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The Big Picture: Hong Kong National Security Law

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Chinese authorities have planned to bypass the Hong Kong's legislature to enact a **national security law** that is believed by pro-democracy activists to crack down the dissent in the city.

What is the National Security Law

Under the national security law, a legal framework will be set up to prevent and punish subversion, terrorism, separatism/ secession and any foreign interference. The law makes any of these acts a crime.

A Brief History

Hong Kong was handed back to China from British control in 1997, but under a unique agreement which was based on a mini-constitution called the Basic Law and thus, a so-called "one country, two systems" principle came in the light.

Under the same agreement, Hong Kong had to enact its own national security law - this was set out in Article 23 of the Basic Law. However, it could not be enacted due to the protests against the law in 2003.

- In the same year, Hong Kong tried to remove some of the provisions of article 23 in which nearly half a million people took part in the protest but was jettisoned.
- Since early 2019, there has been a move to introduce an extradition bill which also faced huge protests in which 3-4 million people (out of around 7 million population of Hong Kong) participated; the extradition bill was cancelled.

Extradition

- It is the formal process of one state surrendering an individual to another state for prosecution or punishment for crimes committed in the requesting country's jurisdiction.
- This is generally enabled through a bilateral or multilateral treaty.
- The legal basis for extradition with countries with whom India does not have an Extradition treaty is provided by Section 3 (4) of the Indian Extradition Act, 1962.

Issues With The Law

- The law is an attack on the human rights of the people of Hong Kong as it curtails their freedom of speech and freedom of assembly.
- The law could see people punished for criticising Beijing as well as the Chinese Communist Party - as it happens in mainland China.
- It violates the **basic law of Hong Kong** which proposes the **one country, two systems** procedure.
 - The article 22 of the basic law of Hong Kong is violated which suggests that no central government agencies can interfere in the functioning of the Special Administrative Region (Hong Kong).
 - Article 12 which suggests that there will be a high degree of autonomy is also violated.
- The US and Hong Kong share a good business relationship due to no interference of China in the state matters which will possibly be not as good if the latter becomes a part of mainland China.

People of Hong Kong in response to the law have come out in thousands of numbers defying both the law and the social distancing norms imposed in the wake of **Covid-19**.

Basic Law

- Basic Law allows Hong Kong to enjoy executive, legislative and independent judicial power, including that of final adjudication, barring matters of defence and foreign affairs.
- Under Article 23 of the Basic Law, Hong Kong has to enact a national security law “to prohibit any act of treason, secession, sedition, subversion against the Central People’s Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies.”
- Article 23 aims at preserving national security but it will also allow China’s national security organs to formally operate and set up institutions in Hong Kong.

Global Response

- Political leaders around the world have written missives condemning this law.
- A joint statement from the US, United Kingdom, Canada and Australia expressed their “deep concern” regarding Beijing’s proposed law.
- Germany believes Hong Kong’s autonomy must not be undermined.
- Taiwan’s president says that the country stands with the people of Hong Kong and pledged support and “necessary assistance” to those who need help.
- Japan’s foreign ministry issued a statement saying: “Japan is seriously concerned” about China’s decision toward Hong Kong for there exist strong economic ties between the two.

China’s Open Threats

- President Jinping, in a visit to Nepal openly threatened a war against those willing for separatism in China.
- Reluctant to any compromise, the country provides a clear message to Taiwan against providing independence to the state. They have shifted to a unification from a ‘peaceful unification’.
- In a **G20 virtual summit**, China denied to cut off the debts of any least developed countries.

Way Forward

- International attention should be given to this and people of Hong Kong need to be encouraged for their effort.

- It's the high time to respond to China's activities in order to prevent any severe actions in future.

Letting China have its way could lead to dire consequences for Taiwan and probably many other similar states.

- China is immune to any individual country's response and hence, a coordinated response from the bigger power nations is required.
- Apart from the external factors, on the Hong Kong people's part:
 - They have to take a stand for the universal suffrage rights.
 - They are needed to ask for separation of power and autonomy in the administration.
 - The crisis of the real estate within the region needs to be addressed too.