom, Tibet has been ranked 'least free' for 6 years in a row, with the report stating:

"Under the Chinese constitution, autonomous areas have the right to formulate their own regulations and implement national legislation in accordance with local conditions. In practice, however, decision-making authority is concentrated in the hands of unelected ethnic (Han) Chinese officials of the CCP, which has a monopoly on political power. Wang Junzheng, former deputy party secretary and chief security officer in the Xinjiang Uyghur Autonomous Region (XUAR), was appointed to replace Wu Yingjie as TAR party secretary in October 2021, raising grave concerns that the leadership was planning to expand the draconian policies it had adopted in the XUAR to the TAR.

The few Tibetans who occupy senior executive positions serve mostly as figureheads. In 2021, Yan Jinhai, an ethnic Tibetan official who had served as the Lhasa party secretary, was chosen as chairman (governor) of the TAR. The TAR chairman is formally elected by the regional people's congress, but in practice such decisions are predetermined by the CCP leadership."
[<https://freedomhouse.org/country/tibet/freedom-world/2024>]

His Holiness the Dalai Lama has called for genuine autonomy in Tibet which would mean that Tibetan people should manage "all other affairs pertaining to Tibet, such as religion and culture, education, economy, health, ecological and environmental protection". The Dalai Lama has also stressed that genuine autonomy would mean the Chinese Government should "stop its policy of human rights violations in Tibet and the transfer of Chinese population into Tibetan areas".
[<https://www.dalailama.com/messages/tibet/middle-way-approach>]

Human Rights in Tibet

Australia Tibet Council has been consistently raising the following human rights concerns with the Australian Government:

Up to 1 million Tibetan children separated from their families and placed into Chinese Government-run institutions.

The UN have now taken notice of the approximately one million Tibetan children (out of an estimated total population of 6 million Tibetans) who are currently at risk because of “a policy of acculturation and assimilation of the Tibetan culture into the dominant Han Chinese majority, through a series of oppressive actions against Tibetan educational, religious and linguistic institutions, in contradiction with the right to freedom of religion and belief, the right to education and cultural rights of the Tibetan people.” (UN Nov 2022 ref: AL CHN 6/2022)

Tibetan children are being forced into CCP-run boarding schools, separating them from their family, their religion, their language and traditions in what has been called by the Tibetan Government in Exile a “cultural genocide” with Penpa Tsering, the elected Sikyong (Prime Minister) stating “Tibetan children are forced to learn Chinese language instead of Tibetan and its propaganda with the aim to change their mind so that there won’t be any Tibetan in another 15 to 20 years”.

Forced Labour in Tibet

A September 2020 report by the Jamestown Foundation alleged an ostensible ‘vocational training’ and ‘job placement’ program run by the government during the first seven months of that year forced approximately 500,000 Tibetan rural workers away from their pastoral lifestyle and off their land into poorly paid labouring jobs, primarily in factories, and included many coercive elements.

In 2022, UN Special Rapporteur on contemporary forms of slavery found that coerced labour is taking place in Tibet and also East Turkistan (Xinjiang in Chinese) affecting Tibetans and Uyghurs.

Lack of Religious Freedoms in Tibet

In 2007, the Chinese Government announced "Measures of the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism" stating that all reincarnated lamas must have government approval. To implement these measures, the monastic community is prevented from using its traditional methods of recognising reincarnate teachers, instead the community is required to follow the reincarnation processes decreed by the CCP to install a CCP-approved candidate.

Zhu Weiqun, the former deputy head of the United Front Work Department, was cited as saying that "[t]he system will strike a heavy blow to the Dalai Lama, as he has been utilising his religious status to ratify Living Buddhas... in an attempt to control Tibetan monasteries and divide the country." [International Campaign for Tibet 2016]. This confirms that control of the reincarnation of the Dalai Lama is aimed at cementing control of the Tibetan people for the CCP through both Tibet's traditional religious authority and Tibet's traditional political authority.

