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**A Historical Evaluation of the Position of the United States on Genocide Designations:
Framing Implications for Xinjiang**

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POLS 723: Internship Report and Literature Review

April 30th, 2023

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Abstract

This paper evaluates the historical stances of the United States with the international norm against genocide. It further examines how U.S. positions in precedent cases of genocide may help frame the U.S. response to the current crisis in Xinjiang, China. This paper reviews the historical record of the instances when the U.S. government has designated past atrocities to be considered genocides, and identifies patterns of continuity and change in the decision-making process of the U.S. This work then applies the theories of liberalism, constructivism, and realism to interpret the actions of the United States when deciding to recognize genocide formally.

Using this historical framing allows for the discussion and exploration of the motivations and implications of the U.S. decision to call the ongoing violence in Xinjiang a genocide. This decision highlights the ongoing tension between the international norm against genocide and the legal definition of genocide. This paper finds that while the U.S. is affected by both continuity and change in its relationship to genocide, its current acknowledgment of genocide in Xinjiang more strongly reflects a change in the historical relationship of the U.S. to genocide designations.

Part I. Executive Summary

This semester, I had the pleasure of working with Professor Michal Ben-Josef Hirsch as her personal research assistant (RA) to fulfill my internship requirement. This work functioned as a continuation of Professor Ben-Josef Hirsch's publication *Conceptualizing and assessing norm strength in International Relations*, which was co-authored with her colleague, Professor Jennifer M. Dixon. The overarching goal for Professor Ben-Josef Hirsch is to expand upon her previous research to publish a comprehensive analysis of norms in International Relations.

My responsibilities during this role have included: conducting original data analysis, compiling annotated bibliographies on the subject material, conducting briefings on topics such as the function and applicability of Human Rights Council Universal Periodic reviews, as well as ensuring the organization and management of my work, and the resources I have produced. The

entirety of my work revolved around researching the existing literature on four central international norms identified in the field of Transitional Justice: the norm of revisions in state historical narratives, the norm against torture, the norm against genocide, as well as updating Professor Ben-Josef Hirsch's past research catalog on the norms of Truth Telling and Legal Accountability.

Over the course of the internship, I was challenged to set benchmarks while I completed peripheral research for Professor Ben-Josef Hirsch. I set a goal to continue learning about the world of research that I had been continuously exposed to throughout my time at Suffolk. In between my undergraduate and graduate degree programs, I worked as a community liaison for a project called Bus Network Redesign. This professional experience required me to routinely produce reports and allowed me to gain confidence in identifying and filling gaps in existing research. I was then able to translate these skills into my RA role and adapt them to a more academic setting. My responsibilities as a RA strengthened my ability to quickly synthesize long-form academic reports as well as accurately judge the relevancy of published articles to Professor Ben-Josef Hirsch's work.

Overall, I would strongly recommend other Suffolk students to fulfill their internship requirements by being a RA. Being a RA is especially beneficial in the context of a one-year accelerated master's program due to the ability to interact with the program's course material. I was initially offered this internship while I was a student of Professor Ben-Josef Hirsch. The benefit of attending a smaller program like Suffolk's Masters of Global Public Policy (MGPP) has allowed me the opportunity to expand my professional network as well as create personal connections with my professors. As I begin to explore future career options after graduation, I have seen the benefit of the close professional and personal supervision that Suffolk has given me.

Through the process of researching international norms with Professor Ben-Josef Hirsch, I took a particular interest in the international norm against genocide and its implications for U.S. Foreign Policy. My undergraduate capstone presented an analysis of the US-China Trade War. When approaching this project, I aimed to apply my new knowledge of international norms to my past specialization on US-China relations. In light of the ongoing human rights violations in the northwest region of China against the Uyghur Muslim population, the following literature review seeks to evaluate the historical relationship of the United States to the international norm against genocide and examine how the existing historical precedent may help frame the U.S. response to the current crisis in Xinjiang, China.

Part II. Literature Review

In the final days of the Trump Campaign, on January 19th, 2021, former U.S Secretary of State Mike Pompeo officially announced that the U.S. government would officially designate the crimes against the Uyghurs and other Turkic and Muslim people living in China as a genocide. Pompeo cited "the arbitrary imprisonment or other severe deprivation of physical liberty of more than one million civilians, forced sterilization, torture of a large number of those arbitrarily detained, forced labor, and the imposition of draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement" (Pompeo 2021).

