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China's Great Western Development Project in Xinjiang: Economic Palliative, or Political Trojan Horse

Keywords

Comparative Law, Economics, Foreign Investment, Investment, Oil, Gas, and Mineral Law, War

CHINA'S GREAT WESTERN DEVELOPMENT PROJECT IN XINJIANG: ECONOMIC PALLIATIVE, OR POLITICAL TROJAN HORSE?

Matthew D. Moneyhon*

The Han nationality has the population, the minority nationalities have the land. . . It is thus imperative that the Han assist the minorities in raising their standard of living and socialist ideological consciousness, while the minorities provide the natural resources necessary for the industrialization and development of the motherland.¹

– Mao Zedong

I. INTRODUCTION

In the early 1980s, when Deng Xiaoping declared that some people and some regions in China should be allowed to get rich before others,² he initiated a dramatic departure from traditional socialist economic policies and ushered in an era of economic reforms.³ Indeed, throughout the 1980s and 1990s, Deng's economic reforms made some people and some regions incredibly rich.⁴ Others, however, have been left dramatically behind.⁵ While coastal Special Economic Zones (SEZs) and "open cities" have flourished in the east, western regions, comprising more than half of China's total land area and approximately twenty-

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1. Mao quoted in Chien-Peng Chung, *Regional "Autonomy" For Minority Nationalities in the People's Republic of China: Rhetoric or Reality?*, in *SELECTED PAPERS IN ASIAN STUDIES* 23 (Western Conference of the Association for Asian Studies, 1996).

2. DENG XIAOPING, *SELECTED WORKS OF DENG XIAOPING*, VOL. III, 1988-1992, at 62 (Bureau for the Compilation and Translation of Works of Marx, Engels, Lenin, and Stalin trans., 1994).

3. See generally DAVID WEN-WEI CHANG, *CHINA UNDER DENG XIAOPING: POLITICAL AND ECONOMIC REFORM* (1988).

4. See generally Khorshed Chowdhury et. al., *Regional Income Inequality in China*, in *CONTEMPORARY DEVELOPMENTS AND ISSUES IN CHINA'S ECONOMIC TRANSITION* 238-61 (Charles Harvie ed., 2000) [hereinafter Chowdhury].

5. See *id.*

three percent of its population,⁶ still languish in dusty poverty. Many of China's fifty-five minority groups live in the west and, especially in Xinjiang, economic disparities fuel ethnic tensions, conjuring frightening parallels to the break up of Yugoslavia and the Soviet Union.⁷ The Chinese central government, wary of separatist rumblings in both Tibet and Xinjiang, has endeavored to exorcise the specter of political disintegration with an ambitious development campaign: the "Great Western Development Drive" (alternatively, Go West).

The Go West development plan, in conjunction with recent revisions of the Law on Regional National Autonomy (LRNA),⁸ and accompanying economic incentives, represents China's current strategy for dealing with its restive ethnic minorities. The program, its policies, and accompanying legal reforms may rightly be viewed as the latest incarnation of China's evolving minority policy. Analysis of Go West's implications for Xinjiang demonstrates that the program is intended as a significant step towards greater integration of ethnic minorities and, ultimately, assimilation into the greater Han framework—a process incongruous with the central government's proclaimed commitment to ethnic regional autonomy. Although construed as an effort to alleviate poverty and bridge the growing gap of economic disparity between the eastern and western regions,⁹ Go West is actually an attempt to quell ethnic unrest, solidify the nation, and legitimize the current regime by taming the "wild west."

This article addresses the Go West development campaign's impact on Xinjiang, specifically as the plan fits into Beijing's greater strategy for integration and assimilation of Xinjiang's restive Uighur population. Section II begins with a brief introduction to Go West's economic impetus—the asymmetric development spawned by economic reforms of the 1980s. Section III explores the volatile political and economic climates in Xinjiang, their role in feeding separatist sentiment, and Go West's attempt to quell unrest. Section IV examines some of Go West's policies and projects, emphasizing how they fit into the political agenda of solidifying the nation through the pacification and integration of Xinjiang. Section V briefly considers Go West as an effort to legitimize the current Chinese Communist Party (CCP) regime. Section VI provides a historical framework for conceptualizing Go West as part of China's evolving minority policy. Section VII examines the legal wake of Go West—particularly the contraction of the autonomy regime. Finally, the article concludes that even if the central government's economic promises bear fruit, prosperity in Xinjiang may not yield Beijing's desired results.

6. *The Hinterland: Plan to Avoid "Asian Kosovo,"* CHINA ECON. REV., Mar. 13, 2001 [hereinafter "*Asian Kosovo*"].

7. *Id.*

8. LAW OF THE P.R.C. ON REGIONAL NATIONAL AUTONOMY (LRNA) (1984); see CHINA LAW NO. 200 (Adopted at the Second Session of the Sixth National People's Congress, promulgated by Order No. 13 of the President of the People's Republic of China on May 31, 1984, and effective as of October 1, 1984), available at http://www.lexis.com/research/retrieve?_m=b16222ade91408d60379c3aca06fabbb&docnum=2 (last visited Feb. 11, 2003).

9. Bruce Gilley, *Saving the West*, in FAR EASTERN ECONOMIC REVIEW 22 (2000).

II. GO WEST: ANTIDOTE FOR ASYMMETRIC DEVELOPMENT?

Go West, Young Han: China's Manifest Destiny

Horace Greeley's cry to "Go west young man," epitomizes the dream of American expansion and development of the west in the nineteenth century.¹⁰ America's conquest of the west both helped craft the American ethos and ushered in what has widely been called the "American century."¹¹ Today, China stands at the beginning of what many scholars predict will be the "Chinese century,"¹² and it is believed that sometime within the next twenty years, China will emerge as the world's largest economy.¹³ The CCP, maintaining a tenuous hold on power and faced with serious legitimacy concerns,¹⁴ would like, more than anything, to make such predictions realities.

In June 1999, President Jiang Zemin emphasized the need to "seize the historic opportunity at the turn of the century to accelerate the development of western China."¹⁵ An integral part of Beijing's strategy for ushering in the "Chinese century" is the "Great Western Development Campaign," an ambitious effort designed to direct state investment, outside expertise, foreign loans, and private capital into vast, and comparatively backward, western China.¹⁶ When launching the project in early 2000, Chinese authorities drew comparisons to the development of the American west in the early 1900s.¹⁷ Premier Zhu Rongji and

10. See generally COY F. CROSS, *GO WEST YOUNG MAN: HORACE GREELEY'S VISION FOR AMERICA* (1995).

11. See generally HAROLD EVANS, *THE AMERICAN CENTURY* (1998).

12. See e.g., Andy Hines, *The Coming Chinese Century*, in *FUTURIST*, Sept. 19, 1997, at 8 [hereinafter Hines]; see also John Lloyd, *Will This Be The Chinese Century?*, in *NEW STATESMAN*, Jan. 10, 2000, at 15.

13. Hines, *supra* note 12, at 8.

14. See generally FENG CHEN, *ECONOMIC TRANSITION AND POLITICAL LEGITIMACY IN POST-MAO CHINA: IDEOLOGY AND REFORM, 1-20* (1995) [hereinafter FENG]. Chinese economic reforms, initiated by Deng Xiaoping and continued in the post-Deng era, have shaken the foundation of CCP legitimacy. Despite contradictions between the economic reforms and Marxist ideology, the CCP has been unwilling to repudiate its fundamental principles. The discrepancy leads to a legitimacy crisis caused by the disparity between current practices and original ideological tenets upon which the regime was founded. *Id.*

15. *Go West: Exploring New Business Opportunities*, Hong Kong Indus., July 1, 2001 [hereinafter *Go West, Indus.*]. In March 2003, Jiang Zemin stepped down after ten years as China's top leader. Jiang's successor, Hu Jintao, has indicated that he will pick up where Jiang left off with the *Go West* development plan. See Antoine Blua, *Kazakhstan: Hu's Visit Highlights Beijing's Growing Interest in Central Asia*, *TIMES OF CENTRAL ASIA*, June 5, 2003 (last visited Aug. 8, 2003).

16. See generally John Pomfret, *Go West, Young Han; Beijing Urging Dominant Ethnic Group to Resettle, Develop Restive Regions*, *WASH. POST*, Sept. 15, 2000 at A01 [hereinafter Pomfret, *Go West*]; *Go West, Young Han*, *ECONOMIST*, Dec. 23, 2000 [hereinafter *Go West, ECONOMIST*]; Ted Plafker, *China's 'Go West' Drive Seeks to Funnel Aid to Poor Region*, *INT'L HERALD TRIB.*, May 8, 2001, at 9; Clara Li, *Bountiful Region is Envy of the Neighborhood; Xinjiang Playing a Crucial Role in Development Drive*, *S. CHINA MORNING POST*, May 18, 2001, at Supplement 2 [hereinafter Li, *Bountiful Region*].

17. See generally *Go West*, *ECONOMIST*, *supra* note 16; Calum Macleod, *China's 'Go West' Plan May Threaten Tibetan Culture*, *UNITED PRESS INT'L*, Dec. 1, 2000 [hereinafter Macleod].

Vice-Premier Wen Jiabao, leaders of the campaign, even commissioned a detailed study of the “take off of the American West in the early decades of the last century.”¹⁸ Indeed, the central government has high hopes that the Go West project will tame China’s Wild West. The growing economic disparity between east and west has fueled ethnic unrest in the region, thereby threatening China’s stability and security.¹⁹ Jiang Zemin declared that the development of the west is crucial to China’s stability, the Communist Party’s hold on power, and the “revitalization of the Chinese people.”²⁰

Although it makes for good rhetoric domestically, comparisons between China’s Go West drive and the development of the American west are somewhat suspect. In fact, there are more differences than similarities between the two “projects.” First, there is a dramatic difference in prevailing economic systems. The pursuit of property drove the development of the American west.²¹ In China, however, land still belongs to the state and the central government has no plans to cheaply sell, or freely distribute, land to “pioneers.”²² Second, although China’s west abounds with natural resources, it suffers from a severe scarcity of fertile land—one of the great incentives to westward development and migration in the United States.²³ Finally, in the twenty-first century, the international community generally does not tolerate conquest and subjugation of minority rights. Thus when China goes west, it must do so with sensitivity to local populations. Although there are significant differences between the two endeavors, similarities between China’s Go West drive and the conquest of the American west do not go unnoticed. Critics of the Go West plan have pointed out that just as America’s thrust westward translated into sweeping, and often negative, changes to the lives of Native Americans,²⁴ China’s Go West campaign also has serious implications for the indigenous populations of China’s west.²⁵ For the CCP, however, these implications are actually a major impetus for Go West, and the overt economic goals belie the underlying political agenda.

18. Willy Wo-Lap Lam, *Beijing Rides Out West*, S. CHINA MORNING POST, Feb. 2, 2000, at 17 [hereinafter Lam].

19. See generally Melinda Liu, *Trouble in ‘Turkestan,’* NEWSWEEK, July 10, 2000, at 45 [hereinafter Liu, *Trouble*].

20. See Pomfret, *Go West*, *supra* note 16, at A01.

21. See generally PATRICIA NELSON LIMERICK, *THE LEGACY OF CONQUEST*, 55-77 (1987). “If Hollywood wanted to capture the emotional center of Western history, its movies would be about real estate. John Wayne would have been neither a gunfighter nor a sheriff, but a surveyor, speculator, or claims lawyer. The showdowns would occur in the landclaims office or the courtroom; weapons would be deed and lawsuits, not six-guns.” *Id.* at 55.

