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**Chinese COVID-19 Misinformation A Year Later**

*By Elizabeth Chen*

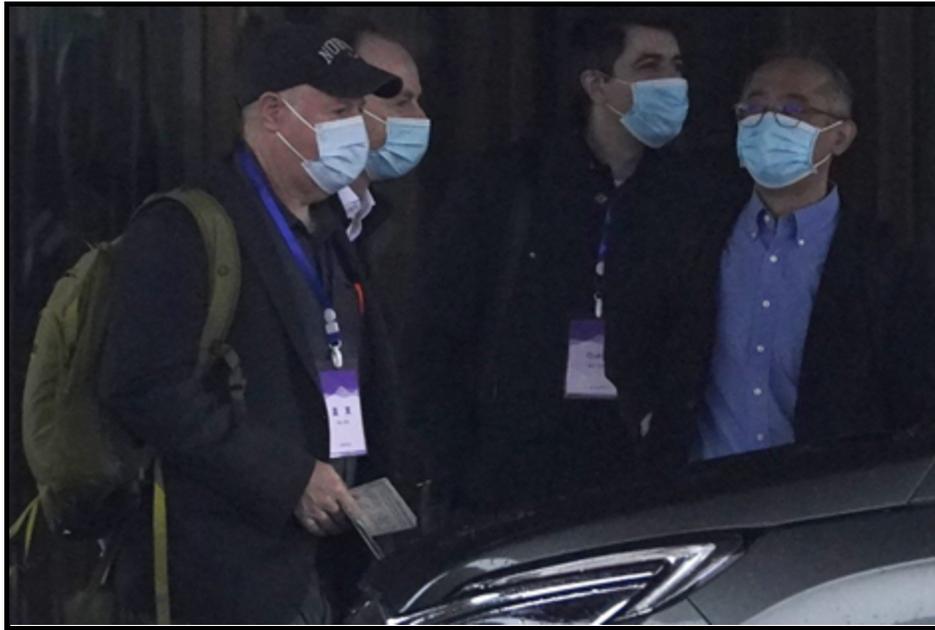
**Introduction**

On January 28, members of an international team led by the World Health Organization (WHO) concluded fourteen days of quarantine and began field work in Wuhan, China for a mission aimed at investigating the origins of the COVID-19 pandemic. As of the time of writing, the team had made visits to the Hubei Center for Disease Control and Prevention; the Wuhan Institute of Virology (WIV) and the Huanan Seafood Wholesale Market. State media also reported that the WHO team visited “an exhibition featuring Chinese people fighting the epidemic,” raising concerns that the trip could prove to be little more than a public relations move even as the origins of the coronavirus remain heavily politicized and uncertain ([Global Times](#), January 31). Foreign experts have worried about whether the WHO investigation will be sufficiently transparent or if investigators

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will be allowed adequate access to key locations and scientific data ([SCMP](#), January 27). Apart from a “terms of reference” report and a list of WHO members released in November, further details on the WHO team’s trip have not been released.[1]

The WHO team’s research was politicized by an international debate over COVID-19’s origins even before it began work. Last year, U.S. government officials repeatedly gave credence to a so-called “lab leak hypothesis” culminating in the State Department’s release of a Fact Sheet on January 15, which gave previously undisclosed evidence for “illnesses inside the Wuhan Institute of Virology” and warned that “the CCP’s [Chinese Communist Party] deadly obsession with secrecy and control comes at the expense of public health in China and around the world ([U.S. State Department](#), January 15). On the other side, officials and state media in the People’s Republic of China (PRC) have spread theories aimed at muddying the origins of the COVID-19 pandemic and countering criticisms of an official narrative that China’s response to the pandemic has been “open, transparent, and responsible” from the beginning.



*Image: Members of the WHO-led investigation into the origins of COVID-19 prepare to leave for a day of field visits on February 1 (Image source: [SCMP](#))*

### **Obfuscating the Origins of COVID-19**

The Chinese state’s misinformation regarding the origins of COVID-19 can be dated to the last week of February 2020, when the respiratory expert Zhong Nanshan (钟南山) told state media that although “COVID-19 was first discovered in China, it does not mean that it originated in China” ([Xinhua](#), February 27, 2020). By early March, spokespersons for the Ministry of Foreign Affairs were repeating this notion during daily press briefings, and the notorious “wolf-warrior” diplomat Zhao Lijian (赵立坚) shared a conspiracy

theory via his personal Twitter account claiming that the U.S. Army had brought COVID-19 to Wuhan during the October 2019 Military World Games ([PRC MFA](#), March 4, 2020; [Zhao Lijian via Twitter](#), March 12, 2020). China analyst David Gitter has characterized China's early efforts to obfuscate the origins of COVID-19 as a kind of opportunism aimed primarily at protecting the Chinese government's reputation during a national catastrophe and characterized the CCP's directing of blame abroad as being part of an established propaganda toolkit.[2]

In May, an article in the CCP's leading theoretical journal warned readers that the “political virus” (政治病毒, *zhengzhi bingdu*) of anti-China rhetoric—to include efforts to tie the coronavirus' origins to Wuhan—was “more dangerous” than COVID-19 itself ([Qiushi](#), May 18, 2020). A white paper published in June represented perhaps the clearest effort by state authorities to “shape and control the narratives” surrounding China's response to the pandemic, but provided insufficient evidence to clarify the coronavirus' origins ([PRC National Health Commission](#), June 8, 2020; [China Brief](#), June 24, 2020). The ambiguity has led to ongoing confusion over China's COVID-19 response. In a recent response to two interim reports presented at the WHO's executive board meeting which appeared to gently criticize both China and the WHO's early responses to the pandemic, a Chinese representative complained that the timelines of China's response laid out in the reports were “inconsistent with the facts” and called on the authors to “further improve the reports and make scientific, objective, fair, comprehensive and balanced assessments.” But the dates in the reports were confirmed both by the WHO and by the June white paper ([SCMP](#), January 20).

The WHO team's long-delayed investigation into the origins of COVID-19 in Wuhan has renewed close scrutiny of China's early missteps in containing and managing the virus. China's international reputation has undoubtedly suffered in the wake of the pandemic, and official propaganda appears to have had difficulty in bridging the gap between domestic and foreign audiences ([China Brief](#), December 6, 2020). Ongoing efforts by government officials and the state media apparatus to promote theories about the multiple origins of the coronavirus and suggest its transmissibility via frozen food packaging (ie. the cold chain hypothesis) demonstrate the continued political utility of COVID-19 misinformation.

### *Multiple Origins*

As already mentioned, Chinese officials and state media attempted to divert inquiries into COVID-19's origins away from Wuhan as early as March ([Xinhua](#), March 22, 2020). Often relying on foreign media reports or citing international epidemiologists, state media promoted research that appeared to show the virus's origins in Italy, the Netherlands, France, Australia, India or Spain—anywhere, basically, but Wuhan ([Global Times](#), June 27, 2020; [Deccan Herald](#), November 29, 2020). In one instance, Chinese media reports selectively cited quotes from German biochemist Alexander Kekulé to claim that “the starting point of the pandemic is not in Wuhan,” but instead attributable to a northern Italy variant ([China Daily](#), December 1, 2020; [CGTN](#), December 5, 2020). When asked about this claim, Kekulé said that his words had been twisted out of context and denied the Chinese media reports as “pure propaganda” ([Hindustan Times](#), December 14, 2020).

On January 2 State Councilor and Minister of Foreign Affairs Wang Yi (王毅) summarized a triumphal version of China’s fight against the coronavirus, saying “We race[d] against time and report[ed] the epidemic to the world first. More and more studies have shown that the epidemic is likely to be an outbreak in many places around the world” ([Xinhua](#), January 2). When asked whether it was China’s official position that the virus began outside of China during a press briefing on January 18, Foreign Ministry spokesperson Hua Chunying (华春莹) replied, “COVID-19 broke out in multiple places around the world in the autumn of 2019...it is not only China’s narrative, but a fact, a common objective narrative of many countries” ([PRC MFA](#), January 18). During the same briefing, Hua appeared to use China’s cooperation with the WHO as an opportunity to engage in a strange form of whataboutism while doubling down on the multiple origins theory, saying, “I’d like to stress that if the United States truly respects facts, it should...invite WHO experts to conduct origin-tracing in the United States” ([PRC MFA](#), January 18). A subsequent article in the *Global Times* echoed this rhetoric, asking: “When will the U.S. invite experts of the WHO or other international institutions to investigate the origin of COVID-19 in the U.S.?” ([Global Times](#), January 22).

One of the issues that reportedly delayed negotiations over the WHO probe into the origins of COVID-19 was Beijing’s determination to accept such an investigation only if it was not country-specific.[3] WHO experts have had to walk a fine line in order to maintain access to China. In November, Michael Ryan, Executive Director of the WHO Health Emergencies Program, said that it would be “highly speculative for us to say that the disease did not emerge in China” ([Channel News Asia](#), November 28, 2020). In January, a member of the WHO team in Wuhan told CGTN, “I don’t think we should rule out anything [about the virus’s origins]. But it is important to start in Wuhan, where a big outbreak occurred” ([CGTN](#), January 11).

