

**THE SECURITY SITUATION IN HONG-KONG
AND
GLOBAL IMPLICATIONS OF CHINA'S ASSERTIVE APPROACH IN THE REGION**

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INTRODUCTION

China's "one country, two systems" model initiated with Hong Kong's handover in 1997 after a century and a half of British colonial rule. Twenty-three years after the handover, China seems to have abandoned its promise of a separate system for Hong Kong.

The Basic Law, enacted in 1990, provided Hong Kong with a "high degree of autonomy," allowing for democratic self-rule and the preservation of legal and judicial systems. The Basic Law stipulates that mainland Chinese government departments cannot interfere in Hong Kong, nor do mainland laws apply in the city, except under limited circumstances. One article of the law even requires Hong Kong to enact national security laws "on its own".

China never fully carried out its commitment to the democratic reform needed to sustain Hong Kong's wavering autonomy. And, after millions of pro-democracy protesters took to the streets of Hong Kong in 2019, brought Hong Kong under the national security state governed from Beijing. Indeed, in June 2020, Beijing imposed a hard-line national security law on the city, bypassing both public consultation and the local legislative process to go after protesters accused of "colluding with foreign forces," advocating "separatism," or merely damaging the city's "premises and facilities."

Its objective according to Beijing is to ensure stability and put an end to the vandalism that marked the 2019 demonstrations in Hong Kong; according to pro-democracy activists, it is to deal with the final blow to the protest movement. According to Joshua Wong, a leading figure in the democracy movement, that new legislation marked "the end of Hong Kong as the world knew it".

THE PRO-DEMOCRACY UNREST MOVEMENT

The 2019 demonstrations have shed light on China's growing influence in Hong Kong, which used to enjoy a degree of independence under the "one country, two systems" policy.

In 2019, the Hong Kong government put forth a bill that would have allowed China to extradite Hong Kongers across the border to face mainland justice. Hong Kong has extradition treaties with several countries, including the United States, but it never made such an agreement with the People's Republic of China. In June 2019, the extradition bill sparked such public outrage that, during the same month, according to the group that organized the protests Civil Human Rights Front, first one million (1 in 7 of the city's population), then 2 million protesters filled the streets (DAVIS 2020). This wave of unrest sparked by the proposed political reform became the biggest protest since the unsuccessful 2014 Umbrella Movement.

Since then, for about a year on, Hong-Kong has regularly been the stage of pro-democratic unrest movements mobilized millions of citizens to oppose the controversial extradition bill. Thousands of arrests

were reported, including over 6.600 in just the first 6 months, with several arrests of leaders such as protester leader Ivan Lam (arrested on September 3 for allegedly inciting others to join an illegal protest near police headquarters on June 21), as well as Joshua Wong, Agnes Chow and Andy Chan, 3 leader figures (arrested on August 30) and Wong Chi-Fung (arrested on September 8).

The near-daily demonstrations and actions, plunged the former British colony into its worst political crisis since the handover in 1997 as the demonstrators were demanding a full withdrawal of the bill, the retraction of the “riot” characterization, the release of all arrested protesters, an investigation of police brutality, and the resignation of Hong Kong’s highest authority, Carrie Lam, the local Chief Executive Officer.

The extradition bill project was suspended in early September 2019 but the demands of the protesters have then widened to the denunciation of the decline of liberties and growing interferences of Beijing in the affairs of its semi-autonomous region following their new “Five demands, not one less” mantra. Initially peaceful, the demonstrations sometimes degenerated into violent clashes between protesters and police, with protesters condemning the excessive use of force by the police. In the latest development, protesters have adopted guerrilla-style tactics, targeting security forces with Molotov cocktails, bow and arrow, and bricks.

In October, an executive order banned the wearing of a mask during demonstrations in order to end the unprecedented 4 months-long political crisis as, to avoid being identified and to avoid lawsuits, protesters in Hong-Kong are used to wearing face masks, and often helmets, goggles and gas masks to protect themselves from tear gas and police shots. With this, Hong-Kong executives hoped to deter protesters from taking the streets, but this attempt was vain and the movement continued to grow strong.

In November, the Hong Kong Polytechnic University (PolyU), on the Kowloon Peninsula, has been the scene of the longest and most violent confrontation between demonstrators and police since the beginning of the mobilization in June. Against the “Five demands, not one less” mantra of discontent and the growing violence of the unrest, the authorities responded with increasingly aggressive police actions and excessive criminal prosecutions but neither Beijing nor the local government was willing to address popular concerns. Ultimately, only the global COVID-19 pandemic was able to temper the protests. (DAVIS 2020)

Indeed, the adoption of widespread social distancing measures in Hong-Kong during the coronavirus pandemic led to a decline in pro-democratic demonstrations. The only unrest reported during that period was a strike held by healthcare workers to pressure the government to close the border with mainland China to contain the spread of the virus. Between January 23 (first confirmed COVID-19 case in Hong-Kong) and May 8 (when Hong Kong begins lifting COVID-19 restrictions), the ESISC overall reported only eight days of unrest in the city, four of which were related to the handling of the pandemic crisis and four to the pro-democracy movement. Two isolated incidents were also reported in March, during which suspected pro-democracy assailants threw petrol bombs at police facilities and living quarters.

