

## Hong Kong: one country, two systems?

The on-going heated debate about the introduction of universal suffrage for the election of Hong Kong's Chief Executive has turned into widespread protests on the territory's streets. Hopes that the public would be able to nominate candidates were dashed by China's decision to allow only *committee-based* nomination of candidates in the 2017 election. The Occupy Central protests, widely known as the Umbrella Revolution, kicked off on 28 September. Agreement to talks, scheduled for 10 October, saw tensions lowered, but after those talks were cancelled by the authorities, organisers called for protesters to return to the streets. With numbers not reaching earlier heights, the authorities appear to have concluded that the protests' momentum is going.

### Hong Kong's tortuous path towards universal suffrage with Chinese characteristics

The 'one country, two systems' framework, proposed by Deng Xiaoping, the late economic reformer of the People's Republic of China (PRC), and a key element of the 1984 Sino-British Joint Declaration, is enshrined in Hong Kong's 1997 Basic Law, or mini-constitution. This has been applied to Hong Kong since the former UK colony's handover to the PRC in 1997. Although the Hong Kong Special Administrative Region (HKSAR) came under the jurisdiction of the PRC ('one country'), which features a socialist system operating under the sole leadership of the Chinese Communist Party (CCP), it was granted a 'high degree of autonomy', except in foreign and defence affairs, for 50 years (until 2047). Its capitalist system, Western-style civil liberties such as freedom of speech, the freedom of peaceful association and assembly, a free press and an independent judiciary applying common law have been maintained ('two systems'). While [Articles](#) 45 and 68 of the Basic Law provide that Hong Kong's Chief Executive and Legislative Council (LegCo) shall ultimately be elected by universal suffrage, this has so far not, or only partially, materialised.

In 2004 the National People's Congress Standing Committee (NPCSC), China's top legislative body, in charge of interpreting the Basic Law, [ruled out](#) universal suffrage both for the 2007 selection of the Chief Executive and the 2008 formation of the LegCo. Its 2007 decision again excluded universal suffrage for the selection of the Chief Executive and the formation of *all* members of the LegCo in 2012. But it did detail a five-step procedure, requiring final PRC approval, to amend existing selection methods. Following this procedure, electoral reform in [2010](#) increased the number of LegCo members from 60 to 70, with 35 of them returned by geographical constituencies for a four-year term through *direct* elections in 2012, and 35 by functional constituencies. It also expanded the size of the election committee, from 800 to 1 000 members, who mostly represent pro-Beijing professional groups. In 2012, they selected the current Chief Executive Leung Chun-Ying for a five-year term. The on-going reform debate is based on the PRC's 2007 pledge that the fifth Chief Executive 'may be' elected by universal suffrage in 2017.

### A growing divide between pro-democracy and mainstream forces

In December 2013, the HKSAR Government launched a five-month public consultation titled [Let's Talk and Achieve Universal Suffrage](#). By May 2014, 130 000 responses to the [seven key issues](#) had been submitted, with civil society and academia having participated intensively in this process. [Statements](#) from Hong Kong and PRC officials however suggested that the official stance was fairly uncompromising with regard to more radical democracy claims. This prompted pro-democracy forces to step up their public awareness-raising.

*The unofficial referendum organised by the civil disobedience movement Occupy Central*

The most vocal promoter of universal suffrage, next to Hong Kong's [pan-democratic lawmakers](#), has been the [Occupy Central with Love and Peace movement](#). Its objective is to peacefully paralyse the whole financial district, if electoral reform does not ensure 'genuine' universal suffrage in line with international standards. In June 2014 it put to an informal poll [three proposals](#) for electoral reform, all containing an element of

*public* nomination of the candidates. Almost [800 000](#) citizens, from around [3.4 million](#) registered voters, participated either electronically or in person, despite large-scale [cyber-attacks](#) aimed at preventing the poll from being carried out. But the poll's results did not confirm majority support for maximalist claims. A University of Hong Kong survey revealed that half of the respondents were [opposed](#) to the Occupy Central movement. Notably the [Silent Majority for Hong Kong](#) and [audit firms](#) did not want disruption caused by protesters. The HKSAR Government said that *public* nomination was [incompatible](#) with the Basic Law. The PRC claimed that the poll was [illegal](#) and even dismissed it as a '[political farce](#)'.

