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Hong Kong

The Death of Hong Kong's Autonomy: Beyond the Crackdown

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At the end of May, the Chinese state passed a new national security law that allows it to directly intervene in Hong Kong against the pro-democracy movement that has swept the city for the last year. Spectre's Ashley Smith interviews Au Loong Yu about China's crackdown and what it means for the pro-democracy movement.

The Chinese state has announced a new security law that allows it to criminalize dissent and deploy its security forces in Hong Kong. Why did they do it and what are their intentions?

On May 28, 2020, the National People's Congress passed the "Decision on establishing and improving the legal system and enforcement mechanisms for HKSAR (Hong Kong Special Administrative Region) to safeguard national security." It "opposes any form of intervention in the affairs of the HKSAR by any foreign countries or foreign forces," and reminds HKSAR of its responsibility for "the maintenance of national sovereignty, unity and territorial integrity." It also targets actions which may "endanger national security." On top of imposing the law on Hong Kong, Beijing is going to set up a corresponding law enforcing agency as well.

This is a pronouncement of the death of Hong Kong autonomy. The national security law from Beijing means that anyone in Hong Kong with ties to "foreign forces," or anyone who calls for Hong Kong independence or self-determination, or calls for "down with one party dictatorship," could be prosecuted. The law is Beijing's reply to Hong Kong's democratic movement that began in 2014 and culminated in the great 2019 Revolt.

The local Bar Association reminded Beijing that Article 18 of the Basic Law requires that its laws for Hong Kong should only be confined to issues relating to defense and foreign affairs. And since Article 23 has stipulated that the making of the national security law is the responsibility of HKSAR, this implies that Beijing's imposing a national security law on Hong Kong is a violation of the Basic Law and therefore infringing its autonomy.

Beijing supporters stress again and again that Beijing's concern about the threat of "foreign forces" is behind the making of the law. Instead of "foreign forces," Beijing's top concern is domestic discontent. The thirty-first June 4th memorial assembly about the Tiananmen Square Massacre in 1989 is now just one week away. For thirty years, Hong Kong has been the sole city in China that has held the memorial annually. Beijing hates this. It fears that Hong Kong may one day successfully encourage the rebirth of the Mainland democratic movement. This is also why it is now trying its best to stop us from holding it this year, even before Beijing's national security law takes effect in Hong Kong.

After killing thousands of people in 1989, followed by reintegrating with global capitalism, Beijing has enriched its own party elites and cronies so much that they are in constant fear of a scenario where the people demand accountability for the party. Hong Kong autonomy must be done away with precisely because its freedom of the press allows information about the party's corruption secrets to be freely available in the city.

The 2015 Causeway Bay Books disappearances incident is the best illustration of this concern. Between October and December 2015, five owners/staff of Causeway Bay Bookshop went missing. Two were abducted to Mainland China from Hong Kong and Thailand. It is widely believed that this was in retaliation for publishing books about Xi Jinping. Increasingly, Beijing sees Hong Kong autonomy as a grave danger to its privileges in plundering the nation's wealth.

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During the current pandemic, signs of civil discontent have repeatedly been shown. After Li Wenliang, the doctor and whistle blower, died, hundreds of thousands of people posted online greetings to him. Beijing has to strengthen censorship as well so as to stop the free flow of information about the pandemic between the Mainland and Hong Kong. The Orwellian society in Mainland simply cannot co-exist with a Hong Kong which has been relatively free in terms of political liberties. All talk about "foreign forces" is first and foremost an attempt to divert focus on domestic problems to "foreign enemies."

This is not to say that the issue of "foreign forces" does not exist at all. The issue does exist, but it is not exactly what Beijing wants us to believe. The fact is that "foreign forces intervening in Hong Kong" has been institutionalized in the Basic Law of Hong Kong. The pro-Beijing parties hinted that the new National Security Law is going to prohibit foreign judges in Hong Kong from holding court trials on cases over national security.

This exposes the truth of the issue. Why are there fifteen foreign judges out of twenty-three judges in the Court of Final Appeal in the first place? Are they imposed on Hong Kong by the gunboat policy of the US or UK? Of course not. Along with many other clauses recognizing "foreign intervention," allowing foreign judges to preside over trials in Hong Kong courts is enshrined in Article 82 of the Basic Law. Foreign forces have always been recognized stakeholders in Hong Kong.