However, following the relaxation of coronavirus guidelines on May 8, a spike in demonstration events was observed (MILLER 2020). And from May 8 to June 30, the day of the adoption of the new security law, the ESISC reported over nine days of protests. Hundreds of people were consequently arrested and accused of committing several offences, including holding rallies when measures to stop the spread of the new coronavirus prohibit them. Pro-democracy lawmakers denounced this move and accused the Hong Kong police of a selective practice of law enforcement. According to them, authorities were using the risk of COVID-19 spread to prevent the return of anti-government demonstrations while allowing other gatherings with impunity.

Finally, on June 30, China adopted the new Hong-Kong security law, which sparked even further outrage, even internationally, but raised concerns for the future of the protest movement in the city as it allows heavy penalties for protesters,

THE ROLE OF TECHNOLOGIES DURING THE UNREST

An important feature of the unrest, both on the demonstrators and the authorities' side was the use of technologies. In Hong Kong, new technologies, such as encrypted apps, have fuelled a new kind of leaderless protest. For protesters, online anonymity and end-to-end encryption is key. But technology is a double-edged sword that also offers a way for the mainland to get a glimpse at their digital lives.

During the 2019 protests, encrypted apps, a Reddit-like forum called LIHKG, and mass Airdrops were used to spread information and organise demonstrations. People organized and congregated for protests through Telegram and Signal, messaging apps that offer end-to-end encryption. Political activists reported that technology has played a "vital role throughout the movement." However, technology is also being used against protestors. "It is highly suspected that Hong Kongers data are being collected and sent to China as there are no regulations governing data transmission. Several companies got pressured by China to remove access to their apps on the idea that they were being used by protesters "in ways that endanger law enforcement and residents in Hong Kong." (THORBECKE 2020)

Technology has however greatly influenced the tactics of Hong Kong's protests. Protesters often targeted the "smart" lampposts equipped with sensors, cameras, and internet connections which they were determined to take down. The government had said the smart lampposts would be used only for benign purposes and would not collect facial or other personal data. The protesters feared otherwise as China's is known for its use of massive surveillance like against the Uyghurs in the Xinjiang region who live under constant scrutiny. Citizens of Hong Kong feared similar technologies would be used against them. (TUFEKCI 2019)

In particular, the struggle to ferret out or protect the identity of police and protestors alike has been intense. A specific target of the demonstrators has been high-tech camera towers that capture people protesting in real-time. Citizens involved in protests succeeded in attacking and toppling the towers upon which cameras stand. Others splattered such security cameras with paint or aimed laser pointers at them to confound and disable facial recognition technologies. Lasers have also been pointed directly against the eyes of security forces to distract them or deter their gaze.

On the police side, it has been learned that officers sometimes hide in the civilian crowds, film the unrest with their smartphones as the protesters often do to denounce police brutality. They then use the footage that they run through facial recognition technology software. The so-called "doxxing" – or posting of revelatory details about particular individuals online – has also been a core struggle in Hong Kong's unrest. On numerous social media platforms, including local channel LIHKG, protestors have been able to post personal information about government officials and police. Yet the doxxing in Hong Kong cuts both ways. Leaders of the territory's pro-democracy movement – as well as journalists – have found their personal details on a site called HK Leaks.

THE SECURITY LAW'S NEW WAVE OF PROTEST AND BEIJING'S RESPONSE

Since the 2019's protests, Beijing's attempts at deterring the civil unrests have been in vain. From the executive order banning the wearing of a mask during demonstrations to the COVID-19 ban on gatherings, all the attempts at putting an end to the pro-democracy movement have proved unsuccessful. With the 2020 security law, Beijing's pushing harder, but despite the harsher repression, the demonstrations are still going on in the city.

In June 2020, a year after the pro-democracy protests began, the Standing Committee drafted a National Security Law for Hong Kong. China's National People's Congress had directed the committee to apply the law directly, bypassing the local Legislative Council. The law was drafted and enacted in secret without public consultation and inserted into the city's mini-constitution. It expressly overrides all local laws that are inconsistent with it, and it effectively amends the earlier Basic Law, although it was adopted without the required amendment procedures. (DAVIS 2020).

This New Security Law covers four main crimes vaguely defined: separatism, subversion, terrorism, and "colluding with foreign or overseas forces." It also makes Chinese justice competent for the most serious crimes, for which sentences can range from ten years' imprisonment to life imprisonment.

Besides, the new law calls for the central government in Beijing to set up an office in Hong Kong for the "safeguarding of national security." Already, Beijing had declared its liaison office in Hong Kong exempt

from the Basic Law requirement that mainland departments do not interfere in the city's affairs. (DAVIS 2020)

A document, unveiled on the evening of July 6, also expands the powers of the Hong Kong police to carry out surveillance, effectively removing much of the power of judicial review. The police can carry out searches without a warrant if they believe there is an "imminent" threat to national security. The police chief has also been given the power to monitor and remove any online information if there are "reasonable grounds" to believe that it violates the law. Police can order Internet companies and service providers to remove any information and seize all their equipment. If they refuse to do so, they would be liable to fines and up to one year's imprisonment. Companies are also required to provide identification records and assistance in decrypting data.

