



THE FIGHT FOR UNIVERSAL SUFFRAGE IN HONG KONG

SHIVANI SHAH¹ | JAY NAGPAL²

¹ STUDENT, SCHOOL OF BUSINESS STUDIES AND SOCIAL SCIENCES, CHRIST UNIVERSITY.

² STUDENT, SCHOOL OF BUSINESS STUDIES AND SOCIAL SCIENCES, CHRIST UNIVERSITY.

ABSTRACT

This article aims to explore why Hong Kong's political situation is mostly plagued by the question of a real democracy ever since its handover to China from Britain in 1997. For almost two decades now, pro-democratic people have gathered in frequent protests as they demand Hong Kong should have universal suffrage in the election of the most powerful person in the state, the Chief Executive. Their main argument is that China's excessive involvement in the politics of the country has made the promise of democracy quite impossible. China, being a socialist country, promised to grant economic sovereignty to Hong Kong under the 'One country, two systems'. However, it is apparent that this promise has and will not be kept in the future as well.

Keywords: Basic Law, Universal suffrage, Democracy, Joint declaration and Legislation council.

Introduction

In order to understand the current political struggle for democracy in Hong Kong, it is wise for us to go back to one of the main pillars of democracy: Elections. Democratic elections are meant to be equitable i.e. the value of every person's vote should not be determined by their sex, religion, job, social class, training or political convictions (Becker and A. Raveloson, 2008). This leads us to the concept of universal suffrage which means that the right to vote should be granted to all citizens of the country irrespective of the factors mentioned above. Hence, we can say that universal suffrage is an important part of ensuring fair elections in any democracy.

Hong Kong has had a tumultuous history when it comes to ensuring universal suffrage. Hong Kong had been under the rule of United Kingdom after a treaty signed with China during the nineteenth century. China had always resented giving Hong Kong, however they could only recover their territory after the expiration of the 99 year lease. Under the British rule, Hong Kong had managed to become a free, capitalistic economy unlike China's centrally planned economy. On July 1st 1997, Hong Kong was finally transferred back to China by the Sino-British Joint Declaration. Under this declaration, China had agreed to let Hong Kong follow its capitalist system till 2047, which is famously called as 'One country, two systems.' This also gave rise to the Basic law which gave Hong Kong the status of 'Special Administrative Region of the People's Republic of China'. Basic law highlights the political system in Hong Kong including rights of the citizens, relationship between the SAR and China and the structure of government to name a few. The Basic Law has been criticized by the residents of Hong Kong for not representing the interests of the people and granting China a bigger role in the politics of Hong Kong (Cheung, 2015). One of the most contentious issues since 1997 has been the election of

Chief Executive, which is done through an electoral college meaning that normal citizens do not have a say in the election of the head of their region. Universal suffrage, which is fundamental for democracy is only exercised in the election of the direct council while only 230,000 influential people from the business and professional sector elect the Election council responsible for the election of the Chief Executive. Thus, the struggle for the true democratization of Hong Kong has been a key political issue since its transfer to China.

Political system in Hong Kong before 1997

The British rule lasted for around 156 years in Hong Kong, hence in the modern Hong Kong we see today, the traces of the British administration are still visible. Since it fell into British hands, there was a Governor which was appointed by the Queen. Governor of Hong Kong had the ultimate power, from the election of other public servants to the appointment of judges. There was a legislative and executive council elected by the Governor himself to assist him in the functioning of the colony. The British government repeatedly dismissed the requests for an elected legislative council in the fears that elected officials could not be trusted and thus cannot be controlled like officials selected by the Britishers. (Tsang, 1988)

After World War II the demand for some form of self government in Hong Kong was growing which led to social unrest in the 1960s. In the 1960s, Britain was introducing many self government measures for its colonies to prepare them for a rule by people after independence, however no such effort was made in Hong Kong (Langer, Lorenz, 2007) due to Britain's own economic interests.

