

Straight Talk



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China's national security law: Is this the end of Hong Kong's promised autonomy?

With Davin Wong and Alex Lee

Xi Jinping's China has passed a controversial national security law that many fear heralds the end of Hong Kong's promised autonomy. The future of the territory remains uncertain. In this edition of MLI's Straight Talk, we spoke to Davin Wong and Alex Lee from the Alliance Canada Hong Kong about the current situation facing Hong Kong. This publication is based on a transcript of a recent discussion between MLI Communications Officer Ai-Men Lau and Davin Wong and Alex Lee on an episode of MLI's Pod Bless Canada podcast.

Davin Wong is a founding member and Director of Youth Engagement and Policy Initiatives at the Alliance Canada Hong Kong. Davin is fourth year LL.B. student at the University of Hong Kong and was the President of the Hong Kong University Student Union from 2018 to 2019. He has a particular interest in human rights law and Canada-Hong Kong relations.

Alex Lee is a founding member and Director of Strategy and Policy at the Alliance Canada Hong Kong. Born in Canada, he has studied in Hong Kong. He has years of strategic experience with both non-profit and not-for-profit firms as a management consultant, and also has an interest in how nations should rethink their relations with China.

MLI: As Hong Kong grapples with the COVID-19 outbreak, China has passed a controversial national security law that seems designed to claw back the territory's already limited autonomy.

Today, we are joined by Davin Wong and Alex Lee from Alliance Canada Hong Kong (ACHK). Davin Wong is a founding member and Director of Youth Engagement and Policy Initiatives. Alex Lee is also a founding member and Director of Strategy and Policy.

From your perspective, how do you think the national security law will impact the situation in Hong Kong, and what implications does this have for Canada?

Davin Wong:

The national security law proposes a boundless approach to restrict and control expressions and opinions in Hong Kong – one that not only applies to Hong Kongers, but also any individuals that step foot in Hong Kong. Under the law, any future protests against the Hong Kong government would possibly fall under the scope of the crime of subversion against a state power. The law doesn't only cover Hong Kong residents but also individuals and groups, including any Canadian individual, business, and even our country.

“Foreign” forces plays a significant role in the national security law and in China's national security policies. The Chinese Communist Party (CCP) frequently refers to this “boogie man” alongside other terms, like a foreign individual, foreign capital, business, and even the state. For example, the United States was accused by the CCP mouthpieces as the foreign force behind the massive protests against the extradition laws last year.

The idea of foreign forces has become a universal excuse for the CCP to make accusations against the United States. For instance, Canadians Michael Kovrig and Michael Spavor were falsely accused and detained for gathering state secrets and intelligence for foreign forces. The problem that the national security law poses is that once a Canadian (or any foreign individual) sets foot in Hong Kong, they will be at risk of becoming a victim under the law.

The CCP's emphasis on foreign forces, in my opinion, shouldn't be surprising to Canada or us. It is very much aligned with their position outlined in Document 9, an internal document leaked in 2013. As this document describes, they see values such as de-

mocracy, human rights, and freedom of the press as a threat to their party leadership, and countries that believe in these values as their enemies. This approach is quite apparent, and can even be seen when they said one of their key policies is to conscientiously strengthen the management of the ideological battlefield.

With the national security law, the Chinese government chose to exert their Document 9 position in Hong Kong, a city where we always say “the East meets the West.” It also mandates the Hong Kong government to implement nationalistic pro-CCP education on national security. It even allows the CCP to establish enforcement agencies in Hong Kong to police and survey Hong Kongers, for example, with the Ministry of State Security (MSS), which is responsible for intelligence work in China such as counterintelligence or intelligence, as well as domestic surveillance and intelligence for national security. The national security law is very worrying for both Hong Kong and Canada, and also the international community by and large.

The law is also extremely problematic because it can be interpreted extremely loosely.