22. P.R.C. ch. I, art. 10 (1998).

23. *Id.*

24. See, e.g., Larry A. DiMatteo & Michael J. Meagher, *Broken Promises: The Failure of the 1920’s Native American Irrigation and Assimilation Policies*, 19 U. HAW. L. REV. 1 (1997).

25. See generally TIBET INFO. NETWORK, *CHINA’S GREAT LEAP WEST* (2000) [hereinafter *CHINA’S GREAT LEAP WEST*]; see also Macleod, *supra* note 17.

"Two overall situations"

The very notion of the Go West drive provokes a preliminary question: Why is developing China's west suddenly such an imperative? The answer lies in the past two decades of asymmetric economic development. In the late 1980s Deng Xiaoping put forth the strategy of "two overall situations."²⁶ Essentially, this meant that the coastal regions in eastern China would be encouraged to develop first, and only after they achieved a measure of prosperity would the central government give the west special help.²⁷ Since its implementation, the strategy of asymmetric development has created a vast wealth gap between east and west. In line with Deng Xiaoping's strategy, central policies overwhelmingly emphasized development of Special Economic Zones (SEZs) and "open cities" located in coastal provinces.²⁸ The coastal regions capitalized on natural advantages and favorable economic policies by developing town and village enterprises (TVEs), cultivating export-oriented ventures, and by successfully attracting foreign direct investment.²⁹ In contrast, the interior remained comparatively backward and impoverished.³⁰

While coastal provinces continue to reap the benefits of greater integration into the international economy, the west scrambles to climb out of poverty and debt. In 1978, the beginning of Deng's economic reforms, the difference in per capita income between eastern and western China was two hundred yuan.³¹ Today, more than half of the eighty million people living under the poverty line are in the west³² and the income differential between coastal and interior provinces stands at greater than 1:15.³³ Other economic indicators also tell the interior's rather dreary tale. The western region accounts for only fourteen percent of the national GDP³⁴ and in the past two decades the west has attracted less than five percent of foreign investment in China.³⁵ The western "poverty belt" sweeps across almost two-thirds of China's landmass—from Yunnan in the south to Xinjiang in the north—and includes 285 million people, twenty-three percent of China's 1.3 billion.³⁶ The Go West initiative, covering six provinces (Yunnan,

26. *Go West*, INDUS., *supra* note 15.

27. *Id.*

28. Chowdhury, *supra* note 4, at 239. The first four SEZs were located in the southern coastal provinces Guangdong (Shenzhen, Zhuhai, and Shantou) and Fujian (Xiamen). The 14 cities designated as open cities in 1984 are also in coastal provinces: Dalian, Tianjin, Yantai, Qingdao, Qinhuangdao, Lianyungang, Nantong, Shanghai, Ningbo, Wenzhou, Fuzhou, Guangzhou, Zhanjiang and Beihai. *Id.* at 240.

29. *Id.* at 259.

30. See generally Dexter Roberts, *China's Wealth Gap*, BUS. WK., May 8, 2000, at 26.

31. Lam, *supra* note 18.

32. *Go West*, ECONOMIST, *supra* note 16. It should be noted that the Chinese state definition of the poverty-line is an income of only U.S.\$36 a year, well below the international standard of U.S.\$370. See ALAN HUNTER & JOHN SEXTON, *CONTEMPORARY CHINA*, 94 (1999) [hereinafter HUNTER & SEXTON].

33. *Id.*

34. Chowdhury, *supra* note 4, at 238.

35. *Go West*, ECONOMIST, *supra* note 16.

36. Penny Crisp & Rose Tang, *The Great Leap West*, ASIaweek, July 28, 2000, at 52.

Gansu, Sichuan, Guizhou, Qinghai, Shaanxi), three autonomous regions (Ningxia, Xizang (Tibet), Xinjiang), and one provincial level municipality (Chongqing),³⁷ strikes at the heart of the western "poverty belt" and hopes to redress the effects and implications of asymmetric economic development. Go West's economic goals, however, are window dressing for the underlying political agenda of quelling unrest, solidifying the nation, and legitimizing the current regime.

III. QUELLING UNREST: TAMING THE "NEW FRONTIER"

Nowhere are the implications and dangerous possibilities of asymmetric development more apparent than in the Xinjiang Uighur Autonomous Region (XUAR). Positioned at the crossroads of Central Asia, Xinjiang (literally "New Frontier") is the nexus of six cultural and geographic regions: Russia, Central Asia (bordering Kazakhstan, Kyrgyzstan and Tajikistan), Mongolia, the Indian sub-continent, (Afghanistan, Pakistan, and Kashmir provide Xinjiang's western border), Tibet, and China proper.³⁸ Xinjiang, occupying a sixth of China's landmass,³⁹ also holds vast natural resources, critical to China's energy-hungry economy.⁴⁰ In 1993, domestic oil consumption finally outpaced production, and China became a net importer of oil.⁴¹ Recent geological explorations indicate Xinjiang's Tarim basin contains large oil deposits, which some believe to be more than three times those of the United States.⁴² In addition to its strategic position and vast natural resources, Xinjiang hosts Lop Nor, China's premier nuclear test site.⁴³

One of five autonomous regions in China,⁴⁴ the XUAR is also home to the

37. See Sheila Rae, *Time to Go West?*, at <http://www.amcham-china.org.cn/publications/brief/document/GoWest9-00.htm> (last visited Jan. 29, 2003) [hereinafter Rae]. Although both western and Chinese sources offer various definitions of "west," the ten listed above are always included. The various definitions include or omit Guangxi and Inner Mongolia. Rae notes that Guangxi and Inner Mongolia will be added to the list in the future. *Id.*

38. See Nicolas Becquelin, *Xinjiang in the Nineties*, CHINA J., July, 2000 at 65 [hereinafter Becquelin]; see also http://www.lib.utexas.edu/maps/middle_east_and_asia/china_pol96.jpg (last visited Jan. 29, 2003).

39. See JACK CHEN, *THE SINKIANG STORY*, at xix-xx (1977). Xinjiang covers one-sixth of China's total land area, and at 660,000 square miles, the province is as big as Britain, France, Germany, and Italy combined.

40. Paul S. Triolo & Christopher Hegadorn, *China's Wild West: A Wealth of Natural Resources Has Made Xinjiang a Bustling New Frontier*, CHINA BUS. REV., 41 (Mar.-Apr. 1996).

41. James P. Dorian et. al., *China and Central Asia's Volatile Mix: Energy, Trade, and Ethnic Relations*, ASIA PAC. ISSUES, May 1997, at 4 [hereinafter Dorian].

42. *Report on Xinjiang Oil, Gas, Exploration*, Xinhua, Jun. 12 1997 available at <http://www.uyghuramerican.org/mediareports/1997/xhjun1297.html> (last visited Feb. 08, 2002). Other reports suggest that the Tarim Basin will not be as productive as anticipated. See, e.g., Dorian, *supra* note 41, at 4.

43. See Terry C. Wallace & Mark A. Tinker, *The Last Nuclear Weapons Test? A Brief Review of the Chinese Nuclear Weapons Program* (IRIS, U. Ariz.), at <http://www.iris.iris.edu/newsletter/fallnews/chinese.html> (last visited Jan. 29, 2003); see also Bill Gertz, *Spy Photos Show Beijing Set for Underground Nuclear Test*, WASH. TIMES, Apr. 9, 2001 at A1.

44. Three of the five autonomous regions (Xinjiang, Xizang (Tibet), and Ningxia) are already included in the Go West campaign, and the two others (Inner Mongolia and Guangxi) will be included

Uighur nationality—a predominantly Muslim ethnic group encompassing the oasis Turks of Xinjiang.⁴⁵ With a population of approximately eight million, the Uighurs are Xinjiang's largest ethnic group, comprising almost half of the region's population.⁴⁶ The state recognized majority Han Chinese are still a minority in Xinjiang, accounting for approximately thirty-seven percent of the region's seventeen million people.⁴⁷ Xinjiang, home to thirteen officially recognized nationalities, is actually one of China's most diverse regions.⁴⁸ But despite Xinjiang's diversity, the region is sharply segregated: Han Chinese live in larger industrialized urban areas in the north, while ethnic minorities populate the predominantly rural south.⁴⁹

Economics and Unrest

The geographic segregation in Xinjiang also alludes to the economic disparities in the region. While Xinjiang has experienced rapid economic growth,⁵⁰ prosperity has remained elusive for the Uighurs.⁵¹ Moreover, the growing economic chasm between east and west (and Han/non-Han) fuels ethnic tensions and widens popular political fissures with Beijing. Arslan Alptekin, a Uighur leader living in Turkey, predicts, “the Chinese empire will collapse from within. The workers and farmers who brought Mao Zedong to power are unhappy with the enormous wealth gap.”⁵² Alptekin's words apply generally to China, but they carry special import for Xinjiang. Of the twenty counties (in Xinjiang) where Uighurs make up ninety percent or more of the population, the central government has designated thirteen as key poverty alleviation counties.⁵³

in the project later. See Rae, *supra* note 37.

45. This piece employs the modern definition of “Uighur.” In addition to the Uighurs, Xinjiang has long been inhabited by the Muslim Kazakhs, Krgyz, and Tajiks. The Uighurs believe that their ancestors were the indigenous peoples of the Tarim Basin. The Uighurs, though often portrayed as a united front, are divided by religious conflicts, territorial loyalties, linguistic discrepancies, commoner-elite alienation, and competing political loyalties. See Dru C. Gladney, *China's Interests in Central Asia*, in ENERGY AND CONFLICT IN CENTRAL ASIA AND THE CAUCASUS 211-13 (Robert Ebel & Rajan Menon eds., 2000). For a full discussion of the Uighur ethnicity, see generally JUSTIN JON RUDELSON, OASIS IDENTITIES: UYGHUR NATIONALISM ALONG CHINA'S SILK ROAD 17-38 (1997) [hereinafter RUDELSON].

46. *The Uighurs of China, Kazakhstan, Kyrgyzstan, and Uzbekistan*, at <http://www.strategicnetwork.org/index.asp?loc=pe&pe=2021&> (last visited June 29, 2003).

47. *Id.*

48. See generally RUDELSON, *supra* note 45, at 20-32.

49. See Becquelin, *supra* note 38, at 68.

50. *Id.* at 67. For example, between 1991 and 1994, GDP doubled from 7.5 billion yuan to 15.5 billion. *Id.*

51. See *id.* at 68. The situation is especially bad in the southern, predominantly Uighur, regions. In 1998, while the average rural income for Xinjiang was 684 yuan, in the Uighur south the figure was a mere 200 yuan. *Id.* at 69.