Since 2017, more than one million Muslims have been detained in re-education camps. While Chinese officials have claimed to have closed the camps in 2019, international reporters have documented an ongoing system of abuse. Critically, while the United States has formally described China's actions as a genocide, the United Nations Human Rights Office stated in 2022 that these violations could only be considered “grave human rights violations,” not genocide (UNOHCR 2022). The U.S. has since deployed economic policies such as *The Uyghur Forced Labor Prevention Act*, which went into effect in June 2022, seeking to prevent goods produced in the Xinjiang Uyghur Autonomous Region (XUAR) of China from entering the U.S. market, but many have argued that not enough is being done (Flacks and Songy 2022).

Initially, my research was inspired by the question, “Why exactly do the U.S. and the United Nations have different positions on whether or not Xinjiang is considered a genocide?” However, my research throughout the semester led me to question the historical record of the United States and genocide determinations and if Xinjiang represents a break in this pattern or not. The following literature review first presents a brief historical record of when the U.S. made the genocide distinction. This work presents two schools of thought within the academic literature - *continuity and change* - that scholars argue can frame the decision-making process taken by the U.S. throughout history when making a genocide designation. This paper applies the International Relations theories of liberalism, constructivism, and realism to help frame the arguments presented by the literature using the example of Xinjiang and US-China relations.

Historical Evaluation: What does the literature to date say about the U.S. position on genocide?

The international legal definition of genocide was adopted by the United Nations in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and defined genocide as:

“any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group; Forcibly transferring children of the group to another group.”

United Nations General Assembly, 1948

In a report sponsored by the United States Holocaust Memorial Museum, Todd Buchwald and Adam Keith state that despite the U.S. having no requirements for the U.S. government to make public statements that Genocide has occurred, it has done so “at least five times (regarding atrocities in Bosnia, Rwanda, Iraq, Darfur, and ISIS-controlled areas, and perhaps also Burundi) since the end of the Cold War” (Buchwald and Keith 2019). Four years later, the U.S. has most recently formally acknowledged the Rohingya Genocide in Myanmar and the Armenian Genocide but also informally recognized the crisis in Xinjiang with the Uyghur Muslims as a genocide in the last days of the Trump Administration (Pompeo 2021). The Biden Administration has since then affirmed this statement.

These additions signal that throughout U.S. history, far beyond the Holocaust, the U.S. has concluded that genocide has been committed eight times in total (Blinken 2022). Currently,

the United Nations has agreed that there are “human rights violations occurring in the region” but has refused to designate the crisis in Xinjiang as a genocide. The following literature presents two schools of thought - *continuity and change* - which encapsulate arguments made by scholars categorizing how the U.S. position on genocide throughout history has altered and evolved.

School of Thought 1: Continuity

The discussion of continuity in the realm of genocide designations puts forward the argument that, over time, the fundamental patterns of how the U.S. interacts with the concept of “genocide” have not changed. While in the Uyghur scenario, the U.S. may make various designations of genocide for different reasons, the key argument underlines that the existing guardrails of genocide and its legal definition have not changed over time. Within this discussion, the arguments of the relevancy of the legal definition of genocide, as well as the lack of a congressional mandate to acknowledge genocide, define the focus of this debate. These two themes argue that regardless of other factors, the United States has historically maintained a sense of continuity when making genocide distinctions.

Relevancy of the Legal Definition of Genocide

As established by the International Court of Justice (ICJ), the Genocide Convention is a legally binding treaty. The requirements established within this convention require member states to punish acts of genocide in the event that it is legally determined. Buchwald and Keith argue that it is this perception that has sometimes made U.S. officials reluctant to acknowledge genocide because of concerns about being pressured into taking action. They go on to argue that, at least on some occasions, these concerns have proved to be true as, in some cases, they observe “U.S. genocide statements prompted specific U.S. actions,” especially in regard to Darfur (Buchwald and Keith 2019). Based on this history, formally labeling something a genocide is still costly, and genocide distinctions must be substantiated in some way to prevent the word from losing its impact. Some scholars have pointed to the work of Zachary Karazsia and his argument that the responsibility to protect (R2P)¹ clause expands upon and revitalizes the gaps in the Genocide Convention as a way to say that R2P has made the legal distinction of genocide less relevant, but this is not substantiated. Especially because, in Karazsia's argument, he bases his support of R2P on the foundation established by the Genocide Convention that R2P can not replace the Genocide Convention with its status as a norm alone (Karazsia 2019).

