

Inquiry into the Customs Amendment (Banning Goods Produced By Uyghur Forced Labour) Bill 2020

**Submission to the Senate Standing Committees on Foreign Affairs, Defence and Trade
The Australian Parliament Questions on Notice**

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The views expressed here are personal opinions and do not represent those of my employers, neither the Australian Strategic Policy Institute (ASPI) nor La Trobe University.

1. You mention your work has been peer reviewed. Could you tell us more about the peer review process at ASPI, since its reports are self-published rather than published in academic journals?

All of ASPI's research reports undergo rigorous internal and external peer-review at a standard that is not all that dissimilar to research published in an academic journal, and in fact can be more extensive. Our *Uyghur for Sale* report was externally peer-reviewed by Dr Darren Byler of University of Colorado Boulder, Ms Maya Wang of Human Rights Watch, and by multiple forced labour experts who reviewed the report as anonymous peer reviewers. Internally, it was reviewed by Fergus Hanson, Michael Shoebridge and Peter Jennings. There was a team of 7 researchers/analysts working on the report, and over 6 months of original empirical research feed into the report.

2. How did China convey the threat to sue ASPI in relation to the *Uyghurs for Sale* report?

This was first conveyed in a Global Times article ([here](#)) on 8 July 2020, where it stated: "China is considering suing Adrian Zenz and the Australian Strategic Policy Institute (ASPI)," and repeated subsequently in other state media outlets. The fact that a Chinese court in Xinjiang accepted a lawsuit against Adrian Zenz ([here](#)) and a leading Chinese manufacturing company has threatened ASPI with legal proceedings over our *Uyghurs for Sale* report demonstrates these threats were not idle.

3. Senator PATRICK (page 4): It sounds as though ASPI has received a bunch of correspondence from those companies named in your report. Are those letters public? Are they something that could be provided to the committee, for example?

Currently under a legal review process.

4. Senator KITCHING (page 9): Could I ask—and you can take this on notice—what do you think the Modern Slavery Act threshold should be? I'd like to ask Ms Xu and Dr Byler as well if they could take this on notice: what should the threshold be to capture slave labour in supply chains?

I do not have a strong opinion on this question, but I support the suggestion by Human Rights Watch that the reporting threshold be reduced to AU\$25 million.

5. Senator KITCHING (page 9): The other question I wanted to ask is: on 12 January this year the United Kingdom and Canada made coordinated announcements about measures to help address the risk of forced labour entering the global supply chains and ensure that UK and Canadian businesses are not complicit in forced labour in Xinjiang. Could I ask all witnesses to take on notice: should Australia be doing more? We've seen some of our like-minded friends—other democracies—make claims. The UK parliament, the Commons, just had a vote recently. The UK government will deploy its Modern Slavery Act. It will utilise fines, it will put bans on public sector contracts, review of export controls to freeze out companies from its economy if they rely on forced Uyghur labour in their supply chains. Should we be doing more around that?

We can, and must, do more. I refer the Committee to my written submission and my 1 March 2021 Strategist article co-authored with my colleagues Kelsey Munro, “What should Australia do about Uyghur forced labour in China?” ([here](#)) for our views on what we should be doing.

6. Senator KITCHING (page 9): This might be another burden potentially on business, but I'm interested in your views. Should importers of Xinjiang cotton use that in clothing products here? Should they have to put a sign on clothing saying, 'This cotton is from Xinjiang'?

Identifying and then banning goods produced by the Xinjiang Production and Construction Corps (Bingtuan, XPCC) is crucial to reducing the risk of forced Uyghur labour and curtailing the human rights abuses currently occurring in the Xinjiang Uyghur Autonomous Region. Apparel supply chains are complex, but if we can identify goods that are being made with Xinjiang/XPCC cotton, we should ban their import into Australia, perhaps through a “rebuttable presumption” that all cotton goods from Xinjiang are made with forced labour.

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7. Can you provide more information on the new supply chain tracing technologies you mentioned in your submission and at the hearing?

I refer the Committee to the Center for Strategic & International Studies 16 November report “New approaches to supply chain traceability: Implication for Xinjiang and beyond” ([here](#)).