

## TRANSCRIPT: The Voice of Hong Kong in Exile (with Nathan Law)

**Mónica Arango Olaya (0:11):** Welcome to RightsUp, a podcast from the Oxford Human Rights Hub. I am Mónica Arango Olaya, and in this episode I'm talking to Nathan Law, a pro-democracy activist in Hong Kong and a former legislator now in exile.

Nathan Law is a young Hong Kong activist currently in exile and based in London. During the Umbrella Movement in 2014, Nathan was one of the five representatives who took part in the dialogue with the Government debating political reform. Upholding non-violent civic actions, Nathan, Joshua Wong and other student leaders founded Demosistō in 2016 and ran for the Legislative Council election. Nathan was elected with over 50,000 votes in the Hong Kong Island constituency and became the youngest Legislative Counsellor in history. Yet, his seat was overturned in July 2017 following Beijing's constitutional reinterpretation, despite international criticism.

Nathan was later jailed for his participation in the Umbrella Movement. In 2018, Nathan and his fellow student activists Joshua Wong and Alex Cho were nominated for the Nobel Peace Prize by US congressmen and British parliament members.

Due to the risk imposed by the draconian National Security Law, Nathan left Hong Kong and continues to speak up for Hong Kong people on the international level. In 2020, he was listed as one of the hundred most influential people in the world by TIME Magazine.

It's a pleasure to have you with us, Nathan.

**Nathan Law (2:09):** My pleasure.

**Mónica Arango Olaya (2:11):** You have been involved in advocating for democracy and human rights in various different ways in Hong Kong — through protest, through your role in leading a pro-democracy political party, and then as a Legislator. Let's start with some of your background. How did you become a leader for democracy in Hong Kong?

**Nathan Law (2:29):** Yeah, well, I was the student leader of the 2014 Umbrella Movement, which was a massive civil disobedience action in the pursuit of democracy.<sup>1</sup> I was considered as one of the student leaders because I was the head of my university's Student Union. So we were heavily involved in the movement, and then we took some actions and people considered us as one of the leaders of the movement. So for me, that was the beginning of my political activism.

**Mónica Arango Olaya (3:01):** And can you tell us a little bit more about the Umbrella Movement? What was it about?

**Nathan Law (3:06):** Yes, Hong Kong was handed back to China from the British Government in 1997. And in [the] 1980s, when the Chinese Government and the British Government were negotiating the future of Hong Kong after 1997, [the] Chinese Government promised Hong Kong people that we will enjoy "one country, two systems" and [a] high degree of autonomy, and eventually democracy under their ruling. So back then, Hong Kong people were so nervous about the fact that they are going under the Communist Party's ruling, because we all see that in mainland China the autocratic ruling was staggering. So after that, Hong Kong people have been fighting for democracy for over three decades.

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<sup>1</sup> For a brief overview of the Umbrella Movement, see Jonathan Kaiman. 'Hong Kong's umbrella revolution — the Guardian briefing.' *The Guardian* (30 September 2014) <https://www.theguardian.com/world/2014/sep/30/-sp-hong-kong-umbrella-revolution-pro-democracy-protests>

But until around 2014, when the discussion of the political reform in [the] 2017 Chief Executive election — which is our city's leaders election — was ongoing, there were no sights of Beijing implementing democracy. So people were infuriated, and they decided to take actions. So the civil disobedience actions were— emerged, and our people wanted to have genuine election[s], to vote to the ballot, to elect their city's leader. So that was the background of the Umbrella Movement. And in the Movement, we adopted civil disobedience actions. We occupied the major runways of Hong Kong in order to put pressure to the Government. But the Chinese Government was just way too powerful and massive. We didn't achieve any concrete political reform because of the protest.

**Mónica Arango Olaya (4:49):** So what is then your assessment of the effectiveness of this protest?

**Nathan Law (4:54):** Well, I think the protest indeed awakened a lot of people. When we're talking about having social movement, [it] is not only about making concrete progress, but also making more and more people being involved in political life, and making them aware that there are injustice[s] in the society, and they have to get involved to tackle it. In that perspective, the Umbrella Movement, indeed, made m[any] more people more politically active, making the foundation of a protesting society for the— for this particular ongoing movement starting from 2019.