The Chief of Police can ask international political organizations to provide information on their activities in Hong Kong - including personal data, sources of income, and expenses. For her part, Hong Kong's highest authority Carrie Lam, the local Chief Executive Officer, has also been granted broad surveillance powers, such as the power to intercept communications. (LE MONDE 2020)

Beijing enacted laws to prevent, stop, and punish behaviours in Hong Kong that it deems a threat to national security. The move – which gives police sweeping new powers – alarmed democrats, civil society groups, and trade partners, as such laws have already been used broadly to silence and punish dissidents in China. Since the decision was taken on May 21 to establish a legal framework and enforcement mechanism for safeguarding national security in the Hong Kong Special Administrative Region, as of early July, a dozen protests opposing the new law were already reported.

On July 1st, as thousands of Hong Kongers had gathered to mark the anniversary of the territory's hand-over to China on 1 July 1997, the police made the first arrests of people in possession of symbols in favour of the territory's independence or greater autonomy. Of the approximately 370 people arrested on July 1, 10 were arrested for violating the National Security Law and one of them was the first to be charged under it for holding a Hong Kong Independence flag at a protest in Causeway Bay.

Since then, pro-democracy activists have started ostentatiously brandishing sheets of white paper or using puns and slogans that sound like those now banned but have a different meaning. As a symbol of defiance, pro-democracy protesters and supporters of the movement have also displayed blank cars and blank memos around the city. This new way of expression depicts the restriction on the freedom of speech and shows that the movement cannot be silenced despite the bans on banners and slogans.

Those peaceful and silent "blank placard" protests are the alternative stunt found by protesters after the government said that the popular slogan "Liberate Hong Kong; revolution of our times" was illegal. Authorities said the phrase was secessionist, pro-independence, and therefore not allowed under the new security legislation.

However, this did not prevent the authorities from arresting 8 demonstrators who were silently holding large sheets of immaculate paper in a shopping centre. This harsh warning forced the protesters and supporters of the protests to remove the blank memos displays. Some shopkeepers have removed their posters in support of the pro-democracy movement and many residents have erased computer records of their commitment. Despite this setback, the protesters, following their mantra inspired by famous figure Bruce Lee to "be like water", which means being able to "shape-shift" and "evolve" to adapt to any situation, have already vowed to find new ways of opposing the Security Law.

Protesters already said that the law will make attending street gatherings even riskier but that they would find other ways to continue to fight for democracy. For instance, a 16-year-old demonstrator said he disbanded a group supporting the protest movement that he ran at his school, announcing that he'd hold meetings in secret instead. "What has changed is the strategy I will use to express my views," he said. (GUNIA 2020)

In July and August 2020, despite the National Security Law and the COVID-19 bans on gathering, the ESISC reported over six of protests.

Despite all the measures and counter-measures implemented by Beijing's to try put an end to the pro-democracy movement, new unrest can still be expected as well as new arrests of demonstrators. It's

indeed obvious that, since the beginning of the unrest in 2019, all attempts at harshening the repression have only resulted in escalating the situation and in making tensions stronger.

IMPACT OF THE NEW LAW ON HONG-KONG

- Economic impacts of the National Security Law

First and foremost, it is important to notice the economic impact of the unrest movement itself. In November 2019, the protests, along with uncertainties such as the U.S.-China trade war, sent the Hong Kong economy into a recession for the first time in a decade.

Hong Kong's annual gross domestic product fell by 3% in 2019 and, in large part due to the COVID-19 crisis, fell by 9,1% in Q1 and 9% in Q2 of 2020. The government now expects the city's economy to shrink by between 6% and 8% in 2020.

One major driver of the economic downturn in Hong Kong is a steep decline in retail sales as the protests made consumers hold back spending. Another example of the direct economic impact of the pro-democracy movement is the August 2019 protests that shut down Hong Kong International Airport (which contributes around 5% to Hong Kong's GDP) for about two days. Aviation experts estimate that Hong Kong suffered a US\$76 million hit from flight cancellations.

Further, due to the insecurity brought by the unrest, declining tourist arrivals into Hong Kong have added to the city's economic troubles. Then, the coronavirus-pandemic lockdown restrictions have also had a considerable impact on retail in 2020. (LEE, 2019; MORRISON 2019; LEE 2020). Although COVID-19 is Hong Kong's main concern in 2020 with the likelihood of continuing into 2021, the protests will also proceed and stay relevant longer-term for the city's economy.

The National Security Law is also expected to have an impact on the economy of the city. As an autonomous region that respected the rule of law and protected human rights, Hong Kong enjoyed special international trade arrangements, customs agreements, and global immigration that helped make the city a capital of international finance and its economy among the freest in the world. All of these achievements are now at risk. (DAVIS 2020)

As China tightened its grip on the region, business chambers in Hong Kong have warned more than a million companies of the dangers of breaching the national security law, with penalties ranging from fines to having funds confiscated. The National Security Law which aimed at banning secession, subversion, terrorist activities, and collusion with foreign forces to endanger national security, applies to over a million registered companies in the city.

Lawyer Janet Pang Ho-yan said there should be more clarity on the "foreign factors" mentioned, as many companies have dealings with entities abroad. Indeed, companies are exposed to risks when making donations or providing financial support for other organizations. Whether a corporate donor will get into trouble depends on how the law is enforced. Michael Tien Puk-sun, a pro-Beijing lawmaker also urged the Hong Kong government to explain what was permitted under the new law.

