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# The Tale of Hong Kong: From Freedom to Crackdown

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# The Tale of Hong Kong: From Freedom to Crackdown

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## Introduction<sup>1</sup>

Protests in Hong Kong started in summer 2019 after growing pressures and interferences from Beijing sparked public disorders. «Five demands, not one less» became the slogan of the protesters demanding more democracy and less complacency regarding the “One Country Two Systems” (OCTS) rule. Among the requests was the withdrawal of a bill enabling China to obtain the extradition of anyone in Hong Kong; [...] the allowance of the people of Hong Kong to democratically elect their own government; and accountability for multiple acts of police brutality» (Diamond 2019). The extradition bill which had triggered protests was later withdrawn, but protests continued until the passing of the National Security Law (NSL, SCMP 2020). The law was drafted behind closed doors in Beijing and imposed on the Hong Kongers without their consultation, effectively limiting their freedom of expression and defining regime-criticism as unpatriotic, thus making it illegal.

From July 1, 2020, the city has become a «separation point between authoritarianism and democracy» (Talia 2020). «Democracy means “rule by the people”. President Xi Jinping and his communist colleagues reject such an idea» (Edwards 2019). The NSL criminalizes dissent in Hong Kong and legislatively brings the city even closer to mainland China. Leaders in Beijing and the pro-mainland-China government in Hong Kong used the chaos in the city as an excuse to impose an authoritarian rule over the former British colony. Within a night, Hong Kong’s population was deprived of rights that had been guaranteed for generations, such as freedom of speech, press, and assembly, and their once-limited democracy withered away before their eyes.

The NSL was introduced by the Communist Party Standing Committee at 11pm on June 30, 2020, one hour before the anniversary of British handover of Hong Kong to Beijing in 1997. The law targets secession, subversion and terrorism with draconian punishments such as lifetime prison sentences, an authoritarian response from Beijing’s government to protests «demanding more democracy and less Chinese influence» (BBC 2020b). Of course, the protests were heterogeneous; the five demands unified various strains of protest, among which there were pro-British and American messages, members of labour groups, and American flags being waved. Bypassing both public consultation and the local legislative process to go after protesters accused of colluding with foreign forces, Beijing opted for a «national security crackdown» (Davis 2020). Hong Kong protesters proudly asked for a free, fair, and direct election of the city’s chief executive; «a fully democratic system of local rule» (Nathan 2019); and more autonomy from Beijing’s interference (Ghiretti 2020). China reacted by imposing a restrictive law, further annexing the city almost thirty years before the 2047 expiration of the “transition period” that had been agreed upon with London in 1997.

## Where it all started: the liberticide of the National Security Law

After almost a century of colonial domination, Hong Kong was returned by the United Kingdom (UK) back to mainland China in 1997. At that time, the city had a very different

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<sup>1</sup> I thank with gratitude experts that through a personal interview helped me in framing the current Chinese regional situation and Hong Kong’s turbulent times: Antonio Talia, Serena Console, Sabrina Moles, Gianluigi Negro, Fabrizia Candido, Paolo Salom, Lorenzo Lamperti, Elisabetta Esposito Martino, Jamil Anderlini, Stefano Fossati, Au Loong-yu, Fabio Lanza, Andrea Pira, Giorgio Cuscito.

political and economic system from Beijing's; thus, two things were agreed upon. «The first was political autonomy: in time Hong Kongers would even be able to choose their own leaders. The second was to preserve Hong Kong's swashbuckling capitalism and light-touch government» (The Economist 2019c). However, particularly under President Xi, the CCP did little to respect the agreements. While there was scepticism about Hong Kong's political future (Diamond 2020), there was also optimism, since some thought that, with time, Hong Kong's liberal structure would inevitably affect China's authoritarian posture. The contrary occurred.

For fifty years, Beijing did not alter Hong Kong's fundamental freedoms or socio-economic system and thus respected local individual freedoms as well. Hong Kong has never been a full democracy; however, the city enjoyed a period of exceptional freedom. Under the British crown, the Hong Kongers never directly elected their own representatives; the Brits always ruled Hong Kong as a colony. From this perspective, nostalgia for the old regime seems quite unjustified. With the imposition of the NSL, there has been an unprecedented, yet technically legal, suppression of pro-democracy protests, ensuring CCP's control in the region. The law introduced sentences starting from three years of imprisonment for crimes of secession, subversion, and collusion with foreign countries endangering "national security".