52. Mark O'Neil, *A Life in Forgotten Exile*, S. CHINA MORNING POST, May 15, 2001, at 15.

53. Becquelin, *supra* note 38, at 68 n.10; see also Barry Sautman, *Preferential Policies for Ethnic Minorities in China: The Case of Xinjiang*, in NATIONALISM AND ETHNOREGIONAL IDENTITIES IN CHINA 87 (William Safran ed., 1998) [hereinafter Sautman, *Preferential Policies*]. (“Of 311 poor counties listed by the PRC State Council, 143 are in minority areas. More than eighty percent of

For much of the 1980s, Xinjiang suffered both from the consequences of opening the economy to outside forces and the central government's preferential policies for coastal areas.⁵⁴ In spite of the region's vast natural resources, the central government did little throughout the 1980s to develop Xinjiang's potential—leading to the view that Beijing was failing to give the region adequate attention.⁵⁵ The Seventh Five-Year Plan (1986-1990) relegated most of western China to the function of resource and raw material provider—Xinjiang would have to wait for large-scale modernization projects.⁵⁶ In 1991, however, the sudden collapse of the Soviet Union, the subsequent emergence of independent Central Asian states, and a growing separatist movement forced Beijing to reevaluate its strategy for dealing with the western frontier.⁵⁷ Even before the breakup of the Soviet Union, separatist agitations in Xinjiang forced Beijing to confront growing Uighur unrest.⁵⁸ In 1990, Han police and soldiers clashed with Uighurs, whom authorities called “counterrevolutionary plotters” belonging to the Islamic Party of East Turkestan.⁵⁹ Although the death toll is uncertain, most estimates suggest the altercation left dozens dead.⁶⁰ The incident in 1990 would serve as a prelude of things to come.

In the wake of the Soviet Union's disintegration, economic and security issues have become increasingly intertwined as the CCP pursues its goals of stability and continued integration and assimilation.⁶¹ In 1991, the Soviet collapse and Uighur separatist rumblings provoked a political scramble in Beijing, and just after the aborted Moscow coup, Vice-President Wang Zhen rushed out to the XUAR.⁶² Wang seized the opportunity to advocate greater national unity, exhorting the entire nation to “form a steel wall to safeguard socialism and the unification of the motherland.”⁶³ By tying socialism to the notion of a united motherland, Wang demonstrates how the Party line links the support for the state economic system to the concept of a united China.

Paralleling Party rhetoric, economic policies shifted to encourage greater

Chinese who lack sufficient food and clothing live in minority areas.”) *Id.*

54. Peter Ferdinand, *Xinjiang: Relations with China and Abroad*, in CHINA DECONSTRUCTS: POLITICS, TRADE AND REGIONALISM, 279 (David S.G. Goodman & Gerald Segal eds., 1994) [hereinafter Ferdinand].

55. *Id.*

56. *Id.*

57. See generally Becquelin, *supra* note 38, at 65.

58. See Colin Nickerson, *Moslem Unrest Simmers on Sino-Soviet Border*, BOSTON GLOBE, June 20, 1990, at 1. Shortly after this incident, authorities declared Xinjiang off-limits to foreigners and People's Liberation Army (PLA) enforcements were mobilized to quell outbursts in the region. *Id.*

59. *Id.*

60. *Id.*

61. See generally Becquelin, *supra* note 38, at 65.

62. See J. Richard Walsh, *China and the New Geopolitics of Central Asia*, in ASIAN SURVEY, Vol. 33, No. 3, Mar. 1993, at 272-84 (A Monthly Review of Contemporary Asian Affairs, U. Cal. Press).

63. See *id.* The central government has recently used similar rhetoric to combat separatists in Xinjiang. See generally Amy Woo, *China-Xinjiang: "Great Wall of Steel" to Quell Ethnic Unrest*, INTER PRESS SERVICE, Mar., 11, 1997, at <http://194.183.22.90/ips/eng/nsf/vwWebMainView/0DBF69567EF3C68D80256A07004F6CE1/?OpenDocument> (last visited Feb. 16, 2003).

integration of outlying areas. The Eighth Five-Year Plan (1991-1995) continued the emphasis on coastal regions, but also included initiatives to facilitate development of China's west.⁶⁴ The new focus on the west brought dramatic changes to Xinjiang—between 1991 and 1994, infrastructure investment in the XUAR soared from 7.3 billion yuan to 16.5 billion, and the region's GDP doubled from 7.5 billion yuan to 15.5 billion.⁶⁵ In 1992, the central government announced that tax-sharing arrangements like those enjoyed by coastal provinces would apply to nine additional provinces, including Xinjiang.⁶⁶ Moreover, rather than the usual fifty percent, ethnic minority regions would be allowed to retain eighty percent of local taxes.⁶⁷ Notwithstanding the economic changes of the early 1990s, by 1995 Xinjiang's per capita gross domestic product remained a dismal U.S.\$598, one of the lowest in China.⁶⁸ Although there were a number of economic triumphs in Xinjiang, the region remained dogged by economic difficulties.⁶⁹ Thus, rather than rallying restive Uighurs around central government policies, the unfulfilled promises of prosperity have helped channel the rising tide of Uighur disaffection into separatist sentiment.

Rising Tide of Separatism

In the 1990s, periodic outbursts of separatist violence shook Xinjiang.⁷⁰ The disintegration of the Soviet Union stimulated both a swell of Uighur pride and new hope that the independence of the former Soviet Republics in Central Asia would spill over into China, "establishing if not an independent 'Uighurstan,' at least perhaps a unified 'Eastern Turkestan,' that would stand alongside Kazakhstan, Uzbekistan, and Kyrgyzstan as independent Turkic republics."⁷¹ Beijing blames Uighur separatists for riots, assassinations, and hundreds of bombings since 1990.⁷² Abulahat Abdurixit, chairman of the XUAR government, admitted in 1999 that "since the . . . 1990s, if you count explosions, assassinations and other terrorist activities, it comes to a few thousand incidents."⁷³ The central government now

64. See *Aims of the Eighth Five-Year Plan*, BBC Monitoring Service, Oct. 10, 1990 from WEN WEI PO (H.K.), Sept. 28, 1990, available in LEXIS, News Group File.

65. Becquelin, *supra* note 38, at 67.

66. *Id.* at 71.

67. *Id.*

68. Dorian, *supra* note 41, at 2. In 1995, the per capita GDPs of Kazakhstan (U.S.\$3,200), Kyrgyzstan (U.S.\$1,790), Tajikistan (U.S.\$1,415), Turkmenistan (U.S.\$3,280), and Uzbekistan (U.S.\$2,400) all dwarfed that of Xinjiang. *Id.* at 6.

69. See June Teufel Dreyer, *The PLA and Regionalism: Xinjiang*, in CHINESE REGIONALISM 264 (Richard H. Yang et al. eds., 1994).

70. See, e.g., RUDELSON, *supra* note 45, at 171-72.

71. Dru Gladney, *China's Uyghur Dilemma*, in PROJECT SYNDICATE, at http://www.project-syndicate.cz/series/series_text.php?id=770 (last visited Feb. 16, 2003). Although there is no right to secession under international law, there is also no prohibition on forcible division of an existing state, so long as it does not result from an unlawful outside intervention. See DOCUMENTS ON AUTONOMY AND MINORITY RIGHTS, at xiv (Hurst Hannum, ed., 1993).

72. Liu, *Trouble*, *supra* note 19, at 45.

73. Becquelin, *supra* note 38, at 87.

recognizes separatists in Xinjiang as China's most serious internal security threat.⁷⁴

In 1996, the central government responded to the escalation of violence in the hinterlands with the "Strike Hard" anticrime campaign, designed to eradicate crime and crack down on Uighur separatists.⁷⁵ The Xinjiang Public Security Bureau⁷⁶ announced that after launching the campaign, it captured more than 2,700 terrorists, murderers, and other criminals in the span of two months.⁷⁷ Rather than stemming the growing tide of Uighur separatism, the "Strike Hard" campaign actually incited separatists, increasing Uighur anti-government protests and violence to levels unprecedented since the Communists took control of the region.⁷⁸ In February 1997, hundreds of Uighurs took to the streets in Yining waving blue East Turkestan flags and shouting "God is Great" and "Independence for Xinjiang."⁷⁹ The "Yining incident," the largest publicly known "separatist" protest, left at least ten dead and hundreds injured.⁸⁰ Shortly after the Yining incident, Uighur separatists demonstrated their contempt and disrespect for Chinese rule by coordinating several Urumchi bus bombings to coincide with the state funeral for Deng Xiaoping.⁸¹ As an encore, separatists exploded a pipe bomb on a bus in Beijing's busiest shopping district.⁸²

Although there are some indications of diminishing Uighur activism,⁸³ in April 2001, Abulahat Abdurixit stated: "[T]he sabotage activities carried out by ethnic separatist elements are the greatest threat to stability and public order in Xinjiang."⁸⁴ In the wake of the September 11 attacks against the United States, China has used the international campaign against terrorism to rally support for its actions against Uighur separatists, even linking separatists in Xinjiang to Osama bin Laden.⁸⁵ Fearing that instability in Central Asia could ignite an uprising in the

74. Interview with an American Diplomat, Beijing, China (March 2000) (on file with author).

75. RUDELSON, *supra* note 45, at 171.

76. The Public Security Bureau (PSB) is the law enforcement agency charged with maintenance of the criminal law and public administration. See CHIU ET AL., LEGAL SYSTEMS OF THE PRC 93-97 (1991) (providing a general overview of the duties and powers of the PSB).

77. RUDELSON, *supra* note 45, at 171.

78. *Id.*

79. See John Pomfret, *Separatists Defy Chinese Crackdown: Persistent Islamic Movement May Have Help from Abroad*, WASH. POST, Jan. 26, 2000, at A17 [hereinafter Pomfret, *Separatists Defy Chinese*]; see also PEOPLE'S REPUBLIC OF CHINA: GROSS VIOLATIONS OF HUMAN RIGHTS IN THE XINJIANG UIGHUR AUTONOMOUS REGION, AMNESTY INTERNATIONAL REPORT (1999), available at <http://www.web.amnesty.org/ai.nsf/index/ASA170181999> (last visited Mar. 2, 2003) (providing an account of the 1997 Yining incident and its context)[hereinafter AMNESTY REP.]

80. Pomfret, *Separatists Defy Chinese*, *supra* note 79.

81. RUDELSON, *supra* note 45, at 171.

82. *Id.*

83. Dru Gladney, *China's Uyghur Dilemma*, in PROJECT SYNDICATE, Feb. 19, 2002, at http://www.project-syndicate.cz/series/series_text.php?id=770 [hereinafter Gladney, *China's Dilemma*].

