



COMMENTARY Asia

Hong Kong's Worst-Case Scenario Is Happening Before Our Very Eyes

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Olivia Enos

Senior Policy Analyst, Asian Studies Center

Olivia specializes in human rights and national security challenges in Asia.

#### KEY TAKEAWAYS

The National People's Congress in Beijing is slated to introduce a new national security law that would effectively end the one-country, two-systems arrangement.

If the proposed national security law is passed, fundamental freedoms will be abandoned—traded in for rule of law according to Beijing.

The U.S. must come to the defense of friends in Hong Kong before it's really too late.

The worst-case scenario is knocking at Hong Kong's door. The National People's Congress in Beijing is slated to introduce a new national security law that would effectively end the one-country, two-systems arrangement that has governed Hong Kong since its handover from the British in 1997. The proposed law would prohibit secession, so-called foreign interference, "terrorism," and any seditious acts, as defined by Beijing.

It would also bring to a close the era of freedom and prosperity for Hong Kong.

The move is seen as a strong rebuke by Beijing for 2019 protests that brought millions of Hong Kong citizens to the streets in defense of the liberties they hold so dear. They demonstrated against proposed legislation that would have permitted anyone to be extradited from Hong Kong to China at Beijing's request. If passed, the extradition bill would have represented a significant interference in the Special Administrative Region's autonomy and would have substantially undermined the independence of Hong Kong's institutions.

While the bill was eventually set aside by Hong Kong's Chief Executive Carrie Lam, the damage was already done. The public had already lost faith in its government.

Beijing has been pushing the envelope when it comes to undermining rule of law in Hong Kong. While nearly 3 million people went to the polls for local elections in November 2019, Beijing was busy interfering in Hong Kong's judiciary. Ahead of these elections, Hong Kong's High Court issued a determination that declared a controversial mask ban unconstitutional, resulting in an immediate restoration of Hong Kong protestors' ability to don masks. Within a day, Beijing responded with a chilling rebuke declaring that Beijing's legislature, not Hong Kong's judiciary, possessed the sole authority to determine the constitutionality of the mask ban.

Beijing further asserted that Beijing's constitution and Hong Kong's constitution, the Basic Law, together governed the Special Administrative Region and that these two laws in tandem would form the basis of determining the constitutionality of the mask ban. This and the extradition bill were the writing on the wall.

Now it seems the final die is being cast. And Beijing is banking on the rest of the world looking the other way while they combat the COVID-19 pandemic. If the proposed national security law is passed, fundamental freedoms will be abandoned—traded in for rule of law according to Beijing—which is to say, no rule of law at all.

As chief architect of the Basic Law and founder of the pro-democracy movement Martin Lee said at a recent Heritage Foundation event “Beijing will soon pass a new law [allegedly] protecting national security. Under the Basic Law, this cannot happen, so Beijing is renegeing on its promises openly.”

A current member of Hong Kong Legislative Council and a founding member of Hong Kong's Civic Party, Dennis Kwok, speaking at the same event noted:

“What is happening in Hong Kong is heartbreaking in every way. The worst nightmare is happening before our eyes... In the next two months or so a law will be crafted. The Hong Kong people will have absolutely no say over the process.”

The U.S. should unequivocally support a free and truly autonomous Hong Kong. The U.S. Congress already, in part, laid the framework for how to respond should a day like today come. If Hong Kong no longer enjoys sufficient autonomy, its special status will be revoked.

That's why the U.S. must be up to the task now to fight for freedom for Hong Kongers. That means holding individuals in Beijing responsible for undermining the rule of law and freedom in Hong Kong—perhaps through sanctions.

“A year from now, I could be in jail,” Kwok stated. “Martin could be in jail... But the Hong Kong people are not going to give up. They are still very hopeful, very tough, very strong. They will not back down.”

The U.S. must come to the defense of friends in Hong Kong before it's really too late.

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