Getting Real in the Name of National Security

By Leo K. Shin

Summary

With regard to the ongoing turmoil in Hong Kong, what is at stake for Canada is not just a multi-billion-dollar market for its goods and services, the presence of some 300,000 Canadian citizens in the city, or the continuity of the myriad connections that have been forged through over a century and a half of immigration and exchanges. What is truly at stake for Canada as a middle power are nothing less than its own values and its identity.
About the Author
Leo K. Shin is Associate Professor of History and Asian Studies as well as Convenor of the Hong Kong Studies Initiative (hksi.ubc.ca) at the University of British Columbia, Vancouver. Born and raised in the former British colony, Dr. Shin was for a brief period an education and political reporter for The Hong Kong Standard. As a historian of China, he is interested in how the ideas of “China” and “Chineseness” have evolved, and he is intrigued by how the production, transmission, and consumption of beliefs and practices have shaped not only how the boundaries of China have been drawn but also how China has been historicized. While his research has been centered on the imperial period, he has also maintained a strong interest in the recent past, especially as it relates to the formation and transformation of modern-day Chinese and – by extension – Hong Kong identities.
The story of the relations between Canada and China, insofar as Hong Kong is concerned, has usually been told in three acts. First, during the second half of the nineteenth century, well over fifteen thousand adventurous young men from the southern province of Guangdong would travel, via the British colony of Hong Kong, to what would be British Columbia in search of gold and, in time, to work for the Canadian Pacific Railway. Second, during the Second World War, two infantry battalions, one from Quebec and the other from Winnipeg, were sent by the Canadian government to help defend Hong Kong but were hopelessly overpowered by the more prepared – and more determined – Japanese force. Third, between 1982 and 1997, when Hong Kong was to assume its new status as a “special administrative region” of the People’s Republic of China (PRC), an unprecedented wave of immigrants (upwards of 350,000) would arrive in Canada and help transform many aspects of Canadian society.

These three moments of intersection between the histories of Canada and Hong Kong might appear to have little in common, but in each case how Canada responded to the particular challenges did, for better or for worse, reflect the values many Canadians held at the time. So, in the late nineteenth and early twentieth centuries, even as Chinese laborers had been instrumental in bringing to completion the all-important transcontinental railway, white settlers, spurred by racism, sought greater and greater restrictions on Chinese migration; so, during the Second World War, even though Hong Kong was unlikely to be in the consciousness of most Canadians, defending the British colony and, by extension, safeguarding freedom were ultimately deemed to be honorable and worthy causes for sacrifice; and so, during the 1980s and 1990s, while anti-immigrant sentiments and racist prejudices never disappeared, on the whole, Canadians did come to the conclusion – through the enactment in 1988 of the Multiculturalism Act, for example – that it was in the interests of Canada to affirm the values of both immigration and diversity.

Whether the (much-welcomed) Hong Kong-related immigration measures recently announced by the Canadian government signal a fourth moment of intersection, it is too early to say. What is clear is that, perhaps ever since Samuel de Champlain was tasked in 1603 by King Henry of France to search for a route “to the countries of China and the East Indies,” the history of Canada has been intricately linked to that of the Pacific world. But that history, as my colleague Diana Lary has reminded us, is not just one of commerce and diplomacy; it is also one of human connections, and it is one of the (tortuous) evolution of a nation. As we reflect on the fiftieth anniversary of the establishment of diplomatic relations between Canada and the PRC, it is perhaps useful to remind ourselves that how Canada handles its relations with China – and how it attends to the aspirations of the people from the region – will not just reflect who Canadians are but actually shape who Canadians will become.

Hong Kong since 1997

The “one country, two systems” arrangement that was agreed upon in 1984 by Britain and China for post-1997 Hong Kong was necessarily a compromise as well as an act of faith. It was a compromise because neither side (it is still worth noting that the people of Hong Kong were not even given a seat at the negotiation table) was completely satisfied with the result. For its part, Britain was unable to persuade China to allow Hong Kong to remain under British administration, but it was able to extract an agreement that the future Hong Kong Special Administrative Region (HKSAR) would retain its social and economic systems as well as most of its laws. For China’s part, while it was actually to its interests to assure the people of Hong Kong that they could continue their capitalistic economic activities after the handover, to allay concerns, the Chinese government did have to promise that the future HKSAR would “enjoy a high degree of autonomy.”

The arrangement was an act of faith because no one – not ‘Paramount Leader’ Deng Xiaoping, not Prime Minister Margaret Thatcher, and certainly not the people of Hong Kong – could, in 1984, fully anticipate what the world would look like in 1997 and how the arrangement would unfold. In hindsight, one could make the argument that both the Chinese leadership and the people of Hong Kong should have been more prepared for the transition as well as for ironing out the tensions between “one country” and “two systems.” But, in fairness, few could have predicted the breathtaking transformations of the PRC since the turn of the millennium, and few could have foreseen the ensuing new economic order.