The so called "one country, two systems," enshrined first in the Sino-British joint declaration and then in the 1997 Basic Law, was from the beginning a historic compromise by Beijing with the West, with the UK and the US as its head. The Basic Law's solemn promise that "the previous capitalist system and way of life shall remain unchanged for fifty years," was first and foremost to appease Western influence and business interests.

The US and the UK have surely been pleased with Beijing's Basic Law's recognition of its interests and are surely not eager to destabilize Hong Kong. On the contrary, they have supported the Basic Law remaining valid until 2047. According to an American China expert, the long-standing policy of the US and the UK towards Hong Kong is that both "had accommodated to" those arrangements as stipulated in the Basic Law.

That was why US politicians did not support the Umbrella movement's demand for democracy. It was only when Beijing unilaterally changed the status quo, first with the extradition bill last year, followed by the current national security law, that the US became a supporter of the Hong Kong democratic movement.

For Hong Kong people, I don't think they mind changing the status quo as defined in the Basic Law, as long as it is replaced by something genuinely better. Obviously, this is not the case. Beijing broke its promise as enshrined in the Basic Law and the Sino-British Joint Declaration implies the end of what we hold dear our political liberties, our language rights, and our right to choose our own way of life.

How does this fit into the new Cold War between the US and China? How will Washington respond and what impact will that now have on Beijing's plans for Hong Kong?

The Secretary of State Mike Pompeo has certified to Congress that Hong Kong no longer enjoys a high degree of autonomy from China. The Trump administration may nullify Hong Kong's special trading status with the US. On the other hand, Beijing and its Hong Kong puppets are now whipping up an arrogant response of "we are strong enough to defy you."

One of their arguments is that Hong Kong's importance to Beijing has been diminishing anyway, because today with China's rise Hong Kong's GDP is only a fraction of China's, which implies that even if the US destabilises Hong Kong's economy it cannot hurt China, not too much at least. This is, however, a one-sided view. There are many

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other aspects where Hong Kong still has its advantage which China has to rely on. Recently the British *Hong Kong Watch* released a report [Why Hong Kong Matters](#) which mentioned this reliance as follows:

- ▶ Almost two-thirds of China's direct investment flows are mediated through Hong Kong.
- ▶ Hong Kong was home of 73 percent of the initial public offerings of mainland Chinese companies between 2010 and 2018. Since 1997, Chinese companies have raised \$335 billion in Hong Kong.
- ▶ The Hong Kong Stock Connect is increasingly the preferred route for Western investors seeking to access the Mainland Chinese market. \$95 billion flowed into Mainland Chinese capital markets via Hong Kong between 2016 and September 2019.

These only cover direct reliance. There are also indirect factors or international arrangements which are of no less importance. Hong Kong enables China to earn an enormous amount of foreign currency.

On the other hand, the US also has entrenched interests in Hong Kong. When the city's American Chamber of Commerce expressed concern over the national security law, the [Hong Kong government](#) reminded it that Hong Kong is the place where the US enjoys the highest amount of trade surplus-297 billion US dollars between 2009 and 2018, and Hong Kong's trade with the US provided more than 210,000 jobs for US workers.

On top of this is also the trade interdependence between China and the US. Both countries are among the top three trading partners of each other. Decoupling will be painful for both sides, although the pain is also asymmetrical according to the economist Lawrence J. Lau's book on the US-China trade war, as US export dependency in 2017 was only 12.1 percent of its GDP, smaller than China's 18.1 percent. China's exports in goods to the US as a share of its GDP has been declining in the past ten years, but in 2017 it was still worth 3.4 percent of its GDP, in contrast US exports in goods to China as a share of its GDP was only 0.97 percent.

But now both sides seem to think that confronting each other is more important than the economic performances of their respective countries. What is at stake to both sides now is a great contest for global hegemony.