Additionally, monasteries throughout Tibetan areas of China were required to integrate CCP members into their governance structures, where they exercised control over monastic admission, education, security, and finances. Requirements introduced by the party included geographic residency limitations on who may attend each monastery.

Arbitrary arrest, surveillance and restricted movement of Tibetans

Up to 2,000 Tibetans are currently known or believed to be detained or imprisoned by PRC authorities in violation of international human rights standards. Frequently, Tibetan former political

prisoners (many now settled in Australia) report beatings, political re-education and torture as a mainstay of their prison experience.

Authorities sometimes banned Tibetans, particularly monks and nuns, from leaving the TAR or traveling to it without first obtaining special permission from multiple government offices. Outside the TAR, many Tibetan monks and nuns report that travel for religious or educational purposes beyond their home monasteries remained difficult, with officials frequently denied them permission to stay at a monastery for religious education.

Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Authorities electronically and manually monitored private correspondence and searched, without warrant, private homes and businesses for photographs of the Dalai Lama and other forbidden items. Police routinely examined the cell phones of TAR residents in random stops or as part of other investigations. Authorities also questioned and detained some individuals who disseminated writings and photographs over the internet or listened to teachings of the Dalai Lama on their cell phones. Authorities continue to employ pervasive surveillance systems, including the use of facial recognition and smart identity cards.

The “grid system,” an informant system also known as the “double-linked household system,” facilitated authorities’ efforts to identify and control persons considered “extremist” or “splittist.”

According to sources in the TAR, Tibetans frequently received telephone calls from security officials ordering them to remove from their cell phones photographs, articles, and information on international contacts the government deemed sensitive. Security officials visited the residences of those who did not comply with such orders.

Removal of Tibetan nomads from ancestral land and the extractive industries

Tens of thousands of Tibetan nomads and pastoralists have been compelled to slaughter their livestock and move into newly Chinese Government built housing colonies in or near towns, forcing them to abandon their traditional way of life.

Lithium is being mined in Tibet, despite associated protests about the forced removal of Tibetans from their ancestral nomadic grasslands, the pollution of those grasslands and nearby rivers by mining, and the poisoning of yaks and fish by waste residue spills from lithium mining. Local protests in Tibet in Kandze prefecture were met with crackdowns from Chinese authorities, and restrictions on Tibetan religious and NGO organisations. Not only is lithium mined in Tibet, but Australian mined lithium is sent to China for processing.

Restrictions on Australians and Australian Tibetans from traveling to Tibet, as well as surveillance and intimidation of Tibetan community in Australia

Individuals in Tibetan areas reported they were subjected to government harassment and investigation because of family members living overseas. Sources reported that extrajudicial punishments included blacklisting family members, which could lead to loss of a government job or difficulty in finding employment; expulsion of children from the public education system; and revocation of national identification cards, thereby preventing access to social services such as health care.

Observers also reported that many Tibetans traveling to visit family overseas were required to spend time (sometimes up to several weeks) in political education classes after returning to China. There have been reports that PRC authorities ordered Tibetans in Shigatse Prefecture, Dingri County, TAR, to

provide a list of their relatives living overseas. The demand followed similar efforts elsewhere in the TAR. Failure to do so would result in these individuals losing PRC-provided benefits.

Government regulations on the travel of international visitors to the TAR were uniquely strict in the PRC. The government required all international visitors to apply for a Tibet travel permit to visit the TAR and regularly denied requests by international journalists, diplomats, and other officials for official travel. PRC security forces have used conspicuous monitoring to intimidate foreign officials and followed them at all times, preventing them from meeting or speaking with local contacts, harassing them, and restricting their movement in these areas.

China controls the spread of information in Tibet through strict monitoring and censorship over social media, emails and telephone conversations. It also restricts the flow of information out of Tibet. Foreign journalists, tourists and diplomats are rarely allowed entry into Tibet and if they are it is as part of a government-sponsored or controlled tour.

Tibetans send information to organisations and friends and families overseas at great risk of arrest and imprisonment.