Since the 1997 handover, the people of Hong Kong have been caught between two general impulses. Though they
are not necessarily mutually exclusive, the impulses in question have in fact informed many of the most contentious debates in postcolonial Hong Kong. The first of the two has to do with the idea (or ideal) of “one country.” Whether it is born out of a sense of cultural pride, patriotism, nationalism, or simply pragmatism, there does exist a strong agreement, especially among the older generations, that Hong Kong is now an integral part of the “motherland.” While they might not go so far as to echo former Chief Executive Tung Chee-hwa’s sentiment that “when Hong Kong prospers, the nation prospers; when the nation prospers, Hong Kong will be even more prosperous,” many in Hong Kong do consider the region’s fortunes closely tied to those of the PRC. Then there is the other impulse that takes seriously the raison d’être of “two systems.” Whether it has to do with their own family history, their colonial upbringing, or just lack of trust in the Chinese party-state system, many do believe the safeguarding of Hong Kong’s own “system” – respect for the rule of law as well as for the freedom of speech, to name two of the widely accepted core components – should be the highest priority for the HKSAR government. Though most of them would not advocate or support the independence of Hong Kong, those who value maintaining “two systems” are clearly concerned about the erosion of the Hong Kong way of life, if not its disappearance altogether.

The challenges the people of Hong Kong are faced with, however, are brought on by not only the inherent tensions between “one country” and “two systems” but also the very logic of the postcolonial arrangement itself. To be sure, as sociologist Tai-lok Lui, among others, has pointed out, embedded in the notion of “one country, two systems” is the desire on the part of many that, after the handover, Hong Kong would remain “unchanged” (the term is featured prominently in the Sino-British Joint Declaration). While no one expects the world to stand still, the hope – and expectation – is that Hong Kong would continue to operate under a separate legal system based on the common law (a legal tradition Canada shares), a social system that respects individual rights, and an economic system that is guided by free-market principles.

But therein lie two sources of tensions. First, since the signing of the Joint Declaration and especially since the bloody crackdown of the pro-democracy movement in China in 1989, it has been argued that, in order to preserve its own system – in order to remain “unchanged” – Hong Kong must undergo meaningful democratic reforms. Second, not only has the world not stood still since 1997, it has witnessed the dramatic rise of an economic powerhouse that is the PRC. So even though it has been the desire of many to retain the status quo, the fact is that Hong Kong, not to mention China, is constantly evolving. And the question, as well as challenge, then becomes: in order to retain or manifest what has made it successful, how should Hong Kong move forward?

Seen from this perspective, the Umbrella Movement of 2014, as well as the Anti-Extradition Bill Movement of 2019, was propelled by not just the ideological clash between “democracy” and “authoritarianism” but also the absence, even after more than two decades, of a meaningful mechanism to address the changing needs and dynamics of both “one country” and “two systems.”

The problems of Hong Kong are compounded by the fact that, as a result of the lack of an effective process, people there have never had the opportunity to even begin to resolve some of the social and economic tensions left over from the colonial era. Hence, even as Hong Kong continues to rank highly on the United Nations’ Human Development Index (which takes into account life expectancy, education, and per capita income), the gap between the region’s rich and poor (as measured by the Gini coefficient) remains among the world’s widest. But while the central and the HKSAR governments have not been entirely mistaken in interpreting the myriad peaceful protests in the region since 1997 as demonstrations of economic discontent, for political as well as other reasons, they have been largely unable – or unwilling – to develop a proper mechanism to respond to the range of aspirations of the people of Hong Kong. The responsibility for this failure is not the governments alone, of course, but, ultimately, they are the ones with the power and the resources.

The National Security Law

The national security law for Hong Kong (NSL) that was passed by the National People’s Congress of the PRC on June 30, 2020, is extraordinary on many levels. On one level, what is extraordinary was the speed as well as the level of secrecy with which the law was passed. Even though there had been discussions about enacting such a national security law, it was on the morning of May 22 that the people of Hong Kong woke up to the formal announcement that the National People’s Congress would consider a proposal at its annual meeting. And it was just slightly over a month later that the NSL was passed – with most people in Hong Kong, including the Chief Executive, not knowing what its details were. What
is also extraordinary about the passage of the law is the sheer openness (or blatancy, depending on one’s perspective) with which the central government seeks to assert control over the Special Administrative Region. Following a year of protests and clashes on the streets in Hong Kong, the central government has apparently decided that it is time to rein in the region. Yet on another level, what is extraordinary about the NSL is the determination on the part of the Chinese party-state to go its own way. With the relations between China and the United States at their lowest ebb since the Tian’anmen Square crackdown, there seem to be even fewer incentives for the Chinese leaders to adhere to international norms.

