

# No More Hong Kong Blues

by Michael Curtis



President Donald Trump is due to meet Chinese President Xi Jinping at the G20 summit meeting in Osaka of 19 countries and the EU on June 28-29, 2019, focusing on international co-operation for economic growth. No doubt, the main conversation will be on economic issues: the on-going trade battle between the two countries, the controversial existing and proposed new tariffs on Chinese goods, the trade deficit of \$419 billion the U.S. has with China, in differences on restrictions on Huawei's access to U.S. wireless technology and to mobile phone chips, and discussion of general political issues, the need to protect U.S. national security especially in view of the indications of increasing friendly relations between China and Russia.

But a new issue must not be neglected: the remarkable large demonstrations in Hong Kong, an area of 426 square miles with a highly literate population of 7.4 million, in June 2019 against attempts at erosion of the rights of citizens and for

protection against mainland China, must be on the table. The issue is important in itself, but it is also significant for two reasons: it indicates sharply for Western policy makers the contrast between the Chinese dictatorial or authoritarian system and the relative freedom and autonomy of Hong Kong; and the possibility that the Hong Kong incident will affect negotiations between the U.S. and China on trade and on the U.S. presence since there are an estimated 85,000 U.S. citizens and more than 1,300 U.S. companies in Hong Kong. The fear is that the HK business environment will be damaged.

It's the story of a very unfortunate Hong Kong chief executive, Carrie Lam, who made a serious blunder, and will have years of privilege if not her official position taken away from her. Lam, a devout Catholic, partly educated at Cambridge University, had been chosen as head of the system in 2017 by a Hong Kong electoral college, and officially appointed by China. Thus, she has a double responsibility and accountability, to both HK and China.

Hong Kong has bilateral extradition treaties with 20 countries, including the U.S. HK Executive Lam proposed legislation extending extradition to territories, including China, with which Hong Kong has no formal extradition treaty. Authority to decide who would be extradited would be by the chief executive. China had originally been excluded because of the fear that suspects would not receive due process or a fair trial there. Critics of Lam's proposal argued that in fact it meant that critics of China would be sent to the mainland, and almost certainly be tried, convicted, and punished. It would contradict the Hong Kong Basic Law, Article 4, adopted in 1990 that came into effect July 1997, that promises "to safeguard the rights and freedoms of the residents of the Hong Kong Special Administrative Region and of other persons in the Region in accordance with the law."

Neither Lam in Hong Kong or Chinese officials expected the large protest demonstrations, which at one point on June 16,

2019 amounted to two million citizens. This large number of protestors in the center of HK challenged the proposal that provides for extradition from HK to mainland China, and which they believed was a threat to freedom and the rule of law. They fought the police, forced parts of HK and the schools to close, and got Lam to suspend the proposal indefinitely. Lam apologized twice for her action but refused to resign from her position. The demonstrations were not only important in themselves, but also shone a clear light for others on the reality of the Chinese political and legal system, with its long detention of suspects, televised confessions, and few safeguards. They emboldened citizens in Taiwan, founded in 1949 by Chinese anti-communists, not simply to criticize the HK extradition bill but to remain determined to resist Chinese pressure that Taiwan is part of China on lines of the HK model, "one country, two systems." This formula was in fact first formulated for relations between China and Taiwan, but the latter rejected it.

The irony in the whole story is that the problem was not caused by an edict from Beijing or a dictate from President Xi, but from a series of events, and miscalculations, resulting from the murder of a young HK woman in Taipei by her HK boyfriend who returned home to escape justice in Taiwan since he could not stand trial under existing HK law. Once again, from a little acorn an oak tree grew. This injustice of the guilty young man escaping punishment led Carrie Lam, regarded as a tough fighter, to make the proposals for a change in extradition policy of HK, apparently without consulting Beijing. It is unclear however whether the 66 year old Xi approved her action in advance.

The proposed bill violates the 1997 agreement that China would allow HK to control its legal system for 50 years, a great degree of autonomy in the framework, "One country, Two systems." The relationship is unusual, even peculiar. After the Opium War 1839-42 which the Qing rulers lost, HK became a

British Crown Colony from 1841 to 1997. In 1997 the UK transferred the colony to China after guarantees to preserve its freedom.

By the 1997 agreement Britain did not extend universal suffrage to HK, but it provided a path to it, including a free press, rights of citizens, and an independent judiciary. For a number of years this agreement was observed, but more recently the Chinese Communist party and President Xi Jinping have asserted more control over HK and its judiciary, if not as repressive as putting one million Muslim Uighurs into "reeducation" camps in the region of Xinjiang, or harassment of Christians, or arrest of lawyers defending critics of Chinese policy, or aggression in the South China Sea. Presidential term limits have been abolished, thus allowing Xi to rule for life. The result of this greater control has been arbitrary detentions, prosecutions for double jeopardy, and extra-legal extradition. Chinese police went to HK to arrest booksellers and others.

The political values of HK, freedom and the rule of law inherited from its years as a British colony, have been reduced, but the population has resisted assaults on civil liberties and rights from time to time. To celebrate the 1997 change, street marches have occurred annually, especially large in 2003 and 2004, to prevent undesirable laws. Protests against introduction of mandatory education in schools was blocked in 2012. In 2014 China proposed a bill allowing HK residents to vote for their leader, the chief executive, but on the condition the candidate had to be approved by Beijing. Citizens opposed this as "fake democracy," leading to mass protests and the rejection of the bill by the HK legislature. Chinese leader Xi was obliged to retreat, the first time on a major issue. The most important previous resistance was the of "Umbrella Movement" or Occupation Central for universal suffrage in 2014 when thousands spent 79 nights in central HK calling for all citizens to vote for the leader of HK.

Protestors gained experience in wearing masks and using plastic wraps, stockpiling food, first aid equipment, and helmets.

The courageous HK protests show that resistance to dictatorship is sometimes successful, forcing rulers to retreat. By coincidence in May and June 2019 this was shown by two cases in Russia. In May, a large rally in Yekaterinburg, Russia's fourth largest city, succeeded in having a government building plan cancelled. More meaningful was the release of the investigative reporter Ivan Golunov who was framed on drug charges and detained for five days before being released on June 11, 2019. Golunov had been reporting on corruption in the funeral home business, road construction projects, and among security service officials , as well as in crime groups. A large protest march had been scheduled for June 12, Russia's independence day.

The HK protestors are concerned that the one country, two states system should be maintained. The U.S. President and Congress should be similarly concerned. Trump has remained neutral, but a number of members of Congress, particularly Marco Rubio, are concerned.

To this point President Trump has taken no action on the HK issue, but asserted that the two sides "will work it out." But he and members of Congress recognize two factors: one is that the degree of HK autonomy from China has diminished; the other is that in trade discussions with Xi economic and ideological political issues are mingled. Trump must be aware of the Chinese principles which oppose Western principles: market liberalism, and Western constitutional democracy, above all. It is in the interests of U.S. foreign policy and of peace in Asia that HK continue to enjoy the autonomy from Chinese control agreed to in 1997.