**Mónica Arango Olaya (5:31):** Let's move to your role as a leader of the Demosistō political party, and which as I understand was formalised as an organisation in 2016. How did this party form?

**Nathan Law (5:42):** Well, in 2016, after the Umbrella Movement, Joshua and I, and the other student leaders, we were thinking about continuing the spirit of the Umbrella Movement, and injecting youth power into the political scene and also into the parliamentary— in politics. So for us, we decided to form a youth-lead party, Demosistō,<sup>2</sup> and then ran for the election in 2016. And by then I was running for the seat, I was a complete underdog, but I eventually won the election, and with a large margin, and became the youngest ever Legislator in the city at the age of 23. It was quite a remarkable result for me.

**Mónica Arango Olaya (6:28):** Does the political party still exist?

**Nathan Law (6:32):** Well, the political party was disband[ed] due to the implementation of the National Security Law, because we were worried that all the members of the party would be submitted to years of imprisonment.<sup>3</sup> So for their own sake, we had to do it.

**Mónica Arango Olaya (6:51):** That is very interesting, because in a way, two things are being mixed here. One is the role of protest and speaking up, and then being able to be part of government, at least as a Legislator. You held that role very briefly due to a controversy over your oath. What happened at the oath ceremony?

**Nathan Law (7:12):** Yeah, well, after you are elected, you have to take the oath to resume office. And there has been a tradition of Legislators in Hong Kong to make [a] political statement before and after the oath. So, back then, I followed that tradition, I quoted Gandhi, and I said that I will serve the people instead of the autocratic regime. And the oath taking was approved. I served the Council for almost a

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<sup>2</sup> See generally <https://www.demosisto.hk/about?lang=en>.

<sup>3</sup> The National Security Law 2020 refers to the 'Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region 2020'. For further discussion, see Thomas Yeon and Clara Chok. 'National Security and Constitutional Rights: Recent Developments in Hong Kong.' *Oxford Human Rights Hub* (15 July 2020) <https://ohrh.law.ox.ac.uk/national-security-and-constitutional-rights-recent-developments-in-hong-kong/>; Nalinaksha Singh. 'All Eyes on Hong Kong: China's New Security Law and Rising Rights Concerns.' *Oxford Human Rights Hub* (3 July 2020) <https://ohrh.law.ox.ac.uk/all-eyes-on-hong-kong-chinas-new-security-law-and-rising-rights-concerns/>. See also Cora Chan and Fiona de Londras (eds). *China's National Security: Endangering Hong Kong's Rule of Law?* (Hart Publishing, 2020).

year. But the Beijing Government, that didn't like that approval, they basically reinterpret[ed] our Constitution, and then implement[ed] new restriction[s] on the oath-taking process, after my oath, and then appl[ied] it retrospectively. So I made a legitimate oath. But the Government said that they just didn't like it. So they amended our restriction and distorted our legal system, and appl[ied] it retrospectively.<sup>4</sup> Therefore, I was disqualified after nine months of serving. And that reinterpretation of our Constitution was seen as a massive encroachment on our rule of law, because their interpretation was made by the political party in China, which they were not making it because of, well, legal perspective, but as political suppression.

**Mónica Arango Olaya (8:46):** How did you find the Legislative Council. Do you think change is possible from such a position?

**Nathan Law (8:52):** Well, I've always said that Legislative Council is just a platform for you to trigger political power and also [for] making your demands and your opinion more visible. But at the end of the day, we still have to rely on the resistance and the pressure outside the system in order to really make a systematic change. So my role as a legislator back then was merely an assisting identity for my activism. I still continue[d] to protest, to participate in our political activism, and to try to make a change outside the system.

**Mónica Arango Olaya (9:36):** Those particular elections were symbolic in that former protesters and pro-democracy activists had an official political mandate. Did this translate into political action?