The legal bedrock around making a genocide distinction becomes more important when evaluating genocide at the supranational level. As reported by Council on Foreign Relations (2023), “the 2011 Libya intervention shattered international consensus on the R2P doctrine. Since that destabilizing intervention, China and Russia, in particular, have used their veto power on the UN Security Council to block other such interventions.” Therefore, as R2P has occasionally been argued to be weak, the Genocide Convention is binding and, therefore, can not be dismissed in the same way. Despite individual actions and justifications by States, another scholar, Michelle Ringrose, also agrees that the word genocide still holds power and asserts that “while it has been argued that the genocide label has lost its normative power in terms of its

¹ The responsibility to protect (commonly referred to as ‘R2P’) rests upon three pillars of equal standing: the responsibility of each State to protect its populations (pillar I); the responsibility of the international community to assist States in protecting their populations (pillar II); and the responsibility of the international community to protect when a State is manifestly failing to protect its populations (pillar III).

assumed obligations to prevent and punish acts of genocide, its power extends beyond the perceived obligation for intervention” (Ringrose 2020). While some of the conceptual frameworks around genocide have shifted, the legal definition has remained concrete, relevant, and powerful. Therefore, there is significant scholarly agreement that the 1948 convention still defines the foremost distinction of genocide, and thus it remains a constant within the U.S. context.

No Domestic Legal Mandate for Congress

Another important continuity in the academic debate is established by the fact that despite the Genocide Convention, the U.S. Congress has no legal mandate to make genocide distinctions. As showcased by Buchwald and Keith, “the United States has no established policy framework to guide decision-making on whether to make a statement that genocide has occurred in a given situation.” Thus, it does not automatically seek to investigate if known or ongoing mass atrocities amount to genocides. As a result of this discretionary ability, the Department of State must weigh a wide range of considerations when deciding to make a statement invoking genocide. The lack of established domestic policy procedures for the U.S. to make a genocide distinction is strongly informative of the U.S. relationship to genocide at the international level, according to Williamson. Williamson argues that while Americans generally have a strong desire to help people in danger overseas, there is a tangible and consistent fear that can be observed throughout each case where there is a reluctance to give up “control over decisions to multilateral organizations and becoming enmeshed in places where our engagement distracts from other priorities” (Williamson 2023).

Despite the lack of a mandate to make a statement, Van Schaack highlights that the Elie Wiesel Act requires the Executive Branch to report on its assessment of ongoing atrocities (Van Schaack 2021). It is further argued in this literature that this could be an opening to invite Congress to make more formal legal determinations of genocide. In the most recent case of the U.S. declaring genocide in Myanmar, the U.S. State Department filed a report based on detailed survey data collected by the department of more than one thousand Rohingya refugees (Archie and Hernandez 2022). Therefore, while the U.S. has made clear it has no legal pressure to make genocide statements, it appears to still follow reporting and investigation norms based on the literature.

School of Thought 2: Change

The second school of thought, change in the U.S. relationship to genocide distinctions, highlights how the U.S. government has begun to value a range of factors when making genocide distinctions that were not relevant in the past. This segment presents arguments made by scholars stressing the politicization of genocide, increased motivations to make distinctions, as well as the impact of shifting domestic and geopolitical implications. These three scholarly theories argue that there has been a signification change in the U.S. relationship to genocide distinctions. As a result, this paper can further extend this model to frame the U.S. response to Xinjiang.

Growing Politicization of Genocide

The literature argues that a catalyst of significant change in the U.S. relationship with genocide was the acceptance of R2P as an international norm in 2005. R2P has only been rarely

invoked by the UN Security Council but was most notable during the war in Libya to prevent mass atrocities in Benghazi. In *Navigating R2P Between Norm and Practice*, Omar Auf highlights how R2P opens the way for states to intervene in another state citing R2P, but in reality, maintaining “ulterior motives” (Auf 2023). Auf points to this problem, especially in the USA's decision to engage in Libya but not Syria, because the political climate behind the two crises had different implications for the U.S. government. What is more, Auf discusses an important inconsistency when it comes to power politics and R2P. Since the norm of R2P requires consensus within the context of the Security Council, Auf argues that it will be challenging to use it to counter Russia’s recent invasion of Ukraine, given Russia's status as a permanent member of the Council. The dynamics surrounding veto power and lack of formal legal backing increase levels of politicization of R2P and related deliberations surrounding mass atrocities.