84. *Id.*

85. Joe McDonald, *China Targets Xinjiang Rebels for bin Laden Links: Report, Aimed at World Opinion, Lacks Support of Claims*, WASH. TIMES, Jan. 22, 2002, at A13; see also Jasper Becker, *China's 'Homegrown Terror'*, S. CHINA MORNING POST, Nov. 16, 2001, at 18.

region, China has intensified surveillance and control of Uighurs in Xinjiang.⁸⁶ Recent reports also indicate that China has moved up to 40,000 troops into Xinjiang to quell separatist activities and maintain security in the region.⁸⁷

While most Uighurs are not involved in separatist activities, economic and cultural resentment toward Han Chinese is widespread.⁸⁸ Some experts warn that growing numbers of dispossessed Uighur males constitute fertile ground for extremist ideologies or separatist uprisings.⁸⁹ While increased ties with Central Asia have had the desired effect of facilitating the flow of goods into the region, increased cross-border trade means potentially dangerous ideologies will also flow into Xinjiang from Central Asia. The centrifugal forces of ethno-nationalism (pan-Turkism) and pan-Islamism pose new challenges to stability and security in Xinjiang.⁹⁰ In an attempt to counter the dangerous political undercurrents in the region, Beijing has joined Tajikistan, Kazakhstan, Russia, Uzbekistan, and Kyrgyzstan in the "Shanghai Six," which, among other functions, serves as a unified front against separatists and extremists.⁹¹ In spite of Beijing's best efforts, future unrest is likely. Dru Gladney points out that the "Strike Hard" campaign has done little but alienate Xinjiang's local population, and if the central government truly wants to poultice the growing fissures between Xinjiang and Beijing, the war against separatism must be combined with a policy that gives Uighurs hope for the future.⁹²

IV. SOLIDIFYING THE NATION

Pacification and Integration: Taking Prosperity to the Hinterlands

The Go West plan is designed to give Uighurs (and other minorities in the west) hope by redressing the dangerous economic rift between east and west. This strategy rests upon the theory that prosperity will breed greater minority cooperation and thereby encourage their integration into the "Chinese Han majority mainstream."⁹³ Chinese officials note: "Separatist movements gnawing away at Chinese control in ethnic border regions will only be silenced by an

86. Craig S. Smith, *Fearing Unrest, China Presses Muslim Group*, N.Y. TIMES, Oct. 5, 2001, at A3.

87. *China Moves 4 Army Divisions To Xinjiang to Quell Separatists*, JAPAN ECON. NEWSWIRE, Jan. 12, 2002.

88. Eric Eckholm, *China Seeks World Support in Fight With Its Muslim Separatists*, N.Y. TIMES, Oct. 12, 2001, at A7.

89. Gladney, *China's Dilemma*, *supra* note 83.

90. See Yasmin Melet, *China's Political and Economic Relations with Kazakhstan and Kyrgyzstan*, 17 CENTRAL ASIAN SURV., 229, 246 (1998)

91. Robert Marquand, *Central Asians Group to Counterweigh US*, in CHRISTIAN SCI. MONITOR, June 15, 2001, at <http://www.csmonitor.com/durable/2001/06/15/p8s1.htm>.

92. Gladney, *China's Dilemma*, *supra* note 83.

93. See Dru C. Gladney, *Economy and Ethnicity: The Revitalization of a Muslim Minority in Southeastern China*, in THE WANING OF THE COMMUNIST STATE 242 (Andrew G. Walder ed., 1995) [hereinafter Gladney, *Economy and Ethnicity*].

increase in material wealth among local populations.”⁹⁴ A “long-term program,” with a timeline of twenty or thirty years, Go West emphasizes infrastructure development, local industry, science, technology, education, improving the investment environment, and working on environmental protection projects.⁹⁵ In Xinjiang, thus far the plan has materialized in the form of large infrastructure projects such as roads, railroads, and a U.S.\$14 billion pipeline running from Xinjiang’s natural gas fields to Shanghai, 2,500 miles to the southeast.⁹⁶ As part of the Go West campaign, Xinjiang Regional Development Planning Commission identified thirty key projects for inclusion in the Tenth Five-Year Plan (2001-2005).⁹⁷ Three of the thirty projects are in agriculture, four are in the power industry, two are in urban construction, three are in the petrochemical and gas industry, five are water resource projects, nine are in transportation (road and railway construction), and four are in other industries.⁹⁸ These projects require a total investment of 70 billion yuan (U.S.\$8.46 billion).⁹⁹ In spite of Beijing’s pledges for support, some western scholars point out that central authorities have back-pedaled from promises of financial participation, and Go West amounts to little more than an opportunity for regional elites to demonstrate loyalty to the central government by waving the Go West banner.¹⁰⁰ If rhetoric has any hope of becoming reality in Xinjiang, the Go West plan will have to overcome the region’s harsh topography, technological backwardness, and infrastructure deficiencies.¹⁰¹

In isolated Xinjiang, building transportation links to markets in the east is of paramount importance. Infrastructure improvements are critical to reduce Xinjiang’s isolation from both central and coastal China and potential markets in Europe and Central Asia.¹⁰² Currently, transportation links are woefully inadequate. While grapes from California can make it to a Guangdong fruit stand in less than a week, grapes from Turfan, located in central Xinjiang, take up to fifteen days.¹⁰³ Clearly, Xinjiang’s biggest challenge to development is enhancing shipping capabilities and transportation links.¹⁰⁴

As part of the Tenth Five Year Plan, the central government has promised approximately 100 billion yuan (U.S.\$12.1 billion) for large and medium sized

94. *Economic Improvement Only Antidote to Separatism*, AGENCE FRANCE PRESSE, Oct. 2, 1996.

95. See generally Thomas L. Sims & Jonathan James Schiff, *The Great Western Development Strategy*, CHINA BUS. REV., 44, 48 (Nov.-Dec. 2000).

96. Pomfret, *Go West supra* note 16, at A01. The natural gas pipeline is the only Xinjiang-related project of the central government’s ten major Go West projects. See Li, *Bountiful Region, supra* note 16, at 2.

97. *Economic & Technical News*, XINHUA NEWS AGENCY, Jan. 19, 2000.

98. *Id.*

99. *Id.*

100. Robert M. Cutler, *China’s “Go West” Pipeline Projects: A “Great Leap Westward”?*, CENTRAL ASIA CAUCASUS ANALYST, Aug. 16, 2000, at http://www.cacianalyst.org/Aug_16/homeaug16.htm (last visited Feb. 21, 2003).

101. Paul S. Triolo & Christopher Hegadorn, *China’s Wild West*, CHINA BUS. REV., Mar. 1996, at 41.

102. *Id.* at 43.

103. Pomfret, *Go West, supra* note 16.

104. Li, *Bountiful Region, supra* note 16.

railway construction projects in west China.¹⁰⁵ Plans exist to extend the recently completed Kashgar-Urumqi line into Kyrgyzstan and Uzbekistan,¹⁰⁶ while another proposed railway project passes through Yining into Kazakhstan.¹⁰⁷ Go West also hopes to improve domestic east-west links, by either double-tracking existing lines or building new ones.¹⁰⁸ In addition to facilitating the enhanced transport of goods, improving transportation links helps the central government maintain control of the region.¹⁰⁹

Another priority for Xinjiang is “shift[ing] from exporting natural resources to development of higher value-added processing industries in minerals, agricultural produce and tourism.”¹¹⁰ Xinjiang has tremendous potential for a lucrative tourism industry. The region is replete with historical and cultural sites, stunning natural beauty, and colorful minority groups.¹¹¹ Local authorities also eye increased tourism as the first phase in luring both domestic and international investment.¹¹²

The two pillar industries, black (oil) and white (cotton), are also central to Xinjiang's strategy for economic development.¹¹³ The emphasis on these industries, however, demonstrates that Go West's strategy for Xinjiang does not make sound economic sense. Although Xinjiang does have sizeable oil reserves, hopeful estimates have largely been disappointed,¹¹⁴ and the extraction costs make Xinjiang's oil extremely expensive.¹¹⁵ Beijing's emphasis on Xinjiang's oil also has the undesired effect of fueling local frustrations. The oil industry in Xinjiang is now almost completely run by Han Chinese, and the China National Petroleum Company's exploration and extraction projects have bypassed the Xinjiang Petroleum Bureau altogether.¹¹⁶ Situations such as these anger locals and some scholars speculate that the industry is steering the Han onto a collision course with Uighurs. June Teufel Dreyer points out that the hype surrounding Xinjiang's oil reserves gives locals the impression that the region could easily be economically self-sufficient, even wealthy, if only Beijing would stop siphoning off the valuable natural resources.¹¹⁷ Thus, oil is problematic, both as an engine for development

105. CHINA'S GREAT LEAP WEST, *supra* note 25, at 43.

106. *Id.* at 44.

107. *Id.*

108. *Id.* at 43.

109. Dru C. Gladney, *The Ethnogenesis of the Uighur*, 9 CENTRAL ASIAN SURV., 17 (1990) (“While it took Zuo Zongtang six months to bring an imperial Qing army from Lanzhou to Urumqi in order to suppress the Uighur uprising led by Yakub Beg at the end of the 19th century, today Urumqi is only five hours by plane and 72 hours by train from Beijing.”).

110. Li, *Bountiful Region*, *supra* note 16.

111. In 1999, the author spent three weeks in Xinjiang.

112. See Li, *Bountiful Region*, *supra* note 16.

113. Office of Leading Group for Western Region Development of the State Council, “*Black and White*” Strategy Boosts Xinjiang's Economy, at <http://www.chinawest.gov.cn/english/asp/start.asp?id=a> (last visited Feb. 21, 2003).

114. See Cutler, *supra* note 100. (“[S]everal years ago western energy companies, encouraged by Beijing's touting of Xinjiang's natural energy resources, paid high fees to test-drill for oil, and they came up dry.”); See also Dorian, *supra* note 41, at 4.

115. Cutler, *supra* note 100.

116. Pomfret, *Go West*, *supra* note 16.

117. Dreyer, *supra* note 69, at 271.

and as a rhetorical tool for rallying support for Go West.

As for cotton, "there is little evidence that cotton is [even] economically viable" in the region.¹¹⁸ Imported cotton is still fifteen per cent cheaper than the local product, and heavy government subsidies keeping the industry going are proving very costly for the central government.¹¹⁹ China's textile crisis has left the state with a stockpile of four million tons of cotton, equivalent to three years of Xinjiang's output.¹²⁰ The cotton strategy also demonstrates the need for nationally integrated planning. Many of Go West's projects are conceived and implemented from "the bottom up,"¹²¹ with little or no national coordination. One commentary from Xinhua News Agency points out the danger of such an approach, noting that if regional plans are not coordinated centrally, it will be "hard to avoid running around in circles when the work is fully underway, and we may have to pay a considerably higher price for the 'remedies' after problems crop up, which will inevitably impair the entire process of development."¹²² In Xinjiang, as in other regions, development policies that make little sense economically are often driven by an underlying political agenda. Some have speculated that the explanation for the importance of cotton in Xinjiang "lies in the opening up of new land through reclamation: a key element in bringing in massive numbers of Han settlers to reinforce territorial consolidation."¹²³ This explanation resonates with Beijing's desire to shore up control of the region by diluting restive indigenous populations with Han settlers, a process colloquially referred to as "mixing sand."¹²⁴

"Mixing Sand": Han Migration and Integration into the Chinese Fold

When Communist forces "liberated" Xinjiang in 1949, over ninety percent of Xinjiang's population was ethnically non-Han.¹²⁵ The region, embroiled in a long tradition of ethnic and religious animosity (both among native groups and towards the non-Muslim Han), proved to be a difficult land to control.¹²⁶ After the CCP consolidated power, the authorities launched a massive program of Han resettlement, thereby dramatically increasing the Han population in the region.¹²⁷ By 1979, almost half of Xinjiang's eleven million people were Han.¹²⁸ The 1990 census, however, indicated a steady and continuing decline of the Han population

118. Becquelin, *supra* note 38, at 81.

119. *Id.*

120. *Id.*

121. Cutler, *supra* note 114.

122. CHINA'S GREAT LEAP WEST, *supra* note 25, at 14.

123. Becquelin, *supra* note 38, at 83.

124. *Id.* at 74.