Further, the legislation's reach extends beyond Hong Kong as there are about 1,500 overseas companies with Hong Kong as their regional headquarters and about 2,500 regional offices located in the city. The American Chamber of Commerce, for example, said it would seek clarity from the Hong Kong government on how the law would be interpreted and implemented, as well as its implications on American businesses operating and investing in the city. The chamber, which is the most influential foreign business group in the city with about 1,400 members, said it remained committed to Hong Kong as a home base for international business.

On the other hand, some businesses have already taken pre-emptive action to avoid falling foul of the legislation. For example, hours before the new law came into force, children's clothing retailer Herbert Chow Siu-lung removed from his Chickeeduck store a statue glorifying protester of the months-long anti-government movement. (TSANG 2020).

Human rights NGOs are also dreading the impact of this new legislation in Hong Kong. As the legislation outlaws "collusion with foreign and external forces", international human rights groups are worried

their days of operating freely in Hong Kong are numbered. Some fear their activities and funding will be scrutinized and targeted by mainland authorities to such an extent they might have to leave the city but Hong Kong officials and pro-establishment lawmakers have dismissed these worries as unjustified fear-mongering.

Joshua Rosenzweig, Hong Kong-based head of Amnesty International's China team, said that even though international human rights laws allow for restrictions to be placed on certain rights, such as freedom of expression or peaceful assembly, in the name of national security, as long as the legislation contains guarantees: "If the definition of 'national security' is defined too broadly ... then the guarantee on paper doesn't mean much." Beijing has insisted the law would affect only a minority of lawbreakers, but human rights groups fear they will be targeted as well, just as they have been affected on the mainland by China's national security law.

Hong Kong's non-profit sector encompasses more than 2,500 charities, with about 200 international NGOs in the city. Amnesty was among 86 NGOs and civil society organizations, including several overseas groups, that signed a joint letter urging Beijing to abandon the national security law, which they slammed as a "devastating assault on human rights". (WESTBROOK 2020)

Furthermore, the Hong Kong national security law will have implications for or tech companies, particularly regarding privacy, cybersecurity, data, and trade issues. Early this year, Hong Kong's Legislative Council started a discussion on the Amendment to the Personal Data (Privacy) Ordinance 2012. The proposed amendment includes a new provision to require online platforms to facilitate law enforcement's access to cyber offenders' identities and personal information when approached by regulators with reasonable evidence. Given the introduction of Hong Kong's national security law, this amendment should be interpreted in a different political and legal context now. Indeed, the law provides for a fine of HK\$100,000 (11,500euros) for a supplier who fails to comply with the law. Employees are liable to imprisonment.

The national security law will speed up the drafting process of the amendment, which would facilitate wider law enforcement access to personal data in Hong Kong. Even without a new amendment to the Privacy Ordinance, it is likely that the mainland Chinese security apparatus will be increasingly involved in enforcing the existing Personal Data Ordinance and leveraging the National Security Law to broaden and deepen their reach. (LU 2020)

Following the adoption of the new security legislation, Facebook, Google, Telegram, and Twitter have already confirmed that they would no longer respond to requests for information about their users from the Hong Kong government and authorities out of respect for freedom of expression. The four global platforms said their teams were closely reviewing the controversial new legislation and having it examined by human rights experts. Meanwhile, Tik Tok which was founded by a Chinese and belongs to the Chinese Bytedance Group announced the suspension of its app because of the recent national security law. The National security Law is also expected to impact trade and export control: in late May President Donald Trump initiated the process of reviewing Hong Kong's special economic status with the United States after the national security law decision was passed.

Under its special trade status, Hong Kong exports to the United States enjoy preferential tariff rates while U.S. exports to Hong Kong have a zero-tariff rate. As a result, the Hong Kong-United States trade of goods and services amounts to \$67 billion annually. If the United States decides to revoke the special trade status, many American companies currently trading goods between Hong Kong and the U.S., leveraging favourable tariff rates, would lose that benefit and be subject to the tariffs imposed on both sides of the U.S.-China trade war.

What is more, companies that currently process business transactions through Hong Kong's favourable export control status would have to make operational modifications for compliance. Consequently, many businesses might seek alternative import/export routes to avoid this negative impact. This will likely accelerate the ongoing trend of manufacturing supply chains moving out of China. (LU 2020).

- Political impacts of the National Security Law

Additionally, the National Security Law will likely affect many pro-democracy figures. Indeed, with its global reach, the new security legislation also applies to political dissidents who left the region. Section 38 of the law says that even people who are not Chinese citizens and live outside of Hong Kong can fall foul of the new legislation.