On the topic of politicization, Michelle E. Ringrose argues that “the U.S. has a history of using the UN as a platform to project its power through 'philanthropic' pursuits concerning genocide. For example, certain observers argue that the U.S. labeling of Darfur as genocide was politically motivated by a desire to enhance the country’s human rights record in the wake of abuses at Guantanamo Bay” (Ringrose 2020). She also points to the U.S. decision to label the Srebrenica massacre in Bosnia as a product of a U.S. shift to a “democratic administration more concerned with cooperative internationalism, and amidst an environment where political backlash, especially domestically, for non-intervention in Srebrenica, would have been limited” (Ringrose 2020). She argues that this was likely viewed as politically advantageous to the U.S. government at the time, adding to the argument that there has been a shift in the U.S. avoiding genocide determinations at all costs to considering using them for political gain.

Van Schaack asserts that in all of the situations in which the U.S. has issued a genocide determination in the past, all circumstances, including Darfur, Iraq, and Xinjiang, China, have all been warranted. However, the key crux of this argument emphasizes concern over the process being politicized (Van Schaack 2021). She highlights that the half-hazard way in which the Trump administration issued its determination concerning Xinjiang is the perfect example of the U.S. government using a genocide determination as a “poison pill” to justify further competition with China and sees this rushed distinction as problematic (Van Schaack 2021). While a distinction was needed, she argues that this portrays a lack of seriousness around the genocide designation from the Trump administration. It is the speed at which the Trump administration made this distinction, combined with the apparent growing political rationale in making genocide distinctions, that signals a shift from the hesitancy of the past for the U.S. to invoke the term “genocide” in any capacity.

Increased Motivation of the U.S. Government to Proactively Acknowledge Genocide

Another proposed change in the U.S. interactions with genocide pertains to the changes in congressional and presidential willingness to acknowledge an act of genocide. The literature suggests that the U.S. has shifted from avoiding the discussion of genocide unless “pressured to” advertising that “preventing mass atrocities and genocide is a core national security interest and a core moral responsibility” (Obama 2011). Buchwald and Keith point to the 1999 crisis in Kosovo as a different way the U.S. government dealt with the “genocide issue.” They argue that “U.S. officials made statements acknowledging that ‘indicators of genocide’ were present, thus quickly acknowledging a risk that genocide would occur while avoiding legalistic debates about whether each of the elements necessary to demonstrate that genocide had been committed”

(Buchwald and Keith 2019). In this case, the legal definition of the word is disregarded even as the U.S. intervened with the support of NATO with large-scale military action.

Thomas Peak provides another possible argument in support of this pattern. In his view, while the U.S. is retreating from its role of ‘global policeman,’ “impunity for genocide will still represent a grave threat to international peace and security” (Peak 2023). Regardless of if the U.S. is seen as highly engaged with the international system or not, it will always be in the U.S. interest to prevent security threats to itself, which is what genocide represents to Peak. Buchwald and Keith further point to this shift taking place surrounding Darfur, “unlike the Bosnia and Rwanda cases, the administration was not in the posture of resisting a conclusion that it thought would generate political pressure to take actions that it did not want to take” (Buchwald and Keith 2019), and as a result, the Secretary of State Powell signaled that “he was prepared to state that the atrocities constituted genocide so long as there was a proper process to consider the issue and the conclusion was established factually.” The intersection between Peak’s argument and Buchwald and Keith’s argument is that both cases prioritize quick distinctions of genocide over an overreliance on the legal definition to achieve the foreign policy goals of the U.S.

Interactions between the United States and the Security Council are another key indicator of the shift of the U.S. to becoming an “outlier” when declaring genocide. Due to the Clinton Administration's calculated wording surrounding the Rwandan genocide to avoid a formal genocide distinction, the Security Council did not pursue intervention. To contrast this strategy, in 2004, the Bush Administration was the first and only Security Council member to declare that the abuses committed in Darfur constituted genocide—and it initially led the push for the Security Council to act” (Buchwald and Keith 2019). Goldsmith reinforces this by arguing that individual states have put forward a new approach redefining the interpretation of “intent” pertaining to the genocide distinction and has coined it the “knowledge-based approach” (Goldsmith 2010). Citing the Vienna Convention on Treaties' assertion that “interpretations of laws should follow the treaty’s original purpose and objective,” Goldsmith argues that by overly focusing on “proving intent” to determine genocide, the UN has had a “move away from the creator’s and drafters’ original meaning of intent in the Genocide Convention [which] urgently needs to be corrected” (Goldsmith 2010).