Alex Lee:

I think Davin very eloquently posed why this law is so troublesome and how it affects Canadians as well, and this includes Canadians just there in transit, and of course, the 300,000 Canadian citizens who live in Hong Kong. Just for context, that essentially makes Hong Kong our tenth “biggest” province – with more Canadians than Prince Edward Island. It’s also troubling seeing how this is Beijing’s effort to essentially erase all of Hong Kong’s autonomy. In Canadian terms, it’s almost the equivalent of the federal government invading the province of Quebec and removing any of the autonomy that the province enjoys.

The law is also extremely problematic because it can be interpreted extremely loosely. Kovrig and Spavor were detained on trumped up charges, including gathering state secrets and intelligence for foreign forces. And we know that Richard Lee, an ex-MLA from the province of British Columbia, was once detained in China, not Hong Kong, at the airport on similar spurious grounds. I think

that it would be quite naïve to think that this only affects folks in Hong Kong and that it doesn't ultimately tie back to Canada and our relations with China.

MLI: It's quite interesting to see this law blatantly violates one of Hong Kong's basic laws, which upholds freedom of thought, conscience and religion. What are some implications for, let's say, education?

Davin Wong:

I would say the most worrying aspect is that China and the CCP seem to be trying to reinterpret these freedom of thought and freedom of expression in ways that don't threaten their party leadership, which completely goes against and defeats the nature and purpose of these freedoms and rights.

MLI: How would you rate Canada's response to the situation in Hong Kong since the 2019 protest?

Alex Lee:

If I were to grade it, I'd probably give it around a C-. To give credit where credit is due, the foreign ministers of Canada, Australia and the United Kingdom got together to issue a joint statement. As a small a step as this may be, I definitely hope that this does continue and that our allied nations can move forward on meaningful policies, rather than just expressions of concerns. That's sort of my biggest problem with this statement.

Foreign Minister François-Philippe Champagne and other officials have been expressing concern now for a very long time. We are well aware that everyone is concerned, but we need action. Some of these actions could be leveraging sanctions against human rights abusers in China and Hong Kong, standing up to the foreign interference of the CCP within Canada, and providing support for refugees and asylum seekers from Hong Kong. It was recently reported that there are, I believe, about 50 different asylum claimants currently being processed, and we need a way to expedite that process and to ensure that asylum seekers are granted safety here in Canada.

Ultimately, this needs to be a long-term strategy. We need to wean ourselves off from dependence on China in certain key areas, if we want to be effective at standing up for ourselves and for marginalized communities around the world. Now we can't do this alone, but we also can't do nothing. It's going to require taking some bold and concrete actions, because these empty statements of expressing concerns could be just copied and pasted from any

number of events over the past little while. They're getting increasingly meaningless. It's time to follow up those statements with some concrete actions.

Davin Wong:

I do think the joint statement issued by Canada, UK and Australia is a good start. But of course, a joint statement isn't enough. If these joint statements or mere concern by foreign countries worked, Hong Kong's anti-extradition law protests wouldn't have lasted so long last year. Canada and other countries – countries which value democracy freedom and human rights as an important aspect of their country – should line up and battle the interference of China. These countries didn't choose to get into any kind of trouble with the CCP, but from what we have seen from the CCP's position (especially in their Document 9) the CCP has already dragged them into their ideological drama. In this situation, I think there is no escape from it. Canada and other western countries must make an effort to protect these values in the face of the CCP's growing interference.

If anything, the joint statement sends the message that Chinese authorities can act with abandon, and that Canada, at least, doesn't seem to care.

MLI: Why do you think the federal government is responding in the way it does? A lot of theories verge on almost being conspiratorial in terms of why the federal government refuses to respond. What are your thoughts on that?

Alex Lee:

There have been a couple of theories out there and some are a little bit more based on reality than others. One of the more commonly cited reasons is the hostage diplomacy with Spavor and Kovrig in custody. We don't want to jeopardize their safety, but I think that it sets a truly depressing precedent: if China is upset with anything Canada does, all they have to do is kidnap one of the hundreds of thousands of Canadians who lives in Hong Kong or China and then we will completely bend over backwards to satisfy anything else that China wants from Canada.