125. Donald H. McMillen, *Xinjiang and the Production and Construction Corps: A Han Organization in a Non-Han Region*, AUSTRALIAN J. OF CHINESE AFF., July 1981, at 66 (exploring the role of the Production and Construction Corps in the consolidation of CCP power and Han rule)(hereinafter McMillen, *Xinjiang PCC*).

126. *Id.* at 67.

127. *Id.* at 66.

128. *Id.*

in Xinjiang—owing in large part to lower Han birthrates.¹²⁹ The central government, concerned by the implications of such a demographic shift countered the trend with a strategy of increased Han migration, colloquially called “mixing sand.”¹³⁰

Go West continues the recent trend of accelerated Han migration to Xinjiang. Increased economic opportunities and improved transportation links facilitate a steady stream of Han migrants, and according to some estimates, 250,000 Han make the journey west each year.¹³¹ Go West's large infrastructure construction projects provide jobs for migrant workers and in spite of preferential policies for ethnic minorities,¹³² jobs often go to Han workers rather than indigenous Uighurs. For example, among 20,000 oil workers in the Tarim Basin, relatively few jobs have been allocated to minorities; in the Taklamakan Desert oil exploration project, only 253 of 4,000 technical workers came from minority groups.¹³³ Employment discrimination adds to Uighur frustrations and resentments of the Han. One young Uighur in Xinjiang vents: “Look, . . . I am a strong man and well-educated. But [Han] Chinese firms won't give me a job. Yet go down to the railway station and you can see all the [Han] Chinese who've just arrived. They'll get jobs. It's a policy, to swamp us.”¹³⁴ Given the large number of Han Chinese moving to Xinjiang, Go West may well be a Trojan Horse—Beijing tempts Xinjiang with the prospect of economic prosperity while using development projects as a vehicle for flooding the region with Han Chinese.

The steady stream of Han Chinese into Xinjiang has a powerful assimilative effect on the Uighurs. In spite of the fact that Uighurs are the largest ethnic group in Xinjiang, they demonstrate a much higher rate of assimilation to the Han, than vice versa.¹³⁵ The potency and supremacy of Han Chinese culture stands as a strong and well-established principle in the Chinese world-view, and Han leaders have long recognized its assimilative power. Mencius (fourth century B.C.)¹³⁶ commented: “I have heard of man using the doctrines of our great land to change barbarians, but I have never yet heard of any being changed by barbarians.”¹³⁷ For

129. Becquelin, *supra* note 38, at 69.

130. *Id.* at 74.

131. Pomfret, *Go West*, *supra* note 16.

132. See Sautman, *Preferential Policies*, *supra* note 53, at 88.

133. *Id.* at 97 (Wang Lequan, the Regional Party Secretary explains: “[T]he workforces in Xinjiang's oilfields all come from other oilfields in China so we don't take local people.”).

134. *Go West*, *ECONOMIST*, *supra* note 16.

135. See Ji Ping, *Ethnic Inequality and Social Structural Assimilation: The Xinjiang Autonomous Region of China*, in *MIGRATION, POPULATION STRUCTURE, AND REDISTRIBUTION POLICIES 117-35* (Calvin Goldscheider, ed., 1992).

136. Mencius was the second sage in the Confucian tradition. He expanded on Confucian thought by suggesting that human nature is inherently good. See DAVID HINTON, *MENCIUS*, at ix (1998).

137. JAMES LEGGE, *THE CHINESE CLASSICS*, II, 253-54 (1960). Ming Dynasty philosopher-statesman Wang Yang-ming also expressed this view in his prescription for governing the frontiers:

Barbarians are like wild deer. To institute direct civil service administration by Han Chinese magistrates would be like herding deer into the hall of a house and trying to tame them. In the end they merely butt over your sacrificial altars, kick over your tables, and dash about in frantic flight. In the wilderness districts,

the Uighurs, socioeconomic advancement is often tied to assimilation into the Han social structure.¹³⁸ Han Chinese, however, do not see similar rewards for assimilating into the Uighur social system.¹³⁹ Therefore, rather than creating a balanced blend of Han and Uighur, the Go West policy of “mixing sand” will produce a Han-dominated social structure—the Uighurs will be forced to assimilate, or “drown” in the “quicksand” of a Han dominated socioeconomic structure.

Taming the West: A “Civilizing Project”

With increased separatist violence, and international awareness of the Uighur plight growing,¹⁴⁰ CCP leaders recognize that this frontier powder keg is the single greatest threat to their hold on power.¹⁴¹ Cadres from Beijing’s leading Group on Developing the Western Areas readily admit Go West’s political agenda: “boosting national unity, maintaining social stability, and consolidating the border defences.”¹⁴² Party officials have repeatedly stated that the only way to silence separatist movements and consolidate control of ethnic border regions is to increase wealth and economic prosperity in local minority populations.¹⁴³ One official noted: “Only a strong economy and improved material and cultural living standards can show the advantages of socialism . . . and promote the unification of all peoples towards the Communist Party.”¹⁴⁴ A member of the special team set up by the State Council to draw up a master plan for the west even said:

therefore, one should adapt one’s methods to the character of the wilderness . . . On the other hand, to leave these tribal chiefs to themselves to conduct their own alliances or split up their domains is like releasing deer into the wilderness . . . To fragment their domains under separate chiefs is to follow the policy of erecting restraining fences and is consonant with the policy of gelding the stalling and castrating the boar . . . To set up independent chiefs without supervisory aids is like herding deer in enclosed gardens. Without watchers to guard the fences and prevent their goring and battling, they will leap the fences, bite through the bamboo screens, and wander far to trample the young crops. The presently established civil service aides are such guardians of the parks and fences.

quoted in JUNE TEUFEL DREYER, CHINA’S FORTY MILLIONS, 13-14 (1976) [hereinafter DREYER, FORTY MILLIONS].

138. *Id.*

139. *Id.*

140. A 1999 Amnesty International Report, see AMNESTY REP., *supra* note 79, and the proliferation of websites devoted to the “Uighur cause” indicate growing international awareness of the Uighur movement. See generally Uyghur Human Rights Coalition, at <http://www.uyghurs.org/> (last visited Mar. 2, 2003); Uyghur American Ass’n, *Freedom for the Heart and Soul of Eastern Turkestan*, at <http://www.caccp.org/et/> (last visited Mar. 2, 2003); Uyghur American Ass’n, *Brief Introduction to East Turkestan and Uyghurs*, at <http://www.uyghuramerican.org/> (last visited Mar. 2, 2003).

141. Interview with an American Diplomat, Beijing, China (March 2000) (on file with author). See also David Wall, *A Grim Future for China’s Hinterlands*, JAPAN TIMES, May 17, 2000.

142. Lam, *supra* note 18.

143. *Economic Improvements Only Antidote to Separatism: Chinese Official*, AGENCE FRANCE PRESS, Oct. 2, 1996.

144. *Id.*

The aim of the government's program to develop China's western provinces is to prevent China's foreign enemies using poverty to create a Kosovo-style crisis in the region . . . Providing ethnic minorities in those regions with more economic development would help guarantee the inviolability of China's borders and political and social stability in the region.¹⁴⁵

Given that fifty-two of China's fifty-five ethnic minority groups live in the west,¹⁴⁶ the Go West plan looks very much like a "civilizing project," designed to assuage ethnic tensions and further integrate outlying minority regions into the Chinese fold. In fact, the Go West project is an example of what Dru Gladney calls internal colonialism—a situation "predicated upon the unequal rates of exchange between the urban power centers and the peripheral, often ethnic, hinterlands."¹⁴⁷

The ideological basis for "civilizing projects" is a combination of the civilizing center's perceived superiority and a commitment to raise the level of peripheral peoples' civilization.¹⁴⁸ Han Chinese widely view their own culture to be "one of progress, opportunity, science, and reason,"¹⁴⁹ while Uighur culture is perceived to be "backward, poor, weak, superstitious, and worst of all, 'feudal'."¹⁵⁰ One Chinese (Han) specialist of minority affairs characteristically proclaimed: "[T]he Han nationality has always kept a higher level of development, so many of the ethnic minorities have learned a lot from the Han nationality's mode of production and way of life."¹⁵¹ Members of the Ninth Chinese People's Political Consultative Conference (CPPCC) echo this sentiment when they assert that ethnic minority groups will be the biggest beneficiaries of the Go West development scheme.¹⁵² Wei Jiezheng, a minority member of the CPPCC National Committee notes: "China's ethnic minorities have been poor and backward for centuries, but we are confident of the future."¹⁵³ Go West as a civilizing project, however, has serious implications running counter to Beijing's objectives. Civilizing projects invariably precipitate greater ethnic consciousness in those people being civilized.¹⁵⁴ Ethnic awareness does not necessarily lead to an increase in separatist agitation, but in the past ten years increased identification with Uighur culture has paralleled an increase in Uighur protests.¹⁵⁵

145. "Asian Kosovo," *supra* note 6.

146. *Ethnic Minorities Biggest Beneficiaries of West China Development*, at <http://www.china.org.cn/english/8416.htm> (last visited Mar. 1, 2003) [hereinafter *Ethnic Minorities*].

147. Dru C. Gladney, *Internal Colonialism and China's Uyghur Muslim Minority*, XISIM Newsletter, Jan. 1998, available at <http://www.uyghuramerican.org/researchanalysis/internalcol.html> (last visited Mar. 1, 2003) [hereinafter Gladney, *Internal Colonialism*].

148. Stevan Harrell, *Civilizing Projects and the Reaction to Them*, in *CULTURAL ENCOUNTERS ON CHINA'S ETHNIC FRONTIERS*, 4 (Stevan Harrell ed., 1995) [hereinafter Harrell].

149. RUDLESON, *supra* note 45 at 124.

150. *Id.*

151. Sautman, *Preferential Policies*, *supra* note 53, at 88.

152. *Ethnic Minorities*, *supra* note 146.

153. *Id.*

154. Harrell, *supra* note 148, at 6.

155. RUDLESON, *supra* note 45, at 130-31.

The explicit agenda of China's new "civilizing project" attempts to tackle the separatist threat. The stated goals of "boosting national unity, maintaining social stability and consolidating border defenses,"¹⁵⁶ clearly address the west's problem of separatist agitators. Uighur and Tibetan groups vying for independence have made Beijing painfully aware that the economic disparity between ethnic minorities in the west and Han Chinese in the east strengthens the cause of separatist movements.¹⁵⁷ A 1994 State Ethnic Affairs Commission report to the CCP Central Committee notes: "[M]inority nationalities are complaining that all the rich are Han people and that the Communist Party could not care less about the minorities. This problem, if ignored, surely will deepen nationality contradictions."¹⁵⁸ In 1994, *China Today* recognized that of the eighty million people living under the poverty line, eighty percent (sixty-four million) live in minority areas.¹⁵⁹ Mou Benli, Vice Minister of the State Ethnic Affairs Commission recently hailed the Western Development strategy, noting it provides ethnic minorities their "best ever historical opportunities."¹⁶⁰ Although minorities are the intended "beneficiaries" of Go West, the plan's political and economic agendas are crafted with a broader audience in mind. Go West also plays an important role in the CCP's efforts to legitimize the current political power structure and justify the continued existence of the regime.