The NSL's impact was worse than anyone predicted (Bandow 2020c): begging for freedom is equated with high treason, and thus, free speech is repressed. The crimes established by the NSL are only vaguely defined by the Chinese People's National Assembly, the highest State-institution in China (Di Folco 2020). However, from the Western point of view, all Chinese laws are vague since they are based on a different judicial system, and high discretion is often the norm. The NSL is aimed at intimidating and repressing: now, those protesting are putting their lives at risk by assembling. Perhaps most concerning of all, the law criminalizes those criticizing China from abroad, extra-territorially criminalizing opinions. Interestingly, the CCP decided not to violently suppress manifestations and sought a more "diplomatic" and "legal" solution, that would, however, exterminate riots without further bloodshed. This reveals the law's higher intention to coerce Hong Kong into a greater union with mainland China.

Potentially, the NSL opens the door for Hong Kongers to stand trial before China's courts, where convictions are assured, and sentences are very harsh. Trials involving state secrets could be closed to media scrutiny, and lifetime prison sentences could be a reality for those accused of "jeopardizing" national security. Prior to the NSL's introduction, Hong Kong roughly followed the British legal system – the common law tradition, which it partly continues to adhere to – but now, China's legal system, influenced by its collectivist culture, has been introduced. The city should have enjoyed judicial independence until 2047, but with the NSL, China's intelligence agencies can directly intervene in Hong Kong with specially appointed judges, further eroding the city's fundamental freedoms. The NSL also provides for the establishment of a security office in Hong Kong under the jurisdiction of the Chinese government (Ingrosso 2020).

On June 4<sup>th</sup>, 2020 – the anniversary of the Tiananmen Square Massacre – Hong Kong's pro-Beijing Parliament approved a law making any insult to China's national anthem criminal (Di Folco 2020). The NSL aims to crackdown on pro-democracy protests and uncover a wider network of dissent in Hong Kong with the excuse of threats to national security. The latter is a wide concept. The NSL strategically silences dissidents after long-lasting waves of discontent in the city (Haski 2020a). Beijing has to rebuild Hong Kongers' trust towards China (Parton 2019), but it seems that anger towards the CCP is irreversible.

## Hong Kong's relations with China and mainland interference

China and Hong Kong are different from many points of view. From 1997 to the first half of the 2000s, Hong Kong was richer and «better educated than most societies that had made transitions to democracy » (Diamond 2020). With time, Beijing has become increasingly interested in pulling the city closer to the mainland; meanwhile Hong Kong was becoming more internationalized than ever. Gradually, Beijing extended its control over the region. China's attempt at increasing hegemony in the region signals that «there is no chance that the Xi government would accept either democracy or independence» (Bandow 2020b) in Hong Kong. China is leaving no room for other forms of government that are not under its direct control.

Hong Kong's demonstrators are «no longer satisfied with just a “full rice bowl” but seek basic human rights and some form of democracy» (Edwards 2019). From the CCP's perspective, such demands needed to be suppressed. Xi's rise in 2012 was integral to Hong Kong's decline in autonomy. The unique semi-liberal atmosphere in the city was not tolerated by the CCP's Chairman, who made no secret of attempting to unify “unsolved” surrounding areas within a new Chinese nationalistic project. Xi and his technocrats want to move towards an internal consumer market, making China self-sufficient and immune from global turmoil (Santevecchi 2020a). Suppressing dissent and annexing more territories both fall under those wider aspirations. President Xi needs stability and unity to support his grand geopolitical projects; for him, just like for Mao Zedong, the Party must rule everything and cannot tolerate autonomy (Hála 2020), not to mention democracy.

The NSL suppresses dissent and criminalizes alleged secession attempts. The CCP «cannot allow itself to appear weak in the face of popular pressure» (Oertel 2020). Therefore, spreading fear and punishing activism is necessary. The CCP's top dignitaries are increasingly growing paranoid and show signs of an over-defensive mentality (Fulda 2019). The party spends far more money on internal security than on foreign defence (Zenz 2018) for one simple reason: it would be difficult for anyone to attack Beijing, so the party can devote itself to internal problems. CCP's increasing supervision of Hong Kong's local affairs aims to address their aim of establishing wider regional influence (Bland 2018).