Another theory points to how Canada was in a delicate geopolitical situation, due to the Trudeau government's campaign for a seat at the UN Security Council (UNSC). In this view, China's support was expected to help to push along a lot of African nations and other teetering nations. There's also Canada's growing dependence on China, especially during the COVID pandemic, to get medical supplies. Now, a lot of this dependence is more per-

ceived than actual in a lot of sectors. It's also true that our farmers and resource sectors, while vulnerable, also support Canada taking a stronger stance.

Finally, there is some lack of political will. Rightly or not, the Liberal Party of Canada is increasingly seen as the pro-China party, which is dangerous because – and I say this as big-L Liberal myself – protecting our national security and protecting public safety in Canada must never be a partisan issue. It's dangerous how it's becoming partisan in Canada. Some of that, admittedly, is a little bit of a knee-jerk reaction against anything that President Trump says or does, but fundamentally, we need all parties in Canada to be aligned in the view that China poses an increasing threat to Canada and to nations around the world, and of course to Hong Kong.

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This deference to China has resulted in some astounding results. For example, Foreign Minister Champagne refused to thank Taiwan by name for a donation of desperately needed medical supplies. (To his credit, Prime Minister Trudeau later reversed that omission and thanked them.) And Health Minister Patty Hajdu essentially toed the CCP line by backing up Chinese statistics on the COVID crisis, which are, of course, nonsense at best. Fundamentally, even the joint statement that the UK, Australia, and Canada issued together, saying that they were deeply concerned, contained no condemnation of Beijing's actions, even though there was a blatant breach of international law.

Davin Wong:

Canada must step up against an authoritarian regime that undermines human dignity and human rights. Canada at this point is obviously not doing enough. A lot of other countries have done more than us. For example, Australia has called for an independent investigation for the COVID-19 origins. And Sweden has closed its Confucius Institutes and ended its twin city agreements, while one of their citizens, Gui Minhai, was also kidnapped by the CCP. It is important that we ensure Kovrig and Spavor are safe

and they can come back to Canada safely, but Canada, at the same time, should understand that we still have strength to stand up for human rights. They are not mutually exclusive.

MLI: Alliance Canada Hong Kong (ACHK) has drafted five demands for the federal government, which echoes the five demands of the Hong Kong protestors. What are these five demands and how did the Alliance come up with them?

Davin Wong:

ACHK has come up with five demands. The first is to invoke our existing *Magnitsky Act*, and ask the Canadian government to sanction Chinese and Hong Kong officials that have been involved in the humanitarian crises.

Second, to ask Ottawa to provide humanitarian support to Hong Kongers and victims under CCP rule.

The third is to protect Canadians' fundamental freedom and combat Beijing's interference.

The fourth is to investigate foreign influence into Canada's public and private institutions.

And last, but not least, to condemn CCPs human rights violations and end all exports of military and police goods, and technology to China and Hong Kong.

To come up with these five demands, we launched a joint survey with the Hong Kong media organization called Citizen Press Conference and collected information and opinions about what type of concrete action and support the Hong Kong-Canada community wants.

Alex Lee:

A core mission of Alliance Canada Hong Kong is to grow the political power of Hong Kong-Canadians, because the community has historically been ignored by Ottawa, partly because they're just sort of lumped into a larger Chinese community. We seek to help empower the community such that they are able to better stand up for themselves within Canada. There's a lot of hope here, because generally, it's a very well-educated and politically galvanized community in its own respect. For example, Hong Kong-Canadians today sit in Parliament under the Liberal, Conservative, and New Democratic parties.

MLI: ACHK has also put out a press release recently, stating that Canada should no longer grant Hong Kong special administrative status. What would this mean if Canada were to do this?

Alex Lee:

Under the principle of “one country, two systems,” Hong Kong has often been treated as a separate entity from China, given her hitherto special administrative status and the promise of autonomy. For example, Hong Kong and China are both treated differently according to tariff agreements and tax agreements with Canada. Canada’s not unique here. The United States and loads of other countries have something quite similar. However, we have recently witnessed how this autonomy has now unfortunately been almost completely stripped away in the past couple of years.