V. LEGITIMITIZING THE CURRENT REGIME BY TAMING THE WILD WEST

Since the PRC's inception, Party ideology has served as the theoretical basis for all major policies.¹⁶¹ In spite of China's economic liberalization and the movement towards capitalism, the Party has refused to renounce its fundamental ideology. Insistence on "socialism with Chinese characteristics," demonstrates an attempt to reconcile the contradictions between economic reforms and Party ideology, thereby sustaining political legitimacy.¹⁶² The contradictions between official ideology and the process of economic reform create a legitimacy crisis threatening the current regime.¹⁶³ When Jiang Zemin said that the development of the west is crucial to China's stability, the Communist Party's hold on power, and the "revitalization of the Chinese people,"¹⁶⁴ he acknowledged the political

156. Lam, *supra* note 18.

157. Linda Benson, in her book on the Ili Rebellion, notes that economic factors helped push Xinjiang to rebellion in the 1940's. See generally LINDA BENSON, *THE ILI REBELLION: THE MOSLEM CHALLENGE TO CHINESE AUTHORITY IN XINJIANG 1944-1949*, at 34-37 (1990).

158. Cited in Barry Sautman, *Ethnic Law and Minority Rights in China: Progress and Constraints*, 21 LAW & POL'Y 208-302, (1999), [hereinafter Sautman, *Ethnic Law*].

159. *China: A United Country of 56 Ethnic Groups*, CHINA TODAY, Dec. 12, 1994, at 7.

160. *China Continues to Highlight Economic Development in Minority Inhabited Areas*, XINHUA NEWS AGENCY, Feb. 22, 2000, available at LEXIS, News Group File.

161. FENG, *supra* note 14, at 2.

162. See generally *id.*

163. Muthiah Alagappa, *Contestation and Crisis*, in *POLITICAL LEGITIMACY IN SOUTHEAST ASIA: THE QUEST FOR MORAL AUTHORITY*, 59 (Muthiah Alagappa ed., 1995), A legitimacy crisis is "a situation in which the basis on which authority has been claimed or acknowledged is under such severe stress that there is a strong possibility of its destruction or transformation." [hereinafter Alagappa].

164. See Pomfret, *Go West*, *supra* note 16, at A01.

imperative behind western development.

While scholars recognize a number of bases for political legitimacy other than performance, an unelected regime without a state religion, a charismatic leader, or a viable ideology has little to justify its claim to power.¹⁶⁵ A strong performance demonstrating a “[p]roper and effective use of power to promote the collective well-being of the political community can generate moral authority.”¹⁶⁶ The CCP hopes that successful development of the west will lend the regime legitimacy in the eyes of both Han Chinese throughout the country and Uighurs in Xinjiang. The program’s primary thrust, however, is directed at the minority groups in the west. Given the intended “beneficiaries” of the plan are minority groups, the Go West project should be considered in the context of China’s evolving minority policy—a weaving story of appeasement and movement towards eventual assimilation.

VI. CCP MINORITY POLICY IN XINJIANG: ROAD TO INTEGRATION

A brief history of China’s minority policy and its impact in Xinjiang is needed to fully contextualize the Go West project. China’s minority policy has general characteristics, applicable to all minority nationalities, but this history will focus on the policy’s impact on Xinjiang. Chinese policy towards the peoples of Xinjiang has generally followed a trajectory of integration with the implicit expectation of assimilation at a later date.¹⁶⁷ Since “liberation” in 1949, the central government’s integration policies have paralleled concerns for territorial integrity and stimulation of greater Chinese nationalism. Tracing the evolution of CCP minority policy from pre-liberation pacification to the current system of regional autonomy reveals that although policy has undergone several major transformations, the underlying goals of quelling unrest, moving the Uighurs steadily towards assimilation, and ensuring continued control over the region have always guided central government decision-making.¹⁶⁸

Early Appeasement: Unify and Conquer

In the PRC’s early years, the Party line maintained that Xinjiang, Tibet, and Mongolia should be “autonomous states,” ultimately voluntarily uniting with China in a federated republic.¹⁶⁹ Communist leaders recognized that minorities on China’s frontiers harbored both deep nationalist desires and strong fears of forced

165. See Alagappa, *supra* note 163, at 31-53.

166. *Id.* at 41.

167. Political integration is the process through which an ethnic group shifts loyalties, expectations, and political activities toward a new center, whose institutions welcome the group under an umbrella of jurisdictional protection. See DREYER, *FORTY MILLIONS*, *supra* note 137, at 1.

168. Gladney suggests that this is part of a process of “internal colonialism” which relies on “integration by immigration” to make Uighurs a minority and incorporate them into the Chinese state. See Gladney, *Internal Colonialism*, *supra* note 147.

169. CONRAD BRANDT ET AL., *A DOCUMENTARY HISTORY OF CHINESE COMMUNISM* 64 (1959) [hereinafter BRANDT].

assimilation, and policy was thus crafted to assuage these fears. In 1931, the Constitution of the Chinese Soviet Republic (Jiangxi Constitution)¹⁷⁰ emphasized the equality of minorities¹⁷¹ and recognized “the right of self-determination of the national minorities in China, their right to complete separation from China, and to the formation of an independent state for each national minority.”¹⁷² In 1934, however, Mao acknowledged that the minority policy set out in the Jiangxi Constitution was an effort to enlist minority support against the Guomindang (KMT) and imperialist forces.¹⁷³ Both the option of secession and the promise of self-determination quickly evaporated once the rhetoric outlived its usefulness.¹⁷⁴

The Party soon shifted its position—eliminating both the possibilities of secession or true self-determination.¹⁷⁵ Under the CCP’s new policy, minorities were granted equal rights with the Han, they were encouraged to develop their own cultures, were not forced to learn Chinese, and they were promised control of their own affairs—as long as they remained part of a unified Chinese state.¹⁷⁶ In the years leading up to the founding of the PRC in 1949, the CCP introduced a new brand of rhetoric: unifying the nation by broadening the Chinese “family.”

Creating a Chinese “Family”

The next stage in the development of the minority policy reflects efforts by the CCP to unify the country and cultivate a sense of Chinese nationhood. The new regime’s legitimacy in the hinterlands hinged upon the CCP’s ability to recreate the Chinese national identity.¹⁷⁷ Successful and lasting unification required a stimulation of Chinese nationalism that spanned regional differences and overcame localism.¹⁷⁸ In 1924, Dr. Sun Yat-sen, regarded as the father of

170. *Id.* at 220-24.

171. *Id.* at 221-24. Ostensibly, Chinese policy does not distinguish between different minority groups. Unless otherwise noted the policies discussed in this paper apply to the Uighurs in Xinjiang as well as Mongolians, Tibetans, Miao, Yao, Koreans, and others living on Chinese territory.

172. *Id.* at 223.

173. See generally David Deal, *Policy Towards Ethnic Minorities in Southwest China, 1927-1965*, in 1 J. OF ASIAN AFF. 31, 34 [hereinafter Deal, *Policy Towards Ethnic Minorities*].

174. See generally *id.* at 34.

175. *Id.*

176. In 1945, Mao Zedong wrote, in ‘On Coalition Government’, that the future People’s China would ‘grant nations the right to be their own masters and to voluntarily enter into an alliance with the Han people. All national minorities in China must create, along voluntary and democratic lines, a federation of democratic republics of China.’ In later editions of Mao’s *Selected Works*, however, that passage vanished, and the original words of ‘granting of the right to national self-determination to all national-minorities’ were replaced by the phrase ‘the granting of the right to national autonomy to all national minorities.’ BAO-GANG HE & YINGJIE GUO, NATIONALISM, NATIONAL IDENTITY AND DEMOCRATIZATION IN CHINA 173-74 (2000).

177. Habermas dramatically states: a legitimacy crisis “is directly an identity crisis.” Ernst Haas asserted: “Legitimate authority under conditions of mass politics is tied up with successful nationalism; when the national identity is in doubt, one prop supporting legitimacy is knocked away.” quoted in CHINA’S QUEST FOR NATIONAL IDENTITY 9 (Lowell Dittmer & Samuel S. Kim eds., 1993).

178. The nature of the Chinese Empire prior to 1949, in conjunction with the prolonged period of foreign (Manchu) rule, inhibited the development of Chinese nationalism. The Chinese Empire was traditionally comprised of numerous ethnic groups and nationalities, borders were not fixed and its

modern China, highlighted the importance of instilling a sense of Chinese nationhood:

The Chinese people have shown the greatest loyalty to family and clan with the result that in China there have been family-ism and clan-ism but no real nationalism. Foreign observers say that the Chinese are like a sheet of loose sand . . . The unity of the Chinese people has stopped short at the clan and has not extended to the nation.¹⁷⁹

Sun Yat-sen's words resonate throughout the early policy statements of the CCP.¹⁸⁰ Preparing to declare the formation of the PRC, Mao realized Sun's observations revealed a critical aspect of Chinese society the CCP could utilize in mobilizing the masses. Party rhetoric synthesized the concepts of nation and clan into a familial metaphor, declaring: "All nationalities within the boundaries of the People's Republic of China are equal. They shall establish unity and mutual aid among themselves, and shall oppose imperialism and their own public enemies, so that the PRC will become a *big fraternal and cooperative family* composed of all its nationalities."¹⁸¹ The Party's new language tried to inculcate both patriotism and the notion that "older brother" had arrived to assist his "younger brothers" develop their own languages, customs, religious beliefs, and traditions.¹⁸²

Creation of the Autonomous Regions

By casting minority integration in familial terms and by renegeing on the promise of the right to secede, the CCP paved the way for the creation of autonomous minority regions. When the XUAR was created in 1955, CCP rhetoric was tinged with overtones of the "Han man's burden," and the long-term goal was ultimate assimilation of the province through sinification.¹⁸³ While a few basic rights were incorporated into the 1954 Constitution, insufficient guarantee for these rights meant they basically did not exist.¹⁸⁴ Many have argued the long-

territorial expanse depended largely on the reigning emperor's power and ambition. See generally MARIA CHANG, *RETURN OF THE DRAGON: CHINA'S WOUNDED NATIONALISM* (2001).

179. SUN YAT-SEN, *THE THREE PRINCIPLES OF THE PEOPLE: SAN MIN CHU I* 2 (1990).

180. In a political report to the party Mao addressed the minority question:

The CCP is in complete accord with Dr. Sun's racial policy . . . to assist the broad masses of the racial minorities, including their leaders who have connections with the people, to fight for their political, economic, and cultural emancipation and development, as well as for the establishment of their own armed forces that protect the interests of the masses. Their languages, customs, habits, and religious beliefs should be respected.

Mao Zedong, *On Coalition Government*, quoted in BRANDT, *supra* note 169, at 313.

181. *The Common Program of the Chinese People's Political Consultative Conference* art. 50 (Sept 29, 1949), reprinted in HENRY G. SCHWARZ, *CHINESE POLICIES TOWARDS MINORITIES: AN ESSAY AND DOCUMENTS* 52 (1971) [hereinafter CPCPPCC] (emphasis added).

