



New Battle Lines over Freedom in Hong Kong

December 24, 2019 *Providence Magazine*

Related Categories: Democracy and Governance; Human Rights and Humanitarian Issues; International Economics and Trade; China; Hong Kong

The day before Thanksgiving, President Donald Trump faced a decision over what to do about the veto-proof Hong Kong legislation sitting on his desk. The Hong Kong Democracy and Human Rights Act had passed both congressional chambers with one lone dissenting vote, and leaders in both the House and Senate were leaning on the president to sign the bill. At the risk of derailing the trade negotiations, President Trump signed the bill into law. The consensus between the president and Congress, in turn, sent a powerful message to the men and women risking their lives on the streets of Hong Kong.

This law had been in the works all through the summer and into the fall. Over weeks and months of observing the Hong Kong protests, members of the Senate and House realized they held significant leverage over the Chinese Communist Party (CCP): namely, the special treatment the island-city receives under US law.

Even after the People's Republic of China (PRC) reassumed sovereignty over Hong Kong in 1997, America continued to treat the city as a separate customs territory and export market from mainland China. This independent legal status has in large part enabled Hong Kong to burgeon as a global city. Incidentally, this "One Country, Two Systems" arrangement also doubles as Beijing's template for future cross-straits relations with Taipei. From the beginning, the United States made this special treatment contingent on the CCP honoring its commitment to ensure Hong Kong's political and legal autonomy.

For years, however, the CCP has acted in bad faith and gradually eroded Hong Kong's autonomy. The controversial extradition bill that Hong Kong Chief Executive Carrie Lam introduced in April with the support of General Secretary Xi Jinping was nothing short of a direct assault on that autonomy. According to the bipartisan US-China Economic and Security Review Commission, this assault began before 2019. The Commission's latest report cites CCP influence operations, cyberattacks, and intrusion in the legal system—all of which preceded the extradition bill. The Party has also exploited the city's unique treatment under US law in recent years to skirt export restrictions on US military-grade satellite technology. The recent civil unrest in the city is not an emerging trend, but rather the culmination of years of stifled autonomy and growing political oppression.

The CCP has known all along that a violent crackdown in Hong Kong, along the lines of Tiananmen Square in 1989, would not only embolden anti-unification factions in Taiwan's pending elections, but also render Washington's decision about whether to adjust its Hong Kong policy both easy and politically expedient. The Party has therefore sought to walk a fine line, cracking down on the protestors without triggering a response from America.

With the law enacted, it now falls to President Trump and Secretary of State Mike Pompeo to implement it. The heart of the new statute is found in Section 4, where Congress mandates an assessment from the Department of State on the question of Hong Kong's autonomy. There is no triggering mechanism attached to this review, but the findings will carry significant political weight and serve as a pretext for whatever policy follows.

The CCP-controlled Hong Kong government has already begun its campaign to influence this review. This week, the city ran a targeted ad campaign in major outlets claiming that Hong Kong "remains a welcoming, free society." Behind the scenes, the Party is counting on global business interests to temper the State Department's assessment and preserve the commercial status quo. They are betting that economic considerations will continue to drive America's China policy, as they have for decades.

Yet discounting the moral for the material threatens America's national interests, particularly with China. Policymakers with good intentions have long believed that monetary wealth could change China's soul, but events from Tiananmen Square in 1989 to Hong Kong in 2019 suggest otherwise. As Washington and Beijing ease into a protracted competition, telling the truth about China will undoubtedly come at a cost. Continuing to defer this expense, however, will compound America's already significant risk exposure and, more significantly, weaken its moral authority, which is America's greatest competitive advantage over the CCP.

The United States must make it abundantly clear that the CCP can no longer enjoy the benefits of American policy without fulfilling its obligations. As Secretary Pompeo cautioned in recent remarks, "We engage China as it is, not as we wish it were." That should include penalizing Beijing when it fails to live up to its commitments.