

Human rights in China 2016-2020: Submission to the Conservative Party

In this short submission, I shall focus on the threat to human rights in Hong Kong, in particular the implications of the National People's Congress (NPC) decision, taken in May, to pass a state security law for Hong Kong. Focusing on this rather than the abuse of rights by the Hong Kong Police who used excessive force to deal with demonstrators and protestors in the second half of 2019, does not imply that these abuses of 2019 are not important. It merely reflects my assessment that the new development is much more worrying and significant.

Under the Basic Law for the Hong Kong Special Administrative Region (Art.23), the Chinese Government has every right to insist that Hong Kong passes an appropriate national security ordinance. Doing so will be controversial and it will face strong resistance from a significant number of Hong Kong people. Indeed, an attempt to do so in 2003 led to a mass demonstration of half a million strong. However controversial and politically unwise it may be, for the Chinese Government to push through, an Art.23 legislation in Hong Kong will not breach the Basic Law and the Sino-British Agreement of 1984, which underpins the 'one country, two systems' arrangement which the Basic Law is meant to uphold.

While Beijing has decided against asking the HK Government to pass such an ordinance in Hong Kong because it does not believe the Hong Kong Government can do so successfully, it almost certainly does not intend to de-stabilise, let alone destroy, Hong Kong. It has merely, from its perspective, chosen a 'pragmatic' option, which turns out to be the worst possible alternative. However Beijing may assert otherwise, it is hard to see that the NPC Standing Committee legislating for Hong Kong and imposing its law on Hong Kong does not amount to a disregard of the Basic Law and the Sino-British Agreement. This is a game changer. The reality is that the passing and implementation of this law will effectively put an end to the 'one country, two systems' framework that has sustained Hong Kong's 'high degree of autonomy' since 1997. The implementation of this law will fundamentally undermine Hong Kong's future and the protection of rights there.

The choice to take a pre-emptively repressive approach to Hong Kong, which the decision for the NPC to legislate for HK is, was made before Covid-19 hit China in a significant way. The Chinese Government revealed its intention when it replaced its head of the Central Liaison Office in Hong Kong in January, and was confirmed when it further replaced the director of the Hong Kong and Macao Affairs Office in Beijing in February. Both offices are full ministerial rank positions, and the new appointees, Luo Huining for Hong Kong, and Xia Baolong in Beijing, were undoubtedly picked because they had no prior experience of Hong Kong policy and were thus 'uncontaminated' by sensitivities to how Hong Kong people and the outside world may think about the new policy. They have also proved themselves as effective enforcers of Xi Jinping's policy at the provincial party secretary (full ministerial rank) level. With their appointments, it was clear Beijing was going to take a hard-line towards Hong Kong.

The pandemic has not only not weakened Beijing's determination but reinforced it. With Xi Jinping and the Party feeling vulnerable in early February when public anger against the government's handling of Covid-19 reached a high point, Xi needs to assert himself as a

strongman leader once China has kept Covid-19 under control. Since the 'usual suspects' that will speak up for Hong Kong are still suffering from the pandemic and dependent on China for PPE, the timing is perfect for Beijing to press on with legislating for Hong Kong. The key issue is that the direction of travel for China's Hong Kong policy has already been set. Xi will not back off as doing so would make him appear weak in China, something that he cannot afford to do politically.

The UK's China and Hong Kong policy should take the above into account, as human rights in Hong Kong will face challenges unseen since 1997. Although the new law has not yet been enacted and thus details are not yet available, the general direction of travel is clear. The enactment of the new law is meant to provide legal cover for repressive measures which will be enforced by the Special Administrative Region Government, and will be supported by the security forces and agencies of the PRC if the Hong Kong Police cannot deliver 'stability and order' as required by Beijing.

The UK has a treaty obligation to the people of Hong Kong under the Sino-British Agreement of 1984. This goes beyond extending the period of visa-free entry for holders of BNO passports with undefined pathways to citizenship, something which is in fact potentially available to all immigrants with a valid work permit. The UK has a treaty obligation to take all available and appropriate actions to ensure the terms of the Sino-British Agreement are respected, and the way of life in Hong Kong protected until 2047. Doing so will be the most assured way to protect human rights in Hong Kong.

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