**Nathan Law (9:48):** Well, by then, in 2016, people were quite upset about the politics, but they didn't really translate it into actions, for example, direct protests or demonstrations. So I think using [the] ballot to express their opinion is one of the ways that they express their political resentment in this low tide of political protest. So I think, yeah, that was one of the ways that they expressed themselves.

**Mónica Arango Olaya (10:20):** What do you see as the role of human rights in your work?

**Nathan Law (10:25):** Well, I think democracy, freedom and human rights are closely correlated concept[s] and a lot of the concrete connotations that they share, overlapped. So I think it's important that we understand that without the protection of democracy, freedom and human rights could be very fragile.

Hong Kong is a perfect example. In 1997, when Hong Kong was handed back from the British Government to China, we were kind of getting rid of our colonial status. But in fact, the last decades of Hong Kong governance under the British Government, it implemented a lot of free— freedom elements in Hong Kong, with freedom of expression, freedom of movement, freedom of a lot of other things, that Hong Kong was praised as the beacon of free— the beacon of freedom in Asia. So that was actually quite a remarkable honour for Hong Kong. But under Chinese ruling, even though we were, like, going back to the country as a city, our freedom has been eroded, or even demolished, under that. That is because we just cannot elect our legislature and our executive. The top leaders of Hong Kong serve the interests of Beijing in self-interest [instead] of Hong Kong people. So I think we have been witnessing the fading of our freedom. And that's why people wanted democracy so badly, because that could protect us from this autocratic ruling that destroy[s] our system.

**Mónica Arango Olaya (12:27):** Protests in Hong Kong are part of a long history to pursue democracy and they are not new. However, in June 2019, the world saw the biggest demonstration recorded so

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<sup>4</sup> For discussion of the amendments, see Geoffrey Yeung. 'Sincerity of Oaths of Allegiance, Freedom of Expression and the Right to Stand for Election in Hong Kong.' *Oxford Human Rights Hub* (3 January 2017) <https://ohrh.law.ox.ac.uk/sincerity-of-oaths-of-allegiance-freedom-of-expression-and-the-right-to-stand-for-election-in-hong-kong/>

far, with a quarter of the population in the streets trying to block a piece of legislation that would extradite Hong Kong citizens to China to face trial. The legislation was withdrawn in October in 2019. Why were such protests so important?

**Nathan Law (12:56):** Well, under that extradition law, Hong Kong people could be extradited back to China.<sup>5</sup> And basically China, as a [country] without any sense of rule of law, they could drum up cases and order the Hong Kong Government to extradite anyone that they want back to mainland China, and [the] Hong Kong Government won't refuse that because they are basically the puppet of the Chinese Government. So it triggered a lot of anger in the society and it was translated to a massive movement that involved more than a million people. And, yeah, that was the start of the whole anti-extradition and freedom fighting movement. And even though that implement— that proposal of the extradition law was withdrawn by the Government afterwards, the movement has evolved to a movement that fights for holding the police accountable on addressing the police brutality and the lack of autonomy of Hong Kong as a whole, and a more comprehensive demand movement. So, yeah, that was really a conglomeration of the city's failure in terms of governance and Hong Kong people were very determined to fight back [for] the things that they deserve.

**Mónica Arango Olaya (14:26):** This protest, as you point out, quickly became something bigger. How was this change[d]? And were there any specific demands, and if so, have any of those demands been met?

**Nathan Law (14:39):** The five demands in the movement were the consensus of the protesters; namely [1] the overthrow of the extradition treaty, the extradition agreement, which was accomplished, and [2] setting up an independent inquiry commission on police brutality, [3] having democracy, [4] stop labelling the movement as “riots”, and [5] properly releasing all the political prisoners. And the other demands, the Government has not even committed anything to address them.