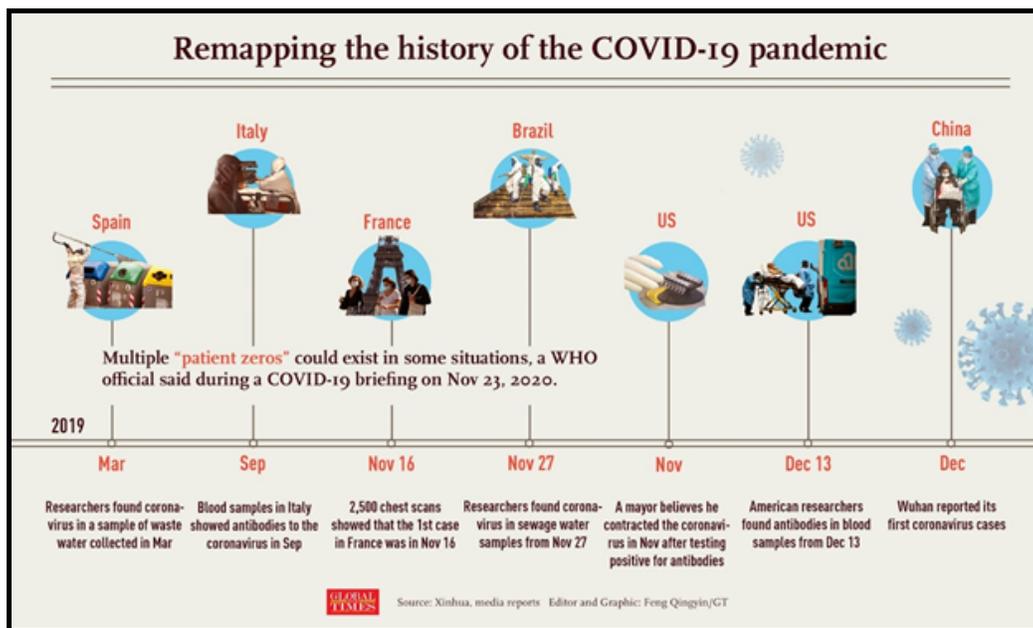


Image: A graphic from the state tabloid *Global Times* attempts to “remap” the starting point of the COVID-19 pandemic. (Image source: [Global Times](#)).

### *Cold-Chain Hypothesis*

Following a June coronavirus outbreak in Beijing that was linked to imported foods, Chinese regulators nationwide devoted significant efforts to testing samples of imported food from “high-risk countries” ([SCMP](#), June 19, 2020). In recent months, the state tabloid Global Times has published a number of reports suggesting evidence that imported cold-chain food products were the source of outbreaks from port cities to inner provinces such as Hebei and Heilongjiang where recent outbreaks have surfaced (Global Times, [October 27, 2020](#); [November 29, 2020](#), [December 6, 2020](#)). These media reports have caused widespread concern among Chinese consumers and led authorities to announce enhanced testing for imported fruits and vegetables, meat, and ice cream ([Sixth Tone](#), October 27, 2020; [Global Times](#), January 26).

Other countries have ruled out cold storage as a vector for transmission and complained that Chinese delays on importing food have caused significant trade disruptions ([ABC News \(Australia\)](#), August 18, 2020). Foreign experts have repeatedly argued that while the virus can survive for a time on packaging, the actual likelihood of transmissibility across cold chain imports is very small.[4] China has rejected these criticisms and said that it is putting people’s lives first in the fight against the coronavirus ([PRC MFA](#), November 18, 2020).

### **Conclusion**

Once again, it appears that in the face of constant and consistent pressure from China, the WHO may be contemplating a revision of its official guidelines, which have so far maintained that cold chain transmissions of coronavirus do not represent a strong risk. Draft advice leaked from the WHO earlier this year appeared to warn that the virus could spread via the cold chain ([Wall Street Journal](#), January 22).

Throughout 2020 and into the new year, Chinese officials and state media repeatedly perpetuated claims about the multiple origins of COVID-19 and its transmissibility through cold-chain imports, which have been repeatedly questioned or debunked by foreign experts. These state-driven conspiracy theories contrast sharply with ongoing efforts to control information related to the pandemic. The Chinese state charged and prosecuted more than 17,000 people in connection with “disseminating false information about the pandemic on the Internet” last year ([Beijing News](#), January 10). And an investigation by the Associated Press, published in December, has found that the central government has tightly controlled publication of academic research into the coronavirus’ origins ([AP](#), December 30, 2020). Even as China cracked down on COVID-19-related censorship domestically, it has continued to perpetuate misinformation both at home and abroad in an attempt to avert blame for its role in the origins of the coronavirus pandemic.

**Notes**

[1] Foreign experts have criticized the terms of reference, which allowed Chinese scientists to do the first phase of research absent international oversight. See: “WHO-convened Global Study of the Origins of SARS-CoV-2: Terms of References for the China Part,” November 5, 2020, World Health Organization, <https://www.who.int/publications/m/item/who-convened-global-study-of-the-origins-of-sars-cov-2>.

[2] See: David Gitter, “A Great Test: The CCP’s Domestic Propaganda Campaign to Defend Its Early COVID-19 Fight,” in Party Watch Annual Report 2020: COVID-19 and Chinese Communist Party Resilience, Center for Advanced China Research, January 24, 2021, pp. 36, <https://www.ccpwatch.org/annual-report>.

[3] See: Emily Rauhala and Lily Kuo, “Politics frustrate WHO mission to search for origins of coronavirus in China,” *The Washington Post*, January 6, 2021, [https://www.washingtonpost.com/world/asia\\_pacific/coronavirus-china-wuhan-who-visit/2021/01/06/f880d41c-48bf-11eb-97b6-4eb9f72ff46b\\_story.html](https://www.washingtonpost.com/world/asia_pacific/coronavirus-china-wuhan-who-visit/2021/01/06/f880d41c-48bf-11eb-97b6-4eb9f72ff46b_story.html).

[4] See: “Explainer: China’s claims of coronavirus on frozen food,” November 24, 2020, Associated Press, <https://apnews.com/article/pandemics-beijing-global-trade-coronavirus-pandemic-china-28671d69256d84001a471876a6bc4077>;

*Elizabeth Chen is the editor of China Brief. For any comments, queries, or submissions, feel free to reach out to her at: [cbeditor@jamestown.org](mailto:cbeditor@jamestown.org).*

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## Introducing the “New, New” China Coast Guard

*By Ryan D. Martinson*

### Introduction

In the past decade, the China Coast Guard (CCG, 中国海警, *zhongguo haijing*) has experienced two major reforms. The first, which began in 2013, uprooted the service from the Ministry of Public Security—where it was organized as an element of the People’s Armed Police (PAP)—and placed it under the control of the State Oceanic Administration (SOA), a civilian agency. In the process, the CCG was combined with three other maritime law enforcement forces: China Marine Surveillance (CMS), China Fisheries Law Enforcement (CFLE), and the maritime anti-smuggling units of the General Administration of Customs. The resulting conglomerate was colloquially called the “new” CCG, differentiating it from the “old” CCG of the Ministry of Public Security years. The second reform began in 2018, when the “new” CCG, now swollen with the ranks of four different forces, was stripped from the SOA and transferred to the PAP, which itself had just been reorganized and placed under the Central Military Commission (CMC) ([China Brief](#), April 24, 2018).

While much research has been done on the first reform, little is known about the second, at least in the English-speaking world. This article seeks to answer basic questions about the “new, new” CCG. What are its roles/missions, organization, and force structure? How does it differ from the CCG of the SOA years? How is it similar? What progress has been made two years after the second reform began?



*Image: China Coast Guard ship 5204 visits Manila Port in the Philippines on January 14 while participating in the third meeting of the China – Philippines Coast Guard Maritime Cooperation Joint Committee (Image source: [PRC Ministry of Defense](#)).*

### **The Roles and Missions of the (New, New) CCG**

The “new, new” CCG has a dual identity. On the one hand, it is a component of China’s “armed forces” (武装力量, *wuzhuang lilian*). Its personnel wear camouflage working uniforms, are divided into officers and enlisted, seek promotion according to a system of ranks/grades, and operate vessels classified as “warships” (舰, *jian*). On the other hand, the CCG is also a domestic law enforcement force. It enforces Chinese criminal and administrative law in areas under its jurisdiction, which includes the mainland coast and all three million km<sup>2</sup> of Chinese-claimed ocean space. Its law enforcement authorities were recently defined in the country’s first Coast Guard Law, which was adopted by the National People’s Congress (NPC) on January 22 and will be promulgated on February 1 ([PRC Coast Guard Law](#), January 23).

The “new, new” CCG’s missions are basically unchanged from the SOA years ([Xinhua](#), June 23, 2018):

- Fighting crime at sea
- Maintaining maritime security
- Supporting the development and exploitation of marine resources
- Protecting the marine environment
- Managing fisheries
- Suppressing maritime smuggling activities

Conspicuously absent is maritime search and rescue, which officially falls under the purview of other agencies—though in practice the CCG does conduct emergency rescue operations ([Renminwang](#), December 27, 2019).

Together, these missions are defined as “rights protection law enforcement” (维权执法, *weiquan zhifa*). Indeed, this is the overarching purpose of the CCG. It is symbolized by one of three stripes on the PAP service flag ([Xinhua](#), January 11, 2018) and codified in the recently-revised People’s Armed Police Law ([PRC Ministry of Justice](#), June 20, 2020). Before 2018, “rights protection law enforcement” narrowly referred to efforts to defend China’s claimed maritime rights in the face of foreign encroachment. Today it encompasses everything the service does. [1]

During the SOA years, the CCG was China’s primary maritime law enforcement force operating in disputed space. This has not changed. Since 2018, the “new, new” CCG has spearheaded major sovereignty enforcement operations, especially in the South China Sea where it has buttressed Beijing’s unlawful claim to resource rights on the basis of the “nine-dash line.” It has escorted Chinese research vessels conducting seismic surveys in Vietnam’s exclusive economic zone, along the line’s western boundary ([AMTI](#), December 13, 2019); intimidated Malaysia for exploiting seabed resources in its own exclusive economic zone, near the line’s southeastern boundary ([AMTI](#), November 25, 2020); and shepherded Chinese fishers as they trawled for fish in Indonesia’s exclusive economic zone, along the line’s southern boundary ([The Jakarta Post](#), January 1, 2020).