The Basic Law and Joint declaration

In 1979, Chinese government made it clear to the world that it had full intention to regain its control over Hong

Kong. This led to the Sino-British negotiations in 1982, to decide the future of Hong Kong. After many rounds of negotiations, the British agreed in a Joint Declaration to give back the control of Hong Kong to China from 1 July 1997. The guiding principle of the Joint Declaration was the prospect of 'one country two system' which meant that China would have its socialist system and Hong Kong would continue to be a capitalist economy. (Xiaoping, 1984).

This declaration established Hong Kong as a Special Administrative Region under China granting it to be an autonomous region except in the matters of national defense and foreign affairs. It also stated that the Chief executive would be elected by the Central People's Government of China on the basis of local elections or consultations. Most of the laws remained active after the transfer to China due to their promise to follow the provisions of the Basic Law for fifty years from 1997.

After the Joint Declaration, China was afraid that the British would try to drain Hong Kong off its wealth before the former regains control. The Chinese and the British both agreed to draft the Basic law and the British agreed to follow its provisions even before the handover. However, before leaving the British wanted to start the process of democratization of Hong Kong. So, in 1985, for the first time, 24 out of 57 legislative councilors were elected by functional constituencies and electoral college. The concept of functional constituencies is still prevalent in Hong Kong. At that time, there was no direct election. The Chinese became wary of these changes being introduced in the political system of Hong Kong and claimed that the British were impeaching the Joint Declaration. The British finally agreed to not introduce any further changes till the implementation of the Basic law in 1990.

The Joint Declaration only provided an outline of the relationship of the Central People's Government with the Special Administrative Region and general laws for Hong Kong, but the Basic Law was the document that contained the details of how Hong Kong would work after 1997. The Basic Law remains open to interpretations as it doesn't state the actual procedure to be followed for the election of the Chief Executive. Article 45(2) states that it depends on the situation prevailing in the territory with the eventual aim being the election of the Chief Executive by universal suffrage. According to Article 45(2) and 68(2) of the Basic law the ultimate aim is the election of both the executive and legislature by universal suffrage. However, in 2016, only 35 out of the 70 constituencies had direct elections, the other 35 members were elected by powerful businessmen and professionals.

In 2014, an electoral reform was introduced by National People's Congress Standing Committee of China to introduce universal suffrage in the election of the Chief executive and the legislative council. They proposed that the 1200 member Election committee would choose only 2 or 3 candidates based on majority and they would compete for the ordinary public votes. However, the legislative council rejected this decision by 28 votes to 8. The 28

votes came from pro-democratic members who were of the view that Beijing would be highly involved in the selection of the candidates for Chief Executive.

China's role in establishing democracy in Hong Kong

China has been worried about Hong Kong's sovereignty since the Sino-British negotiations. It had promised to the people of Hong Kong their freedom as an autonomous region. However, this remains a far fetched promise due to China's continuous involvement in the politics and social environment of Hong Kong. Experts compare China's ignorance towards Basic Law's promise for universal suffrage is similar to the ignorance towards its own constitution. The greatest economy in the world is infamous for its vast violation of human rights and wide censorship of the media. (Langer, Lorenz, 2007)

China's constant intervention has been a key factor in the lack of democratic development in Hong Kong. This intervention dates back to the days of the Sino-British negotiations in 1982 when China insisted that the negotiations be kept strictly between China and Britain. Britain wanted to involve people from Hong Kong as it was their future that was being decided, however China wished to only kept the negotiations bilateral. Chris Patten, the last governor of Hong Kong had tried to move the conflicted area towards a more democratic political system, by increasing the number of functional constituencies. He said that the more the functional constituencies the more it could be ensured that more people were involved in the electoral process. However, China quickly dissolved the 1995 Legislation council to undo the decision of Patten when the official handover of Hong Kong took place.