**Mónica Arango Olaya (15:19):** The protesters have taken the slogan, “be water”. What does this mean?

**Nathan Law (15:25):** Well, “be water” is the slogan originally from Bruce Lee, a martial arts master. And it means that we have to be very fluid in terms of our strategy and tactics, so that we could be unpredictable and the Government has had to attack us by attacking the weakness, [but] because we always shift our form, we have less weakness. So it is a philosophy that [was] largely adopted by the protesters, and it was manifest in terms of how we protest, and how we would choose resistance movement.

**Mónica Arango Olaya (16:10):** With the escalating protests and demonstrations, violence has also escalated. There have been reports of the use of water cannons, tear gas and pepper spray to disperse protesters. What do protesters face in the streets?

**Nathan Law (16:27):** Well, it was a very traumatic and haunting year for a lot of Hong Kong people. Because when people marched down to the street, at the very beginning, all peacefully, what they faced was the baton, from the police, water cannons, rubber bullets, endless tear gas. And these are very terrifying, like, I've been there. I've been facing the rates of the riot police and all of the firearms that they are equipped [with] and firing to the crowd — those were terrifying. So for me, I think it's an extremely traumatic experience, especially [when] we're under a regime that they will do everything to protect the police from being investigated, from being identified, and taking

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<sup>5</sup> For a brief overview of the proposed extradition law, see 'Hong Kong-China extradition plans explained.' *BBC* (13 December 2019) <https://www.bbc.co.uk/news/world-asia-china-47810723>

responsibility. So yeah... These protesters, they risk themselves, and they are exposed to police brutality, and arrests, and charges that will put them in jail for years. Or even for some, they are tortured, and allegedly sexually abused in the police station. And these are really staggering experiences and stories that make a lot of Hong Kong people really infuriated about the behaviours of the police.

**Mónica Arango Olaya (18:02):** Another important aspect of the protest has been the use of technology to dissipate and prosecute protesters, creating serious concerns for human rights. What type of technologies are used and how?

**Nathan Law (18:16):** Yeah, the police have technology that [means] they could crack into the protesters' phone[s], even without the warrant from the court, and then collect the information. And also they have been tracing the protesters, tracing people that they want— that they suspect are involved in the movement, by different technological appliances. For example, a GPS tracker installed in your car and things like that. So, those are worrying tactics that the police have been using.

**Mónica Arango Olaya (18:54):** How has the Movement evolved from peaceful manifestations, for example, like the Umbrella Revolution, to a struggle facing so much violence?

**Nathan Law (19:04):** Well, I think the most crucial turning point would be the protesters realising that unlimited and disproportionate police brutality are not checked. They started to think of ways to protect themselves, for example, making fire barricades or things like that. I think the turning point would definitely be because we have a police force, legitimate use of violence from the Government, without any checks and balances. So people, they started to think about fighting back

**Mónica Arango Olaya (19:42):** Do you feel there is a division in society?

**Nathan Law (19:45):** Well, of course there is polarisation, and in fact, there has been a growing polarisation in every single society. But in Hong Kong, people who are in favour of the democracy has always been the majority. And our demands in the Movement, for example, setting up an independent inquiry commission on police brutality, and also democracy, they once gained more than 80% of support in the society — there's an overwhelming majority. So I will say that, yes, that is a deficient, but the majority has always been in support of the Movement and the democracy.

**Mónica Arango Olaya (20:27):** Are there people in favour of the police while acknowledging all of this police brutality and violence?

**Nathan Law (20:34):** Well, of course, there is always 10% to 20% minority in the society that they omit all the facts, and they wholeheartedly support the police, because they think that they bring them stability, and some of them are the relatives of the police, or police themselves. So, yeah, there is a group of them. And also there are lots of opportunists, that they just feel like aligning with the Communist Party could grant them material rewards. So they are doing so.

**Mónica Arango Olaya (21:09):** Do you think that bridges can be built between these two parts of society?

**Nathan Law (21:15):** Definitely it has to start with having truth and having democracy, a structural and systematic change in order to mend the rift. Otherwise it is impossible for us to pretend nothing happened, because there are indeed people getting hurt, a lot of injustice, and to say that we're going to reconcile, it is not going to happen. It has to start with systematic reform.