I am hesitant over using the term "new cold war." The term is also widely used in mainstream discourses in Hong Kong. Yet it could be misleading. Concerning the "old" Cold War, the US supported Taiwan under the KMT in the latter's confrontation with Beijing. It also supported the British colonial government in oppressing Hong Kong people. Their so called "free world" was not that free for working people. Rather, they were reactionary through and through.

On the other hand, the CCP in 1949 was never a genuine socialist force, and its contempt towards basic democratic rights was already present. Yet it was also a government that launched the land reform and implemented real reforms such as the passing of the new law on marriage which to some extent liberated women from half-feudalistic oppression. So, the regime carried both progressive and regressive elements.

In contrast, the renewed confrontation between US and China nowadays is very different from the "old Cold War." It is different because both the US Empire and Beijing's regime have changed a lot, although the latter has changed even more. Today's CCP, with its fusion of both political and economic power, its hostility towards people enjoying basic rights of association and free speech, its xenophobia, nationalism, Social Darwinism, cult of a corporate state, "unification" of thought etc., is now comparable to a fascist state. On the other hand, Taiwan today, thanks to its people's decade long democratic struggle, at least has a liberal democracy, a pluralistic party politics, a space for a growing labor movement. Hong Kong also enjoys a wide range of political liberties.

As for the US, it has not evolved into a progressive regime, but its power in the region of "greater China" (Mainland China, Taiwan and Hong Kong) is much weaker. The US no longer has armies stationed in Taiwan, and Hong Kong's

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handover to China was completed since 1997. They are no longer the direct oppressors of both Taiwan and Hong Kong people. We must treat their rhetoric about supporting democracy and human rights with skepticism, and their agenda with suspicion.

On the other hand, the CCP regime is the direct oppressor of Mainland and Hong Kong people. On top of this is that it has been more and more vocal in threatening Taiwan, including the conquering of Taiwan by force. Therefore, different from the "old" Cold War, in the present contest between the US and China, on one hand, the US Empire is as reactionary as before, albeit weaker in relation to its influence in the "greater China" region, on the other hand, there is nothing progressive in China's ambition of being a hegemonic power. Therefore, I prefer not to use the term "new Cold War" to describe the new contest. In this new contest, Hong Kong people should conduct their struggle against Beijing independently from the US government. It is not going to be easy, though.

Clearly, the Chinese state wants to divide the movement between a minority, which it now calls "terrorist," and the broader movement that numbers in the millions. Will the state succeed in this divide-and-conquer strategy?

Its effectiveness is doubtful after Beijing's turn against its own allies, namely a certain section of the local tycoons and big business. Since Xi Jinping came to power in 2012, one feature of Beijing's Hong Kong policy has been arrogance and rigidity, instead of "those who are not with us are against us," a new line is drawn: "those who do not kowtow to me are all my enemies." Beijing cannot tolerate the slightest sign of independent thinking among its Hong Kong supporters.

At the risk of over-simplification, I will say drawing this new line means leading Beijing to break its promise of "one country, two systems." It has started to target even a certain section of the local tycoons, with Li Ka-shing at its head, since the Umbrella Movement in 2014, for the latter's crime of not being enthusiastic enough in condemning the protesters. Behind this is a more fundamental struggle. Beijing's bureaucratic capitalism, in a period of slower growth, cannot continue expanding without snatching the market share of private capital, both in Mainland and in Hong Kong.

The business class in Hong Kong is scared to death, except for the partners of Chinese capital. This issue is not only relevant to the business class. For millions of people who have witnessed how Beijing has broken its promises one by one in the past decade, who have protested against the extradition bill last year, and who have also watched how Beijing treated its allies, every sensible person will ask themselves the question: how can we believe anything from Beijing anymore?

In last Sunday's and Wednesday's "illegal" protests one could witness two things: the size was much smaller than those in 2019, and middle-aged or older protesters were also much smaller in number. Maybe the momentum will rise later this year, maybe not. The CTU (Confederation of Trade Unions) had called for a strike on 27th May, the day when the second reading of the National Anthem bill was tabled, and one day before the National People's Congress passed the "decision on safeguarding national security in Hong Kong." Nothing happened.