In a Human Rights Watch report (2022) on the U.S. designation of the Myanmar genocide, the author argues that the UN Security Council had not previously taken substantive action in response to the Myanmar military’s atrocities “largely because of concerns of a Chinese or Russian veto” (Human Rights Watch 2022). In this scenario, the U.S. has reacted to its lack of ability to make a genocide distinction through the Security Council and instead opted to independently acknowledge the genocide. This action mirrors Goldsmith's argument that states are shifting to the “knowledge-based approach²” that genocide is occurring without being concerned with proving “intent” as required in the Genocide Convention. The recent distinction over Myanmar can also be applied to Xinjiang due to China's veto power in the Security Council.

² For genocide, if the knowledge-based approach was used, it would mean that a person is guilty of genocide if they willingly committed a prohibited act with the knowledge that it would bring about the destruction of a group. Individuals are unlikely to achieve the destruction of a group by themselves; they would have to work with others. Therefore, it is enough evidence if the individual commits an act knowing that it would contribute to other acts being committed against a particular group, which when put together, would bring about the destruction of that group.

Domestic and Geopolitical Pressure

When it comes to genocide designations, another prominent argument made by scholars is that the domestic and geopolitical pressures around declaring genocide have shifted, especially amidst increased calls for the U.S. to “make a stand” on human rights. Buchwald and Keith, as well as Van Schaack, point out that each time the U.S. has cited genocide, a significant catalyst has had to do with how much social pressure and attention is placed on decision-makers to acknowledge a genocide. Buchwald and Keith (2019) have argued that before the Cold War, “those advocating for a stronger U.S. government response to unfolding atrocities rarely pressed for public acknowledgments that genocide had occurred as a means to pressure the U.S. government to take stronger actions.” However, they see a divergence in this pattern after the Cold War. They cite the situations in Iraq and Cambodia where Senate Foreign Relations Committee staff and advocates aimed to amplify and expose Iraqi atrocities against the Kurds by aiming to raise the visibility of the issue and even involve the media to increase general awareness and support.

This led to concrete policy change when Senator Claiborne Pell introduced the *Prevention of Genocide Act*—which included a finding that “Iraq’s campaign against the Kurdish people appears to constitute an act of genocide” (Buchwald and Keith 2019). Additionally, Van Schaack (2021) points to the increased impact of civil society on Congress. She points to the efforts to pass the Myanmar genocide designation and recalls the impact of strong civil society support and the existence of a “Call it Genocide” campaign.

The Geopolitical pressure of the U.S. to designate genocide when it occurs is highlighted by the existence of adversarial relationships between the United States and other nations. While the U.S. has always had adversaries, Amy Lehr highlights the adversarial nature of taking action in human rights and argues that “Congressional action [to lead on human rights] is more vital than ever in today’s geopolitical climate. China, Russia, and other governments present authoritarian models as alternatives to compete with democracy” (Lehr et al. 2019). Lehr also points to China seemingly trying to increase its influence over the rules of the international human rights system at the UN to try to “recalibrate global standards in its favor” (Lehr et al. 2019). While Congress does not always see this as a direct threat requiring their attention, Lehr reminds us that the U.S. taking a strong stance on human rights offers an important counterexample. By taking a strong stance on human rights, the U.S. can increase the strength of its influence and attack the reputation of China.

It must also be noted that there are countless criticisms of the U.S. invoking human rights to justify intervention when it is not strictly necessary. What can be observed in these case studies is a shift from the reluctance to use the word “genocide” until after a calamity has occurred to a more proactive approach. Not only can this help stop atrocities before it is too late, but it also can increase U.S. leadership without the bureaucratic delays imposed by the legal requirements of the Genocide Convention.

Discussion of the Historical Precedent

By utilizing theories of International Relations in conjunction with a robust literature review, it is possible to contextualize and examine the actions of the United States when deciding to classify the crisis in Xinjiang as a genocide. As can be observed within the literature, there are cases of both continuity and change when examining the U.S. relationship to genocide and genocide determinations. An important grounding conclusion in this debate is that the Genocide

Convention remains relevant and critical when considering genocide distinctions. With this in mind, changing international norms surrounding genocide, in addition to the norm of R2P, has presented opportunities where genocide and mass atrocities can be interpreted and addressed using international norms alone instead of states being confined to the strictly legal definition.

Based on the patterns of continuity and change presented within the literature, I posit that there is an existing tension between the constantly evolving norm of genocide and the continuous legal definition of genocide. While both continuity and change are present in the system, this literature review thus far has contained a gap in exploring why the idea of genocide has evolved in these patterns.