182. See WOLFRAM EBERHARD, *CHINA'S MINORITIES: YESTERDAY AND TODAY* 157 (1982) [hereinafter EBERHARD].

183. See DREYER, *FORTY MILLIONS*, *supra* note 137, at 137.

184. THOMAS HEBERER, *CHINA AND ITS NATIONAL MINORITIES: AUTONOMY OR ASSIMILATION?* 41 (1989).

term Chinese policy is founded on the principle that giving minority areas a degree of autonomy pacifies them by sustaining their own customs, religion, language, and limited self-government until the immigration of Han Chinese slowly changes the makeup of the population.¹⁸⁵ Go West, and the accompanying policy of “mixing sand” fit very nicely into this pattern.

The Deng Years: Building a Legal Framework for “Autonomy”

As China shook off the lingering effects of the Cultural Revolution¹⁸⁶ and attempted to restore some semblance of law and order, CCP leaders reconsidered the minority issue.¹⁸⁷ By the early 1980s, the central government was quite aware of growing minority discontent: “In 1981, a Han Chinese official in Xinjiang complained that Uighurs would tell him repeatedly: ‘What difference does it make if the Russians come. They’ll cut off the heads of the Han, not ours.’”¹⁸⁸ The 1982 Constitution upgraded the status of minorities and granted them more rights than ever before—reflecting demands by minority leaders for an immediate realization of regional autonomy as promised in the 1950s.¹⁸⁹ In 1984, the central government promulgated the Law on Regional National Autonomy, the “basic law for the implementation of the system of regional national autonomy prescribed by the Constitution.”¹⁹⁰

The LRNA Avoids the Issue of Autonomy

The LRNA does not grant Xinjiang, or the other autonomous regions, any degree of meaningful autonomy.¹⁹¹ Although official pronouncements laud the autonomy regime as a system of self-government “established for the exercise of autonomy and for people of ethnic minorities to become masters of their own areas,”¹⁹² Western scholars criticize the system as little more than “fake” or “paper autonomy.”¹⁹³ One scholar even likened China’s autonomous areas to “political eunuchs serving at the pleasure of the Communist court in Beijing.”¹⁹⁴ In fact, the modern autonomy regime, as defined by the 1982 Constitution and the LRNA, is

185. EBERHARD, *supra* note 182, at 162.

186. HEBERER, *supra* note 184, at 29. (“Humiliation, insults, oppression, and an attempt at forced assimilation; destruction of the ecological equilibrium and ruinous exploitation; economic plundering of the minority regions: these were the consequences of the Cultural Revolution for the national minorities and their regions.”) *Id.*

187. *See generally id.* at 41-42.

188. *See id.* at 42.

189. *See id.*

190. LAW OF THE P.R.C. ON REGIONAL NATIONAL AUTONOMY (LRNA) preamble (1984), available at http://www.novexc.com/regional_nation_autonomy.html (last visited Feb. 6, 2003).

191. *See generally* Binh G. Phan, *How Autonomous are the National Autonomous Areas of the PRC? An Analysis of Documents and Cases*, ISSUES AND STUDIES, Vol. 32, 7, 83-108 [hereinafter Phan].

192. *Regional Autonomy for Ethnic Minorities*, at http://englishpeopledaily.com.cn/199909/28/enc_19990928001020_HomeNews.html (last visited Feb. 18, 2002).

193. Sautman, *Ethnic Law*, *supra* note 158, at 293.

194. Phan, *supra* note 225, at 85.

designed as a clever dance around the issue of true autonomy. Both documents represent variations on the same theme of “give” and “take.” They give autonomous regions rights and powers, and then by tying these rights to central government approval, effectively take them away. While the modern system is the most far-reaching autonomy regime to date, autonomous regions are still subject to the “despotism and arbitrary wills of authorities and functionaries [of the central government].”¹⁹⁵

Ultimately, “autonomy” as implemented under the Constitution and LRNA amounts to little more than a different way of describing the central-local relationship.¹⁹⁶ In spite of the claim that the LRNA “takes into account the characteristics and special needs of the country’s autonomous areas and ensures the full exercise of autonomy by organs of self-government *which have bigger decision-making powers than other local governments*,”¹⁹⁷ there is actually little difference in the substantive powers enjoyed by autonomous regions and the provinces.¹⁹⁸ In Xinjiang, the central government walks a fine line between encouraging a safe amount of autonomy (thereby placating ethnic minorities) and breeding local nationalism, or worse separatism. Economic prosperity (Go West) is the promised panacea—it is supposed to tip the balance in favor of greater integration by demonstrating that Uighurs will benefit more from cooperation with the Chinese regime than resistance against it.¹⁹⁹

VII. GO WEST’S LEGAL WAKE: RECENTRALIZING POWER

CCP leaders recognize that developing, or taming, the west will require more than rhetoric and money for infrastructure projects. In government news organs, Party leaders note that the success of Go West depends upon the promulgation of enabling legislation and the creation of a favorable legal environment.²⁰⁰ A state-run website touts the achievements in legal reform of the last twenty years, but acknowledges that the legal climate still needs improvement.²⁰¹ This website quotes Lu Hushan, vice-chairman of the Guangxi Zhuang Autonomous Region People’s Political Consultative Conference, as saying that the CCP should address the following areas: legislation establishment, the systemic problems of law enforcement agencies and judicial departments, and legal awareness.²⁰² In fact, Go West’s legal wake sends ripples through the existing autonomy regime—

195. HEBERER, *supra* note 218, at 43.

196. LIN FENG, CONSTITUTIONAL LAW IN CHINA 158 (2000) [hereinafter LIN FENG].

197. *Self Government*, at <http://www.china.org.cn/e-groups/shaoshu/self.htm> (last visited Feb. 7, 2003).

198. LIN FENG, *supra* note 230, at 158.

199. DRU C. GLADNEY, ETHNIC IDENTITY IN CHINA 171 (1998).

200. See *Legal Climate Needs Improvement*, at <http://www.china.org.cn/english/2001/Mar/9028.htm> (last visited Feb. 7, 2003) [hereinafter *Legal Climate*] (“The Chinese Communist Party has made the strategic decision to develop western China. People talk more about natural resources, infrastructural facilities, ecological environment and flow of trained people when referring to this subject. But, in fact, a favorable legal environment is also crucial.”).

201. See *id.*

202. See *id.*

contracting Xinjiang's powers of self-control and recentralizing decision-making authority.

In March of 2001, President Jiang Zemin signed an order announcing revisions to the LRNA.²⁰³ Xinhua cites the wide economic gap between autonomous regions in the west and prosperous coastal areas in the east as the primary motivation for the changes.²⁰⁴ Officials say the amendments will "promote the prosperity of all nationalities by narrowing the economic and social development gap between autonomous minority nationality areas [and other regions]."²⁰⁵ Li Dezhu, minister in charge of State Ethnic Affairs Commission notes the revisions promote legal construction in the autonomous regions and help to foster an "equal, united, and mutually beneficial relationship among all of China's fifty-six nationalities."²⁰⁶ The revisions to the LRNA are appropriately viewed as an integral component of the Go West campaign.

Recent Revisions to the LRNA

CCP pronouncements accompanying the recent amendments to the Law on Regional National Autonomy demonstrate that the Go West project and the LRNA are inextricably intertwined.²⁰⁷ Xinhua notes that amendments to the law were "grounded in the need to build a socialist market economy and *implement the grand development of western China*."²⁰⁸ Another report indicates that the newly amended law "will play an even more important role in promoting the development of minority areas and preserving the nation's unification."²⁰⁹ The changes to the LRNA, prompted by Go West's political and economic agendas, are designed to help the central government realize its political objectives in Xinjiang.

The revised law, which includes seventy-four articles, instead of the original sixty-seven, changes the definition of regional autonomy in the Preamble from "an important political system of the state" to "a basic policy system of the state."²¹⁰ This semantic shift is intended to demonstrate the CCP's redoubled commitment to minority ethnicities and the system of regional autonomy.²¹¹ In fact, the revisions

203. *Jiang Zemin Signs Order Announcing Revision of Minority Self-rule Law*, BBC Monitoring Service, Mar. 1, 2001, from XINHUA NEWS AGENCY, Feb. 28, 2001, available in LEXIS, News Group File [hereinafter *Jiang Signs Order*].

204. *See id.*

205. *China: New Law Tries to Narrow Regional Divides*, BUS. DAILY UPDATE, Apr. 4, 2001, available at <http://www.china.org.cn/english/2001/Apr/11192.htm> (last visited Feb. 7, 2003).

206. *China to Amend Law on Regional Autonomy for Minorities*, BBC Monitoring Service, Jan. 10, 2000, from XINHUA NEWS AGENCY, Jan. 7, 2000, available in LEXIS, News Group File.

207. *See, e.g., China's Li Peng Addresses Forum on Regional National Autonomy Law*, BBC Monitoring Service, Dec. 7, 2001, from XINHUA NEWS AGENCY, Dec. 6, 2001, available in LEXIS, News Group File.

208. *Id.*

209. *NPC Deputies and CPPCC Members Hail Regional National Autonomy System as Success*, FIBIS Mar. 16, 2001, from XINHUA NEWS AGENCY, Mar. 11, 2001.

210. THE LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE AUTONOMY OF MINORITY NATIONALITY REGIONS 2001, Preamble, FIBIS translation [hereinafter LRNA (2001)].

211. *See generally, Jiang Signs Order, supra* note 203.

are a step towards greater integration of minority areas into the Chinese fold. Several of the few revisions that actually have a substantive bite recentralize decision-making powers, rather than expanding the autonomy regime.²¹² The changes focus primarily on financial incentives and preferential policies designed to “accelerate the economic and social development of ethnic minorities and promote national solidarity.”²¹³ Although the revised law is replete with Go West rhetoric, it is short on substance. Some of the amendments are merely statements of intent and carry little practical force. Article 69, in an expression of idealism and magnanimity, provides that “state and higher level people’s governments should . . . help impoverished populations shake off poverty as soon as possible and realize a moderately high standard of living.”²¹⁴ The LRNA, however, does nothing to actualize such aspirations.

The exploitation of natural resources is an integral aspect of Go West in Xinjiang.²¹⁵ While the revised LRNA takes the important step of addressing compensation for resource exploitation, the law quietly shifts control of resources and agricultural products to the central government. Article 65 maintains the state will provide “certain compensations to the national autonomous areas exporting natural resources.”²¹⁶ This provision suggests the state acknowledges autonomous areas should be compensated for the exploitation of their natural resources—a right previously not recognized.²¹⁷ The Chinese Constitution states: “In developing natural resources [which, according to Article 9, are owned by the state] and building enterprises in the national autonomous areas, the state shall give due consideration to the interests of those areas.”²¹⁸ This marks a potentially significant change, as it affords the autonomous areas in the west the opportunity to capitalize on resources taken from them to fuel the east. Notwithstanding the recognition of rights to compensation, the revised law takes steps to shift control of those resources from the autonomous areas to the central government.

One of the more significant changes to the LRNA is not an added provision, but rather an article that the new law does not include. The old version of the LRNA included a provision granting autonomous areas the right to independently arrange for the “use of industrial, agricultural, and other local and special products after fulfilling the quotas for state purchase.”²¹⁹ This right disappears in the revised law.²²⁰ The new version of the LRNA subtly shifts the right to control resources and industrial and agricultural products from the autonomous regions to the central government. Article 65 provides: “While exploiting resources and

212. See, e.g., LRNA (2001) arts. 56, 57, 60, 65, 66, 69, 71.

213. *Jiang Signs Order*, *supra* note 203.

