WEBINAR SUMMARY:

Democracy and Human Rights in Hong Kong

Talk by Nathan Law, Professor Eva Pils, Professor Masato Kamikubo, moderated by Bill Emmott

Thursday 4 April 2024

Introduction by Bill Emmott:

I am honored to moderate this crucial discussion on political developments in Hong Kong, with a particular focus on the human rights issues that have been raised. One can view what has transpired in Hong Kong as a sad "chronicle of a death foretold," to borrow the title of Gabriel García Márquez's famous novel. This situation raises vital questions not only about human rights, public protest, and public opinion within Hong Kong, but also about the extraterritorial reach of Chinese law. As China emerges as a superpower seeking to exercise global influence comparable to that of the United States, its claim to extraterritorial jurisdiction through its legal system has become an increasing concern for many people.

To guide us through this discussion, we are joined by three exceptional speakers who possess far greater expertise than I do. First, we will hear from Nathan Law, a prominent Hong Kong democracy activist currently living in exile. Nathan was a key figure in both the Umbrella Movement and the Demosisto movement, which preceded those protests, alongside other well-known activists like Agnes Chow and Joshua Wong. He is currently wanted by the Hong Kong authorities under the National Security Law, and he will open our webinar with a presentation on political developments in Hong Kong.

Following Nathan, we will hear from Professor Eva Pils, a Professor of Law at King's College London, an affiliated scholar at the U.S.-Asia Law Institute of NYU Law School, and a member of the Center for Human Rights Erlangen-Nuremberg. It is worth noting that before joining King's in 2014, Eva served as an associate professor at the Faculty of Law of the Chinese University of Hong Kong.

Following these two presentations, Professor Masato Kamikubo will act as a discussant. He will deliver a brief presentation and share his reactions to our first two speakers. Professor Kamikubo teaches at the Graduate School of Policy Science at Ritsumeikan University in Japan, and completed his PhD at the University of Warwick in the UK. I expect he will examine the implications of Hong Kong's situation for Japan's foreign policy and the wider international community.

Without further ado, I invite Nathan Law to deliver his opening presentation.

Nathan Law's Presentation:

Thank you, Bill. I would also like to thank everyone for attending this conference and express my gratitude to the Daiwa Foundation for organising it. The state of human rights and democracy in Hong Kong is indeed a tragic story. Personally, I have been at the center of these political storms for the past decade. Looking back, there have been many ups and downs, and there are many issues here that demand the world's attention: attention that is currently lacking.

I left Hong Kong more than three and a half years ago. During this time in exile, I have met incredible people with deep connections and interest in Hong Kong, far more than I ever expected. Many of them, though they are British, were born, raised, educated, or employed in Hong Kong. Similarly, many Japanese citizens have visited, worked, or established families there. This underscores how a relatively small city can have a massive global footprint and remain deeply interconnected with the world. For decades, Hong Kong has thrived as a flamboyant, energetic, and cosmopolitan international financial center. It was widely regarded as a beacon of free society in Asia and praised as one of the freest cities in the region.

So, what happened to Hong Kong? How has it evolved into an authoritarian police state where the rule of law has vanished, the legal system serves as an extension of government coercion, and political rights have been entirely eradicated? This is not just a story about Hong Kong; it is also a story about China.

In the 1980s, the British and Chinese governments signed the Sino-British Joint Declaration. This treaty governed the 1997 handover of Hong Kong, marking the end of over 150 years of British colonial rule and the transition to Chinese sovereignty. In the 1990s, anticipation of this handover triggered several waves of emigration to countries like the United States and the United Kingdom, driven by a deep-seated lack of trust in the Chinese Communist Party and its social system. Given the political and economic landscape of mainland China at the time, the prospect of being handed over to Beijing was terrifying to many Hong Kong residents.

To alleviate these fears and convince the population that everything would remain stable after 1997, a new constitutional framework was introduced: the "One Country, Two Systems" principle, codified in the Basic Law, Hong Kong's mini-constitution. Under this framework, while Hong Kong became part of China, it was to maintain a separate system. This separation was meant to guarantee that Hong Kong would preserve its strong rule of law, functioning as a safe harbor protected from the human rights abuses and authoritarian excesses of mainland China's political system.