*Image: A China Coast Guard ship is seen from an Indonesian naval ship during a patrol in Indonesia's exclusive economic zone on January 11, 2020 (Image source: [SCMP](#)).*

But the “new” CCG was not, and the “new, new” CCG is not, the only Chinese maritime law enforcement force on the sovereignty beat. Local-level CMS and CFLE organizations—funded and managed by provincial and municipal governments—remained intact after 2013. The “new” CCG was charged with “guiding and coordinating” their activities ([Government of the PRC](#), June 9, 2013), an arrangement that did not work well.[2] Local-level law CMS and CFLE units have thus far survived the second reform, their relationship with the CCG seemingly as ill-defined as ever ([Xinhua](#), June 23, 2018), and they have retained their dozens of large, oceangoing cutters.

Some of these ships operate in disputed space. For example, from December 2019 to January 2020, the *Yuzheng* 45005—a 1,764 tonne(t) cutter operated by Guangxi CFLE—conducted a 57-day mission to the Spratly waters where it “safeguarded national maritime rights and interests and the security of the lives and property of Chinese fisher folk” ([Guangxi Department of Agriculture and Rural Affairs](#), January 20, 2020) The circumstances of the mission suggest *Yuzheng* 45005 was among several cutters escorting Chinese fishers as they operated in waters northeast of Natuna Besar, where Indonesia’s EEZ boundary overlaps with the nine-dash line ([The Jakarta Post](#), December 29, 2019). Local-level CFLE forces also help the CCG enforce China’s annual fishing moratorium. During the 2020 moratorium, the combined force “expelled” (驱离, *quli*) 1,138 foreign fishers from Chinese-claimed spaced, boarded 73 foreign fishing boats (impounding 11 of them), and detained 66 foreign fishers ([Renminwang](#), September 28, 2020).

## **Organizational Structure**

The “new, new” CCG retains many of the organizational elements of its predecessor. At the center is the CCG Bureau in Beijing. It is currently led by Rear Admiral Wang Zhongcai (王仲才), a People’s Liberation Army Navy (PLAN) surface warfare officer ([Zhongguowang](#), November 18, 2019). In 2017, Wang commanded the PLAN’s 26<sup>th</sup> escort task force during its eight-month deployment to the Gulf of Aden (and beyond). The Bureau’s Chief of Staff Rear Admiral Zhang Chunru (张春儒), a career CCG officer, is noteworthy for being one of the few senior officers to survive the failed first reform ([Beijing News](#), December 9, 2019).

The CCG Bureau oversees three regional branch bureaus (海区分局, *haiqu fenju*): north, east, and south, located respectively in Qingdao, Shanghai, and Guangzhou. Within their respective regions, these bureaus direct operations involving forces from different units, such as rescue operations ([Huanqiu](#), August 22, 2020) and the annual fishing moratorium ([The Paper](#), May 2, 2019); they coordinate the work of local-level maritime law enforcement forces ([Lianyungang City Bureau of Agriculture and Rural Affairs](#), September 18, 2020); and they provide training opportunities ([Dalian Ocean University](#), December 24, 2020). Today, all three regional branches are led by PLAN officers, a peculiarity that begs further investigation ([Sohu](#), May 18, 2019; [Legal Daily](#), April 30, 2019; [Guangdong Department of Agriculture](#), August 2, 2019).

Subordinate to the regional branch bureaus are 11 provincial-level CCG bureaus (省级海警局, *shengji haijing ju*). Beneath them are municipal-level CCG bureaus (市级海警局, *shiji haijing ju*) and CCG work stations (工作站, *gongzuo zhan*), in a descending chain of command. Analysis of content published by the CCG Wechat account suggests that the provincial and municipal CCG bureaus are assigned a largely coastal mission set: everything from interdicting smugglers to preventing the illegal mining of sea sand. They appear only to operate boats and small cutters (under 1,000t).

As during the SOA period, cutters owned by provincial-level (and below) CCG bureaus have five-digit pennant numbers. Also as before, the first two digits designate the province, autonomous region, or directly-administered city where the units are based. But the specific designators changed after 2018. See Table 1 for the current designators.

**Table 1. Pennant Number Format for Cutters Owned by Local-level CCG Bureaus**

Province/City	Pennant # Format
Jiangsu	11***
Shanghai	12***

Zhejiang	13***
Fujian	14***
Guangdong	21***
Guangxi	22***
Hainan	23***
Liaoning	31***
Heibei	32***
Tianjin	33***
Shandong	34***

Regional CCG bureaus oversee a total of six so-called “directly subordinate bureaus” (直属局, *zhishi ju*): one in the north, two in the east, and three in the south. They appear to own most (if not all) of the service’s large cutters and undertake the bulk of all sovereignty enforcement operations. This apparently includes the CCG’s newest and most lethal cutters; six 4,000t Zhaoduan-class and nine 2,700t Zhaojun-class vessels, had been operated by local-level CCG units during the SOA years. [3]

Vessels owned by the directly subordinate bureaus have four digits. The first digit designates the number of the bureau to which the ship belongs. The second digit indicates ship displacement (5=5,000t, 4=4,000t, etc.). The other two digits are sequential. Thus, for example, vessel number 4303 is a 3,000t-class cutter operated by the 4<sup>th</sup> directly subordinate bureau, located in Wenchang, Hainan. Photos reveal it to be a Zhaoyu-class ship. It, along with a second CCG cutter (22603), recently accompanied two Vietnamese coast guard vessels on a joint patrol of the Gulf of Tonkin ([Xinhua](#), December 25, 2020). Based on that ship’s pennant number and Chinese news footage, it is a 650t Type 618B-II cutter owned by a local-level CCG bureau in Guangxi ([Weibo](#), December 26, 2020). Table 2 lists the locations of the CCG’s six directly subordinate bureaus and their associated ship pennant number formats.

**Table 2. Locations of the CCG’s Directly Subordinate Bureaus with Pennant Number Formats**

Bureau	Location	Pennant # Format
1 <sup>st</sup>	Shanghai	1***

2 <sup>nd</sup>	Ningbo, Zhejiang	2***
3 <sup>rd</sup>	Guangzhou, Guangdong	3***
4 <sup>th</sup>	Wenchang, Hainan	4***
5 <sup>th</sup>	Sanya, Hainan	5***
6 <sup>th</sup>	Qingdao	6***

### Conclusion: Getting it Right the Second Time

The first CCG reform was an abject failure. After five years, the “new” CCG had not become a unified service. It remained four organizations loosely united under a single name, each retaining its original identity, missions, and culture. While the reform likely improved coordination between them, it never resulted in the promised synergies. And there was no hope that it would. To cite an April 2018 article published in one of the CCG’s own periodicals, five years after the reform began the CCG was “at a standstill” (停滞不前, *tingzhi buqian*)...not because it did not want to move forward, but because it could not move forward.”[4]

The 2018 reform has been far more successful. At a September 2020 meeting chaired by the Political Commissar of the PAP, An Zhaoqing (安兆庆), participants hailed the “great improvements” in the two years since the CCG’s rebirth under the PAP.[5] This was not empty praise. Today, the CCG has a single identity: everyone works for the PAP. Just having all of its personnel belong to a single organization is far more than was ever achieved during the first reform. Today, there are no doubts about who is in charge. SOA not only lost custody of the CCG; it ceased to exist as an organization ([Xinhua](#), March 21, 2018). In 2018, most of its civilian researchers and administrators were re-assigned to the Ministry of Natural Resources—which has renounced any role in maritime law enforcement ([Sohu](#), December 14, 2019). Unlike its predecessor, the “new, new” CCG is being provided with the legal framework crucial to its development as a professional force. This includes a February 2020 notice issued by the Supreme People’s Court and the Supreme People’s Procuratorate defining the CCG’s jurisdiction in maritime criminal cases ([Xinhua](#), February 28, 2020) and, most recently, the new Coast Guard Law.

Of course, the reform is far from complete. In the words of the CCG’s Political Commissar, Wang Liangfu (王良福), the service’s “foundational work has only just begun” and it continues to face many “real contradictions and difficulties.”[6] Indeed, just having a unified force does not make it a good force. At the September 2020 meeting cited above, An Zhaoqing tempered his praise for the CCG, declaring that “when assessed in the context of the larger military system, [its] foundation remains relatively weak and [its] standards remain relatively low.” Using the idiom of the “new era,” he acknowledged that a gap still existed

between current realities and the “expectations of Chairman Xi with respect to reshaping and restructuring” the CCG.[7]

*Ryan D. Martinson is a researcher in the China Maritime Studies Institute at the Naval War College. He holds a master’s degree from the Fletcher School of Law and Diplomacy at Tufts University, and a bachelor’s of science from Union College. Martinson has also studied at Fudan University, the Beijing Language and Culture University, and the Hopkins-Nanjing Center.*

## **Notes**

[1] Mao Chenyu, “Definition of the Concept of ‘Rights Protection Law Enforcement’ and Future Prospects,” *Journal of Dalian Maritime University (Social Science Edition)*, vol. 19, no. 1 (February 2020), pp. 17-18.

[2] Dong Jiawei, “Analysis of the Path Forward for Reconstruction of China’s Law Enforcement System,” *Journal of China Maritime Police Academy*, vol. 17, no. 1 (February 2018), p. 14.