For decades Hong Kong has offered legal protection from the mainland Communist Party. Chinese dissidents, Western academics, and global non-governmental organizations used Hong Kong as a safe space to meet, organize, and criticize Beijing, mostly without consequence. Many law experts and dissidents now agree it remains unclear how worried critics travelling through Hong Kong should be, or exactly how the Chinese government intends to use the law. As with much of Beijing's national security legislation, the Hong Kong law is written broadly enough that it can be used as required by the Communist Party leadership. (WESTCOTT 2020)

Finally, the law will likely continue to impact the pro-democracy movement. Beijing's authoritarianism is likely to continue to overshadow the democratic movement as, following the adoption of the new legislation, books written by pro-democracy leaders like Joshua Wong have already disappeared from public libraries. Schools textbooks that might violate the national security law have also been removed while activists have deleted their social media accounts, the "Demosistō" Wong's political party was disbanded and prominent activists like Nathan Law fled the city.

Pro-democracy lawmakers were hoping public disapproval of the law would translate into victory in September 6 elections for the city's Legislative Council. Though, some experts feared the new law could be used against candidates who do not demonstrate loyalty to Beijing since anyone convicted under the new legislation is automatically barred from office. Moreover, Wu Chi-wai, chair of the Democratic Party, said that the results "may not be accepted by the central government" anyway and he does not know "whether [their] nomination will be disqualified, whether [they] will be disqualified during the election campaign, [or] whether [they] will be disqualified even if [they] get elected." (GUNIA 2020)

Indeed, in July, over half a million citizens who voted in an informal pro-democracy primary poll on the congressional contest caught a glimpse of the looming clampdown: Beijing declared the poll illegal, police raided the headquarters of the poll's organizers, and, the one-time protest leaders and democrats who swept to victory in the mock election were all stripped of their right to run in the real Legislative Council competition.

Eventually, Beijing outright decided to postpone the elections for a year under the pretext of health risks amid the Coronavirus pandemic (TIEZZI 2020). In reaction and despite the ban on public-gathering, thousands of Hong Kongers braved the authorities on Sunday, September 6, to denounce that decision. Nearly 300 protestors were arrested including one on suspicion of violating the national security law.

GLOBAL IMPACTS OF BEIJING'S POLICY IN HONG-KONG

China's rise and development of military power over the past 5 years came at a time when the West in general, and the United States in particular, was focussed on the Middle-East due to the war on terrorism and the crisis in Syria. The European Union, on its part, had the distraction of Brexit, and a worsening security and geopolitical situation both on its eastern flank and in the Mediterranean.

Then the COVID-19 crisis that initially caused some serious problems for Beijing eventually turn to its advantage. As a result of the crisis, a more strident nationalist tone was adopted, leading to tensions with the US and Australia, amore aggressive Chinese approach in the South China Sea, Sino-Indian rivalry on their common frontier, and, China's decision to overturn the fundamentals of its deal with the UK over Hong Kong.

Indeed, after a year of struggle, the COVID-19 pandemic gave Beijing the opportunity to bring the Hong Kong crisis to a head. Now, the new trajectory of Beijing's more assertive policy is unlikely to change unless real and concerted pressure is brought to bear by the international community. However, despite several condemnations of China's attitude towards the liberties of the people of Hong Kong, it is hard to see this happening. (MARCUS 2020)

In fact, on July 3 China's Foreign Ministry and state media declared victory after 53 countries backed Beijing's new National Security Law for Hong Kong following duelling statements at the UN Human Rights Council in Geneva. The 2 statements were read back to back in the session, with Cuba supporting China and the U.K. representing the critics.

Just 27 members of the UN Human Rights Council - although many Western countries - have publicly condemned the text, fearing that it could lead to the repression of all political opposition and urging Beijing to review the law.

China's critics are concentrated in Europe and also include major democracies like Australia, Canada, and Japan. All 27 are considered "free" in Freedom House's global ratings. Meanwhile, China is backed by an assortment of "not free" and "partially free" countries such as North Korea, Saudi Arabia, Syria. 3 small "free" countries did back Beijing: Antigua and Barbuda, Dominica, and Suriname (combined pop. ~700,000). All 3, and at least 40 of the other signatories, have signed onto China's Belt and Road infrastructure project. The African supporters are all countries trying to renegotiate debt payments to China amid sharp COVID-related downturns.

It's also interesting to notice that India didn't join the U.K. statement opposing China but did offer a more mild statement "expressing concern," in a signal of its growing willingness to confront Beijing, in the recent context of intensifying tensions over the Himalayan border between the two countries.

The United States, who withdrew from the Human Rights Council in 2018, has also been highly critical of China over the law, in a context of soaring opposition between the two States. The director of the FBI recently said that acts of espionage and theft by China's government pose the "greatest long-term threat" to the future of the US. The FBI director outlined a stark picture of Chinese interference, a far-reaching campaign of economic espionage, data and monetary theft, and illegal political activities, using bribery and blackmail to influence US policy. The FBI director also referred to the situation of Hong Kong dissesents as he mentioned a program called "Fox Hunt", which he said President Xi Jinping had "spear-headed" and he said was geared at Chinese nationals living abroad seen as threats to the Chinese government. "We're talking about political rivals, dissidents, and critics seeking to expose China's extensive human rights violations," he said. The program was originally begun in 2015 to target people accused of corruption and has reportedly led to the capture of thousands of fugitives including Hong-Kong dissent. "The Chinese government wants to force them to return to China, and China's tactics to accomplish that are shocking", he said.