The distinctiveness of Hong Kong's system was the very cornerstone of "One Country, Two Systems". The Basic Law explicitly identified freedom, the rule of law, and democratic progress as core pillars of this arrangement. Understanding this context of the 1980s and 1990s is vital for analysing what followed: the people of Hong Kong were promised fundamental protections and eventual democracy, but those promises were never fulfilled, sparking severe friction in the years that followed.

Fast-forwarding a bit, I moved to Hong Kong in 1999 when I was six years old, and lived there through my high school graduation. During those years, we experienced a relative "honeymoon period" as Hong Kong navigated its relationship with Beijing. Society was generally satisfied with the implementation of the system; there were fewer protests, and the local administration remained relatively lenient toward public demonstrations and popular demands. However, after Xi Jinping assumed power between 2012 and 2013, the political climate soured. Under his leadership and growing national ambitions in mainland China, the system became highly centralised, and the Chinese Communist Party grew far less tolerant of demands for local autonomy and political accountability.

This shift marked Hong Kong's transition into an era of active resistance, characterised by mass demonstrations with hundreds of thousands of citizens marching in the streets. This was also when I entered the public spotlight. In 2014, during a public consultation on the electoral reform process, the people of Hong Kong demanded that Beijing fulfill its promises under the Basic Law and "One Country, Two Systems" to grant universal suffrage. Seeking genuine democratic elections by 2017, the public mobilised. I served as one of the student leaders of the Umbrella Movement. While that movement did not immediately achieve its political objectives, it sowed the seeds of civil disobedience and organised resistance deeply within Hong Kong's civil society.

In 2016, I was elected as the youngest lawmaker in Hong Kong's history at the age of 23. This milestone reflected a surge of youthful energy and a new generation entering the political establishment to advocate for human rights and democracy from within the system. Little did we know that the 2016 Legislative Council election would be the last open, competitive election in Hong Kong. Following the massive protests and the overwhelming pro-democracy landslide in the 2019 District Council elections, Beijing decided to crack down decisively. They concluded that Hong Kong could no longer be permitted to maintain its separate political identity or operate as a free society.

To map the trajectory of Hong Kong's political transformation, we can identify several distinct phases:

1. The pre-handover period, during which Beijing actively sought to reassure Hong Kongers that autonomy and democratic progress would be preserved after 1997.
2. A post-handover honeymoon period, when local demands and protests were met with relative official tolerance.
3. A phase of growing public impatience over Beijing's failure to deliver on its democratic promises, leading to widespread protests and civil resistance.
4. The current phase, where Beijing has centralised all power, dismantled local autonomy, and systematically eradicated Hong Kong's free society.

Following the historic 2019 protests, which saw over two million people, more than a quarter of Hong Kong's population, march in the streets amid severe clashes, intense international coverage, and unprecedented civic mobilisation, Beijing implemented a total crackdown. They did so because they no longer needed Hong Kong to serve as a showcase of China "progressing and catching up to the West". This shift reflects a fundamental

evolution in the leadership of the Chinese Communist Party and the personal ambitions of Xi Jinping. Xi no longer feels any pressure to convince the international community that China is moving toward a liberal democratic model. He is immensely confident in the CCP's one-party dictatorship and highly centralised political system. Consequently, they no longer value Hong Kong as a bridge to Western liberal norms.

Once Hong Kong lost that instrumental value, its freedom and democracy came to be viewed as an unacceptable security risk. In response, Beijing imposed the National Security Law in 2020, followed recently by the Article 23 legislation, which expands these sweeping powers. Under this dual onslaught, Hong Kong's once-vibrant civil society crumbled almost overnight.

Ultimately, the story of Hong Kong is a reflection of the authoritarian consolidation of Xi Jinping and the evolution of the Chinese Communist Party. It is essential that the international community holds the Chinese government accountable for its human rights abuses. As long as Beijing believes it can maintain a stable, unyielding one-party autocracy without pressure to liberalize or adopt progressive governance standards, there is very little prospect of the situation in Hong Kong improving.

Furthermore, the crisis in Hong Kong is deeply intertwined with the broader global decline of democracy. We are witnessing a worldwide democratic backsliding, exacerbated by a lack of international mechanisms to hold human rights perpetrators accountable. Hong Kong is a stark cautionary tale for the world; we must learn from its experience and collaborate on how to counter these trends.