The Australian Government has raised these issues at the UN

On 23 Jan 2024, in Geneva, Australia joined 19 other countries in raising human rights abuses in Tibet at the UN Human Rights Council's, 4th Universal Periodic Review of China (UPR):

"Australia remains deeply concerned about ongoing restrictions on religious freedom, freedom of movement and the suppression of linguistic freedoms in Xinjiang and Tibet. Australia is deeply concerned about reports detailing China's assimilationist policies, including forced labour transfer programs and the coerced separation of Tibetan children from their families through state-run boarding schools. What is China doing to address these concerns and will China allow meaningful and unfettered access to Xinjiang and Tibet for independent human rights observers, including the UN High Commissioner for Human Rights and Special Procedures mandate holders?"

Furthermore Australia submitted the following advance questions to the Universal Periodic Review Secretariat on 8 January 2024:

"Australia remains deeply concerned about ongoing restrictions on religious freedom, freedom of movement and the suppression of linguistic freedoms in Xinjiang and Tibet. Australia is deeply concerned about reports detailing China's assimilationist policies, including forced labour transfer programs and the coerced separation of Tibetan children from their families through state-run boarding schools"

[<https://www.dfat.gov.au/international-relations/themes/human-rights/universal-periodic-review/45th-session-universal-periodic-review/universal-periodic-review-china-advance-questions-australia>]

This indicates a consensus in opinion between the Australian Government and Australia Tibet Council to the serious and ongoing nature of human rights abuses committed by the Chinese Government in Tibet. However, the Chinese Government rejected all concerns regarding human rights in Tibet in the UPR process. Australia Tibet Council believes that the Australian Government must be resolute in its position on Tibet, and not allow the Chinese Government to refuse accountability for human rights violations in Tibet.

Australia Tibet Council's response to the questions raised by the Foreign Affairs, Defence and Trade Committee regarding Australia's Sanctions Regime

a) an assessment of the consistency in application of Australia's sanctions regime and in coordination with key partners and allies, including the identification of any gaps and time lags in their application;

Australia is not consistent in applying Magnitsky-style sanctions at present. The Australia Tibet Council believes that greater consistency in applying Magnitsky Sanctions should be a goal of this inquiry.

For example, on 25th July 2024, Australia issued Magnitsky-style sanctions on Israeli settlers with the reasoning, "The individuals sanctioned today have been involved in violent attacks on Palestinians. This includes beatings, sexual assault and torture of Palestinians resulting in serious injury and in some cases, death."

[<https://www.foreignminister.gov.au/minister/penny-wong/media-release/human-rights-sanctions-response-israeli-settler-violence-west-bank#:~:text=The%20Australian%20Government%20has%20imposed,Palestinians%20in%20the%20West%20Bank.>]

ATC can provide the names of many Chinese Communist Party officials responsible for beatings, sexual assault, torture, serious injury and death in Tibet. As well as other crimes, including extrajudicial killings, physical abuse, arbitrary arrests, and mass detentions, forced sterilisation, coerced abortion, restrictions on religious and political freedoms, and the torture of prisoners.

Indeed, two CCP official have already been issued Magnitsky-style sanctions by the USA after being found to be persons who are responsible for or complicit in or have directly or indirectly engaged in serious human rights abuse:

- Wu Yingjie (Wu) was the TAR Party Secretary between 2016 and 2021. During this timeframe, Wu directed government officials to engage in "stability policies." The implementation of these stability policies involved serious human rights abuse, including extrajudicial killings, physical abuse, arbitrary arrests, and mass detentions in the TAR. Additional abuses during Wu's tenure include forced sterilisation, coerced abortion, restrictions on religious and political freedoms, and the torture of prisoners.
- Zhang Hongbo (Zhang) has been the director of the Tibetan Public Security Bureau (TPSB) since 2018 through at least November 2022. Zhang has worked to advance the PRC's goals and policies in the TAR as "Tibet's police chief." During Zhang's tenure, the TPSB engaged in serious human rights abuse, including at TPSB-run detention centres that were involved in the torture, physical abuse, and killings of prisoners, which included those arrested on religious and political grounds. Additional abuses perpetrated by security forces in Tibet include arbitrary arrests, persecution of religious and political freedoms, and mass detentions in the TAR.