[3] Andrew S. Erickson, Joshua Hickey, and Henry Holst, “Surging Second Sea Force: China’s Maritime Law-Enforcement Forces, Capabilities, and Future in the Gray Zone and Beyond,” *Naval War College Review*: Vol. 72 : No. 2 (2019), pp. 9-16.

[4] Li Lin, “On the Reform and Development Goals of China’s Maritime Law Enforcement Forces,” *Journal of China Maritime Police Academy*, vol. 17, no. 2 (April 2018), p. 6.

[5] Li Haiyuan, “Armed Police Force Party Committee Inspection and Patrol Work Leading Small Group Holds Meeting, An Zhaoqing Chairs and Gives Speech,” *People’s Armed Police*, October 1, 2020, p. 1.

[6] “Excerpts from the Speeches of Armed Police Corps and Division Leader Grade Leader Cadres Theoretical Training and the Third Quarter Party Committee Central Group with Organ Theoretical Study,” *People’s Armed Police*, September 8, 2020, p. 2.

[7] Li, “Armed Police Force Party Committee Inspection and Patrol Work Leading Small Group Holds Meeting.”

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## The Rollback of Human Rights and the Rule of Law in Hong Kong

By Michael C. Davis

### Introduction

After the Hong Kong protest movement exploded in 2019, the world looked on with both hope and trepidation. Protestors made five demands: that a proposed extradition law be withdrawn; that there be an independent investigation of police behavior; that the protests stop being characterized as riots; that any charges against arrested protesters be dropped and that promised universal suffrage be implemented ([HKPF](#), December 25, 2019).[1] After months of protest, Hong Kong Chief Executive Carrie Lam publicly withdrew the extradition bill, fulfilling the first of the protestors' demands ([SCMP](#), September 4, 2019). But this temporary victory was too little too late and overshadowed by the ongoing and often violent crackdown on the protesters, and then in 2020, with Beijing's imposition of the new National Security Law (NSL) ([China Brief](#), July 29, 2020).[2]



*Image: Li Zhanshu, chairman of the National People's Congress Standing Committee, presides over its 20th session in Beijing on June 30, when the Hong Kong National Security Law was unanimously passed and immediately implemented (Image source: [Xinhua](#)).*

The NSL's damage to the Hong Kong Special Administrative Region (HKSAR)'s unique autonomy is not well understood by global audiences. It does not just add a couple of draconian crimes to Hong Kong's legal code.

Instead, it effectively undermines Beijing's commitments to Hong Kong's constitutional integrity, rule of law and human rights as promised in the 1984 Sino-British Joint Declaration (hereafter "Joint Declaration") and the 1990 Hong Kong Basic Law.[3] The NSL effectively replaces the HKSAR's promised liberal constitutional order with a national security constitution. In recent months near-daily arrests, the jailing of protesters and a wide-ranging crackdown on political opposition have ensured a new age of fear in Hong Kong.

### **Legal Background to the NSL**

The 1990 Hong Kong Basic Law, enacted to carry out China's commitments under the Joint Declaration, promised the newly created HKSAR a "high degree of autonomy," with "Hong Kong people ruling Hong Kong." The rule of law and protection of human rights were to be maintained under a common law system inherited from the British colonial regime, with independent and final courts and the continued application of the International Covenant on Civil and Political Rights (ICCPR) ([OHCHR](#), undated; [HRW](#), October 23, 1996). The Basic Law also promised the ultimate aim of universal suffrage, which has since often been a focus for popular protests. To better secure Hong Kong's autonomy, mainland laws would not apply in the HKSAR, apart from a limited number of national laws explicitly listed in Annex III. Mainland departments under the Central Government of the People's Republic of China (PRC) were not to interfere in Hong Kong affairs. Under Article 23 of the Basic Law, national security laws "to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets..." were to be locally enacted by Hong Kong "on its own." The government of the HKSAR was also given the right to maintain public order on its own.[3]

The NSL undermines all of these commitments. Even its enactment reflected a cavalier view of Hong Kong's special status. Both China's Legislation Law and Hong Kong's local legislative process provide for public consultation ([Gov.cn](#), March 15, 2000; [Legislative Council](#), December 22, 2017). Contradicting these legal documents, the NSL was drafted under total secrecy by the National People's Congress Standing Committee (NPCSC) and implemented immediately upon promulgation ([Xinhua](#), June 30, 2020; [China Brief](#), July 29, 2020). While the Basic Law envisioned general national laws of a constitutional character being added to Annex III for local application, the NSL specifically targeted Hong Kong. It effectively imposed the local national security law that Hong Kong had failed to enact on its own under Basic Law Article 23.[4]

### **Early Lessons From the NSL's Implementation**

Ignoring the Basic Law's limitations on mainland interference, the NSL puts in place mechanisms for direct mainland control over local affairs. A Committee to Safeguard National Security (the "Committee"), made up of the Hong Kong Chief Executive and various cabinet and law enforcement officials, now operates directly under the aegis of the Central Government to carry out NSL requirements. The Committee is "advised" by a mainland National Security Adviser, at present Luo Huining, who also serves as the mainland head of Beijing's Liaison Office in the HKSAR ([Xinhua](#), July 6, 2020).

The Committee's work is to be carried out in secret and expressly not subject to judicial review. Any hopes that it will be seriously constrained by the Hong Kong Bill of Rights and/or uphold the ICCPR are low. The NSL also provides for new secretive special branches on national security to be established in both the police department and the Department of Justice. Under implementation rules issued during the Committee's first meeting, the NSL special police unit is empowered to conduct secret surveillance and warrantless searches when necessary ([Gov.hk](#), July 6, 2020). Where urgency is not required, a designated magistrate will issue search warrants. Such searches could even include the offices of defense lawyers, further undermining legal independence.

The NSL also establishes a Hong Kong Office for Safeguarding National Security (the "Office"), to be staffed by mainland public security officials operating in secret ([Xinhua](#), July 8, 2020). The Office is tasked with the "oversight" and "guidance" of local national security authorities and is additionally empowered to conduct surveillance and investigations on its own. Mainland officials operating under the Office will do so beyond local jurisdiction. In so-called "complex" or "serious" cases, they are empowered to transfer an accused to the mainland for trial.

### **The End of an Independent Judiciary, Criminal Justice Overreach, and Human Rights Violations**

Even where NSL cases are tried in Hong Kong, concerns about criminal justice abound. The NSL requires the Chief Executive to designate a special list of judges to try NSL cases.[2] Any judge who makes a statement endangering national security is to be removed from the list. Since Hong Kong's common law judges are not politically active, it would seem the only venue where such offending statement would be made is in court. Mainland officials and commenters have already attacked local judges who dismiss public order or rioting charges under local public order laws ([China Daily](#), September 18, 2020). Criticisms regarding the question of bail in early NSL cases have been particularly notable; the language of the NSL creates a presumption against granting bail for defendants, generally leaving defendants to languish in jail while awaiting trial.

The crimes of secession, subversion, terrorism and collusion with foreign elements are all vaguely defined in the NSL but have been widely applied. Further prohibitions for aiding and abetting and the incitement of each of the aforementioned crimes make it nearly impossible to know what is and is not allowed. The only way to determine what is prohibited seems to be through the retroactive analysis of police statements and the arrests and prosecutions that have occurred.

The government's prosecutions of pro-democracy activists severely offend the international standards for free expression under the ICCPR, which protect speech unless it incites or threatens imminent unlawful action. More than half of those arrested or charged in connection with violating the NSL are accused merely of uttering or posting words or making public comments. Popular protest slogans like "five demands, not one

less,” are now banned and cause for arrest under the NSL, alongside any calls for independence or self-determination, no matter how polemical.

The NSL further provides for a minimum sentencing of three years to life in prison for most offenses. Public-minded speakers critical of the national security regime risk being branded as “extremely dangerous”, which is how the mainland People’s Daily described the pro-democracy newspaper publisher Jimmy Lai after he became the first defendant charged under the NSL to be released on bail ([People’s Daily](#), December 26, 2020). Upon government appeal, Lai’s bail was later revoked and an appeal before the Court of Final Appeal is now pending.



*Image: Apple Daily founder Jimmy Lai walks to a police van after being arrested under the National Security Law (NSL) on December 12, 2020. Lai’s case, which remains in court at the time of writing, will serve as a weathervane for future NSL prosecutions (Image source: [RFA](#)).*

Democratic countries—including Canada, Australia, the UK, New Zealand and the U.S.—have suspended their extradition arrangements with Hong Kong to protest the NSL. Foreign governments are also concerned about the wide reach of the law, under which persons anywhere in the world could be held criminally liable for legitimate acts of protected free speech in their own country. This concern is not speculative: warrants have reportedly already been issued for up to thirty people abroad ([Global Times](#), December 27, 2020).

### **Knock-On Effects Across All Sectors of Hong Kong Society**

The government’s legal crackdown extends beyond NSL charges to encompass pre-existing public order crimes, which have been mobilized in a newly aggressive way to stifle political opposition. Over 10,000 public

order-related arrests and over 2,300 prosecutions were made from 2019 to mid-2020, demonstrating the wide reach of the suppression effort ([Hong Kong Watch](#), November 20, 2020). The repeated arrests of opposition lawmakers and the recent jailing of prominent pro-democracy activists such as Joshua Wong, Ivan Lam, and Agnes Chow—now serving lengthy jail terms for unauthorized assembly—have sent a clear signal of the government’s determination to silence criticism.

The mainland’s growing interference in Hong Kong affairs has not stopped with the implementation of the NSL. After local election officials declared four elected member of the Legislative Council ineligible to run for reelection, Beijing authorized their dismissal from the Legislative Council via a decision from the NPCSC on November 11 ([Xinhua](#), November 11, 2020). The remaining 15 opposition legislators subsequently resigned in protest, effectively turning the Legislative Council into a rubber-stamp body ([HRW](#), November 12, 2020).