The situation happening in Hong Kong has been straining further the relationship between the United States and China, already altered by the COVID-19 crisis, the commercial war, the human rights situation regarding the Uighurs, and the South China Sea tensions that oppose the US and China. In recent years, several State Department reports have expressed concern that mainland China is encroaching on Hong Kong's independence (US DEPARTMENT OF STATE, 2020). With the adoption of the new Security Law, the United States threatened China with reprisals, promising not to "sit back". Congress passed a law that would punish Chinese officials who apply the new security rules and target the banks that finance them.

U.S. lawmakers on both sides of the aisle have been united in their condemnation of China's interference since the 2019 extradition bill and their support for Hong Kong's protesters. In July 2020, Congress introduced legislation to make it easier for Hong Kongers to be classified as refugees and admitted to the United States. In response, China's Foreign Ministry rejected what it called "foreign interference," saying "Hong Kong affairs are China's internal affairs."

In July 2020, Donald Trump ordered an end to Hong Kong's special status under U.S. law – de facto ending the preferential economic treatment for the city - to punish China for what he called "oppressive actions" against the former British colony, prompting Beijing to warn of retaliatory sanctions. Under the executive order, U.S. property would be blocked of any person determined to be responsible for or complicit in "actions or policies that undermine democratic processes or institutions in Hong Kong," according to the text of the document released by the White House. It also directs officials to "revoke license exceptions for exports to Hong Kong," and includes revoking special treatment for Hong Kong passport holders. (MASON, HOLLAND 2020)

Finally, in August 2020, the United States imposed sanctions on Hong Kong's highest authority, the local Chief Executive Carrie Lam and on 10 other top officials from Hong Kong and mainland China

accused of undermining Hong Kong's autonomy. In retaliation, Beijing announced sanctions against 11 American officials, including Senators Marco Rubio and Ted Cruz, in retaliation for the measures taken by Washington against Chinese officials.

For its part, Canada announced the suspension of its extradition treaty with Hong Kong and its exports of "sensitive" military equipment to China. The Hong Kong situation also strained the relations between China and the UK. The UK suspended its extradition treaty with Hong Kong and extended China arms embargo to Hong Kong. Faced with a "clear violation of the territory's autonomy," British Prime Minister Boris Johnson also announced his ambition to facilitate access to British citizenship for holders of special passports for which nearly three million inhabitants of the former colony are eligible. Boris Johnson pledged the move after deciding China had committed a "clear and serious breach" of the Sino-British Joint Declaration that aimed to smooth the transition when the territory was handed back to China in 1997.

Beijing has accused British ministers of a "gross interference into China's internal affairs" by offering Hong Kong residents a route to citizenship over its controversial national security law. Liu Xiaoming, the Chinese ambassador to the UK accused the Government of "political manipulation" but he declined to spell out how Beijing would retaliate after the nation said it reserves "the right to take corresponding measures". France and Germany followed the United Kingdom's path and also announced the suspension of their extradition agreement with Hong Kong.

Taiwan has too announced the opening of an office to welcome Hong Kong residents wishing to settle on the island and some Hong Kongers appear to have taken them up on the offer. According to news reports, the number of Hong Kong residents who moved to Taiwan in the first four months of 2020 was up 150 percent from the same period last year. Taiwan is also "closely monitoring the implementation of the law," its president Tsai Ing-wen, said on July 7, as the country fears it could become Beijing's next target. Indeed, the protests that have raged in Hong Kong for the last year resonated deeply with the people and the leadership in Taiwan. Taiwanese citizens sent protective gear to the protesters in Hong Kong, and Taiwanese President Tsai Ing-wen won reelection in January in part because she voiced support for Hong Kong's pro-democracy movement.

The democracy movement that has so united the citizens of Hong Kong and Taiwan has allies in other parts of Asia as well. A social media movement known as the Milk Tea Alliance—in reference to the sweet milk tea popular in East Asia—has brought together activists in Hong Kong, Taiwan, and Thailand who are critical of Chinese nationalist netizens and who oppose Beijing's new national security law. Recently, the Milk Tea Alliance spread to the Philippines, where some citizens have joined the online movement to voice concerns about Chinese aggression in the South China Sea. (GREEN, MEDEIROS 2020)

In response to China's new Security Law, Australian Prime Minister Scott Morrison has said he would offer safe haven visas to Hong Kong residents looking to leave the city and warned Australian nationals to "reconsider your need to remain in Hong Kong". Australia also suspended its extradition treaty with Hong Kong and extended visas for Hong Kong residents in response to China's imposition of a tough national security law on the semi-autonomous territory, the prime minister said. In Australia, the most likely Hong Kongers to benefit from the new policies are the 10,000 already in the country on student and other temporary visas.

The Chinese Embassy in Canberra accused Australia of a "serious violation of international law and basic norms governing international relations". An embassy statement said: "We urge the Australian side to immediately stop meddling in Hong Kong affairs and China's internal affairs. Otherwise, it will lead to nothing but lifting a rock only to hit its own feet." Global Times, a Chinese Communist Party mouthpiece, warned that "no one should underestimate the repercussions to the Australian economy from a further deterioration of bilateral ties. (...) If the Australian government chooses to continue to interfere in China's internal affairs, it should be expected that the 'safe haven' offer will result in a huge negative impact on the Australian economy, making the issue much more serious than many people would have anticipated," the newspaper said. Australia last offered "safe haven" visas to Chinese after the bloody crackdown on pro-democracy protesters around Beijing's Tiananmen Square in 1989. More than 27,000 Chinese students in Australia at the time were allowed to stay permanently.