Australia Tibet Council believe the Australian Government should be more consistent in our application of Magnitsky-style sanctions. Application of the sanctions regime should be governed by a standard of what is considered an unacceptable level of human rights abuse. The process would benefit from becoming standard and consistent, and regulations or amendments should be considered to strengthen Australia's Magnitsky laws and to expand Australia's thematic autonomous sanctions regime to include serious violations of international humanitarian law and threats to international peace and security.

b) consideration of the evidence on how sanctions regimes are targeting and addressing behaviour of designated individuals and entities;

As no individual from the Chinese Communist Party has been Magnitsky sanctioned by Australia it is impossible to monitor the effectiveness of behaviour change.

While traditional sanctions have often been measured in economic cost to the sanction target, Australia Tibet Council believes that such an assessment cannot be the sole determinate of sanction 'success' when it comes to Magnitsky-style sanctions.

The desire to prioritise actions that are expected to produce tangible economic impacts is understandable, as economic damage is theorised to prompt the behavioural change that is the goal of sanctions. However, in the case of Magnitsky-style sanctions against individuals there cannot be a 'tangible economic cost' threshold to the issuing of sanctions. Some human rights abusers may not be exposed to international financial systems or have assets in Australia, and may not have plans to ever travel outside their country of residence. These human rights abusers are still worthy of Magnitsky-style sanctions.

The act of publicly announcing the individual and the basis for their sanctions is a valid 'name and shame' tool in the service of greater accountability and the maintenance of international norms of behaviour. The public listing of human rights abusers through Magnitsky-style sanctions is also an important means of expressing solidarity with human rights advocates within the relevant country and also human rights advocates in the diaspora.

The issuing of Magnitsky-style sanctions also serves as a high level expression of international support for accountability for human rights abuses and an end to impunity. It has been pointed out that the "strident opposition to Global Magnitsky sanctions by China's government and other governments with poor human rights and corruption records [is] *an indicator of the sanctions' importance and public messaging power.*" [Emphasis added]
[<https://crsreports.congress.gov/product/pdf/R/R46981/1>]

At present, there are so few diplomatic tools to effect a change in behaviour of the Chinese Communist Party in Tibet, and the human rights violations are so great, that it seems remiss not to utilise a tool that has the possibility of effecting behaviour change that could directly affect positive change and ease the suffering of Tibetans.

To increase the public awareness and visibility of Australia's Magnitsky-style sanctions, and the people listed in Australia's Consolidated List of all persons and entities listed under Australian sanctions laws, the Australia Tibet Council recommends that people wishing to enter or invest in Australia be asked as part of their formal application process to certify that they are not on the Consolidated List or related to any sanctioned person and with appropriate penalties for false declarations.

For instance, applicants to the Foreign Investment Review Board and Significant Investor Visa (SIV) scheme applicants should be required to certify that they are not on the Consolidated List or related to anybody that is on the list. This would also focus the attention of the law firms and accountants completing such applications on the existence of, and the names on, the Consolidated List. Similarly, student visa applicants should be required to certify that they are not related to anybody on the Consolidate List.

c) consideration of specific measures to coordinate, collaborate, and harmonise sanctions with partners and allies, and multilaterally, including how different interests can be taken into account;

Australia engages with allies on China in different forums: AUKAS, the Quad, the Five Eyes on China. In addition, Australia collaborates closely in other multilateral forum such as: the East Asia Summit, ASEAN Regional Forum, and ASEAN-Defence Ministers' Meeting-Plus, as well as the Pacific Islands Forum.

Australia has a role as a 'middle-power' to engage with and influence international decision-makers on issues such as global economic, security and environmental challenges, and should use this allied and multilateral engagement to discuss any threats posed by China.

In a speech in June 2024, Prime Minister Albanese says "Australia's approach has been consistent and clear: co-operate with China where we can, disagree where we must and engage in our national interest."