**Mónica Arango Olaya (21:43):** Do you think that the most recent demonstrations have changed Hong Kong?

**Nathan Law (21:48)** Well, of course, but it is in response to the change made by the Government. Hong Kong is no longer the one that we used to know. Democracy has never arrived. Freedom has been fading. And under the National Security Law, our freedom of expression is demolished, and people are living in fear, and with terror, and you could never imagine that, like, 20 years ago. So in Hong Kong, yes, indeed, protest shaped the Movement and it is in response to the heavy hand approach by the Beijing Government.

**Mónica Arango Olaya (22:24):** How has the Coronavirus affected the protest?

**Nathan Law (22:28):** Well, the Coronavirus granted the Government a convenient excuse to halt any public gathering and demonstrations, and that is indeed the case. So it basically helped them to quiet[en] down the Movement. But on the other hand, of course, we understand the importance of public health. And the Government, even though they have to implement measures like that, there are just a lot of exercise[s] of that public gathering ban on the protesters with absurd implementation. There are cases like— there's only one protester standing there, the police are also sending— fining them, accusing them [of] breaking the public gathering law. And it was so ridiculous.

**Mónica Arango Olaya (23:25):** The National Security Law 2020 was recently adopted and poses serious concerns for human rights, particularly to the right to peaceful assembly as well as the right to privacy.<sup>6</sup> What is this law about?

**Nathan Law (23:38):** Well, this is a law that is directly imposed by [the] Beijing Government and circumvent[s] all the local legislation and consultation process. And the law basically says certain behaviours, including secession, subversion, colluding with foreign forces, etc. is violating the law, and it governs the speech and the mind of people basically. So, the Chinese Government and the Chief Executive have been saying that [it] is a law that targets violent protest. But in fact, it is not. It targets peaceful demonstration and freedom of expression. There are many cases under the law that the police arrested people who were just merely chanting the slogan, posting something on social media, or having a flack that has the protest slogan on. So these are political crimes, and speech crimes, and that is the true nature of the law — it is to quash our freedom of expression.

**Mónica Arango Olaya (24:47):** How did the adoption of this law influence you to leave Hong Kong?

**Nathan Law (24:53):** Well, the law obviously targets prominent activists and also people who have been working on the international front, having international advocacy work that targets Beijing and hoping the international community could put more pressure to constrain the authoritarian expansion of China. So, I clearly understand that was targeting my work, and I decided to leave because I think it's important that we have a voice on the international level that is free from the threats of the National Security Law, and continue to voice for Hong Kong people. And that is what I'm doing.

**Mónica Arango Olaya (25:36):** It seems that the change towards more control from China is being canvassed through using the rule of law, or the adoption of these laws that we have been discussing. This would look like a democratic process. But is there a rule of law without democracy?

**Nathan Law (25:52):** Well, I think it's very, very difficult, because democracy— the aim of democracy— democratic system is to generate democratic accountability, which is to prevent the government doing whatever they like. So, most of the time, destroying the rule of law benefits the

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<sup>6</sup> For further details of the National Security Law 2020, see footnote 3 above.

government, because the courts under their control could always give a preferred judgment and result for them. So I think, indeed, without democracy, rule of law and freedom are very fragile.

**Mónica Arango Olaya (26:28):** Given that the Chinese authorities' response has been so heavy handed, do you see protestors nevertheless having an important role in keeping human rights alive? And what do you think that role is?

**Nathan Law (26:40):** Yeah, I think protestors play an important role to remind all of us that the struggle is ongoing, that people are suffering on a daily basis, and there are injustice in the society, which is massive. So I think this is a signal that protests could give us and could mobilise and push us forward to commit ourselves into the fight against injustice.

**Mónica Arango Olaya (27:08):** What do you think is next for Hong Kong?

**Nathan Law (27:12):** I think it's important that for Hong Kong people, we keep our resilience and tenacity, and we continue to protest in the forms that could allow us to magnify our impact. And for me, as an activist in exile, I will continue to be the voice of Hong Kong and to meet with politicians and NGOs, and [be a] presence on the internet and the media to urge the world to take actions to constrain the Chinese authoritarian expansion.

