

Senate Foreign Relations Committee - “ The State of Democracy Around the World”

Hearing script of Nathan Law

Thank you Chairman Senator Menendez, Ranking Member Senator Risch, and the other members of the committee attending. It’s my honour to be able to testify in front of the Senate foreign relations committee.

The state of democracy around the world is grim. The 2020 Varieties of Democracy report found that 2020 was the first year since 2001 that there are more autocratic institutions than democratic ones in the world. The latest “Freedom in the world 2021” report produced by Freedom house also recognizes this worsening democracy decline, and describes the situation as

“Increasing autocracy threatens the rights of people in every corner of the world. This is a global emergency that awaits a coordinated response from the free world. Nearly 75 percent of the world’s population lived in a country that faced deterioration last year.”

We are all in the 15th consecutive year of decline in global freedom. What Hong Kong people have suffered from in the past few years are clear examples of it.

2019, the year that Hong Kong people uprose. The scenes of millions of people marching down the streets captured the eyeballs of every corner of the world. We chanted for the promises made to us – democracy, freedom and autonomy. Congressmen in the US vowed their support to the movement and several bills, including the historic “Hong Kong human rights and democracy Act”, were passed. We were all grateful for the warm encouragement from around the world.

Yet, starting from 2020, we have witnessed repeated crackdowns from the Chinese Communist Party. Assemblies have been banned, police brutality has emerged with impunity, and Beijing has circumvented all our local legislation and consultation process to impose the notorious National Security Law. Under the law, the

government can prosecute anyone who chants a protest slogan, displays a “liberate Hong Kong” flag, or even participates in a primary in the pro-democracy camp. The National Security Law is a convenient legal tool to silent the pro-democracy camp and strip away our basic rights.

The last week was particularly devastating. The government has thrown 47 prominent democratic figures in jail because they planned to exercise their constitutional rights to run for office and veto the government’s bills. Beijing has also announced an electoral reform in Hong Kong that turns the city’s legislative council into a National People’s congress style rubber stamp chamber. With the Democratic candidates likely barred, Beijing’s appointees will occupy more than half of the seats without an open election. The election in Hong Kong has become SELECTION.

The erosion of freedoms in Hong Kong reflects the world Beijing wants to craft. Beijing is expanding its autocratic influence and denounces democratic values on a global scale. It tacitly stands behind the military junta in Myanmar by opposing actions from the UN human rights council and justifying the coup as “a major cabinet reshuffle.” Hereby I want to vow my support to the protestors in Myanmar because they have just been through the toughest and bloodiest week in their anti-coup protest, where dozens of citizens were killed by the soldiers’ firearms. I also stand in solidarity with the #Milkteaalliance members who are fighting for justice and democracy in their respective countries.

People died under the hands of tyrannies. The casualties and disastrous consequences incurred by dictators are no less than climate emergencies or public health crises; yet, the international community seems very reluctant to tackle it with coordinated actions.

This latency has to be changed. We have to rise and defend global democracy. The fight starts with formulating global goals, visions, agendas and actions. It can only be accomplished by democratic countries working together, to avoid being “divided and conquered” by China.

Here is the concrete direction that can fundamentally change the trend of democracy decline:

In the upcoming April's Democracy Summit, important democracies including the G7s, European countries and the other democracies should come up with a preliminary formulation of an alliance for safeguarding democracy worldwide.

The goal is straightforward: in the next five years, as long as we strive for a 1% improvement annually in the global liberal democracy index, measured by the renowned Varieties of Democracy (V-Dem) project, we can reverse the declining state of democracy worldwide by 2026, and rise back to the level around 2012, the highest democracy index human societies have ever achieved.

It's a measurable and essential goal if we are determined to fight the rise of authoritarianism led by dictators like President Xi and safeguard the most needed values that guide humanity to dignity and prosperity.

Reversing the trend of global democracy decline is the mission of our era.

Thank you so much. I look forward to your questions.

Attachment - BRIEF on the latest political development in Hong Kong, March 2021

From Nathan Law

Takeaways

- Beijing loyalists will secure an overwhelming majority in the future legislature and the selection “election” for city leaders. The proposed overhaul will kill LegCo’s existing check and balance function as democrats will lose their veto power. Implications for the regulatory and investment environment can be far-reaching.
- Most, if not all, democrats will be barred from the election in practice since future candidates are subject to political screening. Even if they survive the new nomination and vetting requirements, they can still be disqualified, unseated or even charged under the national security law.
- Beijing leaders have already hinted that the new political reform is paving the way for further national security legislation, aka the controversial Article 23. The impact on the city’s future policies, especially those related to regulatory environments, can be far-reaching.

1. Beijing’s political overhaul

Beijing is making a new effort to ensure "patriots" to take charge of all governance levels. To achieve this, the National People's Congress, China's rubber-stamp parliament, plans to pass a new political reform that is expected to be announced on March 11 this month. According to multiple local media citing unnamed sources, several reform options have been put on the table, including the following:

Changes in Selection Committee include:

- Expanding the size of the largely pro-Beijing committee that selects Hong Kong's leader from 1200 to 1500 seats.
- Canceling the current 117 seats held by district councillors in the committee. The seats will go to Beijing-handpicked CPPCC members.

