

Forum: Special Political and Decolonization Committee (GA4)

Issue: On the question of Hong Kong’s status in China

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INTRODUCTION

Hong Kong is a region located in the South of China and is comprised of Hong Kong Island, Kowloon Peninsula and the New Territories. It is a semi-autonomous region meaning that it has an independent government and legislation as well as some democratic rights and freedoms of which the rest of China is deprived. Hong Kong’s economic system is a capitalist one having one of the largest stock markets worldwide. At the same time, it is a popular tourist destination.

¹However, when the regional government introduced a bill which would allow extradition of criminals to other countries without an extradition treaty being compulsory, many Hongkongers took to the streets demanding the withdrawal of the bill and the reestablishment of democracy in the region. At first, the police tried to clamp down on the protesters using force. That fueled the anger of the protesters who started vandalizing the city and using petrol bombs against the police.

Although the bill was withdrawn, demonstrations have not stopped since protesters now have four demands which, as they claim, will reestablish peace and democracy in Hong Kong. Nevertheless, police brutality and violent clashes between the two sides have become a common phenomenon in the city and, although the world community is trying to bring both sides to the negotiation table, a solution has yet to be found.



DEFINITION OF KEY TERMS

The “one country, two systems” principle

The “one country, two systems” principle describes the kind of governance of Hong Kong. Although China is a communist country accused of infringing many democratic rights of its people, Hong Kong was allowed to preserve its capitalist

¹ “Detailed Political Map of Hong Kong - 1998: Hong Kong: Asia: Mapsland: Maps of the World.” *Mapsland*, www.mapsland.com/asia/hong-kong/detailed-political-map-of-hong-kong-1998.

system for up to 50 years after reunification. It was also permitted to preserve its lifestyle that was adopted when Hong Kong was a British colony. Hong Kong was allowed to further have various fundamental human rights and freedoms, as well as its own legislation and government.

Extradition

Extradition means the deportation of a criminal to the country where the crime was committed so that a trial can take place. Many criminals flee to other countries after they have committed a crime so as to avoid being arrested by the local authorities. However, an extradition process usually takes place only if a bilateral extradition treaty has been previously signed between the states involved. An extradition treaty includes the crimes for which this act is legal as well as the circumstances under which such a delivering is allowed.

Semi-autonomous region

A semi-autonomous region is a region that can be ruled independently by the local authorities although being part of a bigger nation. That means that this region has its own independent government and police force. In the case of Hong Kong, the former British colony has an independent government and police force as well as its own legislation. Furthermore, its citizens can enjoy democratic rights not granted or guaranteed in the rest of China, such as freedom of speech, freedom of assembly and freedom of the press.

Self-determination

When a state is self-determined, it can independently decide upon internal and external matters regarding its territory. It also has its own constitution, an independent legislative and executive power, as well as an independent military and police force.

Universal suffrage

Universal suffrage gives the right to vote to all citizens provided that they are qualified for that according to national legislation. The citizens of Hong Kong are not thought to have universal suffrage. Consequently, one of the protesters' demands is concerning universal suffrage since they perceive it as one of their democratic rights given to them by the Basic Law.

BACKGROUND INFORMATION

Hong Kong under British rule

In 1842, after the first Opium War, China ceded Hong Kong to the British Empire. While being under British colonial rule, Hong Kong became one of the wealthiest cities with a flourishing stock market. The capitalist system imposed on Hong Kong by Britain seemed to thrive in the region. Hong Kong also enjoyed many democratic rights, such as freedom of speech and freedom of assembly. Furthermore, the British improved the educational system of the city by building many schools and establishing a law that would offer free education to the population in 1941. Consequently, many people living in mainland China under communism started immigrating to Hong Kong as they also wished to enjoy the privileges of the capitalist system.

However, following the end of the Second Opium War on 1 July 1898, China and the British Empire agreed that Hong Kong will be under British colonial rule for 99 years meaning that on 1 July 1997 Hong Kong would become part of China again. As the two sides started negotiating on the terms of the agreement under which Hong Kong would return to China, the wishes of the people of Hong Kong were not taken into consideration with many Hongkongers not being in favor of their reintegration into China. Nevertheless, the two parties agreed that Hong Kong would preserve its capitalist financial system as well as some fundamental democratic rights, such as freedom of the press, freedom of assembly and freedom of speech. Hong Kong was also allowed to have an independent legislation and an independently-elected government. All the aforementioned terms are included in the so-called Basic Law signed by the parties involved. However, the Basic Law is to expire in 2047, since the parties agreed that the “one country, two systems” principle will only be in effect for 50 years.

The political situation in Hong Kong in the 21st century

The majority of Hong Kong's population is in favor of the “one country, two systems” principle although the communist regime in mainland China has repeatedly in the past tried to violate it. Consequently, many demonstrations have taken place since Hong Kong has united with China.

The 2002 protests

On 1 July 2003, many people started demonstrating in Hong Kong on the 6th anniversary of the country's reintegration to China. The protesters demanded the withdrawal of a bill which included a reform to Hong Kong's legislation. The bill proposed that acts, such as the illegal obtainment of national secrets and their disclosure, as well as any attempt to destabilize and overthrow the regime of the Chinese government were to be made illegal, since they endangered the national sovereignty of the state. Consequently, many people in Hong Kong regarded this bill as an attempt of the Chinese government to take control of Hong Kong's independent legislation. They perceived it as an infringement on their rights given to them by the Basic Law in 1997. Finally, the voting on the bill in the parliament was postponed indefinitely.