Looking ahead, we must keep a vigilant eye on developments in Hong Kong. Today, there are more than 1,800 political prisoners in the city—individuals jailed simply for expressing their beliefs. Authentic elections have been abolished, and freedom of speech has been completely suppressed. We must sustain international attention, urge our respective governments to stay engaged, and enact policies that address this ongoing crisis.

Bill Emmott: Thank you very much, Nathan, for that very eloquent history, both personal and political, of Hong Kong. I think you are absolutely right that this story must be kept in the public eye; otherwise, it can easily slide into obscurity.

I would like to share a personal anecdote. Last year, I attended a financial event with a senior representative from the Hong Kong financial authority, who asserted that the rule of law still operates independently in Hong Kong. I stood up and asked: "If that is indeed the case, how is it that almost everyone I used to know in Hong Kong is now in jail?" That is the grim reality. The figures Nathan cited represent many of the individuals who were prominent and widely respected in Hong Kong ten to twenty years ago, making this a deeply tragic development.

Let me now hand over to Professor Eva Pils, who will analyse these developments within a broader and more conceptual framework.

Professor Eva Pils' Presentation:

Thank you to the Daiwa Foundation, and thank you to everyone for being here today. I would like to begin by clarifying that, in contrast to our first speaker, I am largely an external observer of developments in Hong Kong and mainland China. My research focuses on understanding the avenues available for human rights advocacy in both regions, and I have come to deeply admire the courage of those standing up for human rights and democratic principles.

I would like to start by contextualising the trajectory of Hong Kong within the broader political development of mainland China. Let us look at the similarities between the two systems. In 2020, following the enactment of the National Security Law (NSL) that Nathan mentioned, protesters in Hong Kong began demonstrating in a curious way: they held up blank sheets of paper. We all understand what that gesture communicates. In November 2022, we saw a striking repetition of this method during the "White Paper Protests" that took place in numerous locations across mainland China.

The blank sheet of paper represents a powerful paradox: it is an act of protest that simultaneously incorporates self-censorship, based on the assumption that a blank page is safer than writing a message that could lead to arrest. Yet, in both Hong Kong and mainland China, even these blank paper protests resulted in serious consequences for the demonstrators. These analogies are highly significant, as we can see citizens in mainland China actively adopting a protest methodology pioneered in Hong Kong.

However, if we compare the two systems using social science methodologies, we observe critical differences. Looking at the V-Dem indices tracking civil society, the rule of law, and liberal democracy indicators from 1980 to the present, mainland China presents a depressing, flat line with a significant, progressive contraction of civil society space. This data strongly aligns with my own observations while living and researching in mainland China.

By contrast, the graph for Hong Kong tells a very different and revealing story. First, as Nathan eloquently illustrated, we see a dramatic downward plunge in all indicators, particularly civil society, during Xi Jinping's "New Era". Second, it is worth noting that Hong Kong's rule of law index, while declining, remains significantly higher than that of mainland China. This discrepancy invites us to examine how Hong Kong's civil society and human rights advocacy have evolved under pressure.

Broadly speaking, these trends point to a highly unfortunate convergence, what my colleague Professor Mike Davis, in his book, has termed *Making Hong Kong China*. This represents a convergence toward a system that can be characterised as a "dual state".

What do I mean by a "dual state"? From the 1980s onward in the People's Republic of China (PRC), we witnessed a legal reform movement. Under this framework, the continuous one-party dictatorship, conceptually defined in the PRC Constitution as a "People's Democratic Dictatorship", was complemented, and at times challenged, by the introduced principle of "ruling the country in accordance with the law".

However, in mainland China, this dual structure means that institutionalised coercion, arbitrariness, and systemic lawlessness continue to play a dominant role. This is evident in the widespread practices of extrajudicial incarceration, the systemic use of torture, and the pervasive surveillance, censorship, and "opinion guidance" that define the mainland system.

Crucially, this dictatorial element has been consistently challenged by human rights advocates and proponents of the rule of law within mainland China. This ongoing struggle is why we can apply the "dual state" framework to mainland China: it is a system where legal rules and lawlessness coexist. Legal protections have expanded since the 1980s, yet they remain vulnerable to arbitrary suspension by the state.