Changes in Legislative Council (LegCo) include:

- Expanding the seats in the Legislature from 70 to 90 seats.
- Cutting the number of directly elected seats: There are two reform options. The more radical one has reportedly gained more support, i.e. reducing the number of directly elected seats from 35 to 20 seats;
- Introducing an additional 40 seats that will be allocated to Beijing loyalists from the selection committee;
- Imposing a new requirement that future LegCo election runners have to be screened twice, one by the selection committee's nomination and another by a new "vetting committee". The vetting committee will screen future candidates' qualifications, which include Beijing's new demand of "loyalty".
- Replacing the current proportional representation system of allocating the directly elected seats with a majoritarian one.

	Hong Kong Current	Hong Kong Plan A	Hong Kong Plan B	Macao Current
Directly elected seats	35 seats (50%)	20 seats (22%)	30 seats (33%)	14 seats (42%)
Indirectly elected seats	35 seats (50%)	30 seats (33%)	30 seats (33%)	12 seats (36%)
Selection Committee seats		40 seats (44%)	30 seats (33%)	7 seats (21%)

Table: Composition of legislatures in Hong Kong and Macao

Similar to the promulgation of the national security law legislation, local Beijing loyalists are mostly out of the loop throughout the decision-making process of the new electoral reform. As a staunch pro-government lawmaker, Regina Ip, suggested, Beijing has already changed to whom it would listen and only consulted the top most trusted advisers. Even members of more established pro-Beijing local parties were excluded from the symposium in Shenzhen on the electoral changes in previous

weeks. At the same time, a new political party has been established by mainland Chinese-born individuals. On March 9, they emphasized that “patriotism is their true colour” and vowed to gain seats and influence in the legislature and administration. In other words, current pro-government parties are losing Beijing’s trust and would be further marginalized in the future. Chinese-born lawmakers or mainland ex-pats will expectedly play a more vital role in city governance.

Unlike the previous three rounds of political reforms in Hong Kong, this reform is directly imposed by Beijing, without public consultation and legislative approval. Rita Fan, former delegate to the National People’s Congress Standing Committee, even commented that pro-democracy figures do not deserve to be consulted.

Implications

- **The Beijing-dominated selection committee becomes the new influential sector, with democratic representation falling in both the LegCo and the selection committee.** The share of directly elected seats drops to a record low, even worse than the figure in Macao (i.e. Directly elected seats only account for 22% in Hong Kong, compared to 42% in Macao). In their place, Beijing-trusted candidates can dominate a sizable number of seats in the LegCo.
- **Future election runners are subject to a two-step political screening** before voters can elect them. In practice, most of the opposition leaders will likely be barred from elections. Not to mention that candidates and election winners have to survive pre-and post-election disqualification mechanisms under the current arrangements.
- **Beijing loyalists are expected to secure an overwhelming 2/3 majority** in the LegCo, giving them enough authority to change the city’s election system and pass further security-related laws. When democrats lose their veto power against future draconian legislations, the political landscape alteration may affect the entire investment and regulatory environments.
- **Wolf-warrior-like politicians will become more active in local governance after the power reshuffles:** Under the loyalty-vetting mechanism of the proposed electoral framework, not only would democrats likely be screened out but so would moderate Beijing supporters who occasionally criticize the

government's policies. New pro-Beijing parties or wolf-warrior-like politicians will give more influential voices in the future policy-making process.

2. The hearing on the 47 pro-democracy figures

On February 28, 2021, 47 pro-democracy activists were charged with a “conspiracy to commit subversion” for their participation in the legislative primaries last year. As the first and most expansive use of the new security law, the marathon hearing has the following implications:

- **Even voting, the most peaceful way of political expression, can be considered a breach of the national security law:** The case is a disregard of democracy since over 610,000 Hongkongers took part in the city's first-ever informal primaries. Most of the 50 democrats had obtained tens of thousands of votes. The case is a perfect example of Beijing's tightening red line in the territory - no matter how peaceful citizens expressed their political beliefs, Beijing cannot tolerate any dissenting voices.
- **Prosecutors can challenge the court's bail decisions:** 15 defendants were kept in custody even after initially being granted bail since government prosecutors had immediately appealed against the court's bail decision. The same trick is expected to be used on future arrestees.
- **Inhuman trial processing:** The processing is criticized as chaotic and judicially unfair. Throughout the four-day hearings, at least eight defendants were taken to the hospital by ambulance. The first-day hearing lasted for 19 hours in total, which the defendants' family described as “torturing”. Several defendants complained about a lack of access to their lawyers. For three days, they had no access to showers or even proper rests.
- **Special treatments in prison:** All remands are subject to solitary confinement, including meals and exercise. At least four defendants were barred from contact with their families.
- **In addition to election runners, even facilitators have become Beijing's new targets:** On the eve of the hearing, the mediating platform, Power for Democracy, was forced to cease operation and disband after three of the

organizers, Andrew Chiu Ka-yin, Au Nok-hin and John Clancey, were prosecuted. The platform has facilitated electoral coordination among pro-democratic parties for nearly 20 years since 2002. An electoral coordination platform as such is now facing unprecedented pressure.