Australia's engagements with our allies and in multilateral forums presents opportunity to strengthen collaboration with like-minded partners on the coordination of Magnitsky-style sanction application and harmonisation of any announcements. A multi-lateral approach to Magnitsky-style sanctions would mean the impact of the sanction is greater and the risk of diplomatic or trade reprisals would be reduced.

The issuing of Magnitsky-style sanctions against human rights abusers would benefit from measures to standardise the process of discussion (such as a standing order for discussion when meeting allied partners) and standardisation and de-politicising of the application of sanctions. Australia may benefit from a harmonised or systematised process where the application of Magnitsky-style sanctions onto an individual by an allied country triggers automatically an assessment of that individual by the Foreign Affairs department for an Australian Magnitsky-style sanction.

D) consideration of mechanisms to freeze and confiscate assets belonging to sanctioned persons/entities and how the proceeds can be used to benefit peoples and countries impacted by the behaviour of sanctioned individuals and entities;

Australia Tibet Council understands that CCP officials have considerable assets in Australia and including businesses and property, and often have relatives living and studying in Australia. As a popular destination for former Chinese Government officials seeking a safe haven after retirement, or the millionaires and investors, many of whom have ties to the Chinese Communist Party's United Front Department, Australia has much to benefit by putting these legal measures in place. We believe that targeted sanctions, including asset freezes and visa bans, will help shape the behaviour of Chinese officials.

Australia should establish processes for asset forfeiture and repurposing in the context of sanctions designations. Australia Tibet Council would support the repurposing of seized assets to effected communities in Australia, such as the Tibetan Communities Association of Australia or into a "Tibet Trust" for the preservation of Tibetan culture and strengthening of Tibetan refugee communities, many of whom are former political prisoners who have suffered arrest, imprisonment and torture at the hands of Chinese authorities, prior to seeking freedom and safety in Australia. Alternatively, funds could go to Human Rights NGOs, such as Australia Tibet Council or others combating human rights abuses in China. Another possibility is for forfeited assets to be used to support the office of the His Holiness the Dalai Lama or the Central Tibetan Authority in their efforts to negotiate a peaceful resolution to the Sino-Tibet conflict and their establishment of a Tibetan democracy in exile.

e) consideration of opportunities for engagement by the Australian community, civil society, financial institutions and other organisations in Australia's sanctions regime;

Currently, the Australia's Magnitsky legislation does not allow for direct community or civil society engagement. Australia Tibet Council would advocate that legislation should specify a clear route and process for contribution and submission of information from civil society and non-governmental organisations.

Australia Tibet Council has proposed that the Australian Government, either via the Joint Standing Committee for Foreign Affairs, Defence and Trade (JSCFADT) or DFAT, should hold annually a one-day hearing on China – a standard, annual process of engagement with civil society from Tibet groups, Uyghurs, Hong Kongers, Chinese Democracy Activists, Taiwanese and other effected communities. This process could inform Australia's sanctions process and also all other bi-lateral engagements Australia has with China.

f) consideration of methods to assess the effectiveness of sanctions decisions and/or the extent to which sanctions are having the intended impact, and recommend any improvements;

Following the failure of the now defunct “Australia-China Human Rights Dialogue”, Australia Tibet Council has proposed that any process developed by the Australian Government to address human rights abuses in China should meet the following conditions:

- Use Australian laws, such as the Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021, to ensure CCP official face consequences for their human rights abuses.
- Be inclusive of and accountable to Australian civil society and the communities in Australia who are victimised by the CCP.
- Have specific time-bound outcomes designed to effectively impact human rights in China.
- Have specific outcomes outside of dialogue (dialogue cannot be both the goal and outcome).
- Be accountable to the Australian people and uphold Australian values.