This arbitrary suspension is what we might call a "rule by fear". Whenever the state feels provoked or challenged, particularly by human rights defenders or advocates for structural political change, it simply suspends legal protections, engages in severe repression, and behaves with absolute impunity.

If we compare this trajectory to Hong Kong's experience since the establishment of the Special Administrative Region (SAR) under the "One Country, Two Systems" framework, the contrast is stark. Historically, Hong Kong possessed a robust rule of law, an active and vibrant civil society, and extensive institutional and legal protections, despite very limited democratic representation. These legal norms and international treaty commitments allowed civil society organisations to play an enormous role in holding local authorities accountable, while also acting as a crucial support base for human rights advocates in mainland China.

During my time living in Hong Kong from 2007 to 2014, it was an incredibly exciting place to engage with both societies. Hong Kong served as a vital academic, journalistic, and civic hub for studying, engaging with, and challenging power abuses in mainland China. At that time, even members of the political establishments in Hong Kong and the mainland sometimes portrayed Hong Kong as a model of a rule-of-law society that China might eventually emulate. This idea was often described as "the tail wagging the dog", the hope that mainland China would gradually model its legal system after Hong Kong's admirable standards.

However, in "New Era" Hong Kong, we have seen a complete reversal of this trajectory. This shift was most dramatically marked by Beijing's imposition of the National Security Law in July 2020. This legislation represents a deliberate effort by central authorities to import mainland models of governance, forcing the legal and political order to serve the interests of the power holders.

The National Security Law introduced sweeping new criminal offenses that criminalise political dissent and advocacy. It also established direct institutional linkages with mainland law enforcement agencies. Most recently, this was expanded by the enactment of the Article 23 legislation (the Safeguarding National Security Ordinance). This ordinance was passed through a severely dismantled and diminished local legislative process. These legislative changes have accelerated the institutional corrosion of Hong Kong's criminal justice system. For example, the new measures permit restrictions on access to legal counsel and allow for closed-door trials in certain cases.

Comparing the present situation to the pre-2014 reform era, there is no doubt that Hong Kong has experienced a severe degradation of the rule of law and human rights advocacy. Last year, I was still able to observe the ongoing trial of the "Hong Kong 47", a national security case involving prominent pro-democracy figures, and even visit some detained friends who are awaiting trial.

These visits captured the profound tension in Hong Kong today: a legal system and civil society under intense autocratic pressure, yet containing residual institutions that still struggle to function as they did before. Unfortunately, new measures like those enabling closed-door trials are systematically closing these remaining spaces.

To summarise the key developments, we are seeing a systematic assault on the rule of law within the criminal justice system, and we must expect this pressure to intensify. However, this deterioration extends far beyond criminal trials; it is deeply embedded in the repression of independent media, the autocratic governance of public institutions, and intense administrative pressure on universities.

Beyond formal legal changes, we are witnessing the creeping introduction of "rule by fear" through extra-legal means. The chilling effect does not stem solely from the direct prosecution under the NSL or Article 23, but from the pervasive, generalised fear of being targeted. The threat of being caught in the criminal justice system explains the rapid dissolution of Hong Kong's once-vibrant civil society, the forced disbanding of key human rights groups, the dismantling of democratic processes, and the mass exodus of citizens.

Under this "dual state" dynamic, as Hong Kong converges with mainland China's governance methods, the city is being transformed into an instrument of China's global autocratic reach. The newly enacted laws explicitly assert extraterritorial jurisdiction beyond Hong Kong and China's physical borders.

Equally concerning is the growing role of extra-legal and illegal practices of transnational law enforcement. Beijing uses a combination of formal legal mechanisms and informal, lawless tactics to project autocratic power globally. The Article 23 legislation will undoubtedly accelerate this trend, particularly through its newly defined crimes regarding "foreign interference".

The conclusions drawn by international observers are understandably bleak, with many describing this trajectory as a "slow-motion car crash" for the liberal rule of law. I broadly agree with these assessments. The clear endpoint of this trajectory is to reduce Hong Kong to "just another Chinese city", subjecting it to enough autocratic control to prevent it from ever serving as a launchpad for challenging the mainland's authoritarian regime.