Chinese interferences in Hong Kong did not start in 2019 or 2020, but in 2014, when the Standing Committee of the XII National Popular Assembly abrogated the previous electoral system, reducing suffrage by limiting the electorate to a shortlist chosen by a Designation Committee. This gave birth to the Umbrella Revolution (Bandow 2020d). Crackdowns seemingly orchestrated by the police followed. With the NSL, Beijing no longer pretends not to be behind the crackdowns. Today, China intervenes in Hong Kong via the local council and the chief executive of the city, Carrie Lam, exploiting a NSL “violation” to satisfy the party's policy goals. Beijing feels strong enough to do so. The NSL marks the end of a more liberal era, with consequences for the city's economic activity.

## Recession: the financial hub's economic downfall and Covid-19

Traditionally, Hong Kong has been «one of the freest economies in the world» (Villamena 2020) but protests and the atmosphere of semi-civil war downgraded the city's position. Hong Kong's further economic potential has been stymied by recent events. The city ranks second in the world in trade as a percentage of GDP, with services accounting for more than 90% of its economy (Albert-Maizland 2020). However, physical and reputational damages have led Hong Kong into a recession, which had not occurred for a decade (Sin-Siu 2019). The IMF (2020)

projects a real GDP growth of  $-7.5\%$  in 2020. Domestic demand is worsening, the economy is weakening, and Covid-19 is exacerbating the chaotic situation.

While many countries want to ideologically distance themselves from Beijing's increasing authoritarianism, China is the strategic partner of most countries in the world. In the context of globalization, no state can avoid trading with China. Beijing likely thought that China's economic position would insulate it from international retribution caused by imposing the NSL. Indeed, it is unlikely that many countries will show support towards Hong Kong since China is a crucial economic partner. Even before recent events, the PRC's economic growth had diminished the city's importance (Bandow 2020d). Hong Kong's GDP fell from 16% at the time of the British handover to China in 1997 to less than 3% in 2017 (Albert-Maizland 2020). Despite China eclipsing Hong Kong economically, the city has skilfully «become the most important international financial centre after New York and London» (The Economist 2019a).

The rise of uncertainty about Hong Kong's present and future could make Singapore the new dynamic city attracting foreign investments. One commentator says: «Over time US, European, and Asian companies will shrink their presence» (Bandow 2020d) in Hong Kong. This could push «businesses and investors to look elsewhere» (BBC 2020a). 35% of surveyed US-based companies in the city have considered moving out capital or business (Villamena 2020). However, since Hong Kong's «stock exchange raised \$11bn from 59 new listings in the first half of 2020» (BBC 2020a), things may stay the same in the short term. The question remains as to how the NSL will further affect Hong Kong as a global financial centre (The Economist 2019a) and its reputation.

The Covid-19 pandemic inevitably reduced protests, and from Beijing's perspective, was the perfect diversion to strengthen the CCP's control in Hong Kong. On the other hand, the health crisis has added new tensions to the relationship between the city and China (Sciorati 2020). Additionally, the coronavirus has had and will have implications for businesses (Peters 2020) in the city. The influence of the pandemic and the aftermath of the protests is visible in the tourism industry. The multi-dimensional impact of Covid-19 has thus been felt in nearly all aspects of life in Hong Kong.

## **International reactions and allies' timidities and uncertainties**

China urges foreign powers not to interfere in its private affairs, and, at the same time, it knows to be under suspicious international observation. Ultra-violent crackdowns «would obstruct any possibility of a return to a more normal relationship with Western democracies» (Diamond 2019). However, general Western condemnation of crackdowns facilitated by the NSL seems not to disturb President Xi. «Shrugging off international criticism and sanctions, Beijing [...] says it will take all necessary steps to safeguard sovereignty and restore stability in Hong Kong» (Barron 2020b). Around Hong Kong, there is a clear inter-national cultural struggle. On the one hand, a semi-totalitarian and authoritarian regime; on the other, the claim for democracy, individual freedom and freedom of expression.

International reactions after the imposition of the NSL and the de facto erosion of Hong Kongers' civil liberties have been quite timid. Millions of protesters asked for more democracy in 2019; then, «the world looked on, astonished and impressed: now, it looks on it in despair» (Davis 2020). Trepidatious international criticism has been directed at Beijing both for the NSL and, more decisively, for the police crackdowns on the protests (Albert-Maizland 2020). Still, there is the impression that states know taking sides could provoke political and commercial repercussions with Beijing (Ellena 2020). Many countries cannot afford to have

Beijing as their enemy because of supporting Hong Kong's cause. On the other hand, Beijing is losing many allies, (Pei 2020) and particularly after the outbreak of the Covid-19 pandemic, has been highly criticized.