The NSL requires the HKSAR Government to provide “guidance, supervision and regulation” on national security over “universities, social organizations, the media and the internet.” Similar provisions call for the Office for Safeguarding National Security to “take necessary measures to strengthen the management of,” among others, “non-governmental organizations and the news agencies of foreign countries.”<sup>[2]</sup> No time was lost in cautioning schools to uphold national security education and dismissing students or teachers who failed to do so ([The Diplomat](#), October 14, 2020).

The shifting of norms has worried foreign actors that used to operate freely in Hong Kong, absent restrictions they would have faced on the mainland. After some *New York Times* employees failed to secure visas to continue working in the HKSAR just over a month after the NSL’s implementation, the American paper announced its decision to shift part of its operations to South Korea ([New York Times](#), July 14, 2020). Financial institutions have also faced an increasingly awkward situation. Local branches of HSBC and Standard Chartered were pressured to profess their support for the NSL and cooperate with police to freeze the assets of persons charged under the NSL while simultaneously facing foreign legal requirements to avoid supporting the NSL ([CGTN](#), June 5, 2020; [HKPF](#), December 12, 2020).

### **Conclusion**

When the NSL was first promulgated, PRC and HKSAR officials assured Hong Kongers that they had “nothing to fear” and that Hong Kong’s rule of law and human rights protections would not be harmed ([CGTN](#), June 10, 2020; [Global Times](#), May 25, 2020). That has not been the case. Approximately 40 people were arrested in the first six months on charges related to the NSL, while many others have been prosecuted for pre-NSL public order crimes.

Political activists have been arrested for shouting or posting forbidden slogans from the protest movement. The official claim that the law reaches only a limited few clearly fails to appreciate the knock-on effect of these onerous prosecutions, as well as the reach of the law beyond the criminal area. As this article was

being written, 53 core members of the opposition camp were arrested under the NSL, including every candidate who participated in unofficial primary run-off elections conducted in July 2020 ([SCMP](#), January 6).

The aim of the opposition primary was to select candidates for a then-planned September election for the Legislative Council. (This election was postponed indefinitely, ostensibly due to public health concerns connected with COVID-19). The organizers had planned to seek a majority in the legislative body and push the sitting HKSAR government to meet the five demands or resign by using their power to block budgetary legislation (a provision in the Basic Law requires that the government must resign if its budget proposal is twice rejected). The government accused the primary's organizers and participants of plotting to "overthrow" the government and arrested them on the grounds of subversion under the NSL. Such overt targeting of the political opposition will likely chill popular engagement in public affairs, prompting more protests, or, as a last resort, mass exits from the once-liberal bastion of Hong Kong.

*Michael C. Davis is a Global Fellow at the Woodrow Wilson International Center in Washington, DC, an affiliate research scholar at the Weatherhead East Asia Institute at Columbia University and a Professor of Law and International Affairs at the O.P. Jindal Global University in India. He was a professor in the Law Faculty at the University of Hong Kong until late 2016, where he still teaches as visiting professor from time to time. He has just published a new book, Making Hong Kong China: The Rollback of Human Rights and the Rule of Law: <https://cup.columbia.edu/book/making-hong-kong-china/9781952636134>, which includes a more comprehensive overview of recent developments in Hong Kong.*

## Notes

[1] Officially called the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill but commonly referred to as the Extradition Law Amendment Bill (ELAB), the extradition bill was proposed in February 2019 and would have allowed people arrested in Hong Kong on mainland charges to be remanded to the mainland for trial. Protestors feared the bill would undermine Hong Kong's judicial independence from mainland China and subject them to the mainland justice system, which is notoriously devoid of human rights protections.

[2] See: "The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region," *HKSAR Government*, June 30, 2020, <https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf>.

[3] See: "Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong," Gov.cn, June 14, 2007, [http://english1.english.gov.cn/2007-06/14/content\\_649468.htm](http://english1.english.gov.cn/2007-06/14/content_649468.htm); and "The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China," August 4, 1990, Gov.hk, <https://www.basiclaw.gov.hk/en/basiclawtext/cover.html>.

[4] Controversial efforts to implement Article 23 with the proposal of a National Security (Legislative Provisions) Bill in 2003 led to mass demonstrations on July 1, 2003. The bill was shelved indefinitely following the public outcry. Though Beijing tends to blame this failure on Hong Kong opposition, it is doubtful if such opposition would have objected if the proposed legislation had been fully compliant with ICCPR requirements.

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**Taiwanese Public Opinion on China and Cross-Strait Relations:  
The Challenges for 2021**

*By Timothy Rich and Madelynn Einhorn*

**Introduction**

Under the leadership of Chinese Communist Party (CCP) General Secretary Xi Jinping, the People's Republic of China (PRC) has pursued increasingly aggressive tactics aimed at undermining the delicate status quo of cross-strait relations and pressuring the Republic of China (ROC, aka Taiwan) to agree to Beijing's "One China" principle. In 2020, the Chinese air force made a record number of incursions into Taiwan's air defense identification zone—breaking a record that dates back to 1996 ([Taipei Times](#), January 4). Recently, the Biden administration publicly urged China to stop pressuring Taiwan after 13 Chinese aircraft flew into Taiwan's ADIZ on January 23—a continuation of last year's high-intensity activities that some analysts have described as a prolonged "psychological attack" aimed at wearing down the island nation ([U.S. State Department](#), January 23; [SCMP](#), October 3, 2020). In response, Taiwan increased its 2021 defense budget by 10 percent and has also engaged in more frequent military drilling and other preparations aimed at deterring a mainland attack ([Nikkei Asia](#), August 13, 2020; [SCMP](#), January 19).



*Image: Taiwanese President Tsai Ing-wen speaks to the press in April 2020. Recent public opinion polling has shown strong support for Tsai's cross-strait policies and public health response to the ongoing pandemic (Image source: [Taiwan News](#)).*

Alongside these military pressures, local and international research groups have also documented a notable increase in the mainland's "cognitive attacks" on Taiwanese society over the past year.[1] These encompass a variety of evolving tactics, including propaganda, hacking and misinformation, to influence public opinion

([VOA News](#), January 17). As cross-strait relations chill, it is important to track how the Taiwanese public's view of its government and the mainland has shifted, especially in the wake of the COVID-19 pandemic.

Despite a growing sense of independent Taiwanese identity and pro-independence sentiment across public society, President Tsai Ing-wen's (蔡英文) administration has avoided explicit moves away from the ambiguously defined status quo, both to avoid worsening cross-strait relations and to avoid straining relations with the U.S., an important military ally that nonetheless does not officially recognize Taiwan as a sovereign state. Instead, Tsai's administration has suggested that China's handling of Hong Kong and its more aggressive military actions in the Taiwan Strait—and in the South China Sea more broadly—signal a shift away from the status quo.

This past May, Chinese Premier Li Keqiang (李克强) reportedly deviated from decades of rhetoric about (peaceful) reunification during his remarks at the annual Two Sessions, creating confusion about the continuing recognition of the so-called “1992 Consensus” that sets the basis for maintaining peace and stability in the Taiwan Strait and causing a flurry of concern from international observers ([CGTN](#), May 22, 2020; [The Diplomat](#), June 2, 2020). Similarly vague language from the October readout of the CCP Central Committee Fifth Plenum in October failed to clarify the issue ([CSIS](#), October 30, 2020). Apart from this, Taiwan's public success in handling the COVID-19 pandemic—despite its isolation from international organizations such as the WHO—has raised its international profile. Taiwan's COVID-19 experience sharply contrasts with that of China, where efforts to cover-up early missteps have dramatically hurt its international reputation. China's continuing lack of transparency and misinformation regarding the pandemic could also affect the Taiwanese public's perceptions of the mainland.

With these issues in mind, the authors have analyzed individual-level survey data from National Chengchi University's Taiwan's Election and Democratization Study (TEDS) that was recently released, in an effort to further understand Taiwanese public perceptions of cross-strait issues. The study covers a sample of 1,214 Taiwanese respondents surveyed in September 2020 ([National Chengchi University](#), December 22, 2020).

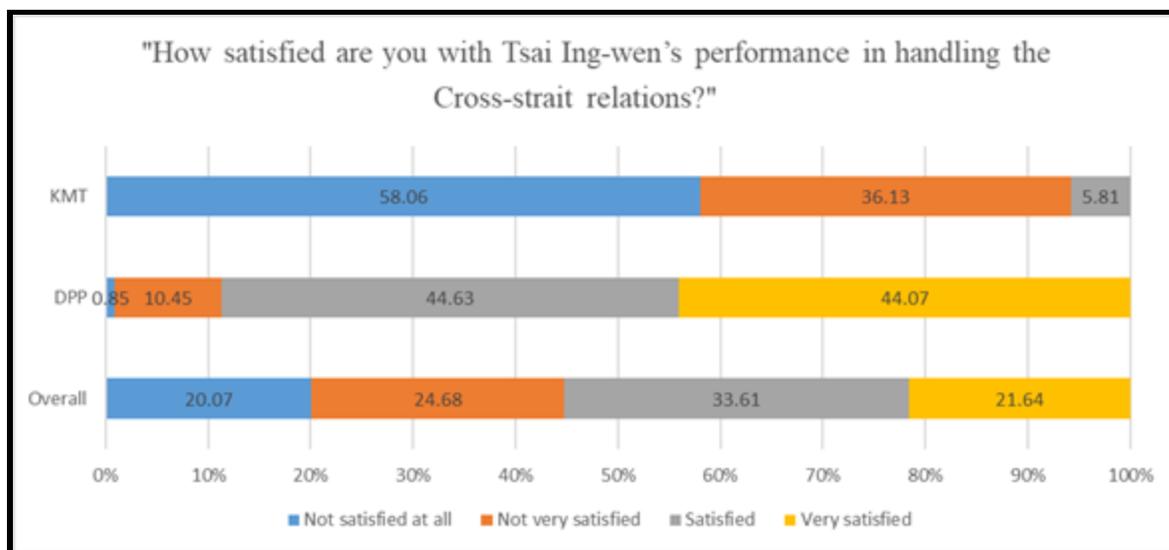
### **Taiwanese Views of China**

The TEDS survey results show overall satisfaction with President Tsai's handling of cross-strait relations. While the public is generally satisfied with Taiwan's relations with China (55.25 percent satisfied or very satisfied), this varies widely between supporters of Tsai's Democratic Progressive Party (DPP) (88.7 percent) and the pro-unification Kuomintang (KMT) (5.81 percent) (see figure below). Such rates are fairly consistent with partisan divisions during the first year of Tsai's first term ([Taiwan Sentinel](#), May 2, 2017; [Taiwan Sentinel](#), January 23, 2018).