Yet, even in this dark landscape, we must recognise that resources for advocacy and resistance still exist within Hong Kong. Furthermore, as autocracy becomes transnational, human rights advocacy is also globalising. The tireless work of Nathan Law and numerous organisations in the UK, Canada, and elsewhere is increasingly vital for sustaining the struggle for human rights in both Hong Kong and mainland China.

Thank you very much, and I look forward to our discussion.

Bill Emmott: Thank you very much, Eva. That was a superb analysis that brilliantly contextualised Hong Kong's developments within the broader evolution of mainland China.

I recall a time when, setting aside the unrealistic hope of China transitioning into a liberal democracy, a more positive, realistic assessment suggested that the Chinese authorities viewed public opinion as a constructive input. Indeed, the state used to publish annual statistics on the number of public protests taking place. On specific issues, particularly environmental protection, public feedback was treated as a genuine factor in policymaking. As Eva so clearly explained, those avenues have now been systematically shut down.

In our discussion, we can explore what remaining scope exists for protest in both Hong Kong and mainland China. But first, let us introduce our final speaker, Professor Masato Kamikubo, to hear his response and perspective from Tokyo.

Professor Masato Kamikubo's Presentation:

Thank you very much for this wonderful opportunity to participate in such a significant event. I am deeply impressed by the presentations delivered by Nathan and Eva; they have provided us with an exceptionally clear understanding of Hong Kong's history and its current challenges.

Given China's introduction of the highly restrictive Safeguarding National Security Ordinance under Article 23, the situation is undoubtedly difficult. However, we must continue to think seriously about the future of democratisation.

As a discussant, my role is to offer comments and raise questions for our speakers. Before doing so, I would like to share a few perspectives. First, I will discuss my connection with one of my former exchange students, Agnes Chow, who was once celebrated as the "goddess" of Hong Kong's democracy movement. Her relocation to Canada last year to attend university was major international news. Next, I will outline the current state of university education in Japan as it relates to global democratic movements, share my perspective on the future of democratisation, and conclude with specific questions for our presenters.

Let me begin with Agnes Chow and her connection to Japanese students. From 2015 to 2018, students from the Kamikubo Seminar at Ritsumeikan University regularly visited Hong Kong to engage with her. We first met Agnes in September 2015, one year after the Umbrella Movement. In 2017, we visited the Hong Kong Legislative Council and met with Demosisto, the political party founded by Nathan Law and other young activists.

My students engaged in deep discussions with Agnes, covering not only the democracy movement but also broader policy issues such as welfare, social security, real estate policies—which are critical in Hong Kong—and the economy. Agnes also traveled to Japan, delivering a guest lecture to our seminar students at Ritsumeikan on December 23, 2016, which was covered and broadcasted by TV Tokyo on June 19, 2017.

Furthermore, I want to highlight an online debate we hosted with Agnes on January 17, 2020, shortly before her arrest. Following the massive protests against the extradition bill, we attempted to invite her back to Japan, but she was barred from leaving Hong Kong. In response, my students adapted by organising a virtual debate via Skype.

Well before online classes became standard due to the COVID-19 pandemic, these students leveraged technology to protect Agnes's freedom of speech. This debate remains accessible on YouTube, and the link is provided in my slides.

Agnes used several compelling analogies in her lectures that resonated with Japanese students. First, she compared Hong Kong's elections to the general elections of the famous Japanese idol group AKB48. She explained that just as the group's producer, Yasushi Akimoto, ultimately decides all outcomes and predetermines the winners behind the scenes, the Chinese Communist Party predetermines and controls the outcomes of Hong Kong's elections, rendering them entirely unfree.

Her second major argument was more controversial: she argued that because Hong Kong lacked genuine, free elections, the use of force or confrontational tactics to achieve democracy could be justified.

Personally, I did not view Agnes merely as a distant "goddess of democracy". Following her arrest, release, and subsequent period of silence, she shared updates on Instagram in December 2023, which were translated into Japanese by the Japan-Hong Kong Democratic Alliance.