The work of my advisor, Professor Ben-Josef Hirsch, and her colleague Professor Jennifer M. Dixon, helps situate the discussion of continuity in change by presenting a framework to conceptualize norm strength in International Relations. Ben-Josef Hirsch and Dixon (2021) argue that the indicators to assess the strength of a norm are through measuring “the level of international concordance with a principled idea, and the degree of international institutionalization of a principled idea.” While this paper does not seek to explain these shifts, I argue that based on this model, the strength of the Genocide Convention allows for a strong degree of concordance surrounding the international norm against genocide. However, I hypothesize that challenges within the Security Council and the international community over state sovereignty and the politicization of genocide have ultimately weakened the ability of states to act as a collective against mass atrocities that may not fit strictly under the legal categorization of genocide. It is in this environment where the U.S. is motivated, as discussed in the literature, to make its own distinctions of genocide and act upon it.

International Relations Theory: How Does This Historical Precedent Help Frame the U.S. Response to the Current Crisis in Xinjiang?

The historical record of the U.S. on the topic of genocide is characterized by continuity in regard to the legal definition of genocide and the lack of a mandate for Congress to address potential genocide. This pattern is coupled with changes in the growing politicization of genocide, increased motivation for the U.S. to speak on genocide, as well as increased domestic and geopolitical pressure to address genocide. Given the historical precedent set by these themes, the question to ask is: how can the U.S. response to the current crisis in Xinjiang be examined in the context of broader International Relations theory?

Liberalism

Liberalism in International Relations centers on the rule of law, values democratic processes and focuses on alliances and economic interdependence between nations. Three main tenets of liberal theory are democracy, globalization, and supranational institutions. It is liberal IR theory that can be observed in how, despite its willingness to make its own designations, the U.S. still inherently values the weight of the legal power of the Genocide Convention. Clearly, the U.S. does not expect to put “boots on the ground” in Xinjiang, but through the lens of liberalism and the value of economic competition, the US-China trade war can be seen as another way that the U.S. aims to use tools of the “liberal international order” to counter China.

It is through liberalism that arguments in the realm of “continuity” are highlighted. In this scenario, the U.S. waited a long time to make a designation in part due to the weight of the legal

definition of genocide (Chotiner 2022). Considering that the U.S. upholds the right to condemn China even as it maintains freedom from being forced into making any statement on genocide, the U.S. is uniquely positioned. When the Trump administration unilaterally elected to designate Xinjiang as a genocide, it was likely related to the ineffectiveness of the international liberal order in condemning China as a collective.

Another way liberalism frames the current situation is China has arguably begun to weaponize international norms within the liberal world order, such as R2P, against the U.S. While China was initially opposed to R2P, it has since become an advocate of the principle. It is argued that “while China accepts the prudent use of R2P—even permitting the use of force—it does so under two conditions: (1) the principle is invoked strictly within the confines of the 2005 World Summit Outcome language, and (2) applying R2P does not result in significant reforms of the target state’s political infrastructure” (Fung 2016). This action suggests an important implication. While R2P expands the ways mass atrocities can be addressed by States, its controversial status, especially after Libya in 2011, limits the ability of States to justify proposing any form of intervention. This debate is also consistent with China's defense in the Xinjiang case that its actions are consistent with Chinese sovereignty and a state's right to defend itself against “domestic terrorism.” As Peak (2023) asserts, the architecture of “institutions and norms for preventing and halting genocide has been built on the back of the liberal international order, but it is also true that these have not been as effective as the architects might have desired.” By applying the theory of liberalism to U.S. actions in Xinjiang, it can be observed that the U.S. likely is impacted by the laws and norms established by the liberal world order when considering genocide determinations.

Constructivism

Constructivism is a theory of International Relations in which, instead of focusing on absolute power like realism and liberalism, individuals and states are produced by their cultural environment. The actions of states in this theory are often motivated by the existence of the individual and potentially contradictory identities. The most important application of constructivism, in this case, is the acknowledgment that the U.S. and China strongly identify themselves as rivals, both in the realms of security as well as ideology. According to constructivism, actors with diverging identities are more likely to be antagonistic. With the identification in the literature that there could be increasing politicization regarding genocide, making a genocide accusation could be seen as a way for the U.S. to further discredit and combat China on the world stage.