If Hong Kong is not separate from China, we shouldn't treat it as such.

“One country, two systems” is very much a myth today. It was previously described as becoming “one country, one-and-a-half systems.” Now it’s maybe one-point-one and even that’s being slowly reduced. But still, because we have this legacy classification of Hong Kong special status, it’s created a backdoor when it comes to sanctions against China. Therefore, we have to ensure that the Chinese Communist Party cannot benefit from Hong Kong’s special status, while continuing to trample on that status and at the same time, trampling on Hong Kongers’ basic freedoms and human rights. It’s about more than just sending a message to Beijing; it’s about recognizing the political realities on the ground. If Hong Kong is not separate from China, we shouldn’t treat it as such.

Davin Wong:

I think it is important to ensure that the CCP cannot benefit from Hong Kong’s special status, while trampling on Hong Kong’s basic freedom, human rights and high degree of autonomy that was supposed to be guaranteed not only by the *Sino-British Joint Declaration*, but also the Basic Law.

I agree with Alex. It is more than sending a message to Beijing; while the CCP ignores international agreement and their constitutional duty, there should be consequences.

I think another important aspect about revoking this special administrative status is that Hong Kong needs the international community to recognize that its autonomy – a freedom that has been guaranteed – is being trampled and stripped away. All the benefits that Hong Kong can enjoy and its role as a backdoor to China are given on the basis that Hong Kong enjoys a high degree of autonomy, a very different governance structure, a very different kind of social system, etc. However, what we can see is that all these guarantees are turning into a myth. At the very least, CCP is going against their promise, and if Canada and the international communities continue to attach false hope to this principle, it doesn't help either Hong Kong or the international community.

MLI: What advice would you give to the federal government in moving forward with Canada-China relations, including Hong Kong?

Davin Wong:

Ottawa has to understand that the CCP is not interested in building an equal relationship with Canada. They want to colonize through resource dependency and trade. And Canada is enabling it if we continue with the current response and attitude. In the current situation, we see Canada and other countries starting to get more dependent on China and reducing our own bargaining power.

Alex Lee:

Fundamentally, as Davin mentioned, the Canada-China relationship is not to be thought of as similar to the Canada-US relationship, where there are mutual benefits and both parties are essentially responsible actors on the global stage. Instead, China exploits this dependence. As a result, we need a national strategy to reduce our dependence on China. Even if you don't care about Hong Kong, even if you don't care that a million-plus Uyghur Muslims are in internment camps, which is the largest mass detention since the Holocaust, even if you don't care about those issues, it's just good risk management.

After all, during the COVID crisis, what good has our dependence on China and our deference to their nonsense statistics been? A little while ago, Prime Minister Trudeau brought home two planes empty from China. These planes were sent to pick up medical supplies, and unfortunately, the government failed at that, so those planes were sent home to Canada empty. One day after that happened, Taiwan's Ministry of Foreign Affairs announced that they were donating half-a-million medical masks across Canada. That should tell us who our true friends are, and the kind of relation-

ships we should want to build with countries around the world. We need to take a strong stance and to back up our statements with actions, whether it includes sanctions or changing policies.

We also desperately need a registry of foreign agents. Chinese embassies and consulates around Canada have pursued completely unacceptable activities, including aiding harassment of students on campus, encouraging violent acts by Chinese students against Hong Kong activists, etc. And let me remind you, this happens in Canada. This happened at McMaster University, and it's happening with the Tibetan-Canadian President of the University of Toronto's Scarborough Student Union. Our China policy in Canada is backwards, and it's going to require a concerted effort to get it back on the right foot.

MLI: How has this personally affected you? And do you think we have lost Hong Kong?

Davin Wong:

My life has been really hard since last year, since the protests against the extradition laws broke out. I was forced to flee back to Canada in fear of persecution last year, where I was tracked down and assaulted by a masked man, which was likely a part of a larger campaign in hunting down activists. It not only happened to me, but also other activists, who were either arrested or attacked on the same day. Although I am a Canadian citizen, I was raised very much all the time in Hong Kong, so I share the pain and sentiment as a Hong Konger.