It was painful to see her shoulder the immense burden of being a political symbol. At her core, she was an ordinary university student who loved Japanese pop culture and idols. She should not have to carry the heavy weight of an entire democratic movement on her own.

This brings me to the broader educational landscape in Japan and the future of democracy. Japan is currently facing a severe demographic crisis characterised by an aging population and a critical shortage of young people. Consequently, the government recognises the necessity of welcoming talented individuals from overseas.

Today, many students from China and Hong Kong study in Japan, and a significant number express a strong reluctance to return home. At Ritsumeikan University alone, we host approximately 2,000 Chinese students. We have observed an increasing trend where some Chinese master's students deliberately delay their thesis submissions to postpone their mandatory return to China. A growing number of these students seek long-term employment in Japan after graduation. While some study democratic systems with the genuine intent of contributing to a better society in China, many are simply seeking refuge from a highly repressive environment.

One major source of fear for these students is China's National Intelligence Law. This law mandates that Chinese citizens and overseas residents cooperate with the Ministry of State Security's intelligence operations. It obligates them to gather sensitive information, such as cutting-edge technology from foreign governments, corporations, and universities, and report it back to Beijing. Refusal to cooperate can result in severe threats to their families back in China.

This creates a highly stressful environment. We worry that international students might be pressured by Chinese authorities to monitor their professors' ideological stances, family backgrounds, or private lives. Unfortunately, Japanese politicians and university administrators have largely remained silent on this issue. In many respects, these students have become "democracy refugees".

Faced with this reality, our primary duty is clear: we must continue to teach the principles of democracy to every student in front of us, regardless of their nationality. We must do everything in our power to support these young people and prevent others from suffering the immense pressures that Agnes experienced.

I remain fundamentally optimistic about China's future. Over the past twenty years, hundreds of thousands of Chinese students have studied in Japan, the United States, and the United Kingdom, significantly expanding the number of individuals who understand and value democratic governance. Should a change in leadership occur in Beijing, a new generation of democratic leaders may well emerge. The key is to sustain a quiet, steady effort to cultivate this talent, and higher education in Japan has a crucial role to play in this grassroots process.

In conclusion, we do not need singular, idealised symbols of democracy. It is far more effective for each of us to fight for democratic values in our own respective fields through steady, grassroots activities.

With that, I would like to pose three questions to our speakers:

1. To both speakers: If grassroots activities, such as teaching democracy to Chinese students abroad, are vital for long-term change, whereas relying on governments to protect democracy remains difficult, what do you see as the realistic potential of these grassroots academic efforts to gradually transform autocratic societies?
2. To Nathan Law: It is the duty of advanced democracies like Japan, the UK, and Canada to support and protect young activists who are forced into exile. However, Japan’s support system remains highly underdeveloped compared to the UK or Canada, resulting in very few exiled activists relocating there. What do you see as the key shortcomings in how advanced democracies support exiled activists, and what specific measures do you request from governments like Japan?
3. To Professor Eva Pils: Given that the previous legal measures, such as the National Security Law, were already highly effective at arresting key activists like Joshua Wong and Agnes Chow, halting the mass protest movement, and forcing leaders like Nathan into exile, why did Beijing feel it was necessary to introduce even stricter measures under the new Article 23 legislation? Is this a sign of weakness, perhaps reflecting economic instability and growing anxiety within Xi Jinping's administration?

Thank you.

Q&A session:

Bill Emmott: Thank you, Professor Kamikubo. I propose we begin with responses from Nathan and Eva to these excellent questions.

To summarise, Kamikubo-sensei has asked:

1. What realistic possibilities exist for grassroots academic activities to foster democratic values?
2. What specific support do you request from advanced democracies to protect exiled activists?
3. Given that the existing "rule by fear" was already highly effective, why did Beijing feel compelled to introduce even stricter legislation under Article 23?

Nathan, let us start with you.

Nathan Law: Thank you, Bill, and thank you for those important questions, Professor Kamikubo.

Regarding Chinese students studying abroad, I agree that continuous dialogue and engagement are absolutely crucial. As we saw during the White Paper Protests, which represented a massive, spontaneous mobilisation of overseas Chinese students against the draconian COVID-19 lockdowns in mainland China, there is a highly active, liberal-minded community among overseas Chinese students.

