

Against emergency: The interlinked struggles in Hong Kong and the Philippines

States around the world are criminalizing dissent in response to a global and ongoing wave of uprisings.

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The COVID-19 pandemic has seen the widespread failure of states across the world to carry out the function of providing healthcare and proper protective resources to its citizens. Many have risen in revolt across the world against this flagrant abandonment by their governments, whose unconscionable exposure of the most vulnerable and marginalized to infection only serves to maintain the flow of global capital. The social chaos that has ensued has created an apt cover for governments to begin consolidating their own power, wielding the threat of “emergency” to ram through legislation that consolidates their unaccountable monopoly on violence.

In this sense, the Anti-Terrorism Act in the Philippines signed into law by President Rodrigo Duterte and the National Security Laws (NSL) imposed by the Chinese Communist Party (CCP) on Hong Kong are cut from the same cloth, and form a microcosm of our current geopolitical landscape. Indeed, these laws may signal an era of global governance defined by a resurgence of sovereignty as conceived by infamous German jurist Carl Schmitt: the sovereign’s monopoly not over violence but over the suspension of law itself.

The National Security Laws in Hong Kong

While Hong Kong’s recent history of protests have primarily reacted to the CCP’s slow but steady encroachment against the One Country, Two Systems model, the current uprising has galvanized around the unchecked and escalating use of police violence against protesters, drawing a record levels of condemnation across Hong Kong’s 7.5 million people.

This widespread anti-police sentiment is especially astounding because the Hong Kong Police Force (HKPF) has long been associated with the notion of “stability.” As a maritime entrepôt, early colonial Hong Kong society was characterized by a chaotic mix of laborers and traders from around the world. Colonial administrators created the HKPF in the image of the London Police Force and so both had as their central role the control of workers and suppression of labor unrest.

This has remained a constant whether it was under the colonial administration of the British or now under the Hong Kong government. Put simply, the primary role of the police is to protect the generation of profit, the safety of private property, and the passage of sovereignty from one colonial capitalist regime to another. This function explains the daily rounds of violence that police have perpetuated for close to 12 months against protesters disrupting the status quo.

For their part, protesters aiming to attack business as usual in Hong Kong have been exceedingly successful. Five months after the beginning of the protests, Hong Kong soon spiraled into a recession, with banks adjusting GDP forecasts from growth toward contractions of up to 5%. And despite the police’s reputation for maintaining (capitalist) order, their brutality has in fact caused Hongkongers to continue to desire its disruption. This increased disillusionment amongst the public in an institution once dubbed “Asia’s Finest” reveals the emptiness of the police’s own rhetoric of order and control as the diametric opposite of violent and radical dissent.

The dire impact on Hong Kong’s economy, and to some extent, that of the PRC, paved the way for the NSL to be considered a self-justified political and economic solution to unrest. Indeed, Financial Secretary Paul Chan insisted that banking and private wealth sectors supported the National Security Laws—without knowing its contents but merely for its promise of “stability.” Though authoritarian capitalism is amenable to profit-making in its own ways, for many elites, part of Hong Kong’s “emergency” was certainly financial.

The state-sanctioned police violence that wracked Hong Kong in the second half of 2019 was a prelude to Chief Executive Carrie Lam’s increasingly authoritarian methods of governance, first extended through the invocation of the Emergency Regulations Ordinance and a ban on face-coverings in public in October 2019, to the imposition of sweeping regulations on public gatherings under the guise of public health best practice, beginning in January 2020 and stretching into June.

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These were twin “states of emergency” that the government used to legitimize its consolidation of power. Yet, the government itself was also the cause of these emergencies, through its own non-democratic governance in handling legitimate public grievance and its inadequate, politicized response to the COVID-19 outbreak. Or, more accurately, the state of emergency forms the outer edge of the normative legal order itself. That is to say, under this form of sovereignty, we are always in a state of emergency, just to different degrees.

Ironically, if not predictably, the NSL officially imposed by Beijing on June 30 in response to the ongoing uprising wholly supersedes the proposed extradition bill that ignited the protests in the first place: Criminalization of dissent against the PRC outside of its borders and new mandatory minimum sentences of three, five, or ten years to life imprisonment for vaguely defined subversive acts have already initiated a new era in Hong Kong’s history—and have quickly been put to use in censoring books, banning protest slogans, and even arresting protesters for holding blank paper.

While the law has faced broad criticism from Hongkongers and many abroad, it is precisely the twin emergencies of pandemic and rebellion that lead supporters to see the NSL as necessary. Yet the more a populace sinks into the mire of “necessity” against a perceived threat, the more it gives ground to the state to expand “emergency” and thus cement the exception as the new norm.

The Anti-Terrorism Act in the Philippines

In the midst of the COVID-19 pandemic, the Philippine Senate and House of Representatives rushed the passage of the highly contentious Anti-Terrorism Act, nicknamed the “Terror Law” by its detractors, which expands policing powers, surveillance, and the use of warrantless arrests. The law amended the already controversial Human Security Act and was certified as an urgent bill by President Duterte, who later signed it into law on July 3 despite widespread condemnation. The law arrives in a pre-existing environment of impunity, where extrajudicial killings—condoned and even promoted by the President—target the urban poor, as well as Muslim and Lumad Indigenous people.

