

United States Senate Committee on Foreign Relations
Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy
Hearing on, “The Hong Kong Emergency: Securing Freedom, Autonomy, and Human Rights”

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Mr. Chairman and distinguished members of the Committee, thank you for inviting me to join you today to address one of the most compelling and consequential foreign policy challenges of our time: securing freedom, autonomy, and human rights in Hong Kong.

Twenty years ago, this subcommittee conducted three hearings as part of a re-examination of US-China Relations. One was a critical review of US policy towards China with Administration witnesses. The other two were assessments of developments related to Hong Kong and Taiwan involving outside experts. I was honored to play a part in those proceedings and appreciate the privilege of revisiting these issues with the passage of time, accumulation of evidence, and under new leadership.

It is now twenty-two years since Hong Kong’s handover from British to Chinese sovereignty. Today’s hearing, once again, is one of the many ways the United States Congress demonstrates to Hong Kong, China, and the world that developments in Hong Kong remain vital to U.S. interests and of great importance to U.S. policymakers.

In the limited time available for discussion, rather than attempting to tell others what to think on these topics, I will attempt to emphasize how to think about these challenges and offer a few policy recommendations for consideration.

The following statement of US policy, from President Trump’s September 24 remarks at the U.N. General Assembly, are a very good starting point for discussion:

“We are carefully monitoring the situation in Hong Kong. The world fully expects that the Chinese government will honor its binding treaty, made with the British and registered with the United Nations, in which China commits to protect Hong Kong’s freedom, legal system, and democratic way of life. How China chooses to handle the situation will say a great deal about its role in the world in the future.”

The President's statement cuts to the chase with regard to why freedom, human rights, and autonomy in Hong Kong matters to US national interests. Of course, the well-being of the Hong Kong people is of value in itself, but what makes the situation in Hong Kong of great strategic consequence is the role that Hong Kong has long played as China's window to the world, the world's window into China, and the indicators and warnings it provides with regard to the kind of nation China is becoming under Communist Party leadership.

The treaty obligations the President referred to are contained in the 1984 Sino-British Joint Declaration. Implementation of those obligations is outlined in the People's Republic of China's 1990 Basic Law. The "one country, two systems" promise made by the Chinese government is often summed up as, "The Hong Kong people ruling Hong Kong with a high degree of autonomy, except in foreign and defense affairs." Essentially, aside from new emblems and a changing of the guard within the Hong Kong Garrison, the fundamentals of what "makes Hong Kong tick" were meant to remain largely unchanged.

In addition to maintaining status as a separate customs territory, a separate currency, and independent Common Law system, Article 45 of the Basic Law declares, "The ultimate aim is the selection of the Chief Executive by universal suffrage."

At the time of the handover and in my 1999 testimony, I shared a few causes for concern and reasons for optimism as we observed the initial stages of Hong Kong's transition from British to Chinese sovereignty.

Causes for Concern:

- 1) Hong Kong's Dependence on Trade. Any loss of autonomy presents significant economic risks for Hong Kong markets and workers.
- 2) Limitations on Freedoms and Democracy. Free and efficient flow of information is vital to free markets and free people. Serious questions about Beijing's tolerance for freedom and democracy within its "one country, two systems" model.
- 3) The People's Liberation Army. Its mission in Hong Kong is to provide for the territory's defense, and interference in local affairs is forbidden. However, many in Hong Kong seek protection from, not the protection of, the PLA.

Reasons for Optimism:

- 1) China's Economic Dependence on Hong Kong. Hong Kong's high level of investment in China, and China's high level of investment in Hong Kong, may be Hong Kong's best security guarantee.
- 2) Communist Party Legitimacy. China's Communist Party needs a successful transition to bolster its own legitimacy.
- 3) The Taiwan Factor. An infringement on Hong Kong's promised autonomy would have a dramatic effect on domestic and international support for Taiwan independence.

For much of the last two decades, this somewhat conventional framework of concerns vs. reasons for optimism held up. However, there are strategic developments in recent years that should change how we view the current situation.

China's Self-Image has Changed

At the time of the handover, China was a more humble nation, in the wake of the Tiananmen Square Massacre and the economic recession that followed. Consistent with the imperative of getting and keeping the economic engines running was the objective of restoring the more positive and optimistic view of China that much of the world shared through the 1980s until June 4, 1989. In the context of that time, the 1997 handover of sovereignty over Hong Kong was exceedingly important to then Chairman Jiang Zemin and to the People's Republic. Jiang could hardly afford to be the leader seen to fumble the transition and have international treatment of China fall back to the post-Tiananmen low.