The primary barrier they face is the extraordinary pressure exerted on them. When these students are identified participating in protests, their families in mainland China are immediately targeted. I have seen numerous cases where a student protests abroad, and the very next day, their parents call them in tears, begging them not to oppose the CCP, often with national security agents sitting right next to them in their living room.

This intense pressure forces the liberal Chinese student community into silence, leaving only the highly vocal, hyper-nationalistic students visible in the public sphere. Yet, a quiet, liberal community absolutely exists. Many of them attend my lectures at various universities, though they are understandably terrified of being seen, photographed, or asking questions publicly.

This is an issue that liberal democracies must actively address. We must recognise and blunt the pervasive surveillance apparatus that autocratic regimes deploy on our campuses. This surveillance suffocates academic freedom and prevents international students from speaking freely.

Our primary request to liberal democracies is to protect the integrity of our higher education institutions. We must ensure that university campuses remain safe spaces for free thought and speech for all students, regardless of their nationality. Thank you.

Bill Emmott: Thank you, Nathan. Eva, let us turn to you.

Professor Eva Pils: Thank you. These are incredibly important questions. I fully agree that universities and academics carry a unique responsibility in this global era of autocratisation. Both the need to engage students on human rights and democratic norms, and the reality of transnational repression on our campuses, are challenges I experience firsthand in the UK.

There is no doubt that students from mainland China and Hong Kong are deeply worried about the potential repercussions of speaking out in class.

To address Professor Kamikubo's question regarding the role of civil society versus the state, I believe we must empower universities to develop their own independent responses. In my experience, the best way to handle these tensions is to maintain as free and normal a classroom environment as possible. We must encourage open debate and address arguments directly.

Even when we encounter heavy silences or sense that students are hesitating to speak, we can turn those moments into valuable teaching opportunities, even when interventions are clearly echoing state-directed propaganda.

I would like to see universities adopt strong, unequivocal statements defending academic freedom, and establish robust, confidential consultation mechanisms for students under pressure. At the same time, I am highly cautious about direct state intervention in the internal academic affairs of universities within liberal democracies.

Conversely, where the state should act is in fulfilling its duty of protection. Governments like the UK have a responsibility to protect everyone residing within their borders. This means providing effective protection to those experiencing threats from foreign regimes, supporting vulnerable immigrant and exiled communities, and offering clear, supportive pathways regarding their immigration and visa status.

Turning to the third question: why was the Article 23 legislation necessary if the National Security Law was already working?

First, we must recognise that authoritarian regimes are naturally inclined toward overkill; their paranoid focus on "national security" inevitably drives them to enact increasingly redundant and severe laws.

Second, while the 2020 National Security Law severely damaged the rule of law in Hong Kong, it did not completely extinguish it. We have still seen instances of procedural transparency, courageous and high-quality legal advocacy in NSL trials, independent reporting under incredibly difficult circumstances, and brave academic engagement.

From the perspective of an authoritarian central government, any remaining pocket of independence is seen as an unacceptable threat. The introduction of the Article 23 ordinance is a deliberate effort to close these remaining loopholes. It systematically restricts procedural protections, limits access to legal counsel, allows for closed-door trials, and introduces vague new offenses designed to intimidate and silence any remaining dissent.

Despite this severe regression, I must emphasise that a significant difference still remains between the legal landscape of Hong Kong and that of mainland China.

Bill Emmott: Thank you very much, Eva. That was an incredibly helpful distinction.

To close, I would add two observations:

First, regarding the vulnerability of international students, while China is currently the most prominent case due to the sheer volume of students involved, this challenge is not unique. Over the decades, students from

many different autocratic societies have faced similar pressures when studying abroad. It is absolutely vital, as Eva noted, that we do not stigmatise or marginalise students and academics coming to our institutions; we must remain as open and inclusive as possible.

Second, the introduction of redundant legal frameworks like Article 23 demonstrates that even highly autocratic regimes feel a strong need to justify their actions under the guise of written law, rather than appearing to act with raw, arbitrary violence. This reliance on "rule by law" creates a formal structure. Ironically, this formal structure is something that legal advocates and activists can sometimes exploit to push back.

The outlook is highly challenging, but it is not entirely devoid of hope.