When applied to this scenario, constructivist theory highlights the impact of “change” as identified in the literature on the U.S. relationship to genocide distinctions. Specifically, the U.S. has chosen to weaponize its designation and use it as further justification for US-China competition. Since the designation, the U.S. has enacted the Uyghur Forced Labor Prevention Act (UFLPA) to prohibit the import of “all goods, wares, articles, or merchandise mined, produced, or manufactured, by forced labor from the People’s Republic of China and particularly any such goods, wares, articles, or merchandise produced in the Xinjiang Uyghur Autonomous Region of China” (Rep. McGovern 2022). This concrete action is not simply about “punishing” China for forced labor, but this act also showcases how the U.S. is centering its ideological beliefs such as condemning forced labor to highlight where it diverges with China. This action mirrors the U.S. justification for the continuation of the US-China trade war because China practices “unfair trade practices.” From a constructivist lens, the U.S. is willing to make

sacrifices to push back against China, and it seems to often prefer to cite fundamental ideological differences in justifying its actions.

By deciding to base a genocide distinction on a “knowledge-based” rather than international legal approach that a genocide is occurring in China, the U.S. is also functionally shifting the interpretation of the Genocide Convention back to its “original intention,” i.e., preventing mass atrocities regardless of legal technicalities. However, a key aspect of constructivism is the identity and history of a state in terms of information about its actions. In this regard, it is essential to remember that the Genocide Convention is more than a treaty the U.S. adheres to. It was the U.S. that led the initiative to form such a document. Therefore, the argument being made by the U.S. that there is a genocide in Xinjiang, without the agreement of the international community, could be seen as a contradiction to its identity as one of the original pioneers of the Genocide Convention. In light of this, the U.S. perception of its identity as an adversarial power to China conflicts with its adherence to the international legal system of genocide. A potential consequence of this change is that this unilateral action by the U.S. can be interpreted as weakening the influence of the Genocide Convention in favor of embracing international norms.

Realism

While realist theory is less applicable in this scenario, using realism to focus on considerations of relative power and security can add to the framing of US-China relations regarding Xinjiang. Realism focuses on the centrality of the state and individual sovereignty above all, and in their counterarguments to the treatment of the Uyghurs, instead of an outright denial. Chinese officials, in a 2019 statement, pointed to China’s “right to counter instances of terrorism” within its borders and called for other parties to “put aside their geopolitical self-interest.” China has invoked sovereignty and has asked states to consider that it “faces direct and present threats from Eastern Turkistan terrorist forces represented by the Eastern Turkistan Islamic Movement” (Yang 2019). This framing invokes the realist dimension of sovereignty, which has been historically problematic in invoking the norm of R2P. Realism can help explain this dimension of sovereignty and the ongoing power competition between the U.S. and China. Particularly the increased motivations for the United States to make an individual distinction about the existing crimes against humanity.

Literature Review: Closing Remarks

There is widespread agreement and conclusive evidence that there have been horrific crimes against humanity and a potential cultural genocide occurring in the region since 2017. However, as the literature establishes, it is difficult to make a legal genocide distinction at the international level within the bounds of the regulatory framework surrounding genocide. The reality of the existing legal framework is that “powerful States with indifferent attitudes towards their international obligations face no significantly harsher punishment for cultural genocide than they do for other human rights transgressions” (Finnegan 2020). Operating within this framework, it would appear that while the U.S. is affected by both continuity and change in its relationship to genocide, however, its current distinction against Xinjiang seems to more strongly reflect a change in the overall approach of the U.S. to genocide.

The literature has also revealed a tension between the norm against genocide which exists partially as R2P, and the legal definition of genocide. Based on the U.S. being a founder of the

Genocide Convention, it would appear that it has historically avoided making unilateral declarations of genocide. It can be argued that this was partially to avoid contradicting the Genocide Convention while also dodging expectations of leadership. However, as over-reliance on the legal definition can devolve into “overly legalistic debates,” there appears to be a change in approach by the U.S. where it is now more willing to rely on its individual judgment that genocide is occurring. By applying IR theory to the U.S. relationship against genocide, concepts such as identity and balance of power can inform the underlying motivations of the U.S. to condemn China. Specifically, it would appear that the U.S. is motivated to discredit China because of China’s ongoing “challenge” to the international liberal order.