No longer. China today is not a humble nation. There is a swagger that demands more than commands respect. Its propaganda is sophisticated, well-funded, and many of its citizens seem to believe it. Given the deferential treatment China's leaders have enjoyed around the world in recent decades, they may no longer believe that failure to deliver on promises made at the time of transition present a meaningful risk to China's image or economy.

Xi Jinping is a Different Leader

In the 70 years of the People's Republic, China has experienced several leadership transitions. None was more important than the one to Deng Xiaoping. His "reform and opening" policies were a break with the errors and excesses of the Mao Zedong era. They appeared to set China on a path to catch up with and become more like the rest of the world. The policies appeared to work and seemed irreversible. The Tiananmen Massacre was a sobering reality check, but the Jiang Zemin era of the 1990s represented more continuity than change relative to Deng's policies.

Xi Jinping's leadership is markedly different in style and substance. Appeals to nationalism have been common for decades, especially when seeking to distract the people away from economic and political disadvantages, there is a militance to the ethno-nationalism that Xi has unleashed that is more akin to Mao's Cultural Revolution than to Deng's reform and opening. It also is more dangerous and disruptive, because now it is fueled by massive capital, modern technology, and is international. Having broken traditional cultural institutions, replacing them with Party control, and unleashing Han domination over ethnic and religious minorities, China has now lost much of the culture and diversity that made its civilization great and worthy of study. This Cultural Revolution 2.0 ethnic chauvinism exceeds China's boundaries, as we witness harassment of ethnically Chinese who deign to think for themselves, and advocate on behalf of the those threatened or oppressed by the Communist Party. As seen in Hong Kong and elsewhere, this harassment takes many forms, from physical abuse in person to stalking and demonization on social media.

Mainstream Assumptions about the Communist Party Were Wrong

Perhaps our greatest error in judgment has been failing to face the true nature of the Communist Party, what it consistently does to the Chinese people, what it aims to do to our friends and allies, and what it is now doing to undermine the institutions of freedom and rule of law even within our own country.

For too long, mainstream foreign policy and China experts suggested the Communist Party was “communist in name only”. It’s appeal and legitimacy, experts asserted, rests on being the only institution in China capable of preserving stability and delivering economic growth. Especially under Xi Jinping, the “Communist” is back in the CCP.

Vice President Pence’s October 2018 speech at the Hudson Institute represented an important turning point in this regard. However, it is just a beginning of what needs to be new non-partisan national discussion. It is the Chinese Communist Party who has been training and deploying political warfare assets worldwide and within the United States. Our choice is whether and how to respond, not debate whether or not the influence operations are real.

President Trump was correct in framing the way China handles the situation in Hong Kong as an indication of the kind of nation China is becoming and the role it seeks in the world. I would add, respectfully, one caveat. It tells us something about the kind of nation China is becoming “under the dictatorship of the Communist Party”. To date, developments in Hong Kong raise serious doubts about the ability of the CCP to peacefully co-exist with any free society.

Mainstream Assumptions about the Kind of Nation China is Becoming Were Wrong

With the end of the Cold War and advent of the internet, the “end of history” was declared and the forces of freedom claimed victory. Globalization, emerging technologies, increased trade, and integration of China into global institutions, promised to narrow differences, increase cooperation, minimize risk of conflict, and increase freedom inside China.

The basic elements of US engagement policies remained as they had been for multiple Administrations. We accepted the passive, but soothing notion that if we just don’t treat China as an enemy, it will not become one. Time, modernity, and engagement would somehow compel China to grow out of its problems and become more like the rest of the world. We went further though. We gave China privileged access to our capital, our market, our intellectual property. We allowed China to be exempted from the rules and norms applied to others.

We gave China unequal access to wealth and technology, and are now surprised to find a stronger, unreformed, illiberal Communist Party militarizing those assets against the people and institutions who enabled China’s rise.

Turns Out Hong Kong People are Very Committed to Rights and Freedoms

For decades many of us, experts included, often have been told Hong Kong is all about business and so are its people. With periodic exceptions, political developments in Hong Kong rarely cross the media or policy radar in the United States. In a region known for high profile mass demonstrations and popular movements, most policymakers can be forgiven for not thinking of Hong Kong as being in that same category.

The Hong Kong people have accepted Chinese sovereignty, but they have not accepted the attempt to compromise the autonomy and way of life they were promised. And they have sent a remarkably clear and broad-based signal to their leaders and to us.

