

# U.S. trade sanctions justified response to human rights abuses in China, law expert argues

April 6 2021

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An international trade law expert at the University of Kansas argues in a pair of new articles that human rights and trade are now inextricably linked, as evidenced by U.S. and international reactions to actions in China, and asserts that approach is an appropriate use of trade.

After the United States, then Canada and the Netherlands, declared the Chinese Communist Party's actions against Uyghur Muslims as genocide, the nations followed with various [trade](#) sanctions. Likewise, countries have adopted trade measures in response to China's violation of its one-country, two-systems agreement with Hong Kong. Raj Bhala, Brenneisen Distinguished Professor of Law at the KU School of Law, details both situations in two new companion case studies, argues the linking of trade to [human rights](#) is correct and examines future possibilities for such measures.

"Most people think human rights are to be separated from trade. In fact, that's not true," Bhala said. "There are no express, comprehensive provisions for human rights in the World Trade Organization or General Agreement on Tariffs and Trade, but we're seeing the link come up in U.S. trade policy and some regional free trade agreements. We're entering an era of invigorated enhancements of human rights through trade policy."

Bhala wrote an article on China's treatment of Uyghur Muslims and American trade response, published in India's *Journal of the National Human Rights Commission*, and another on Hong Kong's democracy, China's violation thereof and American trade response, forthcoming in the *Kansas Journal of Law & Public Policy*.

Former President Donald Trump's disputes with China and resulting trade war were widely debated and criticized. But, Bhala points out the sometimes-overlooked trade reactions to the events in Xinjiang and Hong Kong are distinct, and defensible, actions. While thoroughly

detailing the economic and legal actions of each case, he points out how the United States and China are in a new era of great power competition. He also outlines how, historically, trade and human rights were considered separate matters, and he chronicles how and why the earliest connections between the two issues occurred.

"The articles make the point that the two issues, international trade and human rights, are now inextricably linked," Bhala said. "In one situation, we have what three governments have already called genocide, and what the world generally agrees is a violation of China's one-country, two-systems policy in Hong Kong in the other."

The former system involves genocide of a religious minority, while the latter involves legally codified human rights such as direct elections and peaceful assembly in Hong Kong. The United States has taken various trade actions, such as banning imports of Chinese products like cotton and tomatoes from Xinjiang in the first case, and freezing assets of Chinese Communist Party officials on the mainland in the second.

Bhala argues that such sanctions and related actions are appropriate. The World Trade Organization does not provide for trade remedies to human rights violations or crimes against humanity, hence options through that multilateral venue are limited.

"If we don't use trade measures like sanctions in these two egregious instances, then when would we?" Bhala said.

In addition to outlining in the articles the legal responses and arguing they are justified, Bhala examines how the United States and other nations will most likely continue to use such measures in the future. Numerous contexts, including China's actions toward Tibet, Taiwan and across the South China Sea and its self-declared Nine Dash Line, will most likely cause disagreement and conflict between the two world

powers. He also emphasizes the conflicts are not with the Chinese people, but with the actions and policies of their government.

"We know the Chinese people are not monolithic in their views of their own government," Bhala said. "There are many people in Hong Kong and on the mainland who are concerned with what has happened in Xinjiang with the Uyghur population, and also in respect to what has happened in Tibet and Taiwan."

While it may be too early to know what the long-term results of trade remedies to human rights violations may be, or whether they will escalate tensions, the ongoing situations are confirmation that international trade and human rights are two sides of the same coin.

"If we've learned nothing else, it's that trade policy is national security policy is human rights policy," Bhala said. "Our national security is based on our values. We express our values partly through who we decide to trade with, and the terms on which we trade with them. Trade is not only about trade."

Provided by University of Kansas

Citation: U.S. trade sanctions justified response to human rights abuses in China, law expert argues (2021, April 6) retrieved 25 April 2024 from <https://phys.org/news/2021-04-sanctions-response-human-rights-abuses.html>

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