The European Union (EU) officially condemned crackdowns on the city and denounced the NSL. But apart from solemn and circumstantial condemnations, the EU's priorities are elsewhere. Brussels is focused on Covid-19 hitting the continent, but, as Ghiretti (2020) explains, skepticism is growing regarding the willingness of European countries to risk their own – economic – relationship with China for Hong Kong. In relation to the NSL, the European response has been timid. The fear of Beijing's retaliation is high. China is the EU's second largest trading partner. Between 2000 and 2019, China's trade with the EU increased fivefold, to €560 billion (Taino 2020). EU member states «have generally refrained from drawing red lines when it comes to their dealings with China» (Oertel 2020), even though the EU stressed the PRC is jeopardizing China's human rights commitments in Hong Kong. As for the UK, these are tense times for bilateral relations with China (Bandurski 2020). Between Brexit and Covid-19, Prime Minister Boris Johnson proposed the issuance of three million passports for the Hong Kongers (Giglia 2020).

The United States condemned the NSL, but today the Hong Kong topic is frozen because of the trade war between the planet's first and second economies. Under Joe Biden's presidency, a more allied attitude towards Hong Kong is anticipated (Brown-Ramani 2020). The future US president is «expected to press on with tough policies against China» (Lau 2020). Since Beijing unilaterally put a *de facto* end to the OCTS rule, US measures *vis-à-vis* Hong Kong have amounted to the Trump administration downgrading commercial privileges granted to Hong Kong (The Economist 2020). Other countries lined up to formally condemn violent crackdowns in Hong Kong and the NSL, asking for official “restoration” of the OCTS rule, including Canada, Australia and Japan (Cohen 2020). A further complication for the few countries supporting Hong Kong is the fact that China sits on the UN Security Council and sanctioning a permanent member of the Council with the right of veto is impossible (Haski 2020c).

## **The NSL in practice: the suffocation of journalism and freedom**

Today, the CCP has furtherly expanded its power both in China and Hong Kong. According to RSF's (2020a) World Press Freedom Index, Beijing's score is 177<sup>th</sup> out of 180 countries, and China is «the world's worst jailer of journalists». Furthermore, the protection of human rights is the central focus of the international political debate (Anderson 2019) and is linked to journalistic freedom. According to Wong (2020), China is trying to create a «new world media order», where dissent is cracked down on, along with freedom of information and expression. Leaving aside the Orwellian state (Au-Franceschini 2020) of independent journalism that Beijing established at home, what China is trying to export within Hong Kong is its censorship-based method of publishing news that accommodates the regime.

Hong Kong has a longer tradition of press freedom than China does. However, «between 2003 and 2020, it dropped to 80<sup>th</sup> place from the top twenty in the ranking of countries where it is easy for journalists to work» (Wasserstrom 2020). The city plunged seven positions in the 2020 World Press Freedom Index «because of its treatment of journalists during pro-democracy demonstrations» (Wong 2020). Every totalitarian regime is afraid of genuine truth and free press, as freedom of expression also means freedom of dissent. According to RSF (2020b), with the NSL, no journalist is immune from Chinese retaliation. «We don't want to leave [Hong Kong] but may have no choice», some protesters and journalists are reported to

say (Vaswani-Nicolaci da Costa 2019). The pro-Beijing Hong Kong's government insists the NSL «only affect[s] a small minority of people, and that the city's free speech is not under threat» (Barron 2020a).

The Committee to Protect Journalists (CPJ, 2019) explains that underfunding was already jeopardizing independent journalism, but the NSL's provisions «have been used as grounds for disqualifying political candidates, arresting students over social media posts and banning common protest slogans» (Barron 2020b). The NSL's introduction and the OCTS's end accomplished Beijing's aim of preserving “national security”. Furthermore, the CCP «hopes to use indoctrination backed by coercion to tranquilize Hong Kong's population» (Bandow 2020c). To make the situation of journalistic and expression freedom in Hong Kong even worse, there is self-censorship, people muting themselves to avoid sanctions and arrests. Self-censorship affects journalists and ordinary citizens both online and offline and is likely what the pro-Beijing Hong Kong government was hoping for (Dominioni 2020).