The results reflect a challenge for China. It appears that—apart from supporters of the KMT and other pro-unification parties—the Taiwanese public has not blamed the Tsai administration for the cooling of

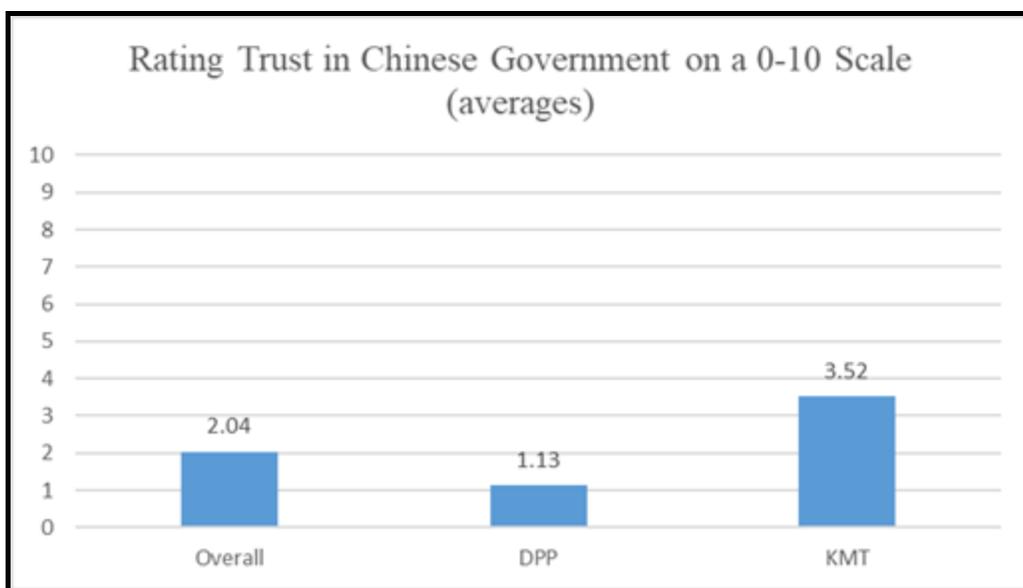
cross-strait relations, but instead tacitly accepted a more ambiguous relationship than what China demands under the 1992 Consensus and the “One China” principle. The approval may be due in part to Tsai’s adroit response in her first term to China’s apparent effort to unilaterally shift the foundation of the status quo.

In January 2019, Xi released a “Message to Compatriots in Taiwan,” which sought to remove all ambiguities about Taiwan’s reunification with China. In response, Tsai deftly tied the 1992 Consensus to China’s “One Country, Two Systems” framework governing the Hong Kong Special Administrative Region ([China Daily](#), January 2, 2019; [Office of the President](#), January 2, 2019). Tsai continued to disavow “One Country, Two Systems” following her reelection in May this year ([Straits Times](#), May 20, 2020). The past year has seen the rapid erosion of political freedoms in Hong Kong following the passage of a new National Security Law, leaving most Taiwanese wary of the possibility of the extension of “One Country, Two Systems” to China-Taiwan relations.



Source: Authors' graphics based on TEDS data.

The TEDS survey also prompts respondents to rate how much they trust the Chinese government on a zero-to-ten scale. Here we find unsurprisingly little trust, with an average response of 2.04. As expected, DPP supporters were less trusting (1.13) and KMT supporters were marginally more trusting (3.52). Those who said they were “not satisfied at all” with Tsai’s handling of cross-strait relations on average scored trust in China at a relatively high 3.57, but that number drops to 0.74 for those who were “very satisfied” with Tsai’s current cross-strait policy. A similar pattern endures after controlling for demographic factors (age, education, gender) and partisanship. Trust in China is not only correlated with views of Tsai’s handling of cross-strait relations; there is a nearly identical pattern with responses on satisfaction with Tsai’s national defense policy and diplomacy. The broad lack of trust in a non-democratic China that frequently threatens Taiwan is unlikely to change as Beijing’s aggressions continue.



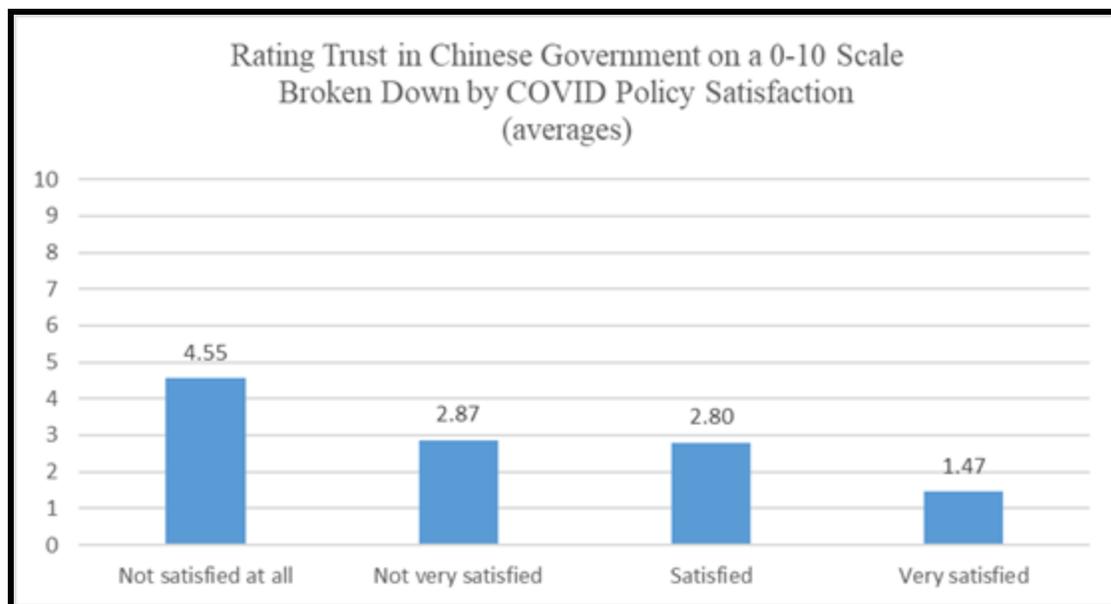
*Source: Authors' graphics based on TEDS data.*

### Impact of COVID-19 on Public Perception

Limited research links the COVID-19 pandemic to the exacerbation of cross-strait tensions.<sup>[2]</sup> As previously mentioned, global opinion of China declined last year—in part because of its initial COVID-19 response—while Taiwan has received largely positive acclaim for its pandemic response. One would expect this shift in global feeling to have at least an indirect impact on cross-strait relations. It has been argued that China viewed the U.S. and other countries' poor responses to the pandemic as an opportunity to increase pressure on Taiwan with little risk of an American response. Some security analysts suggest that China's actions against Taiwan amount to a kind of "gray-zone" warfare that aims to overpower Taiwan without ever escalating to actual war ([Taiwan News](#), December 26, 2020; [Asia Times](#), December 28, 2020). A senior Taiwanese security official characterized China's post-COVID-19 posture as being a "clear shift" from the past, significantly elevating the risk of conflict on cross-strait issues ([Reuters](#), December 10, 2020).

Meanwhile, a 2020 increase in Taiwanese nationalism corresponded with the island's successful response to COVID-19. An early 2020 poll from the Taiwan Public Opinion Foundation found that approximately 83 percent of Taiwanese citizens considered themselves to be Taiwanese (as opposed to "Chinese" or "both Chinese and Taiwanese"). This marks the highest percentage seen since reporting began in 1991. A year before, 70 percent of those surveyed identified as Taiwanese even after Xi Jinping called for the "One Country, Two Systems" model in Taiwan and Beijing implemented a brutal crackdown on pro-democracy protestors in Hong Kong. The 13 percent year-on-year increase shows that the COVID-19 pandemic has led to a significant identity shift ([Taiwan News](#), February 24, 2020). In another example of growing Taiwanese nationalism, 77.6 percent of Taiwanese surveyed in an October poll said that they would be willing to fight should China invade Taiwan ([Taipei Times](#), October 25, 2020).