#### *The PRC's controversial white paper on the practice of the 'one country, two systems' framework*

Prior to that poll, on 10 June, the PRC's State Council published its first [white paper](#) on Hong Kong, with its timing and strong language taking many by [surprise](#). The paper describes the framework's development and future evolution as envisaged by the PRC. The key message is that the two elements of the 'one country, two systems' formula are not on an equal footing but that 'one country' clearly takes precedence over 'two systems'. It stresses that Hong Kong's high degree of autonomy is not an 'inherent power'. It is neither full autonomy nor a decentralised or 'residual power', but subject to the central leadership's authorisation. The document makes plain that Hong Kong's capitalist system and high degree of autonomy is conditional on full respect of the socialist system practised on mainland China in line with the 'one country' principle. Universal suffrage in Hong Kong must *inter alia* be determined from the perspective of the PRC's national security, and the person to be elected Chief Executive must be patriotic ('love the country and Hong Kong'). Hence, Hong Kong must under no circumstances become a [bridgehead](#) for subversive action against mainland China.

The paper has been interpreted as a [tightening](#) of the PRC's grip over Hong Kong, and as a [warning](#) that the PRC will reject any electoral reform options which might threaten its own political regime and will only agree to a 'gradual and orderly' move towards a form of democracy with Chinese characteristics. While some legal scholars [claim](#) that the document contains nothing new, others see a [policy](#) change.

#### *The August decision of the NPCSC and next steps*

On 31 August 2014, the NPCSC [decided](#) that Hong Kong's next Chief Executive will be elected in 2017 by popular vote between two or three candidates. They will *not* be nominated by the public but by endorsement of half of a [1 200-member committee](#), screening them for their [loyalty](#) to Beijing. Currently, candidates need support from only 150 members to get onto the ballot. LegCo is now set to decide on the proposed selection method. Pro-democracy lawmakers have announced they will [veto](#) this proposal, with Hong Kong people [divided](#). While the motive of avoiding a '[chaotic society](#)', as NPCSC deputy secretary-general Li Fei put it, is political in nature, it is legally backed by Article 45 of the Basic Law which provides for a 'selection ... by universal suffrage upon nomination by a *broadly representative* nominating committee'. But the [Hong Kong Bar Association](#) says this wording would not preclude [alternative](#) modes of nomination.

#### *Protests*

The NPCSC decision was the trigger for a step-up in protests, with students staging a sit-in in government buildings. From 28 September, the Occupy Central movement brought large numbers onto the streets, blocking the financial district. Whilst a clash between the authorities and the protesters appeared imminent leading up to the first weekend of October, both sides [stepped back](#) from the brink with the promise of talks.

## External reactions

Pro-democracy forces in [Taiwan](#) have voiced strong support for their Hong Kong compatriots. [Chris Patten](#), last UK governor of Hong Kong, [echoing](#) the Hong Kong pan-democrats' [claim](#) that the UK has turned a [blind eye](#) to the erosion of the 'one country, two systems' formula, criticised the UK Government for its failure to live up to its 'moral and political obligation to ensure that China respects its commitments'. Concerns about a decline in Hong Kong's freedom of the press and freedom of expression were raised by the UK's Foreign Secretary in his Hong Kong reports of [February](#) and [July](#) 2014. In July 2014, the UK Parliament launched an [inquiry](#) into the UK's relations with Hong Kong, which the PRC [attempted](#) – without success – to stop, calling it an inappropriate interference into its internal affairs.

In its [resolution](#) of 14 March 2013 on EU-China relations, the European Parliament called on the Beijing authorities to respect fully the 'one country-two systems' principle in compliance with the agreement signed before the handover of the former British colony to the PRC. It welcomed the high turnout in the 2012 Legislative Council elections and expressed its expectations that universal suffrage be introduced for the election of all the members of this assembly as soon as possible.