For its part, New Zealand Foreign Minister Winston Peters said New Zealand held "serious concern" about the security law passed by China. Again, China has told New Zealand to "stop interfering" in its affairs. Gerald Hensley, a former diplomat who advised two NZ prime ministers on security and foreign

relations considered New Zealand's failure to outright condemn China's behaviour was disappointing. In May, New Zealand had decided not to join an earlier condemnation of the law by the country's Five Eyes partners. "We've managed to convey to the Chinese that we can be bullied over economic dependence on China, and I don't think that's a very happy situation," Hensley said.

In return, China announced the suspension of Hong Kong's extradition treaties with Canada, Australia, New Zealand, Germany, France, and Britain, in a tit-for-tat move following the similar decisions taken by those countries over the controversial new security law.

CONCLUSION

Beijing officials have always tended to emphasize the "one country" component of the principle model but downplay the "two systems" and Hong Kongers have often had to take the streets to defend their autonomy as granted by the Basic Law. Still, Beijing managed to bring Hong Kong under the national security state with its 2020 National Security Law.

This latest interference is intended to tame the growing intensity of the protests that started in 2019. Indeed, relying since 2019 on the help of new technologies, Hong Kongers have developed a pro-democracy movement that is stable and organized enough to challenge Beijing's every measure and countermeasures made to end it. Even the COVID-19 pandemic and the implementation of social distancing and anti-gathering measures (both by legal stipulation and through voluntary civil society initiatives) couldn't keep the pro-democracy activists off the street which leads to believe that, despite all setbacks, the pro-democracy movement is not about to stop just yet.

The underlying sentiments, grievances, and motivations for the social movement remain vigorous and tenacious, and it is unlikely – contrary to the wishful thinking of some in the local establishment – that such uneasiness will simply dissipate. Despite the decrease in the frequency of violent mass rallies and police-civilian confrontations, the intensity of such confrontations has only increased, notably when petrol-bombs were hurled into police facilities and living quarters in March. (WONG, 2020)

However, one decisive factor for the success of the movement will be the - so far inefficient - support of many "free" democratic countries. The kind of threat posed by China to the West is changing fast, not so much because of Chinese growing military capabilities but because of its economic and technical possibilities, which make it a peer competitor of the world powers. Indeed, China has huge and growing economic muscle. It shares much of the same economic space with the West and its dominance of crucial supply chains only enhances its power. The level of integration of today's globalized world and the importance of data and information only act as force multipliers for Beijing's overt and covert global reach. This economic power is an important diplomatic leverage in Beijing's favour as it prevents the states from acting further to defend the pro-democracy movement of Hong Kong.

The draconian national security law will undoubtedly undermine Hong Kong territory's autonomy and, by extension, its identity, but there is little the international community can do to halt its implementation. Dialling up pressure on Hong Kong's government is an option considered by the US but doing so risks hurting Hong Kong's economy more than Beijing's and accelerating the territory's absorption into southern China. Some analysts have therefore counselled United States restraint, arguing that a softer touch could encourage Beijing to moderate its implementation of the law and avoid making the situation worse.

However, a tepid reaction could leave Beijing with the impression that it can proceed with relative impunity on other contentious issues in Asia (regarding Taiwan, Japan but also India with which it has territorial disputes, or with Vietnam, Malaysia, Indonesia and Philippines on its claims in the South China Sea). Furthermore, the European Union's initial pledge that it will merely "follow developments closely", Trump's unilateral withdrawal of troops from NATO and disinterest in G7 have only telegraphed vulnerability, disunity, and lack of resolve among Western allies to Beijing.

Thus, much more diplomacy will be needed to coordinate pressure on Beijing, especially as China takes an increasingly aggressive stance on its South China Sea claims. Recently, Washington has been vehemently opposing China's alleged manoeuvres to "militarize" this maritime area knowing that, in the sovereignty conflicts between it and its neighbours, Beijing is no longer afraid to question the status quo

that prevailed. At the beginning of July, the Pentagon said it was "concerned" by Chinese military manoeuvres around this strategic archipelago, with waters rich in resources, near which Washington regularly sends warships to assert "freedom of navigation".

China's leaders will likely, at least, factor the U.S. response to the Hong Kong security law into their decisions about future possible strategic moves in Asia. Therefore, unless the United States demonstrates the resolve and ability to resist Chinese coercion and aggression, China's leaders may eventually conclude that the risks and the costs of future action, against Taiwan for instance, are low—or at least tolerable. (GREEN, MEDEIROS 2020).

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SOURCES

European Strategic Intelligence and Security Center (ESISC), WORLD TERROR WATCH Database, Brussels 2019 and 2020.