214. LRNA (2001) art. 69.

215. See *supra* pages 113-115.

216. LRNA (2001), art. 65.

217. NATIONAL AUTONOMY LAW REVISED TO SUPPORT WESTERN DEVELOPMENT POLICY, TIBET INFORMATION NETWORK, Mar. 13, 2001, at <http://www.tibetinfo.net/news-updates/nu130301.htm> (last visited Feb. 11, 2003) [hereinafter LAW REVISED].

218. P.R.C. CONST. art. 118.

219. LRNA (1984) art. 31.

220. See LRNA (2001).

carrying out construction in national autonomous areas the *state should take the interests of national autonomous areas into consideration*.”²²¹ The LRNA makes very clear that the state will play an integral role in resource exploitation and agricultural production. Xinhua inadvertently highlights the inherent irony in official rhetoric accompanying the law: “Economically, the Regional National Autonomy Law is imbued with the spirit of *self-reliance* for national autonomous areas, *with sharp state support and active aid by economically developed regions*.”²²² Under the revised LRNA, “self-reliance” means greater state involvement and increased dependence on other regions.

Other Go West inspired changes to the LRNA are merely statements of existing policy—allowing the CCP to wave the banner of progress and generosity without loosening the reigns of political control. Article 62 stipulates that autonomous areas are entitled to special treatment from fiscal authorities at higher levels.²²³ This “special treatment” is intended to “increase funds for national autonomous areas to be used in expediting the economic development and social progress of national autonomous areas and gradually narrowing the gaps with developed areas.”²²⁴ This provision, however, does not signify anything new for Xinjiang. Since 1992, the XUAR has benefited more than any other province from preferential fiscal transfer policies.²²⁵

Interestingly, the revisions also indicate some of the difficulties facing Go West. Article 65 stipulates that the state will “guid[e] and encourage enterprises in economically developed areas to act according to the principle of mutual benefit and reciprocity to make investment in national autonomous areas and conduct economic cooperation of diversified forms.”²²⁶ This provision exposes the reality that capital will not flow west naturally. Moreover, the subsidies necessary to fund Go West are taken from the prosperous east, and may become a source of resentment. One troubling possibility is that “[t]he growing numbers of unhappy people in the west will . . . be joined by growing numbers of people in the east who are unhappy at the increasing cost to them of financing the Great Leap West.”²²⁷ CCP leaders may unwittingly promote the very beast they hope to eradicate—increased regionalism and national division.

Revisions to the LRNA do, however, offer a kernel of hope for Xinjiang’s large and decrepit state-owned enterprises (SOEs). Article 61 provides that the state “formulates preferential policies, supports autonomous areas to develop foreign economic and trade activities, expands the decision-making right of production enterprises in national autonomous areas in conducting foreign trade, encourages and develops the export of local superior products, and implements

221. LRNA (2001) art. 65 (emphasis added).

222. *China’s Li Peng*, *supra* note 207 (emphasis added).

223. LRNA (2001) art. 62.

224. *Id.*

225. Becquelin, *supra* note 38, at 71.

226. LRNA (2001), art. 65.

227. David Wall, *A Grim Future for China’s Hinterlands*, JAPAN TIMES, May 17, 2000, available at <http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?eo20000517a1.htm> (last visited Feb. 10, 2003).

preferential border trade policy.”²²⁸ Depending on their implementation, several aspects of this amendment have the potential to dramatically affect Xinjiang. Four-fifths of the XUAR's industrial assets remain in state hands, and this remains one of the most serious impediments to Xinjiang's development.²²⁹ China's SOEs are lumbering and inefficient and do not facilitate growth.²³⁰ According to the government's National Statistics Bureau, somewhere between half and two-thirds of all SOEs are in the red, and keeping them afloat requires enormous state subsidies.²³¹ If Article 61 translates into greater autonomy for Xinjiang's large state sector, when combined with the prospect of favorable border trade policies, there is hope yet that Xinjiang will fulfill its potential as a “regional powerhouse.”²³²

The revised LRNA offers no clear prescription for accomplishing its expressed commitment to autonomous areas—none of the changes expand, or even address autonomy. Arguably, all the amendments are policies designed to recentralize decision-making powers. The amendments elucidate responsibilities or commitments of the central government to the autonomous areas, without offering the autonomous areas any expansion of power. Thus, the recent revisions to the LRNA seem to suggest greater state involvement in the affairs of autonomous areas²³³—a trend incongruous with the concept of autonomy itself.

Other legal changes designed to buttress the Go West project also help recentralize decision-making powers. In an effort to encourage foreign investment in the west, the central government has granted a number of tax incentives to foreign investment enterprises (FIEs). The incentives, which include a reduced income tax rate and import tax breaks on technological equipment, only apply to investment in projects and categories approved by the State Council.²³⁴

The recent revisions to the LRNA and the new tax laws are consistent with the two-pronged strategy of loudly granting Xinjiang preferential economic policies, while quietly recentralizing fiscal and decision-making powers.²³⁵ Almost all of the revisions take the form of state commitments to the autonomous areas, thereby fostering greater integration of Xinjiang.²³⁶ Beijing has taken care to tie Xinjiang's economic development to other Chinese provinces, while also

228. LRNA (2001) art. 61.

229. Li, *Bountiful Region*, *supra* note 16. This is a stark contrast to prosperous Guangdong province, where private businesses account for two-thirds of economic output. *Id.*

230. See MARIA HSIA CHANG, *THE LABORS OF SISYPHUS: THE ECONOMIC DEVELOPMENT OF COMMUNIST CHINA* 104 (1998).

231. See *id.* at 103-08 (1998).

232. Becquelin, *supra* note 38, at 66-67. After the disintegration of the Soviet Union, China announced a wish to open Xinjiang up to the world. Economic zones, expanded border trade, and heavy investment into infrastructure and capital construction would cast Xinjiang as a regional powerhouse. *Id.*

233. LAW REVISED, *supra* note 217.

234. *New Tax Incentive for FIEs in Central and Western China*, China Legal Change, Jan. 15, 2000, at <http://www.chinalegalchange.com/2000-01/01newtax.htm> (last visited Feb. 10, 2003).

235. Becquelin, *supra* note 38, at 71-72.

236. See *e.g.*, LRNA (2001) arts. 56, 57, 60, 65, 66, 69, 71.

ensuring that large sectors of Xinjiang's economy remain under the control of the central government.²³⁷ The amendments to the LRNA fit nicely into this strategy and in spite of the CCP's expressed commitment to regional autonomy, Go West translates into a contraction of the autonomy regime.

VII. THE ECONOMICS OF GO WEST: EMPTY PROMISES?

Some of China's most influential economists question the ability of Go West to bring prosperity to Xinjiang.²³⁸ Hu Angang, head of the National Situation Research Center at the Chinese Academy of Sciences, points out numerous stumbling blocks for Go West:

First, the policies of the 9th Five Year Plan cannot effectively curb the widening of regional disparities, which will continue to increase in the next five years. Second, global economic restructuring weakens the comparative advantages of the western regions in agriculture, energy, raw materials, and so on. Third, the formation of a pattern in which supply exceeds demand on the domestic market has weakened the west's relative advantages in resource exploitation. Fourth, after China joins the WTO, the opportunities will outweigh the challenges in the eastern regions, but the opposite will apply in the west.²³⁹

As Hu notes, in the short term, Go West is likely to disappoint. Even if Go West does meet its economic objectives in the long-term, Beijing's political hopes for the project are also suspect.

The underlying theory of the Go West strategy is that prosperity fosters greater minority acquiescence and assists integration into the Han framework.²⁴⁰ In fact, there is reason to believe that economic prosperity may cut the other way. Gladney points out that "[o]ne of the unexpected consequences of economic reforms in China has been ethnic revitalization."²⁴¹ Reforms designed to bring prosperity to minorities, and thereby encourage integration into the Han mainstream, instead fostered an ethnic resurgence.²⁴² A former director of the CCP United Front Work Department also acknowledged this phenomenon:

The imbalance between the economic and cultural development of different areas and different races is widening. On the one hand, the Han and minority peoples are getting closer in terms of economic and cultural connections, and on the other the consciousness of minorities, their sense of pride, nationalism and self-respect is getting stronger and stronger.²⁴³

Deng's economic reforms have strengthened and enhanced ethnic

237. Becquelin, *supra* note 38, at 72.

238. CHINA'S GREAT LEAP WEST, *supra* note 25, at 12.

239. *Id.*

240. See "Asian Kosovo," *supra* note 6.

241. Gladney, *Economy and Ethnicity*, *supra* note 93, at 242.

242. *Id.*

243. Sautman, *Ethnic Law*, *supra* note 158, at 285.

differences,²⁴⁴ while the state's promotion of Han-centered "racial" nationalism has effectively alienated minority people.²⁴⁵ Thus, even if the Go West program fulfills its economic objectives, the plan may stimulate the very forces of disintegration it was designed to counteract.

IX. CONCLUSION

Viewed within the context of China's evolving minority policy, Go West looks more like the latest incarnation of Beijing's strategy to integrate and assimilate ethnic minorities into the fabric of greater China, than it does a serious economic development and poverty alleviation plan. The economic policy is a vehicle for Beijing's political agenda in the region, and thus comparisons to the Trojan Horse are not entirely inappropriate. However, if the political benefits (i.e., national unity, social stability, border security) of Go West are to accrue, the CCP must accompany the policy of integration and assimilation with expanded autonomy and increased decision-making powers for Xinjiang. Some scholars have pointed out that the goal of Uighur separatists "is true autonomy, the kind promised in the 1950s by the People's Republic of China but never really delivered."²⁴⁶

The current system of autonomy, created in the mid-1980s and premised on a planned economy is dominated by central power and guided by central decision-making.²⁴⁷ China's economic success stories suggest that those jurisdictions granted the greatest political and economic latitude—the SEZs—have also received a tremendous developmental advantage.²⁴⁸ If Go West's political agenda is to have any chance of success in Xinjiang, the central government must expand the XUAR's powers of autonomy—specifically granting Xinjiang greater political and economic latitude. Ultimately, the Go West program and the promise of prosperity will not be enough to assuage separatist agitators. Furthermore, given the program's design, Go West makes little economic sense. Go West does little to alleviate poverty and fails to adequately address the role of the state in the economy—one of the primary reasons for Xinjiang's economic backwardness.²⁴⁹ Even if the promised economic benefits do come to fruition, increased prosperity may have the undesired effect of pushing the "New Frontier" further from Beijing.

244. Gladney, *Economy and Ethnicity*, *supra* note 93, at 264.

245. Sautman, *Ethnic Law*, *supra* note 158, at 286.

246. Amy Woo, *China-Xinjiang: "Great Wall of Steel" to Quell Ethnic Unrest*, INTER PRESS SERVICE, Mar. 11, 1997 (quoting Linda Benson, professor of history at Oakland University and author of *THE ILI REBELLION*).

247. Sautman, *Ethnic Law*, *supra* note 158, at 301.

248. *Id.* at 301.

249. *Go West*, *ECONOMIST*, *supra* note 16.