But perhaps what is most extraordinary about the NSL is its reach. To begin with, the law covers offences – acts of secession, acts of subversion, acts of terrorism, and collusion with foreign forces – that are so broadly defined that it would require an act of faith to not suspect that the NSL is an attempt by the central government to suppress dissent. According to Article 29, for example, a person who petitions a foreign government to impose sanctions on the PRC or the HKSAR can now be prosecuted for “colluding with a foreign country . . . to endanger national security.” Furthermore, the NSL has provided both the central and the Hong Kong governments an unusually wide range of powers. The central government is now empowered to operate a national security office in Hong Kong and to designate the office to take over cases in situations where “the Government of the Region is unable to effectively enforce” the NSL, while the Chief Executive of the HKSAR is authorized to preside over a vaguely defined “Committee for Safeguarding National Security” as well as to appoint a selected number of judges to be responsible for adjudicating national security-related cases. Then there is Article 38, which states that the law “shall apply to offences . . . committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.” In other words, anyone anywhere, including a non-Chinese Canadian citizen living in Canada, who is deemed to have committed an offence stipulated in the NSL is liable for prosecution under that law.

As of this writing, the number of Hong Kong residents who have been charged under the NSL has remained limited. The first case involves a 23-year-old man accused of displaying a flag with the words “Liberate Hong Kong, revolution of our times” – a popular slogan now considered illegal by the HKSAR government – while driving a motorcycle into a group of police officers during a protest on July 1, the day after the passage of the NSL. The second case has to do with the 19-year-old former convenor of Studentlocalism, a pro-independence group that was largely disbanded in late June in anticipation of the anti-secession law. The number of alleged offenders who have been charged under the NSL, however, belies the new-found determination on the part of the government to make full use of its power to pursue those it deems to be undermining or destabilizing the Special Administrative Region. A case in point were the arrests on August 10 of media tycoon Jimmy Lai and his two sons (and, separately, of Agnes Chow, a former leader of the political party Demosistó, and Andy Li, an activist now detained in China) and the raid that same day of the offices of Apple Daily, the staunchly pro-democracy newspaper Lai founded in 1995. Another case in point was the recent disqualification by the HKSAR government of four elected members of the Legislative Council. A common reason provided for the arrests and disqualification? Collusion with foreign forces.

Although the NSL has so far not resulted in massive detention, its chilling effects are already felt in many areas of civic life in the once-vibrant Hong Kong. Just days after the promulgation of the law, books by prominent pro-democracy activists, including those by Joshua Wong, were reported to have been pulled from the shelves in all of the city’s public libraries. And just as students were gearing up for a new academic year, it was announced in early October that a local primary-school teacher had been “de-registered” by the Education Bureau for “disseminating pro-independence messages” through his lesson plan and teaching materials. Finally, in two separate recent moves, newly employed civil servants have been told they must now formally declare they will uphold the Basic Law and pledge allegiance to the HKSAR (a requirement that would no doubt lead some to wonder whether it would still be prudent to openly criticize the government), and a hotline has been set up by the National Security Department of the Hong Kong Police Force to “facilitate” the public to “provide or report national security related information.” As worrisome as these developments might be for the people of Hong Kong, such tightening of control on speech in fact impacts us all. As international news
organizations (such as The New York Times) are compelled to reconsider their presence in the HKSAR and as foreign journalists are subject to increased scrutiny when applying for work permits, those who have valued Hong Kong as a vital information hub are now faced with the prospect that they are no longer able to rely on this special city as a window to China – and other parts of Asia.

What is at Stake for Canada?

To be sure, the case that has been put forth by the Realists seems eminently sensible. First, Western governments are in no position to lecture the Chinese party-state on what is or is not the proper way to govern the PRC. The 1.4-billion-strong country has clearly come a long way since having to sign the Treaty of Nanking (Nanjing) in 1842, which formalized the seizure of Hong Kong by Britain and marked the start of what is known as “the century of national humiliation.” Besides, given the ills of liberal democracy and capitalism that are for all to see, who can say with certainty that the Western model – whatever that means – is the one China should adopt? Second, it is in Canada’s economic as well as political interests to maintain a working relationship with the PRC. While the United States remains, by far, Canada’s most important trading partner, since 2012, China has overtaken the United Kingdom as the second-largest importer of Canadian goods. Finally, even if the West has all the reasons to intercede, according to the Realists’ logic, as a middle power, Canada’s ability to change China and to alter the Chinese party-state’s behavior towards Hong Kong is limited. In short, be rational and choose one’s battle, so to speak, with care.

