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## **Security Council (SC)**

*The question of the Hong Kong  
National Security Law and its  
implications on democratic  
development*

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RESEARCH  
REPORT



**Forum:** Security Council (SC)

**Issue:** The question of the Hong Kong National Security Law and its implications on democratic development

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## Introduction

The Hong Kong Special Administrative Region has had non-stop protests ever since the local government introduced the Extradition Bill, which although was withdrawn after months of never ending protests, set the stage for a newer, stricter bill which has now been put into effect.

Named the National Security Bill/Law, the new piece of legislation signals that Hong Kong may be changing its course drastically, to a future that is far from the democratic vision the United Kingdom may have had when handing over Hong Kong conditionally in 1997, where the region would enjoy an internally autonomous status until 2047. Many arrests have taken place since then, setting a precedent where the Communist party of China is prosecuting opposition to its latest series of crackdowns over Hong Kong.

The still ongoing protests' participants face a very steep uphill climb, with lacking international action and considering their adversary, both the Hong Kong government and Beijing, it will prove a difficult challenge.

## Definition of Key Terms

### *LEGCO*

LEGCO, or the Legislative Council is the highest body of the legislative branch in Hong Kong. All laws are subject to this council and therefore holding a majority in this council for either side of the party to achieve its political ambitions is crucial.

### *S.A.R.*

Alongside Macau, S.A.R., or Special Administrative Region is the status held by Hong Kong. These regions follow the doctrine of being internationally part of mainland China, but highly self-dependent (autonomous) on internal issues.

## General Overview

In the year of 1989, China's government faced the greatest opposition to its authority, the Tiananmen Square Protests. In this mass assembly in what is, essentially, the Times Square of China,

ordinary citizens objected to Beijing's increasing authority and crackdown on individual liberties. It therefore wasn't all that surprising when the protestors of Hong Kong made attempts to connect their stories to these protests of 1989, by holding ceremonies in their honor.

The first occurrence of protests was after the Chief Executive (head of Hong Kong, best equivalent being a Prime Minister/President) of Hong Kong introduced the Extradition Bill. Although this is not the legislation in question for this agenda item, it is imperative that it is explored in detail. In short, the bill would have citizens extradited, or in other words sent off to face trial in, China and Taiwan. This was the first tangible instance in which China began impeding on the autonomy of Hong Kong, by letting citizens of Hong Kong face what likely seemed harsher punishments in mainland China if found guilty.

Following the introduction of this bill, millions, in a country of seven and a half million, took to the streets. What were then, and are still, characterized as riots (which later on following the National Security Law became a crime), took a firm stance against the possibility of individuals being subject to Chinese laws and their interpretations by Chinese courts instead of their Hong Kong counterparts. The protests were characterized by these following "Five Demand, not one less": the withdrawal of the extradition bill, an investigation into Hong Kong's police force, China and Hong Kong executives going back on their stances calling the protests riots, the granting of amnesty for those priorly prosecuted in the protests/riots, and a more democratically representative system in Hong Kong (discussed below).

This bill would eventually be withdrawn (and the only demand to be met), but a valid question that would be raised to such popular opposition would be how such a bill would come to be in a seemingly democratic state. The answer is, put simply, Hong Kong is only partially a democracy. Although definitely a republic, calling the *S.A.R.* a democracy would be inaccurate, seeing as only 40 of its 70 seats are elected through public vote. The remaining 30 are business representatives. Although a strong anti-Chinese authoritarian opinion has been winning elections in Hong Kong, the 30 business representatives in the LEGCO would play a key role in swinging the outcome of the vote, which has been what's happening.

To illustrate this, in a hypothetical scenario where 30 of the 40 electable seats share a common anti-Beijing sentiments and only 10 align with the Communist Party's agenda, if the remaining 26 of the 30 business representatives (who possess economic incentives to agree with the 2nd largest economy in the world) vote with the 10 that align with the Chinese agenda, then the outcome is an overruling of the public opinion. Also, it should be noted that although more libertarianist policies have been winning the elections (demonstrating that the prevailing sentiment is against current policies), the divide is much closer than a 30/10 split, making it possible for a smaller majority in the business representatives part of the LEGCO to swing a vote in favor of the pro-China camp.

After the withdrawal of the Extradition Bill, the newer National Security Law, far more aggressive in its clampdown over individual liberties of Hong Kongers, seeks to establish an even more prevalent presence of the Communist Party in Hong Kong than ever before. Firstly, in a supposedly "autonomous" region, the new law would have a Chinese law enforcement branch in Hong Kong, what was a place renowned for being a base of democracy and capitalism in the midst of communist and more authoritarian regimes. Furthermore, in a major violation against the inalienable rights to assembly

demonstrated by the protestors (or rioters, if looked at from the Beijing point of view), the bill allows China to prosecute those who have participated in the protests.