Given the USA has preceded Australia in sanctioning CCP officials for their human rights violations in Tibet, we will once again use their processes as an example. As a part of *Tibet Support and Policy Act* [<https://www.congress.gov/bill/116th-congress/house-bill/4331>], the USA has appointed a ‘Special Coordinator for Tibet’ who has the responsibility of producing an annual report. The role of the U.S. Special Coordinator for Tibetan Issues includes:

- pursuing international coalitions to ensure that the next Dalai Lama is appointed solely by the Tibetan Buddhist faith
- coordinate U.S. government policies, programs, and projects concerning Tibetan issues, consistent with the Tibetan Policy Act of 2002, as amended by the Tibetan Policy and Support Act of 2020 and the Promoting a Resolution to the Tibet-China Conflict Act of 2024.
- promote substantive dialogue, without preconditions, between the Government of the People's Republic of China (PRC) and the Dalai Lama, his representatives, or democratically elected Tibetan leaders in support of a negotiated agreement on Tibet.
- Promote respect for the human rights and fundamental freedoms of Tibetans, including their freedom of religion or belief, and will support efforts to preserve their distinct historical, linguistic, cultural, and religious heritage.
- Support U.S. efforts to address the humanitarian needs of Tibetan refugees and diaspora communities, including those in the United States who have faced threats and intimidation instigated by the PRC.
- Promote activities to protect the environment and sustainably manage the water and other natural resources of the Tibetan plateau.
- Consistent with the *Reciprocal Access to Tibet Act* of 2018, seek to increase access to Tibet for U.S. officials, journalists, and other citizens.

The annual reporting of the U.S Special coordinator on Tibet is in addition to the annual state department reports on China.

Australia Tibet Council would support a similar level of commitment from the Australian Government to monitoring human rights, and assessing the effectiveness of Magnitsky-style sanctions and any other measures to improve human rights for Tibetans.

g) consideration of how Australia's sanctions regime could better align with Australia's existing anti-corruption and crime measures, including to better target Australians involved in designated actions;

This question is beyond the area of concern of the Australia Tibet Council.

h) consideration of the role of sanctions in an increasingly complex global context, where geo-strategic competition is re-shaping our region;

It is the opinion of Australia Tibet Council that Australia should shape our international relationship – not be shaped by them, particularly with regards to China. Australia should never lower our values or standards and accept what is unacceptable in order to secure a trade relationship. If there is a standard in place and a consistent application of sanctions to individuals for their human rights abuses then Australia will be considered a good global citizen.

Conversely, if Australia fails to apply Magnitsky Sanctions to individuals sanctioned by other countries, if it allows human rights abuses to continue with impunity, it risks being a haven for individuals deemed to be pariahs by other countries willing to stand up for human rights.

The goals of Australia's Magnitsky legislation, were outlined by Senator Anne Urquhart during the bill's second reading in 2021, are threefold:

“Firstly, it prevents prescribed foreign persons who are deemed to have engaged in gross violations of human rights and corruption from visiting Australia, as well as investing and spending money here through the imposition of financial and trade sanctions.

On the advice of the Minister, the Governor-General can target individuals with immigration, trade and financial sanctions.

Secondly, the imposition of sanctions on these corrupt individuals and human rights abusers puts their names into the public domain for all to see.

This means they become pariahs amongst the international community whose validation they so desperately seek.

Thirdly, the widespread publicity of their crimes will act as a deterrent to other individuals living under authoritarian regimes who are encouraged or aspire to engage in similar behaviour.”

[<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fchansards%2Fcc2b3d91-d8ca-4ed3-a179-cce9561bc86e%2F0115%22>]

As Senator Urquhart notes in the bill's second reading, the Magnitsky sanctions regime is designed to send a “strong and clear message ... to lower ranking officials and criminal thugs that their crimes—whether on behalf of, or protected by their superiors, will not be immune from international consequences.”

Australia should not waiver from these goals. The harmonisation and coordination of Magnitsky Sanctions with allies and multilateral partners, consistency and standardisation in the application of Magnitsky-style sanctions are protective measures for Australia, and will ensure that Australia is true to our values.

i) any other matters that are relevant to the effectiveness of Australia's sanctions framework.