Sensible as they seem, the trouble with these lines of reasoning is the assumption that Canada – especially with upwards of 300,000 of its citizens currently living in Hong Kong and mainland China – can still choose to be insulated from the reach and influence of the PRC. For a long time, the premise on the Canadian side has been that, through dialogue and diplomacy, the Chinese party-state, out of its own interests and following its own timetable, could be persuaded to align its behaviors to conform to international norms. But that ship, unfortunately, might have sailed. While one should not give up on the hope that China would one day liberalize, it is clear that the Chinese party-state, under President Xi Jinping, prefers the political philosophy of Legalism (or at least the part that emphasizes the centrality of the ruler) even as it claims to be Confucian. So, while Canada should continue to pursue dialogue and diplomacy, the calculation now is not whether the PRC can be persuaded to change but whether Canada, in pursuit of its economic and political interests, might itself end up being folded into the Xi-centered Sinosphere. To some, this might sound alarmist. But there is no reason to assume that Canada is immune to the forces and influences that are increasingly felt by countries and regions along the so-called Belt and Road. And there is no reason to believe that, as the Chinese party-state asserts itself in a range of international bodies (the United Nations, the World Trade Organization, the Asian Infrastructure Investment Bank, etc.), Canada will not need to step up to defend its values and interests.

The fallacy of the assumption that Canada can be insulated from the reach of the Chinese party-state is brought home, to this writer, by the profound implications the NSL has for Canadian universities. As of this writing, no student, staff, or faculty member from a Canadian tertiary institution has been arrested under the NSL. But that fact alone should provide little comfort. One of the great joys and privileges of working or studying in a Canadian university is that we are allowed and encouraged to freely pursue truth. There are of course limitations, and the boundary for academic freedom is as contested in Canada as in many other places. Still, students in our classrooms have long benefited from open and informed discussions about China’s past, present, and future, including on topics related to Hong Kong, Taiwan, Tibet, and Xinjiang. But the NSL has placed such freedom in great jeopardy. This is so because any discussion about the internment camps in Xinjiang or the independence of Hong Kong could be perceived by the Chinese party-state as inciting, assisting, or abetting secession, and this is so because the NSL is intended to be applicable to anyone in the world. This clear threat to the exercise of academic freedom in Canadian universities has been compounded by the consequences of COVID-19: as classes have to be moved online, not only has it become more difficult to protect the privacy of the students and instructors in question, it has also become riskier for some individuals who are located outside Canada to freely express their views. While the Realists might dismiss such additional risks as the price one pays to partake in the new world order, it is perhaps time to pause and ask: at what cost?
Let me be clear: Canada and China must continue to engage each other. They need to do so not only because the alternative would be highly detrimental to all concerned but also because the human connections that have been forged over the last century and a half cannot be simply broken off. But Canadians must understand that, as is true for all modern nation-states, “Canada” is continuously making and re-making itself. This is not mere academic talk. Just as Canadians have become increasingly attentive to the injustice done to the Indigenous peoples of this part of North America, to the early Chinese and Japanese settlers, and to the various visible minorities who have called Canada home, they must also constantly re-examine what Canadians, as a collective, stand for. As a country, Canada is, of course, always evolving. Much as Canadians like to think of themselves as living in a mature democracy and standing on the right side of history, they must not take for granted the practices and institutions they have come to cherish. So, while well-meaning opinion leaders will continue to debate how to engage China, the reality is that Canada is itself a work in progress: how Canada engages China is in fact a reflection of who Canadians are and where they want to go. This might sound like it is coming straight from the ivory tower. But as a middle power, this is perhaps as real as it gets for Canada.
Bibliography


About the CIC

The Canadian International Council (CIC) is Canada’s foreign relations council. It is an independent, non-partisan membership organization and think tank dedicated to advancing constructive dialogue on Canada’s place in the world and providing an incubator for innovative ideas on how to address the world’s most pressing problems.

The non-profit CIC integrates the voices of a diverse and multidisciplinary group of societal actors from academia, business, civil society, government and the media, and endeavours to inform and develop the capacity of the country’s next generation of foreign policy leaders.

One of Canada’s oldest and most respected think tanks, the CIC is not only dedicated to nurturing dialogue on Canadian foreign policy domestically, but also in projecting a Canadian perspective on the international stage. In our rapidly changing world, this effort to promote greater understanding and foster meaningful debate on critical challenges is more important than ever.

The CIC would like to acknowledge the editorial contribution of the China Policy Centre and the financial support of the China Institute and Global Affairs Canada in making this series of articles possible.

Canadian International Council