I was raised very much all the time in Hong Kong, so I share the pain and sentiment as a Hong Konger.

At this time, it is also noteworthy that, in light of the historically close connection between Hong Kong and Canada, the Canada-Hong Kong community is also feeling the same pain and sentiment. During my time in Canada, I can feel that very closely. However, things haven't gotten much easier in Canada; as an activist, I'm still living in fear and risk of being surveilled. For example, our Executive Director Cherie Wong was harassed and threatened during her stay in Vancouver, where she received

threatening calls through the land line in her hotel room. At the same time, I'm actually optimistic, not about the situation in Hong Kong, but the growth of the identity as a Hong Konger. A lot of my friends, both in Hong Kong and in Canada, are building up such a strong sentiment for the identity as a Hong Konger. They embrace our heritage in Hong Kong, which I believe is important and is a nice start for Hong Kong growing as a stronger nation. And I really hope that we can continue to embrace our identity as Hong Kongers, because this is a foundation where we can truly protect our dignity as a person and as a Hong Konger standing on stage of this international community.

Alex Lee:

Unfortunately, I will probably never be able to go safely back to Hong Kong. Even being on podcasts like this might put me at risk with this new national security law, due to its claims of sedition, subversion, foreign interference, or whatever terms you like. It's heartbreaking because I have deeply fond memories of Hong Kong and it definitely feels like a part of me will always be there.

But as someone who grew up under the influence of Harry Potter books, there's one quote by Albus Dumbledore that really stands out to me. In the second book, *The Chamber of Secrets*, he says "You will find that I will only truly have left this school when none here are loyal to me." That makes me think of Hong Kong because as much as there are loads of media reports that justifiably have called this the death of Hong Kong, I truly believe that Hong Kong will only really die if nobody's willing to fight for it. Now this means, of course, folks in Hong Kong like Jimmy Lai and Denise Ho and loads of my friends have said "No, we're not going to leave. This is our home. We're going to fight for it." But this also means that those of us who are overseas continue to have a responsibility for it.

Hong Kong is not just a place, but it's also a people and it's a global community that transcends race and ethnicity and everything else. And that community, and that spirit, thrives in Toronto and Vancouver – essentially any large city in Canada or large city around the world. These actions by Beijing will only galvanize us. I was just looking yesterday, and the Alliance Canada Hong Kong website has gotten record traffic over this past weekend that blew all of our expectations. It just shows that we're all going to continue the fight – not just for Hong Kong, but for Canada to stop this foreign interference in Canada and to stop Hong Kong-Canadians from being harassed in Canada.

This is not simply a US versus China dispute, as some of the media like to frame it. It's essentially China trying to exert its claws on the world. And at some point, we all have to realize that Hong Kong is essentially the Berlin of our generation. It is the dividing ground of what is invariably going to be the next Cold War and we need to start realizing that. The sooner that we can all be honest about that fact and react appropriately, the better off we'll all be.

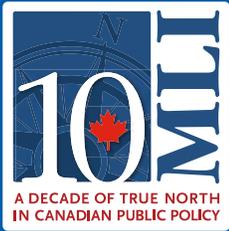
Davin Wong:

I received a message from my friends in Hong Kong at the time of recording about a list with 300 names on it, leaked from a pro-CCP group. And it is really sad to see, not only my name on it, but also a lot of names of a lot of my friends. It is really hard, especially when you are named and you are being harassed, threatened, hunted down by pro-CCP people for protecting and standing up for human rights and human dignity.

As I've always said, fighting for human rights is a fight for your dignity, living as a human instead of a slave on earth. I'm only one of them. There are a lot more people who are at risk because of their fight for our dignity to live as a Hong Konger instead of a slave of an authoritarian regime.

MLI:

Thank you so much for sharing your experiences and your thoughts about what's happening in Hong Kong today.



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CONTACT US: Macdonald-Laurier Institute
323 Chapel Street, Suite #300
Ottawa, Ontario, Canada
K1N 7Z2

TELEPHONE: (613) 482-8327

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