

Beijing's broken promises matter

Written by Clifton Yin 尹国基
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On June 30, China's National People's Congress (NPC) Standing Committee unanimously passed the "Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region." It took effect later that day.

The contents are secret and even Hong Kong Chief Executive Carrie Lam (林鄭月娥) had not been permitted to see a draft before its passage.

As the world continues to grapple with the COVID-19 pandemic, the development in Hong Kong has struggled to earn front page news coverage. Yet what is happening in the territory matters a great deal, both to the people within its borders and beyond.

What is happening in Hong Kong matters if you are a Hong Konger, of course.

The new legislation criminalizes four activities: secession, subversion of state power, terrorism and collusion with foreign entities. These crimes are vaguely defined, but carry a maximum penalty of life imprisonment.

A "national security committee" is to be empowered to investigate and prosecute interventions, superseding Hong Kong laws. The local legal system is made even more irrelevant by the new legislation allowing the extradition of suspects to mainland China, where the government regularly forces confessions and can waive public trials altogether.

The new law betrays the "one country, two systems" principle that has informed the governance of Hong Kong since its handover from the UK to China in 1997. The Chinese government promised inhabitants of the territory broad autonomy in self-governance and domestic affairs, including the judiciary.

Chapter 1, Article 5 of the Hong Kong Basic Law, passed by China's NPC and in effect since the handover, reads: "The socialist system and policies shall not be practiced in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain

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unchanged for 50 years.”

Suffice it to say, life has changed for Hong Kongers.

“The new law had an immediate and widespread chilling effect after its passage, with political parties disbanding, people scrubbing their social media and WhatsApp chat history, and businesses disavowing previous support for the protest movement,” CNN reported.

Supposedly subversive books are being removed from shelves, and police have been given broad new powers such as warrant-free raids.

On July 1, Hong Kong protesters were greeted with water cannons, tear gas and rubber bullets. At least 370 people were arrested on that day alone, including a 15-year-old girl who was holding a Hong Kong independence flag.

In the days since, as certain slogans have been declared illegal, some have resorted to just holding up blank pieces of paper as a form of silent protest. Police are arresting them, too.

What is happening in Hong Kong matters if you are Taiwanese as well. For years, the Chinese government has attempted to entice Taiwan by pointing to “one country, two systems” as a model for unification. Any promise of autonomy from Beijing now has to be seen as empty.

What is happening in Hong Kong also matters if you are perceived as critical of the Chinese government, whether or not you are a Hong Konger. Article 38 of the new legislation states that it applies to offenses committed “from outside the Region by a person who is not a permanent resident of the Region.”

In other words, “it is asserting extraterritorial jurisdiction over every person on the planet,” said Donald Clarke, a law professor at the George Washington University.

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It might seem absurd to proclaim that everyone on Earth is subject to Chinese laws, but Beijing is serious.

Foreign Policy detailed China's longstanding "global kidnapping campaign" in 2018. In one notable case, the government had no qualms snatching Gui Minhai (桂民海), a Hong Kong-based book publisher and Swedish citizen, from his apartment in Thailand in October 2015. Months after his disappearance, he popped up on Chinese state television to confess to killing a student in Ningbo while driving drunk 13 years previously.

The new law could serve as shoddy legal justification for future kidnappings, forcing anyone deemed enemies of the state to face Chinese justice — such as it is.

Most importantly, Hong Kong matters because it is a real-time demonstration of China's style of governance as it ascends to global leadership.

It did not have to be this way. In April 2008, even after a decade of gradual erosion in Hong Kong's freedoms under Chinese dominion, 77.5 percent of its residents expressed confidence in "one country, two systems." The region's economy had grown by leaps and bounds alongside that of the mainland, and its populace was broadly content with the "status quo."

Yet in the decade since, China responded to any dissent not with the benevolence that a nation of its power can easily spare, but with a crackdown.

Years after welcoming Hong Kong back into the fold with open arms, the new legislation is a slap in the face. A clenched fist might be next, and the world must take notice.

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