

China's New Security Law

By: Abhishek Pratap Singh,

Doctoral Candidate, School of International Studies (Chinese), Jawaharlal Nehru University,
New Delhi.

China has promulgated a 'New Security Law' amidst continuing concerns over its human rights record yet again focusing attention on Beijing's poor benchmarks of political freedom. After espionage law introduced last year and the ongoing anti-graft campaign, the adoption of new security law points towards a more 'hard state' in China.

The final version of new security law includes 84 articles and seven chapters identifying China's national security within a larger framework of "comprehensive national security".

The Law defines national security and its guidelines, covering key elements from intelligence to use of technology, assessment of risks and review, emergency mechanisms, along with describing resource allocation. The law subsumes all manner of economic activity within national security concerns. Article 59 mentions national security as also related to 'foreign investments in technologies, services, products, manufacturing and major projects'. Similarly, the provisions on regulating 'harmful moral standards' are directed at individuals targeting a whole host of civil liberties.

The law has sparked severe criticism from scholars for its objectives, authority and legislative intent to curb political freedom and an attempt on behalf of leadership to curb political activism and expression of dissent. No doubt, the new law is set in background of last year's 'Umbrella Movement', as a preventive measure to counter any attempt with 'politically subversive designs'. It is arguable that the level and duration of Hong Kong protests since last year has not gone well with Chinese leadership. The law is envisaged to control and restrict any kind of movement towards greater political reform. Thus it provides for 'authoritative sanction' against demands for reform in governance.

In addition, the law lacks ‘independent oversight’ as there is no mention of any ‘apex regulatory body’ like National Security Commission. It leaves scope for larger party control and intervention over society in future. The main thrust of the law appears to be to warn individuals and organizations to not endanger national security language

While Chinese state news agency Xinhua maintained that the law would ‘protect people's fundamental interests”, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein raised concerns over it due to its “extraordinarily broad scope coupled with the vagueness of its terminology and definitions”. The drafting of the law and its language reflects a deliberate attempt on behalf of the establishment to regulate if any kind of ‘anti-politics mobility’. It has drawn criticism for being too vague, ambiguous and over stretched to curb freedom of expression. The definition of ‘national security’ leaves nothing from society to economy and includes the political regime, state sovereignty, people's welfare and sustainable development within its ambit.

The Law is also controversial, as it does not restrict itself to Chinese territorial jurisdiction. The inclusion of ‘international seabed areas’ of both the Arctic and Antarctic polar regions along with ‘outer space exploration’ is provocative as it raises more concerns for ‘power politics’ with other powers in the region. In this the law runs contrary to China’s ‘soft power credentials’ and ‘peaceful rise’ theory at a time when Chinese activities in South China Sea have raised deep concerns in the US.

Lastly, the law has raised more confusion and doubts over the claims of ‘rule of law’ to which China has been sticking for some times. While the fourth plenum of 18th CCP held last year has focused primarily on strengthening ‘rule of law’ in China; the present law seems to be in collusion with the official Chinese discourse sidelining peoples right and political reforms. The promulgation of law makes it quite clear that any effort towards rule of law in China will be subservient to the rule of the Party and must adhere by the political boundaries drawn by the CCP.