While the TEDS survey does not directly address Taiwanese views of China in relation to COVID-19, these sentiments can be extrapolated: as satisfaction with the Tsai administration’s handling of COVID increases, trust in China decreases. Individuals “least satisfied” with the Tsai administration ranked their trust in China at 4.55 on a scale from 0 to 10, while the “very satisfied” ranked trust in China at 1.47. Regression analysis controlling for age, gender, education and partisan identification finds a similar pattern, with trust in China declining by approximately two points between the least and most satisfied by the Tsai administration’s COVID policies (see *image below*). Views on the administration’s handling of COVID-19 also positively correlate with satisfaction on Tsai’s cross-strait policy. While the correlations may not endure long-term, they suggest that Beijing’s handling of issues beyond cross-strait relations also impacts Taiwanese perceptions of China. At the same time, Taiwan’s successful handling of COVID may have reinforced domestic perceptions of Taiwan’s quality of governance compared with China.



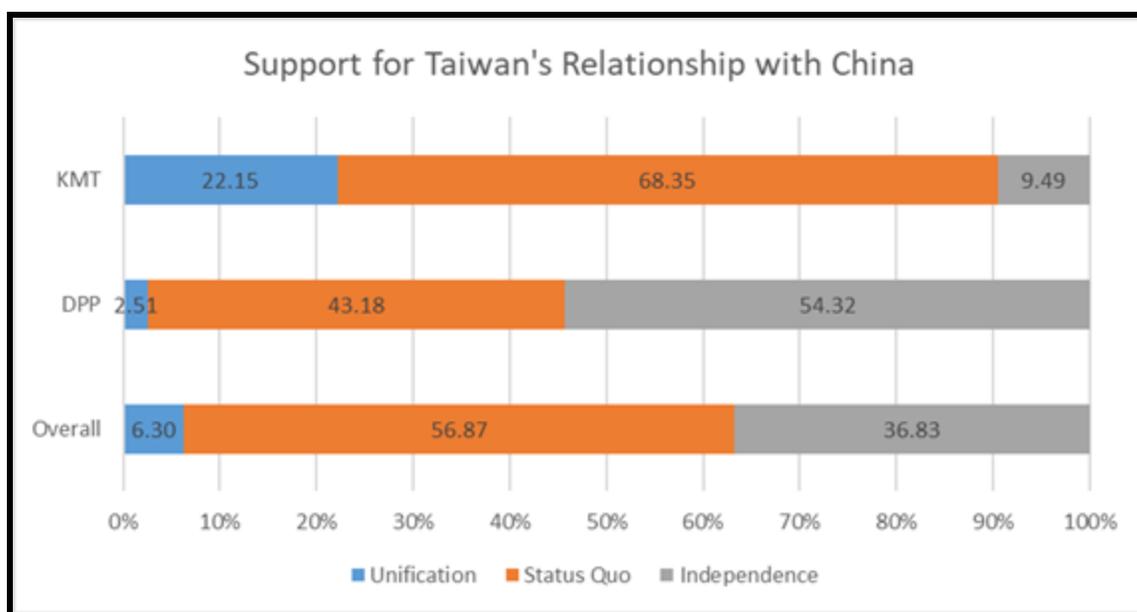
Source: Authors’ graphics based on TEDS data.

### A Dim Future for Cross-Strait Unification

Survey results on preferences about Taiwan’s future status suggest unification’s limited appeal. Only 6.30 percent of respondents overall preferred eventual or immediate unification, compared to 36.83 percent in favor of independence. This is consistent with a growing trend towards the latter. Only 2.51 percent of DPP supporters and 22.15 percent of KMT supporters preferred unification. While the large figures in support of the continuation of the status quo may suggest that the Taiwanese are amenable to either outcome under ideal conditions, recent research contradicts the wishful thinking that the Taiwanese public could be amenable to unification. Previous analysis by the authors indicated that even under ideal conditions where

the economic, social, and political conditions in China and Taiwan are the same, a plurality of KMT supporters (48.58 percent) would back unification, but only 29.35 percent of Taiwanese overall would do so. More glaringly, more Taiwanese overall would support independence even after attack (48.73 percent) than unification under ideal conditions ([China Brief](#), October 19, 2020).

The findings here are consistent with similar surveys such as the Taiwan National Security Survey (TNSS) ([The Diplomat](#), December 3, 2020). Taken as a whole, they suggest that while the Taiwanese have little interest in a military conflict with China or an abrupt shift from the status quo, an increasing number support independence, despite the risks associated with it. Chinese leaders' threats to deter Taiwanese actions that would inch the island towards formal independence may lose their power going forward. As the PLA's provocations around the Taiwan Strait increase and Chinese leaders appear to countenance the prospect of unpeaceful unification, the potential for conflict increases.



*Source: Authors' graphics based on TEDS data.*

### **Conclusion**

Overall, survey results from the last year follow a clear continuation of trends in Taiwanese public opinion that are not in China's favor. The Taiwanese public largely favors current cross-strait policies, has little trust in China and has decreasing interest in unification. The Tsai administration's successful handling of COVID-19 has increased support for the government while alienating support for the mainland. China also should not necessarily expect more favorable conditions if the DPP lose local elections in 2022 or the presidency in 2024. After all, Taiwanese identification increased under the last KMT president even if independence sentiment stayed relatively stable. Tsai has also outperformed the combined vote share of both the KMT and

the pro-unification candidate James Soong in two successive elections ([National Chengchi University](#), January 25). Taking advantage of their country's relative strength amid the ongoing pandemic, Chinese officials are likely to continue acting aggressively to prevent what they perceive as creeping support for independence in the short term. But such efforts only seem to reinforce negative public sentiments on China, while promoting broader sympathy for Taiwan both at home and abroad.

*Timothy S. Rich is an Associate Professor of Political Science at Western Kentucky University and Director of the International Public Opinion Lab (IPOL).*

*Madelynn Einhorn is an Honors undergraduate researcher at Western Kentucky University, majoring in Political Science and Economics.*

## Notes

[1] See: Nick Monaco, Melanie Smith, and Amy Studdart, "Detecting Digital Fingerprints: Tracing Chinese Disinformation in Taiwan," a joint report from Graphika, the Institute for the Future's Digital Intelligence Lab, and the International Republican Institute, August 25, 2020, [https://www.iri.org/sites/default/files/detecting\\_digital\\_fingerprints\\_-\\_tracing\\_chinese\\_disinformation\\_in\\_taiwan\\_0.pdf](https://www.iri.org/sites/default/files/detecting_digital_fingerprints_-_tracing_chinese_disinformation_in_taiwan_0.pdf); see also: Hong Zijie, Li Guancheng, "2020 CCP Political and Army Development Evaluation Report [2020中共政军发展:评估报告]," Institute for National Defense and Security Research [财团法人国防安全研究院], December 30, 2020, <https://indsr.org.tw/Download/2020%E4%B8%AD%E5%85%B1%E5%B9%B4%E5%A0%B1%E4%B8%8A%E7%B6%B2%E7%89%88.pdf>.

[2] See: Lucy Best and Yanzhong Huang, "Covid-19 Yields a Sharper Picture of China-Taiwan Relations," *Georgetown Journal of International Affairs*, December 7, 2020, <https://gjia.georgetown.edu/2020/12/07/covid-19-yields-a-sharper-picture-of-china-taiwan-relations/>.

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**China's Evolving Security Presence in Afghanistan and Central Asia**

*By Kevin Schwartz*

**Introduction**

In December, officials from the Islamic Republic of Afghanistan told the Hindustan Times that a network of ten nationals from the People's Republic of China (PRC) were detained in Kabul for organizing a "terrorist cell." Afghanistan's National Directorate of Security (NDS) began a crackdown on the alleged spies on December 10, 2020, and officials reported that Beijing had pressured President Ashraf Ghani's government to suppress reports of the incident ([Zee News](#), December 19, 2020; [Hindustan Times](#), December 25, 2020). In early January, Afghanistan reportedly released the ten Chinese nationals and allowed them to return to China ([Hindustan Times](#), January

The alleged spies are believed to be linked to China's Ministry of State Security (MSS) and were reportedly gathering information about al-Qaeda. Some in the Kabul security establishment believe the operatives were working to entrap Eastern Turkestan Islamic Movement (ETIM) fighters in Afghanistan, an internationally recognized terrorist group that China accuses of fomenting separatism in the Xinjiang Uyghur Autonomous Region (XUAR) ([Hindustan Times](#), December 25, 2020).[1]

China is deeply concerned about the dangers of instability and transnational terrorism spilling across its border with Afghanistan. In recent years, Beijing has stepped up cooperation with Kabul on border security and provided funding to Afghanistan to establish a mountain brigade to patrol the Wakhan Corridor ([SCMP](#), August 28, 2018). This espionage revelation underlines China's willingness to confront perceived threats across its borders, with implications for the role that Beijing will play in Afghanistan and Central Asia as the United States draws down its military presence in the region.



*Image: Chinese President Xi Jinping and Afghan President Ashraf Ghani Ahmadzai inspect Chinese honor guards during a welcome ceremony in Beijing on October 28, 2014. After Ghani's election earlier that year, his first state visit was to Beijing, where he and Xi pledged a deepening of the bilateral relationship and a "long-term [strategic] partnership" Image source: [Straits Times](#)).*

### **China's Anxiety over the Afghan Security Void**

Beijing's involvement in Afghanistan is partially motivated by its palpable anxiety over the threats of terrorism, ideology and weapons flowing across the border into China and Xinjiang in particular. At home, China has used a variety of draconian methods to battle the real and perceived threats of terrorism and separatism, most notably including the forced internment of a million or more Uyghurs and other ethnic minorities in detention camps ([China Brief](#), May 15, 2018; [ASPI](#), September 2020).