Under harsher and harsher repression, the movement's momentum has been declining. If demoralization sets in this is not because Beijing's divide-and-conquer strategy works, however. With the new national security law in place, many people fear dire consequences. The young people are braver but have since rejected party politics or any idea of organization; it is hard to see how they could confront a state machinery that is armed to the teeth.

The movement is now faced with the challenge of confronting the Chinese state not only indirectly but directly. What are the strategic debates in the movement over how to organize, where power lies, and what tactics will be the most effective?

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We have a lot of online debate about tactics, but unfortunately this is not the case for strategy. The protesters, leaderless and with no serious organization, only deliberate and work on a day-to-day basis. Being new hands to political activism, most of the young are simply not equipped to think strategically. In my forthcoming book on the 2019 Revolt, I discuss this feature of the movement. The most vocal current, namely the right-wing localists, with the backing of a big tabloid, now looks up to the US government for help. This is their strategy.

This also led the most radical wing to be too obsessed with physical resistance to the riot police when the best time for it had past, eventually leading a small number of them to choose the tactic of city guerilla warfare making bombs or getting guns. Many had already been arrested and jailed. Strategically speaking, fierce confrontation, not to mention armed resistance, does not suit us as Hong Kong is merely a small city within a super strong party state. I argue for non-violent resistance, non-cooperative movements, and all kinds of passive resistance. This requires serious organizational work. This should be part of our strategy.

A strategy of allying with the Mainland people, to explain patiently to them the need for a joint effort in bringing to an end the one-party dictatorship, a strategy which I also subscribe to, is unfortunately getting very little support. The radical youth keep posting an online "resistance agenda." In the one they posted recently, they mentioned big and small coming events, but they totally ignored the June 4th Memorial assembly. Their mentality of "breaking away from China and leave us alone" leads them into indifference in expressing solidarity with China's democratic movement. This is sad.

Some in the movement are hoping for the so-called international community and the US to come to defend and aid them. Why is this a trap?

The more we are in a dire situation the more people become receptive to the idea of getting help from the US. The right-wing localists, having the backing of a big local pro-Trump tabloid, hailed the Hong Kong Human Rights and Democracy Act (HKHRD) as a means to save its freedom. Actually, the Act's name is rather misleading.

First, in Section 3, the act is very clear about its aim: it is the US. national interests that matters. Section 5.a.6 demands an assessment of whether Hong Kong sufficiently enforces U.S. sanctions on certain nations or individuals. Reasons for sanctions include punishing countries or individuals involved in "international terrorism, international narcotics trafficking, or the proliferation of weapons of mass destruction, or that otherwise present a threat to the national security, foreign policy, or economy of the United States." This bill also includes mandating the Hong Kong government to sanction North Korea and Iran. This tying of Hong Kong human rights to US foreign policy is in itself a mockery of human rights.

Before the passing of the HKHRD, twenty Hong Kong, Asian, and U.S. organizations released a public statement Hong Kong Human Rights and Democracy Act (HKHRDA): A Progressive Critique pointing out the flaws of the bill. It compared this bill with the 1986 Anti-Apartheid Act:

The U.S. Congress had demonstrated before that delinking these matters (US foreign policies the author) is viable in such legislation: the Comprehensive Anti-Apartheid Act of 1986, for one, stands with the international community to oppose South Africa's apartheid regime without any mention of the U.S.'s own national and economic interests.

Trump's administration is not Hong Kong or Chinese people's friend. Actually Trump and Xi Jinping mirror each other. Recently *Financial Times* ran a [comment](#) which mentioned that "In 1990, he (Trump) told Playboy magazine that he

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applauded how China's Communist party had cracked down on the students in Tiananmen Square in 1989, saying it showed 'the power of strength' while the US was seen as weak." During last year's Hong Kong Revolt, Trump on one hand stressed how friendly he was with Xi, and on the other hand described the Revolt as simply "riots." It is silly to believe that Trump is a friend of democracy.

Trump has now taken a very important step by declaring the beginning of the end of the US's special treatment of Hong Kong. This led US supporters here to claim victory for their so-called "scorched-earth tactic" "we burn you burn with us!" They expect that the US's move will hurt both Hong Kong and the Mainland's economy and then it may bring down the CCP regime.