US Department of State (2019), "2019 Hong Kong Policy Act Report", accessed on August 18, 2020, available at <https://www.state.gov/2019-hong-kong-policy-act-report/>

DAVIS M.C. (2020), "Hong Kong Is Part of the Mainland Now", *Foreign Affairs*, July 2 [online], <https://www.foreignaffairs.com/articles/china/2020-07-02/hong-kong-part-mainland-now>

THORBECKE C. (2019), "How tech has fueled a 'leaderless protest' in Hong Kong", *ABC News*, October 12 [online], <https://abcnews.go.com/Technology/tech-fueled-leaderless-protest-hong-kong/story?id=66158665>

TUFEKCI Z. (2019), "In Hong Kong, Which Side Is Technology On?", *Wired*, October 22 [online], <https://www.wired.com/story/hong-kong-protests-digital-technology/>

MILLER A. (2020), "CDT Spotlight: Hong Kong", *ACLEDDATA*, July 2, [online], <https://acleddata.com/2020/07/02/cdt-spotlight-hong-kong/>

LE MONDE (2020), "« La fin de Hongkong tel que le monde la connaissait » : le point sur la loi sur la sécurité nationale imposée par Pékin", 7 juillet [online], https://www.lemonde.fr/international/article/2020/07/07/la-fin-de-hongkong-tel-que-le-monde-la-connaissait-le-point-sur-la-loi-sur-la-securite-nationale-imposee-par-pekin_6045521_3210.html?utm_term=Autofeed&utm_medium=Social&utm_source=Twitter#Echobox=1594158572

TSANG D. (2020), "Hong Kong national security law: how will it affect businesses? Uncertainty over overseas funds, foreign offices", *South China Morning Post*, July 2 [online], <https://www.scmp.com/news/hong-kong/hong-kong-economy/article/3091607/hong-kong-national-security-law-how-will-it-affect>

WESTBROOK L. (2020), "National security law: human rights NGOs dreading impact of legislation in Hong Kong slammed for fearmongering", *South China Morning Post*, June 21 [online], <https://www.scmp.com/news/hong-kong/politics/article/3089991/national-security-law-human-rights-ngos-dreading-impact>

LU X. (2020), "What Does Hong Kong's National Security Law Mean for Tech Companies?", *The Diplomat*, June 12 [online], <https://thediplomat.com/2020/06/what-does-hong-kongs-national-security-law-mean-for-tech-companies/>

WESTCOTT B. (2020), "Hong Kong was once a home for critics of Beijing. Now they might not even be safe at the airport", *CNN*, July 4 [online], <https://edition.cnn.com/2020/07/03/asia/hong-kong-airport-arrests-national-security-intl-hnk/index.html>

GUNIA A. (2020), "What Hong Kong's National Security Law Means for Its Pro-Democracy Movement", *Time*, July 8 [online], https://time.com/5864562/hong-kong-national-security-law-democracy-movement/?utm_source=twitter&utm_medium=social&utm_campaign=editorial&utm_term=world &linkId=93323286

MARCUS J. (2020), "The Hong Kong crisis and the new world order", *BBC News*, July 2 [online], https://www.bbc.com/news/world-asia-china-53263181?at_custom4=30976E16-BC74-11EA-880C-AEF539982C1E&at_custom2=twitter&at_campaign=64&at_custom3=%40BBCWorld&at_custom1=%5Bpost+type%5D&at_medium=custom7

GREEN M., MEDEIROS E. (2020), "Is Taiwan the Next Hong Kong?", *Foreign Affairs*, July 8 [online], https://www.foreignaffairs.com/articles/east-asia/2020-07-08/taiwan-next-hong-kong?utm_medium=newsletters&utm_source=fatoday&utm_campaign=Is%20Taiwan%20the%20Next%20Hong%20Kong?utm_content=20200708&utm_term=FA%20Today%20-%20112017

LEE Y-N. (2019), "5 charts show how protests in Hong Kong have affected the city's economy and stock market", *CNBC*, December 25 [online], <https://www.cnbc.com/2019/12/26/hong-kong-protests-impact-on-economy-stock-market-in-five-charts.html>

LEE Y-N. (2020), "Hong Kong cuts GDP forecast for 2020 after economy contracts 9% on-year in the second quarter", *CNBC*, August 14 [online], <https://www.cnbc.com/2020/08/14/hong-kong-releases-second-quarter-2020-gdp-data-economic-updates.html>

MORRISON A. (2019), "How Hong Kong's protests are affecting its economy", *The Conversation*, August 22 [online], <https://theconversation.com/how-hong-kongs-protests-are-affecting-its-economy-122098#:~:text=While%20the%20protests%20grind%20on,10%25%20from%20a%20year%20earlier>

TIEZZI S. (2020), "Hong Kong's Elections Were Already Rigged. Now They Won't Happen.", *The Diplomat*, August 1 [online], <https://thediplomat.com/2020/08/hong-kongs-elections-were-already-rigged-now-they-wont-happen/>

MASON J., HOLLAND S. (2020), "China vows retaliation after Trump ends preferential status for Hong Kong", *Reuters*, July 14 [online], <https://www.reuters.com/article/us-hongkong-security-trump/china-vows-retaliation-after-trump-ends-preferential-status-for-hong-kong-idUSKCN24F2KQ?il=0>

WONG B. (2020), "Hong Kong's Protests Amid COVID-19: A Dying Movement or a Halted War?", *The Diplomat*, April 10 [online], <https://thediplomat.com/2020/04/hong-kongs-protests-amid-covid-19-a-dying-movement-or-a-halted-war/>