The Philippine National Police (PNP) are at the forefront of this state violence, having committed brutality after brutality against the populace. Tens of thousands have already died in Duterte’s disastrous War on Drugs, killed by police or by vigilantes; scores more have been detained in increasingly cramped detention sites. Essentially, the state handled the pandemic as a security issue rather than a health issue. This “war against an unseen enemy” is superficial,

a perfect pretext to silence dissent and railroad laws and measures that expand its own powers. Under the state's pandemic quarantine measures, police killed several people, including one high-profile case where a police officer shot a military veteran in broad daylight and planted a gun on them afterwards to cover it up.

Many more are needlessly detained for "quarantine violations," despite the fact that detainees have a higher risk of contracting the coronavirus. These brutal measures have been likened to the Martial Law era, with scores of police deployed in place of a medical response. This escalating rule by murderous force shows again the way in which the legal order itself generates "emergency" (its own suspension) as a way to further empower police, legalize exceptional violence, and criminalize dissent.

As in Hong Kong, the PNP are the protectors of the generation of profit, often intervening directly in labor conflicts on behalf of capital. This was most apparent when the PNP broke a strike by workers of Cosmic Enterprises. The month-long picket was violently dispersed by the police in tandem with private security. The police arrested workers and labor organizers for "assault"—or rather self-defense of the picket in the face of police repression. This abuse has manifested in numerous other instances, such as warrantless arrests and illegal detention of labor activists on May Day, Pride 20 last June, and the Cabuyao 17 this July. These types of abuses will only continue to proliferate under the anti-terrorism law's criminalization of dissent. Today's brutalities prefigure the dark times ahead.

Warrantless arrests and police crackdowns will only continue to proliferate under
the anti-terrorism law's criminalization of dissent

The terms of the new law are broad, suggesting not only that Duterte and the police will find numerous ways to apply it, but that the broadness itself is meant to have a chilling effect. Much of this effect depends on the state's constructed figure of the "terrorist." A terrorist act broadly defined could include distributing radical literature, possibly including social media posts, donating to non-government recognized fundraisers, or participating in street protest.

In a political climate where activists are constantly "red-tagged" by the state—that is, accused of being associated with a Maoist insurgency—there is no doubt that agents of the state would also regularly tag dissenters and activists as "terrorists." People from across the political spectrum and different walks of life are now more prone to being unduly targeted at the whim of the Anti-Terrorism Council, made up of the President's most trusted cabinet, military, and police officials.

Currently, detention from warrantless arrests is only valid for a day or two, but the new law expands detention from warrantless arrests to up to 24 days as long as the suspect is tagged as a terrorist. Once deemed to be "terrorists," people can be imprisoned for 12 years. The law also expands the state's powers of surveillance in such a way that nobody is exempt from surveillance and wiretapping. As with the NSL in Hong Kong, the "Terror Law" has dangerous implications for all types of organizing since challenging the state on any level has now been criminalized.

Those in favor of the "Terror Law" often repeat the common logic that if you're not a terrorist, you have nothing to fear. It is a pitiful refrain of "if you are not a drug user or pusher you have nothing to fear," heard often at the height of the Drug War. As scores of minors and innocents murdered by the police including Kian de los Santos can attest, we indeed all have much to fear from the state.

Resisting the global consolidation of state power

Thus, we maintain that dissent is not a crime. It is clearer than ever that our resistance in Hong Kong and the Philippines is interlinked. These new national security laws are not protecting the people from “separatists” or “terrorists” but merely the state’s power to be judge, jury, and executioner over those who pose a danger to financial and political stability.

Duterte for his part has been able to find that stability in Xi. As the West has backed away, Duterte has proved that he is eager to court Chinese investment—through illegal mining contracts, for example, that displace Indigenous peoples and destroy their land. He has also been more than willing to follow in Xi’s authoritarian tailwind, with China offering funding and training for Duterte’s War on Drugs. In China, recent years have seen influential political theorists pushing China’s governance towards a new “statist sovereignty” by promoting Schmitt’s notion of governance as the state’s monopoly over the suspension of law. Given China’s authoritarian capitalist power on the world stage, Xi’s mission to make the “state of exception” the rule will be a green light for other autocrats to do the same.

To be sure, this global consolidation of state power in the name of emergency is being felt everywhere: West Papuan rebellion in Indonesia, protesters in Chile and Lebanon, anti-apartheid activists in Palestine, Yellow Vests and anti-racism protests in France, protesters in Serbia, Wet’suwet’en Unist’ot’en Camp in Canada, and the Black Lives Matter movement in the United States. State negligence in response to global pandemic will continue to engender social unrest. Where there is “power-over,” there is struggle against it coming from below—a “*power-with*.” The people of Hong Kong and the Philippines have shown that there is power with each other through mutual support. It is this “power with” others that confronts the “power over” everyone.

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Many activists on both sides of the South China Sea already know this fight is a global one. While China arms the Philippines in preparation for its “war on terror,” we see solidarity actions by activists both in Hong Kong and in the Philippines in support of one another and uprisings elsewhere. Members of the Filipino diaspora in Hong Kong, for one, have been agitating for freedom in both countries. Filipino migrant domestic workers face punishment from both their Hong Kong employers and the Philippines government if they engage in political activity. This is an instance where Hongkongers need to ensure that their fight against the state includes fighting the injustices waged against the most vulnerable in society as well.

For dissenters, a victory in one struggle is a victory for all struggles—likewise, as our spaces for freedom continue to shrink, a defeat in one struggle is a defeat for all. In a time of pandemic and against the global consolidation of state power, we must consolidate our power from below.

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