The People's Republic of China (PRC) has targeted Tibetans under “social stability” work programs for decades. Tibetans have been subject to serious human rights abuse in what China has named the Tibet Autonomous Region (TAR), including arbitrary detention, extrajudicial killings, and physical abuse, as part of the PRC's efforts to severely restrict religious freedoms.

The following are Chinese Communist Party (CCP) officials responsible for some of the human rights abuses being committed in Tibet and we, the Australia Tibet Council, would like these individuals to be considered for Magnitsky-style sanctions under Australia's *Autonomous Sanctions Act 2011* and *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021*:

1. **Wu Yingjie** was the TAR Party Secretary between 2016 and 2021. During this timeframe, Wu directed government officials to engage in “stability policies.” The implementation of these stability policies involved serious human rights abuse, including extrajudicial killings, physical abuse, arbitrary arrests, and mass detentions in the TAR. Additional abuses during Wu's tenure include forced sterilisation, coerced abortion, restrictions on religious and political freedoms, and the torture of prisoners.

Wu is currently under Magnitsky-style sanctions in the USA after being designated to be a person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.

2. **Zhang Hongbo** has been the director of the Tibetan Public Security Bureau (TPSB) since 2018 through at least November 2022. Zhang has worked to advance the PRC's goals and policies in the TAR as “Tibet's police chief.” During Zhang's tenure, the TPSB engaged in serious human rights abuse, including at TPSB-run detention centres that were involved in the torture, physical abuse, and killings of prisoners, which included those arrested on religious and political grounds. Additional abuses perpetrated by security forces in Tibet include arbitrary arrests, persecution of religious and political freedoms, and mass detentions in the TAR.

Zhang is currently under Magnitsky-style sanctions in the USA after being designated a person who is or has been a leader or official of the TPSB, an entity that has engaged in, or whose members have engaged in, serious human rights abuse relating to his tenure.

3. **Chen Quanguo**, Chinese Communist Party Committee Secretary of Tibet Autonomous Region from 2011 to 2016 and of the Xinjiang Uyghur Autonomous Region from 2016 to 2021.

Chen Quanguo (Chen) was the Party Secretary of the XUAR (Xinjiang region), a position he was appointed to in 2016, following Chen's notorious history of intensifying security operations in the Tibetan Autonomous Region to tighten control over the Tibetans. While Chen was already known for his ability to control “ethnic unrest,” in Tibet, following his arrival to the Xinjiang, Chen began implementing a comprehensive surveillance, detention, and indoctrination program in Xinjiang, targeting Uyghurs and other ethnic minorities through the Xinjiang Public Security Bureau.

As a part of Chen's plans, the large-scale construction of mass detention camps, labelled “training centres,” greatly escalated in 2017.

Chen is currently under Magnitsky-style sanctions in the USA after being designated a person who is or has been a leader or official of an entity, including any government entity, that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

4. **Zhang Qingli** was the Party Secretary of TAR from 2005 to 2011.

Throughout his tenure, Zhang oversaw human rights abuses and crimes against humanity in the TAR, including torture and extrajudicial killings. He was responsible for policies of harsh repression that resulted in the torture and death of Tibetans. He also oversaw the Chinese government's response to the 2008 protests against Chinese rule in Tibet, which resulted in the killing of unarmed protesters by security forces and the detention and torture of hundreds of Tibetans.

5. **Ao Liuquan** has been the Party Secretary of Nagchu City from January 2020. He was the Deputy Party Secretary of Nagchu Prefecture and then Nagchu City from January 2016 to January 2020. He has spent the majority of his postings in Chamdo Prefecture, where local officials are notorious for their harsh and brutal approach to 'stability maintenance' in the Tibetan region.

His elevation through the ranks of the CCP in Nagchu Prefecture has been marked by an intensification of violent crackdowns in Driru and Sog (Chinese: Suo) counties. Numerous serious human rights abuses, such as torture, arbitrary detention and extrajudicial killings, have been carried out in the furtherance of the Chinese government's 'stability maintenance policy', and local authorities in Nagchu have issued and enforced repressive directives to fine and imprison local Tibetans for contacting relatives and friends living abroad.

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