After 1997, it was clear that the Legislation Council, judiciary and the Chief executive were the main institutions that could amend the Basic law. However, a closer look at the situation tells us that none of these institutions can make changes to the law without China's permission. The National People's Congress (NPC) has the power to amend the Basic law of Hong Kong. In 2004, Tung Chee-hwa, Chief executive appointed a task force to look into the constitutional development in Hong Kong. Despite the suggestions of the committee, NPCSC decided that there was no need for any amendments after 2007 in the Basic Law. It also concluded that any changes that had to be introduced would have to be introduced by the Chief executive and the comparatively more independent Legislation council would only have the power to block those motions with two thirds majority.. In 2014, the Central People's Government released the white paper, "The Practice of 'One Country, Two Systems'", which stated that government and judiciary of Hong Kong had to show patriotism towards the People's Republic of China even though it may be partially autonomous it still under the Chinese constitution. Hong Kong's politics is currently divided into two camps: Pro-democracy and Pro-Beijing. Hong Kong, is a financial center of the world which has a

great influence on the Chinese economy, and if universal suffrage is ever realized in Hong Kong, it threatens the socialist system of China and its sovereignty over Hong Kong. (Yeung, 2013)

Thus, experts are of the view that Hong Kong's Chief Executive has to be according to the whims Beijing's choice so that China can ensure its national security.

Major protests in Hong Kong after 1997

Since 1997, there have been a number of protests for the demand of democracy by the people of Hong Kong and a growing anti-Beijing sentiment across the people.

2003: Pro-Democracy protests

In the early 90's, Hong Kong governor Chris Patten, the last British governor of the region proposed a plan to democratize Hong Kong's government. So the questions of how much Democracy and for how long were raised when Hong Kong was transferred to China in 1997. Thus in 2003, the residents of Hong Kong took part in the biggest pro-democracy protest in the country since 1989 sparked by a new anti subversion national security law, which ended up not passing. The people took to streets to fight for democracy. The protesters called for civil nomination, arguing that the public should be allowed to propose candidate who would automatically be approved by the nominating committee.

2014: Umbrella Revolution

The Umbrella revolution also known as the Umbrella movement occurred in Hong Kong from 26 September to 15 December 2014. This movement was sparked by the Standing Committee of the National People's Congress decision on electoral reform regarding the next legislative and Chief Executive Elections. The people of Hong Kong demanded for Universal suffrage and resignation of the then Chief Executive Leung Chun-ying. The protests involved internet activism, hunger strikes, hacking, civil disobedience and other forms of protests. This movement has been one of the most electrifying pan-democracy movements.

Conclusion and The Future of Democracy in Hong Kong

While the Umbrella movement was one of the most successful and electrifying movements of Hong Kong, it is only the middle chapter of a longer story. The reason for the politicization of Hong Kong is China. After Britain handed over Hong Kong to China, it created a political hybrid for Hong Kong. There is an unequal concentration of power in the political system of Hong Kong wherein almost half of its legislative council seats are elected by small functional constituencies which generally represent the business interests of the elite and are in close relations with Beijing. Hong Kong citizens are able to elect 40 members but the fact is that Beijing has always been able to keep its allies in power and prevent the pan-democrats from winning a majority. Hong Kong can still not hold a competitive election to elect the city's leader, the Chief

Executive. On the liberal side, Beijing allowed Hong Kong to retain its political rights and the rule of law established by the British government. China has implemented the "the one country, two systems" governing model in Hong Kong to highlight the economic differences in both the countries and to give a ray of hope to the people of Hong Kong that they can achieve their dream of Universal suffrage and see Hong Kong as a democracy but this system of one country, two systems has allowed Hong Kong to only become a semi-democratic country and their aim of Universal suffrage is clearly not achieved.

There has been a growing anti-Beijing sentiment across the people of Hong Kong which leaves the mainland government with a limited number of options regarding the future of the government model in Hong Kong. Firstly, it will continue with current status of one country, two systems. Thus, Hong Kong will continue to act as a semi-democratic country and will continue to be influenced by the Chinese intervention in their political and economic matters. Secondly, restrict the political freedom of the people of Hong Kong. This is in complete contrast with their current policy of one country, two systems. This option can further push the unrest in the country. Lastly, it can liberalize the current political system. This option will largely stabilize the current political scenario in Hong Kong. But it is very unlikely that the mainland government would go for this option as it would limit its influence over the political scenario of Hong Kong.

Thus the future of democracy in Hong Kong is surrounded by a lot of speculation and only time will tell if Hong Kong will function as a democracy or not.

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