Consider the strategic significance of two out of seven million Hong Kong citizens filling the streets to stand up for their rights. That's nearly a third of the population. In US terms, that would be the equivalent of 100 million Americans. Imagine what it would take to get 100 million Americans to agree on absolutely anything, and agree it is so important that they take to the streets in peaceful demonstrations for four months. And in Hong Kong, the demonstrators (from all walks of life) had to know their identities would be scanned and retribution would be a real risk. Clearly the government of China and of Hong Kong crossed a line and touched a nerve that is more sensitive and significant than we or they were led to believe.

What Happens in Hong Kong Will Not Stay in Hong Kong

CCP Influence operations (aka political warfare) extend beyond Hong Kong to attacks on institutions of freedom and rule of law in Taiwan, across Asia, around the world, and within the United States. The impact of how the Chinese and Hong Kong governments deal with the demonstrators and their demands also will shape policies and perceptions of China near and far.

A slogan that emerged from recent coverage was, "Hong Kong today, Taiwan tomorrow". It is definitely the case that the scale of demonstrations in Hong Kong and also the harrowing images of violence against the demonstrators have had a significant effect on perceptions and politics in Taiwan. For the most part, reinforcing the resolve of the Taiwan people to choose their own way, doubting the viability of any possible deal with the Communist Party. But with the January elections coming in Taiwan, there also is concern that the heavy pressure recently applied to Hong Kong is heading their way in an attempt to influence the outcome or undermine its legitimacy.

It is important for our own national interests that those defending against these influence operations succeed, that they do not feel like they stand alone in doing so, and that we learn from their experience.

Promises Made, Must Be Promises Kept

Among the things that make the demonstrations in Hong Kong different from those we often see elsewhere, is that the people of Hong Kong are not asking for something new or aspirational. They are demanding that existing autonomy be preserved and promises already made be kept.

It is an important test, with global consequences. If China's current leadership is willing to violate the terms of a bilateral treaty registered with the United Nations, how can any government or party enter into any new agreements in good faith with this leadership?

Recommendations:

Pass the Hong Kong Human Rights and Democracy Act. In politics at every level, it is not enough to do good, you must be seen doing good. The 1992 Hong Kong Policy Act did a fine job of establishing a framework for national and international discussion of U.S. interests at stake in Hong Kong. It demonstrated to the people of Hong Kong that they would not stand alone through this transition, and it demonstrated to leaders in China that the United States would remain engaged and ensure accountability. The Hong Kong Human Rights and Democracy Act is a natural and important extension of that commitment.

Visit Hong Kong and Seek Access to Detained Demonstrators. Among the more shocking of recent developments in Hong Kong were the violent images of tactics used against the demonstrators. We also know that there have been many arrests and detentions. What we have less visibility into is the treatment of demonstrators while incarcerated. Given the long history of US-Hong Kong law enforcement cooperation, and the high standards of professionalism we have come to expect from our friends in Hong Kong, it would be appropriate and important for visiting US officials to seek access to detained demonstrators and observe their conditions first-hand.

Re-Examine and Adjust China Policy to Current Realities. While I applaud the Committee's attention given to Hong Kong and the US interests at stake there, the Hong Kong challenge is a symptom of a larger problem. As was done in 1999, the Congress should conduct a critical reassessment of US policy towards China, question assumptions, consider new evidence, and recommend key elements of a new approach with potential to be sustained for successive administrations, as has been the case with the outdated policy. The basic elements of our longstanding engagement policy towards China were set in motion 50 years ago. No US policy toward any major nation or challenge has remained so consistent (or lazy) for so long.

Sustain Bipartisan Voice in Support of "Davids" vs. Chinese Communist "Goliath". While a myriad of voices will claim that by doing so you are attacking China, hurting the feelings of 1.3 billion people, or are engaging in destructive Cold War thinking, don't let that dissuade you. There are hundreds of millions of good Chinese people. There are thousands of years of Chinese culture and civilization worthy of study and respect. The Chinese Communist Party has no claim to any of it. There is no entity less Chinese than is the Communist Party. No entity has murdered more Chinese people than has the Communist Party. No entity has robbed the

Chinese people of more wealth and opportunity than has the Communist Party. No entity is more anti-China than is the Communist Party. There is nothing more pro-China than standing with the over two million Hong Kong people calling for promises made to be promises kept. There is nothing more pro-China than standing with the over twenty-three million Taiwan people as they continue their democratic progress and remain a force for good in the world. There is nothing more pro-China than speaking up for the institutions and communities that thrived prior to the establishment of the Communist Party's "New China". Doing so not only comforts those in need of comfort, it also strengthens every President's hand in dealing with China's leadership.