A recent example of the draconian application of the NSL and the erosion of freedom of speech in Hong Kong is the case of Jimmy Lai, a self-made man media tycoon who supports democracy in the city and is therefore an “enemy” of PRC (Ellena 2020). Founder of “Apple Daily” in 1995, he has advocated for Hong Kong's freedom many times and was arrested along with his family on August 10, 2020. Released two days later on bail, he risks up to life imprisonment if judged on the mainland, something made possible by the NSL itself (RSF 2020c). Because of his “subversive activity”, Lai has been accused of collusion with a foreign power. His case illustrates that pro-Beijing Hong Kong's authorities wasted no time showing the public what the law meant (Butler 2020). Carrie Lam defended the NSL and defined it as the most important development in relations between the city and the mainland since 1997 (Marlow-Lung 2020a).

## About freedom and Hong Kong's integration in a new system

Beijing's grand design to use the NSL to assimilate Hong Kong and silence anyone dissenting or daring to ask for more democracy is crystal clear. «China's “recolonisation” of Hong Kong could soon be complete» (Anderlini 2020). Through the NSL, the CCP intimidates dissenters into silence and indirectly cracks down on pro-democracy manifestations. China «conducted a broad, cruel, and shockingly effective campaign to destroy political and intellectual liberty in Hong Kong» (Bandow 2020c).

The city has been muzzled, and after months of pressure, on November 11<sup>th</sup>, 2020, pro-democracy deputies of Hong Kong's parliament resigned (Marlow Lung 2020b) *en masse*. The resignations followed the expulsion of four colleagues accused of «endangering national security» (Pang-Tam 2020), not being patriotic, and plotting with foreign powers (Falletti 2020). This symbolic gesture left only pro-Beijing lawmakers in the legislative branch; Lam's response claimed that elections to replace them were not necessary and that the legislative assembly will work even better (Santevecchi 2020b). This represents the end of any formal opposition to mainland China in Hong Kong. Though indirectly, Beijing now controls the legislative body of the city.

Hong Kongers have been deprived not just of their free speech, but also of their “special identity” as the East-West cultural bridge. The crackdowns in Hong Kong are symptoms of a superpower that cannot be regarded as a peripheral issue from the West. Beijing is patient, but it does not understand democracy nor freedom, which – from a Western perspective – should be highly preserved and enforced. The spectre of Tiananmen is always present when the party “evaluates” whether to intervene through police crackdown. However, today's China

does not look like it did in 1989 partly due to the role it plays internationally. Tiananmen-like reactions would be against China's interests; the NSL marks the *de facto* elimination of that necessity, since it allows for automatic repression of dissent and the targeting and victimization of citizens. A new Tiananmen wouldn't be Beijing's best option for the foreseeable future; those events belong to another world, another era.

## Conclusion

To justify the NSL, Beijing always uses the excuse and the narrative of chaos; to intervene in Hong Kong was necessary for China, since the CCP cannot lose the city and/or allow a bunch of protesters to threaten the CCP's hegemony. Xi wants to achieve important goals for 2021 (the centenary of the CCP's birth) and 2049 (the centenary of the CCP's victory in the Chinese civil war). Hong Kong's near-complete incorporation into the mainland might fit these purposes. From China's perspective, the SAR's incorporation through the NSL is not a violation of the 1997 agreements and is within its domestic affairs. The semi-total rapprochement between the city and mainland China also represents Beijing's intention to eliminate ancient legacies of foreign colonialism, certifying its assertive and powerful posture in the world.

It was particularly the younger generations in Hong Kong who understood that the democratic future of the city was at stake (The Economist 2019b). They were the souls of the protests. Except for those who used violence to express their discontent, many showed impressive courage. Though dissent is draconianly punished and civil liberties have been gravely affected by the NSL, some people in Hong Kong are still striving for their collective rights. Optimistically, every crime against democracy and freedom is a potential incentive for others to join demonstrations, which must now take place in new formats. Repression may win today, but it cannot be a perpetual system of government.



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Since 2015, Amedeo has done more than four hundred interviews and is hosted as weekly contributing author on seven media; all his articles are collected on "Blackstar", [www.amedeogasparini.com](http://www.amedeogasparini.com).

Amedeo is interested in (geo)politics, international relations, current affairs, journalism, history. He is enrolled in 15 organizations and speaks 4 languages.

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