**Mónica Arango Olaya (27:44):** Do you see any other alternative approaches from outside Hong Kong?

**Nathan Law (27:49):** Well, I think if— in terms of how the international community could react, we definitely need a more proactive and a multilateral, collective approach to really tackle the problem of China's rising authoritarianism, because this is not only about Xinjiang people,<sup>7</sup> Hong Kong people, but it's also about our democratic values. The growing authoritarianism justify themselves and they are trying to infiltrate into democracies by sharp power, soft power, and all the technological methods that they have been deploying, and to discredit and dismantle democracy inside out. So I think this is actually a very important task for the global community to work together and to restrain that influence.

**Mónica Arango Olaya (28:41):** Is this also about human rights?

**Nathan Law (28:45):** Well, yes, of course, the authoritarian regime abuses human rights and people— their rights are deprived, and they are living in fear. And that's what is happening in mainland China.

**Mónica Arango Olaya (28:57):** Finally, what are your plans for the near future?

**Nathan Law (29:02):** Well, I'll continue to be the voice of Hong Kong and continue to magnify the influence of the resistance movement and urge the international community to help and to safeguard democratic values together.

**Mónica Arango Olaya (29:17):** Thank you so much for talking to us today.

**Nathan Law (29:20):** Thank you so much.

**Mónica Arango Olaya (29:32):** RightsUp is brought to you by the Oxford Human Rights Hub. The Executive Producer is Kira Allmann. This episode was co-produced by Sandra Fredman and Mónica Arango Olaya, edited by Christy Callaway-Gale, and hosted by Mónica Arango Olaya. Music for this series is by Rosemary Allmann. Show Notes for this episode have been written by Sarah Dobbie.

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<sup>7</sup> Referring to people of the Xinjiang Uyghur Autonomous Region (XUAR) in China.

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- Valerie Kwok. 'Anti-mask Law Ruled a Disproportionate Infringement of Rights Amidst Political Upheaval in Hong Kong.' *Oxford Human Rights Hub* (13 December 2019) <https://ohrh.law.ox.ac.uk/anti-mask-law-ruled-a-disproportionate-infringement-of-rights-amidst-political-upheaval-in-hong-kong/>
- Jeremy Lam. 'Hong Kong's anti-extradition movement and common law judges' extrajudicial opinions.' *Oxford Human Rights Hub* (29 July 2019) <https://ohrh.law.ox.ac.uk/hong-kongs-anti-extradition-movement-and-common-law-judges-extrajudicial-opinions/>
- Stephanie Tai. 'An Analysis of the Banning of the Hong Kong National Party and the Legitimate Restrictions on Freedom of Expression.' *Oxford Human Rights Hub* (28 November 2018) <https://ohrh.law.ox.ac.uk/an-analysis-of-the-banning-of-the-hong-kong-national-party-and-the-legitimate-restrictions-on-freedom-of-expression/>
- Martin Lau and Jason Ko. 'Free Speech in Non-Public Spaces: Recent Developments in Hong Kong.' *Oxford Human Rights Hub* (8 November 2017) <https://ohrh.law.ox.ac.uk/free-speech-in-non-public-spaces-recent-developments-in-hong-kong/>
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- Mathias Cheung. 'The Violence Must Stop – Abuse of Police Power in Hong Kong's Democracy Protests.' *Oxford Human Rights Hub* (30 September 2014) <https://ohrh.law.ox.ac.uk/the-violence-must-stop-abuse-of-police-power-in-hong-kongs-democracy-protests/>
- Mathias Cheung. 'A Human Rights Defence of Hong Kong's Occupy Central.' *Oxford Human Rights Hub* (16 August 2014) <https://ohrh.law.ox.ac.uk/a-human-rights-defence-of-hong-kongs-occupy-central/>