These dramatic measures have increased support for ETIM and its offshoot, the Turkistan Islamic Party (TIP)—Uyghur separatist groups China accuses of orchestrating terrorist attacks—from al-Qaeda and the Islamic State (IS). Several thousand Chinese Uyghurs are estimated to be a part of al-Qaeda's global network, and the leadership of al-Qaeda and IS have pledged support for jihad against China in response to its policies in Xinjiang ([Terrorism Monitor](#), May 17, 2019). Beijing is keenly aware of this threat. Chinese government officials and intellectuals alike view countering ETIM in tandem with Kabul as a primary goal in relations with Afghanistan ([Charhar Institute](#), March 26, 2020).

Beijing is hedging its bets in a politically unstable Afghanistan by brokering talks between Kabul and the Taliban and encouraging a political settlement with the U.S. When President Trump called off peace negotiations between the U.S. and the Taliban in 2019 after an attack left an American soldier dead, Beijing

quickly attempted to bring Afghan factions together for negotiations ([SCMP](#), October 23, 2019). Taliban officials visited Beijing twice in 2019 for talks and Beijing has repeatedly urged the two sides to reach a political settlement ([PRC MFA](#), May 19, 2020).

Beijing's concern about instability in Afghanistan is so great that it is not encouraging a hasty U.S. withdrawal, despite its obvious discomfort with an American military presence in a neighboring country. For example, Foreign Minister Wang Yi said that "[t]he US troop withdrawal must proceed in a responsible way without undermining the interests of Afghanistan or other countries in the region" at the third Session of the 13<sup>th</sup> National People's Congress ([PRC Embassy in Afghanistan](#), May 25, 2020).

China's diplomatic efforts in Afghanistan have been accompanied by targeted investments in local and regional security. In 2017, Chinese and Afghan police conducted "joint law enforcement operations" along the border region ([PRC Ministry of Defense](#), February 24, 2017). In 2018, China provided funding for an Afghan training camp in Afghanistan's Wakhan corridor—a narrow strip of land that links the two countries—to counter terrorism and smuggling. In response to a question about the training base, the Afghan embassy in Beijing emphasized that "there will be no Chinese military personnel of any kind of Afghan soil at any time" ([SCMP](#), August 28, 2018). Janan Mosazai, Afghanistan's then-ambassador to Beijing, later told journalists that China will provide counter-terror training to Afghan troops on Chinese soil ([Reuters](#), September 6, 2018). Western intelligence has indicated that Beijing has established at least one military base in Tajikistan to monitor the Wakhan Corridor; the U.S. Department of Defense expects China's military presence in the region to grow in the future ([Washington Post](#), February 18, 2019; [DoD Annual Report to Congress](#), September 2020). The 2016 creation of the Quadrilateral Cooperation and Coordination Mechanism (QCCM), which brought together top military staff from China, Pakistan, Tajikistan and Afghanistan to discuss shared border areas, signified the institutionalization of China's involvement in regional security ([Tolo News](#), August 4, 2016).



*Image: An inaugural leadership meeting for the Quadilateral Cooperation and Coordination Mechanism in Counter Terrorism was held in Urumqi, Xinjiang, on August 3, 2016 Image source: [PRC Ministry of Defense](#)).*

Over the past year, China has increased its humanitarian assistance and engaged in diplomatic signaling to win favor with the Kabul government and the Taliban. As part of its global “mask diplomacy” efforts, Beijing donated substantial medical supplies to aid Afghanistan’s battle against COVID-19 pandemic ([China Daily](#), April 23, 2020). On November 29th, 2020, the combative deputy director of the Chinese Ministry of Foreign Affairs Information Department Zhao Lijian (赵立坚) tweeted a doctored photo of an Australian soldier cutting the throat of an Afghan child, marking the escalation of a diplomatic meltdown between Beijing and Canberra ([Zhao Lijian via Twitter](#), November 29, 2020). The tweet caused a fierce reaction from the Australian government and set off a firestorm on social media ([Global Times](#), December 2, 2020). This incident demonstrates China’s increasingly hard-edged diplomacy and willingness to invoke Afghanistan in the battle for global public opinion, although it is likely that this particular incident arose more as an opportunistic maneuver to bash Australia rather than from a genuine interest in the occupation of Afghanistan.

### **Belt and Road Initiative & Broader Strategic Considerations**

As a neighboring state with significant natural resources that lies at the crossroads of Central Asia, Afghanistan is a potentially promising link in China’s Belt and Road Initiative (BRI). China has repeatedly expressed an interest in investing and building infrastructure in Afghanistan, proposing grand ideas for regional connectivity projects in the war-torn country. Although the total value of Chinese investments in

Afghanistan is relatively small compared with neighboring Pakistan, China is Afghanistan's largest business investor ([TRT World](#), February 18, 2019).[2] In 2008, two Chinese state-owned enterprises (SOEs) won a contract to operate the Mes Aynak mine, although development since then has been slow ([Tolo News](#), March 7, 2020). China National Petroleum Corporation was awarded three Amu Darya basin exploratory blocks in northwestern Afghanistan during the 2011 licensing round ([SCMP](#), May 12, 2017; [Oil & Gas Journal](#), January 16, 2012).

Beijing and Kabul have repeatedly declared their commitment to cooperate on BRI projects and integrate Afghanistan into the China-Pakistan Economic Corridor ([Xinhua](#), April 4, 2020). China has reportedly floated "sizeable investments in energy and infrastructure projects" to encourage the Taliban to reach a peaceful accord with the Afghan government ([Financial Times](#), September 8, 2020). Other proposed projects include a fiber optic cable between Afghanistan and China, but results have yet to materialize ([Tolo News](#), April 22, 2020).

Despite lofty goals and rhetoric, the deterioration of Afghanistan's security situation and threats to Chinese interests in Central Asia have tempered ambitions in the short-term. Attacks against Afghan security forces and civilians increased by 50 percent in the third quarter of 2020, and prospects for a power sharing agreement between the Afghan government and the Taliban are highly uncertain ([SIGAR Quarterly Report to Congress](#), October 30, 2020). Even existing Chinese projects face significant roadblocks: challenges to the Mes Aynak mine include security concerns, an archaeological dig site on top of the site and land disputes with locals.

Further Chinese investments in Afghanistan could be vulnerable to attacks from militant groups, as has occurred in Pakistan. In November 2018, Balochistan Liberation Army (BLA) separatist militants, who oppose Chinese investments in western Pakistan, launched an attack on the Chinese consulate in Karachi ([Xinhua](#), November 23, 2018). Last summer, four BLA members assaulted the Pakistan Stock Exchange building in Karachi, 40 percent of which is owned by a consortium of Chinese firms ([Xinhua](#), June 29, 2020). While police contained these attacks and killed the assailants without significant loss of civilian life, the incidents may be emblematic of a growing challenge to China's BRI and CPEC in particular.

For now, China has taken a reserved approach to securing its investments abroad, relying on local forces and Private Security Companies (PSCs) for protection. Pakistani federal and provincial authorities have dedicated more than 15,000 personnel and millions of dollars to protecting CPEC projects. Several Chinese PSCs, including Frontier Services Group and China Overseas Security Group (COSG), have operated in Pakistan in collaboration with local forces ([China Brief](#), May 15, 2020). In 2017, the Chinese PSC HuaXin ZhongAn claimed to have used retired special forces as armed guards to protect Chinese TV crews covering kidnappings in Quetta ([Merics](#), August 16, 2018).

While firm about confronting the threats of separatism and terrorism, Chinese officials are determined to avoid the missteps of the USSR—and more recently the U.S.—in occupying the “graveyard of empires” in Afghanistan and engaging in other costly conflicts abroad. If attacks continue to mount of Chinese nationals and investments, however, Beijing may have to increase its security capabilities in BRI countries, which could lead to a dangerous feedback loop. The Ministry of State Security operation in Kabul may have been an early attempt to expand China’s reach and nip developing threats to China’s interests in the bud.

### **Conclusion**

Details surrounding the Chinese spy ring in Kabul remain scarce, but the development indicates that China is willing to take significant steps to build security capabilities in neighboring countries and neutralize threats to the mainland from abroad. For now, Beijing has concentrated on securing its border with Afghanistan and enhancing counterterrorism and counternarcotic capacities with Central Asian states. Chinese investments in Afghanistan are significant but also limited, and BRI projects are unlikely to be implemented in the current unstable political and security environment. However, threats to Chinese nationals and assets are growing, and China’s increasingly muscular diplomacy and foreign policy may lead to bolder intelligence operations and military deployments to counter regional threats in the future.

*Kevin Schwartz is a research analyst at an Asia-focused financial services company and an independent geopolitics writer based in New York. His research focuses on China, the Belt and Road Initiative and U.S. policy toward Asia. He holds a B.A. in international studies from the College of the Holy Cross and previously interned for the U.S. House of Representatives.*

### **Notes**

[1] Although the Chinese state has long cited ETIM in particular as evidence for domestic terrorism and justification for its persecution of Muslim minorities in Xinjiang, evidence for the group’s actual activities has been slim. This past October, the U.S. State Department removed ETIM from its list of terrorist organizations because “for more than a decade, there has been no credible evidence that ETIM continues to exist” ([RFA](#), November 5, 2020).

[2] In terms of military and civilian aid, however, China’s contributions fall short of U.S. assistance. See: Vanda Felbab-Brown, “A BRI(dge) too far: The Unfulfilled Promise and Limitations of China’s involvement in Afghanistan,” *Global China: Assessing China’s Growing Role in the World*, Brookings Institute, June 2020, [https://www.brookings.edu/wp-content/uploads/2020/06/FP\\_20200615\\_china\\_afghanistan\\_felbab\\_brown.pdf](https://www.brookings.edu/wp-content/uploads/2020/06/FP_20200615_china_afghanistan_felbab_brown.pdf).

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