**SCMP Article**

**When national sovereignty is the bottom line**

Monday’s interpretation of Basic Law Article 104 by the National People’s Congress Standing Committee was not completely unexpected. There had been rumours that it could happen. But the seriousness of the announcement – notably the comments from NPC Basic Law Committee chairman Li Fei – surprised many people in Hong Kong.

Many people – maybe most – simply did not realise how seriously Chinese leaders take issues related to separatism and national security. We are used to hearing Beijing officials talk about these concerns. But we do not usually connect them with Hong Kong.

We now know better.

My understanding is that senior leaders in Beijing became alarmed when some Hong Kong football fans started booing during the national anthem at World Cup qualifying matches in mid-2015. At this and other occasions, some Hong Kong people turned their back on the national flag and carried various sorts of pro-independence banners or symbols. This behaviour was widely condemned as rude and disrespectful here. But, to many people on both sides of the border, it went far beyond rudeness. Huge numbers of citizens on the mainland – not just officials in Beijing – were outraged at what they saw as deliberate insults to the nation.

They became even angrier recently as they saw young radicals who openly called for independence taking part in the Legislative Council election. When two of the radicals used the oath-taking ceremony to call for an independent Hong Kong and insult China and Chinese people, it was the last straw. It was not acceptable.

Officials in Beijing were not prepared to wait for a judicial review – which could drag out – to examine whether the two could retake their oaths. Hong Kong had to understand that a major line had been crossed.

This should be a wake-up call to all of us in Hong Kong – and that includes people across the political spectrum and within the government. We tend to look at unpatriotic language and separatist sentiment from our own domestic point of view. We tolerate even hurtful language in the name of freedom of expression. We see localism in the context of things like failed political reform, unaffordable housing, an influx of mainland tourists and so on.

To public opinion and leaders on the mainland, this is beside the point. There are no justifications or excuses for blatantly insulting and offending the nation, or for challenging national sovereignty.

So Beijing took very decisive action. Whether opponents like it or not, Article 158 of the Basic Law gives the Standing Committee the right to interpret the Basic Law. To Beijing, disputing this is essentially the same as challenging the central government.

However, it is important to keep it in perspective. Nothing much has changed. It is not true to say the rule of law has disappeared, as at least one opposition politician has claimed. All the Standing Committee has done is provide definitions of the requirements for a valid oath. Everything else must now come down to our local courts, just as before.

The fate of the two whose cases have become the subject of a judicial review still lies with local courts. The same goes for any other cases concerning the validity of Legco candidates’ nominations and oaths. The local courts will decide in accordance with their usual procedures.

The crisis over oath-taking should be a reminder to Hong Kong that the central government is paying close attention to what happens here.

Some opposition politicians and commentators say the interpretation has damaged “one country, two systems” or the rule of law. But, from a national point of view, this is about preventing damage to the country’s sovereignty – from inside Hong Kong’s own legislature.

People will no doubt continue to debate this. But there is one thing nearly everyone agrees on, and that is that we can have confidence in our courts and judiciary. The interpretation is a brief set of definitions concerning very specific actions in very specific circumstances. It does not decide what will happen or who it will happen to. Our courts will decide that – and everything else – with their usual independence.