



# Public Law and Human Rights Forum

香港城市大學  
City University of Hong Kong

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Roundtable Series on National Security Law (IV)

## **Hong Kong in the Post-National Security Law Era: Some Reflections from International Law and Relations Perspectives**

20 October 2020  
Michelle Fong

Since the Standing Committee of the National People's Congress passed the Hong Kong National Security Law (NSL) on 30th June 2020, it has given rise to extensive debate and concerns worldwide. Many have questioned its legitimacy under the Sino-British Declaration 1984, the Basic Law, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Countries have expressed their opposition to the NSL and reassessed their relationship with Hong Kong. For instance, the US has claimed that the NSL marks the “death” of “one country, two systems”. Along with on-going US-China Trade War, the US has subsequently revoked Hong Kong's Special Status and no longer sees Hong Kong as a separate financial centre from mainland China. The EU and the UN human rights experts have warned that Beijing's imposition of the NSL is in breach of international laws. Furthermore, Australia, Britain, Canada, Germany, New Zealand, the US and other nations have suspended their extradition agreements with Hong Kong. Beijing has called these suspension measures “a gross interference in China's internal affairs and a grave violation of international law and basic norms”, and in response, Beijing has reciprocally halted Hong Kong's extradition treaties with them.

To discuss these issues, on 20 October 2020, the Public Law and Human Rights Forum (CPLR) of the School of Law of City University of Hong Kong (CityU) hosted its second webinar as part of a roundtable series on the NSL, with a focus on the international law and relations perspective. The panelists included: **Ian Grenville CROSS**, SBS, QC, SC, Honorary Prof. of Law at the University of Hong Kong, and vice-chairman of the senate of the International Association of Prosecutors; **WANG Jianguyu**, Professor of the School of Law at CityU and Director of the Centre for Comparative Law (RCCL); and **John Anthony**



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**CARTY**, Professor of International Law at Beijing Institute of Technology School of Law. The webinar was moderated by **Fozia Nazir LONE**, Associate Professor of the School of Law of CityU.

**Prof. Wang** pointed out that Art. 4 of the NSL embraces the rights and freedoms guaranteed under the Basic Law, the Hong Kong Bill of Rights Ordinances as well as the two international covenants (ICCPR and ICESCR). He was of the opinion that, when reading the text and language of provisions, the NSL clearly distinguishes between actions and words. The fundamental rights and freedoms (such as the freedom of expression) are well preserved under the NSL. Nevertheless, where the NSL has given extensive new powers to the Hong Kong police, they now serve an important role in protecting these rights and freedoms.

From the international law perspective, **Mr. Cross** believed that the countries' decisions on suspending extradition agreements with Hong Kong are obviously an attempt to politicalise judicial cooperation and undermine the Hong Kong criminal justice. If fugitives can commit great serious offences and not be held to account, it strikes at the very fabric of international criminal justice. People charged with criminal offences in one state can hide in another state (a so-called "safe haven"), no matter how violent the crimes. He recognised that these suspension decisions have brought the criminal justice system into the "dark ages".

**Prof. Carty** highlighted that there is no solution under (modern) international law in solving the dispute over the NSL between China (and supporting countries) and the opposing countries; The dispute can only be resolved by understanding the fundamental differences of civilizations between China and the West. He indicated that there is not a consensus between the parties. Thus, there is no point in either side battering the other about the legality of NSL.

On behalf of the CPLR, **Dr. Lone** thanked all invited panelists for participating in the webinar.



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Prof. Carty (Upper left); Mr. Cross (Upper right); Prof. Wang (Lower right); and Dr. Lone (Lower Left)