Moving forward, this literature review functions as a way to explore and discuss U.S. motivations for designating the events in Xinjiang as a genocide, even as the United Nations have not. The U.S. and the United Nations have found themselves faced with clear evidence of human rights violations, however, they must still acknowledge the existing legal definition of genocide. This literature review does not suggest that the Genocide Convention is somehow obsolete but merely identifies how the Genocide Convention can be inadvertently used to prevent the proactive challenge of possible ongoing genocide. The U.S. decision to make this distinction in the case of Xinjiang, as well as its independently made distinction for Myanmar, may represent a pattern for future discussions on genocide.

Future research based on this work may encapsulate questions such as: What are the further implications of this divergence between the U.S. and the UN on Xinjiang? Will Chinese and Russian veto power in the Security Council also have future implications for Ukraine? How does this designation affect Chinese international alliances (excluding the US) affected by this designation? If at all? What are the implications of the designation of “cultural genocide” not just for China, but for other states? And finally, with this designation, what are the paths forward for the U.S. to address this ongoing human rights violation?

Part III. Internship Reflection

This literature review and internship capstone represents a synopsis of my knowledge acquisition over my five years studying at Suffolk University. My undergraduate degree in International Relations equipped me not only to succeed in my graduate courses but to have the necessary contextual background on China for writing my capstone. My academic background also allowed me to have a robust understanding of the theories of International Relations that I implement in my analysis. In the pursuit of my accelerated Master’s in Global Public Policy, my internship as a research assistant allowed me to expand my knowledge of transitional justice and international norms.

As described above, my role during this internship consisted of a wide range of responsibilities, including conducting original data analysis, compiling annotated bibliographies on the subject material, and producing briefings on targeted topics of interest, such as Universal Periodic Reviews. More specifically, I was able to focus my research for Professor Michal Ben-Josef Hirsch on five norms in particular: the international norm against genocide, the anti-torture norm, revisions of state historical narratives, and the norms of truth-telling and legal accountability. My role helped Professor Ben-Josef Hirsch develop a peripheral knowledge of the existing literature on international norms, which were not discussed in her previous work. The importance of the work I completed throughout the internship is evident in my ability to incorporate the theories of Professors Ben-Josef Hirsch and Dixon into my literature review. By contributing to the development of Professor Ben-Josef Hirsch’s research regarding international

norms, I was able to better understand why the discussion of “norms” in political science is often inconsistent. It is my hope that this discussion on the norms against genocide can also contribute to the important work being done to conceptualize and assess norm strength in a more consistent way in the field of International Relations.

One of my primary goals going into this position was to find a way to synthesize the knowledge that I was learning about and producing at my internship with my diverse academic and professional background. During my internship, I acquired a situational and academic grounding in the norms of international human rights but also familiarized myself with the existing literature on the topic. My internship also allowed me to focus on the norm against genocide to allow me to become familiar with the existing case studies invoking R2P and the Genocide Convention. I found the ability to choose my own research topic for this report to be helpful, as I was able to build upon my research completed for my undergraduate capstone while expanding upon the topic of US-China relations.

My ability to complete this analysis is a direct result of the knowledge I have gained from my professional experience as well as the academic content of my courses at Suffolk. The connections that I made during my five years at Suffolk allowed me to jumpstart my professional experiences through my research assistant position and my job at the MBTA, which I was able to find by leveraging my network in the Suffolk community. My professional opportunities allowed me to learn both experimentally and in the classroom. Classes such as POLS-724 Politics of Public Policy allowed me to gain the skills necessary to produce this report by allowing me to practice writing comprehensive white papers and policy briefs. The ability to produce policy briefs and long-form research is something that will also be expected of me in future jobs. The content of my course with Professor Rodriguez, POLS-761 International Relations Theory, can also be observed heavily throughout the body of this paper. This course reinforced the concepts of liberalism, constructivism, and realism, which I was first exposed to in my undergraduate career.

While I truly feel as if this Graduate program was a vital step for me in continuing my academic and professional career, I have two primary suggestions for how to enhance the benefits of the program for future graduate cohorts. I would first encourage the MGPP program to expand its course offerings to focus on more holistic professional development skills. I took an intensive Microsoft Excel course (ISOM 801) as an elective outside of my major. This course allowed me to become confident in producing unique data analysis in my research assistant position while acquiring a unique skill that can be marketed to future employers. Additionally, I have benefitted immensely from the informal networking opportunities organized by the PSLS department. I would encourage the department to continue to emphasize creating opportunities for students to meet each other and create a sense of community in the department. Overall, I am grateful for the consistent support from the entire PSLS department over the course of my time at Suffolk University and would like to extend my appreciation for the mentorship I received as a Suffolk student as I approach graduation.



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