My response has been this: no foreign sanction alone, nor an economic crisis on its own, could bring down the regime, if no democratic movement is able to grow in Mainland and the Hong Kong counterpart remains so fragmented and unorganized. On top of this is that, without the growth of our own democratic forces it only means that we are forever dependent on a great power, be it Beijing or Washington, and absolutely at their mercy. In the face of a confrontation between Beijing and the US, we are worse than the "banana republics" because we will be caught in the middle between two fighting great powers.

What are the political currents in the movement? What are people saying about self-determination, independence, and a pan-Chinese struggle for democracy and equality? What do you think the strategy should be?

The Centre for Communication and Public Opinion Survey, of the Chinese University, differentiated between seven categories of political inclinations in its October 2019 across-the-board survey (including the pro-Beijing parties). For our discussion about the opposition camp we choose four of them, as below:

Survey on percentage of supporters of different political inclinations

Party	10/2019	9/2014
Moderate democrats	40.0%	37.9%
Radical democrats	6.2%	3.9%
Localists	14.1%	N.A.
Center/no political inclination	33.5%	48.6%

Those who supported "radical democrats" are likely to support self-determination. Past surveys in recent years have indicated that around ten percent of the population support independence. The above survey also shows one important thing: one-third of the interviewees did not have a fixed political position, a reflection of the fact that the politicization of the local people has only started quite recently.

The Centre also had a [survey](#) showing the political inclinations of protestors at different protests. In general the support for "localists" went up significantly among protestors, at the expense of "moderate" and "radical" democrats. In peaceful marches, this is not so obvious. In acts of civil disobedience such as "illegal" marches, "localist" support might comprise one-fourth.

Finally, what position should the international left adopt toward the struggle and the two states the US and

China that are at each other's throats now?

I am aware that among the international broad left there is a tendency to keep quiet about Hong Kong protest, if not to outright condemn them as tools of "foreign forces." I have talked about the last point elsewhere and I do not wish to repeat it here. I just learnt that in Canada this week that the Conservative Party proposed a motion to reconvene the special committee on Canada-China Relations so as to assess the Hong Kong situation, but this was rejected by the Liberals, NDPs, and Greens.

I do not know of their reasons, nor do I know the wording of the motion. But if the Canadian liberals and broad left were not happy with the wording of the motion, but dead serious about human rights, then they might consider moving a separate motion to support the Hong Kong movement to protect its autonomy. I will be happy if someone can enlighten me as to why the NDP and the Greens refused to support the idea of scrutinizing the Hong Kong situation.

In general, I am aware of some of the leftists' concern; they do not want to be seen as aligning with the US government as the latter has now suddenly become a vocal supporter of Hong Kong protest (do not forget that Trump's attitude over Hong Kong last year was one of indifference). But why does the US government's rhetoric support of Hong Kong's democratic struggle is enough to make certain leftists to give up their own support for this righteous course? Why does the fact that some of the protesters are pro-US is enough to make the international left abandon the whole movement a movement with two million supporters, unified not by being "pro-US" or "pro-independence" or "anti-Chinese," but by the famous "Five Demands" with universal suffrage as its core demand? Why would a section of the international left abandon the Hong Kong-ers' struggle for such a basic right? Why couldn't they conduct a solidarity campaign with Hong Kong independently at a distance from the Trump government?

On the other hand, for the first time in Hong Kong the right wing localists/friends of US empire now face an embarrassing situation. They had repeatedly sung chorus for Trump's rhetorical support of Hong Kong democracy, yet his reactionary attitude on the great solidarity protests with George Floyd across the country, his call for sending armies to crush the protest, again and again reminds Hong Kong people the CCP's suppression of both the 1989 democratic movement and again in Hong Kong last year. In online debate people are asking the right-wing localists the question: how could we not support the solidarity protest with George Floyd when we had just been oppressed by the same kind of police state last year? The close to non-existence leftists here are also beginning to show more gut in expressing solidarity with George Floyd as well. Thanks to the struggle in US there are signs that more Hong Kong people are rethinking their political perspective.

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Source [Spectre](#).

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