The offences outlined in the bill can be boiled down to four points: secession (the act of stepping outside the governmental authority), terrorism (acts such as vandalism is the most common example for Hong Kong, meaning anything with the use of violence to coerce an end goal), subversion (anything that would damage central authority, demonstrating against the Hong Kong government is interpretable as such), and collusion (such as getting funding from foreign countries, trying to include outside nations into the Hong Kong protests, etc). Damaging public buildings and infrastructure, anything interpretable as undermining the authority of the government, gaining support from outside parties (under collusion, such as gathering support from the United States by testifying in Congress) are all incredibly open ended that, protestors have valid concerns on their hands due to a crackdown amongst their ranks. These offences range in the penalties that they will be subject to, from fines to imprisonment.

The National Security Committee (the organization established under the law which oversees its enforcement in Hong Kong) has already begun its arrests of those who had previously backed the protests, including more than 50 important figures. It seems currently that this committee's strategy is to go after major leaders and symbols of the movement. The law also threatens simple actions, such as chanting anti-authority slogans, but these transgressions' respective penalties can go as simple as a fine.

## **Major Parties Involved and Their Views**

### *United States of America*

The United States has ended its economic ties with the Special Administrative Region, now viewing Hong Kong explicitly as China, extending the Trade War between the two countries onto Hong Kong as well.

The congress of the U.S. also once hosted figureheads of the liberation movement, such as Joshua Wong, who now faces jail time under the National Security Law, over the issue of Hong Kong, where the Congress was debating a bill that would hold individuals accountable for their executive actions in Hong Kong.

The Treasury Department has also been targeting influential parties in Hong Kong, such as Carrie Lam (a criticised figurehead in the Hong Kong executives, who has been in charge since before the introduction of the Extradition Bill), by suspending her bank accounts, which per her own admission, resulted in her having to resort to keeping large amounts of cash.

The US, Canada, the UK, Australia have recently published a joint statement which condemns the new arrests of 50 'pro-independence' supporters, calling on China to respect individual freedoms over rising concern that local executives were going after major figures for the independence movement.

## *People's Republic of China*

China already will restore Hong Kong back into the mainland by 2047, per the provisions of the Sino-British Joint Declaration, but there is evidence that suggests China wishes to accelerate this naturalization period.

With economic (Hong Kong is a major economic hub in Asia) and political (territorial integrity) incentives motivating Beijing to widen its foothold in China, the nation has done well to capitalise on the months of unrest with the National Security Law, gaining a minority sympathy. With the new National Security Law, it becomes much easier for China to regulate Hong Kong, bypassing multiple processes, such as needing court approvals for searching homes and wiretapping.

## *United Kingdom*

The United Kingdom, the nation that conditionally handed over Hong Kong, has publicly been expressing its concerns over the anti-democratic progression of Hong Kong. The nation will begin offering residency statuses to those wishing to defect from Hong Kong in the wake of the recent developments.

The EU, uniform with British policy in this case, has made their oppositionary stance to China's policy in Hong Kong plain through multiple press releases, putting up a united front with the US, short of Donald Trump's strategy of waging a full scale trade war against Hong Kong (please see United States of America above obtaining information on the joint statement).

## **Timeline of Events**

<b>1st of July, 1997</b>	<i>The Sino-British Joint Declaration (see below) goes into effect</i>
<b>29th of March, 2019</b>	<i>The Extradition Bill is introduced to Hong Kong</i>
<b>29th of July, 2019</b>	<i>The National Security Law is introduced, starting a wave of arrests.</i>
<b>8th of January, 2021</b>	<i>The Hong Kong police force arrests 53 major leaders of the liberation movement, causing criticism that the government is going to extremes to silence the opposition.</i>

## **Treaties and Events**

### *Sino-British Joint Declaration*

This is the document where Hong Kong set its course to transition into China until 2047. At the time, this was a decolonization move on the part of the United Kingdom, where the crumbling British Empire was returning territories around the globe. The treaty outlines that Hong Kong would enjoy a “high degree of autonomy”, which is a contradictory agenda as China pushes to consolidate its political sphere of influence around the South China Sea.

## **Evaluation of Previous Attempts to Resolve the Issue**

This is a very new and continuously developing conflict. Coupled with the difficulty of gaining a consensus on international platforms such as the UNSC, all attempts were taken by either a single country or a block of countries. These solutions, namely being sanctions, although having damaged the Hong Kong economy, also created a need for a more reliable trading partner, thus fostering an improved reliance for the People's Republic of China.

It is important to notice that Hong Kong would go through a similar transformation in due time regardless, as a transition was already underway due 2047, but starting since the Extradition Bill, the two sides have become increasingly oppositionary, causing a mass divide in the internals of Hong Kong.

Several international organizations, both UN and non-UN (Office of the High Commissioner of Human Rights, Amnesty International, etc.), have made calls for an international probe into the actions of the Hong Kong government and its police force's conduct during the protests, but these remain simply verbal in their effect.

## **Possible Solutions**

As it's been made evident that sustained economic aggression offers no aid to achieving a solution, instead acting in bilateral compromise may offer a possible solution. Keeping in mind that Hong Kong is still internationally China, with the National Security Law being in effect or not, solutions should be toned accordingly, acknowledging a full scale political intrusion on the Special Administration will likely be met with nothing but rebuff.

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