The 2012 protests

In 2012, the government of Hong Kong introduced a bill proposing curricular reform of Hong Kong's educational system. The bill included the mandatory teaching of Mandarin and Chinese history. Mandarin is a language mostly spoken in mainland China, whereas Hong Kong has its own dialect. Many people once again started demonstrating denouncing the bill as propaganda of the Chinese government against new generations. However, the regional government of Hong Kong did not withdraw the bill at first. Consequently, a movement called *Scholarship* was formed. After almost two months of protests, the regional government still had not withdrawn the bill although it had created displeasure among teachers, students and the community as a whole. Members of the *Scholarship* demonstrated outside the government buildings and as a result, the government was compelled to retreat and accept the optionality of the reforms.

The 2014 Umbrella Movement

²In 2014, many people demanded the withdrawal of an electoral bill, since it was undemocratic and constrained the number of possible candidates. The protesters accused the government of infringing on their democratic rights and demanded the restoration of democracy in the region of Hong Kong. Protesters started occupying landmark building but they were removed by police forces after 79 days of occupation. Since the police used violence and other extreme methods, such as sprinkling the protesters with pepper spray, to clamp down on them, the umbrellas became a symbol of resistance against the government while simultaneously protected the demonstrators from pepper spray.

Current situation

In April 2019, the current leader of Hong Kong, Carrie Lam, proposed a bill that would allow extradition of criminals to mainland China. The bill was proposed after a Hongkonger murdered his girlfriend while being in Taiwan and then fled to Hong Kong. Hong Kong has not signed an extradition treaty with Taiwan and consequently the criminal could not be extradited.



³ The bill sparked many protests with the majority of the population of Hong Kong demanding its withdrawal, since it breached the Basic Law regarding Hong Kong's independent judiciary system. Protesters

Crookes, Del. "Hong Kong Umbrella Protests - What's Going on? - BBC Newsbeat." *BBC News*, BBC, 29 Sept. 2014, www.bbc.co.uk/newsbeat/article/29407079/hong-kong-umbrella-protests---whats-going-on.

³ "Hong Kong in First Recession for a Decade amid Protests." 2019, www.bbc.com/news/business-50431614.

In this picture, protesters are depicted trying themselves from the police force before the c

also accused the government of introducing this bill so as to allow the Chinese Communist Party, which is thought to have corrupted and politically driven courts, to jail its political opponents in their effort to better Hong Kong's democracy. Furthermore, the protesters also claimed that the verdicts of the courts in mainland China would be biased and prejudiced against Hongkongers.

Although the bill was completely withdrawn in August 2019, police brutality and violent clashes between police forces and the protesters became an everyday phenomenon. Consequently, protesters accused the government of infringing their right to demonstrate unrestrictedly. As a result, protestors demanded universal suffrage, release of detained protesters, as well as further examination of the police brutality incidents. Many Chinese media characterized these actions as rioting and publicly condemned them, since the Communist Party of China feared that people living in mainland China would demand democratic rights as well. As a result, the protestors are now demanding that their protests must not be considered as rioting. Although the outbreak of coronavirus put a halt to demonstrations due to lockdown measures, when the latter have been lifted, many protestors continued to march on the streets demanding more democracy. Last but not least, those protests

have resulted into dividing Hong Kong's population into three groups: those in favor of the Chinese government, those demanding more autonomy and those supporting the independence of the region.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

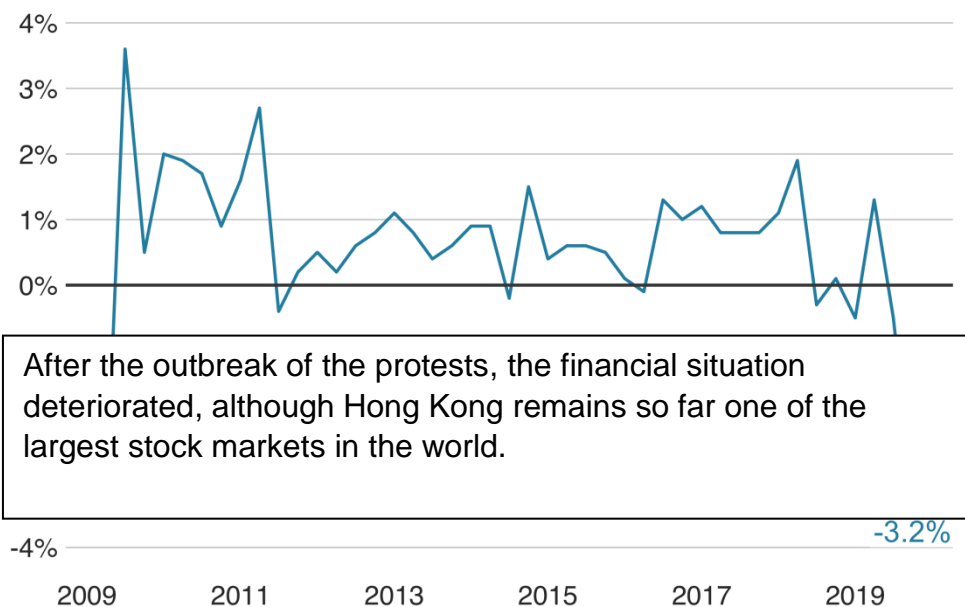
China

On the one hand, the Chinese government characterizes the protests in Hong Kong as riots. It has also limited the coverage in its media platforms of the Hongkongers demanding

more democracy during their protests, since it feared that those demonstrations might urge the rest of China to also demand democracy and other liberties, such as freedom of the press and freedom of assembly, destabilizing their regime. China also accuses foreign powers, mainly the US, of financing those protests. The Chinese government claims that the protesters do not represent the majority of the Hongkongers. In any case, China does not want an independent Hong Kong, since

Hong Kong in first recession in a decade

Quarterly seasonally adjusted GDP growth



After the outbreak of the protests, the financial situation deteriorated, although Hong Kong remains so far one of the largest stock markets in the world.

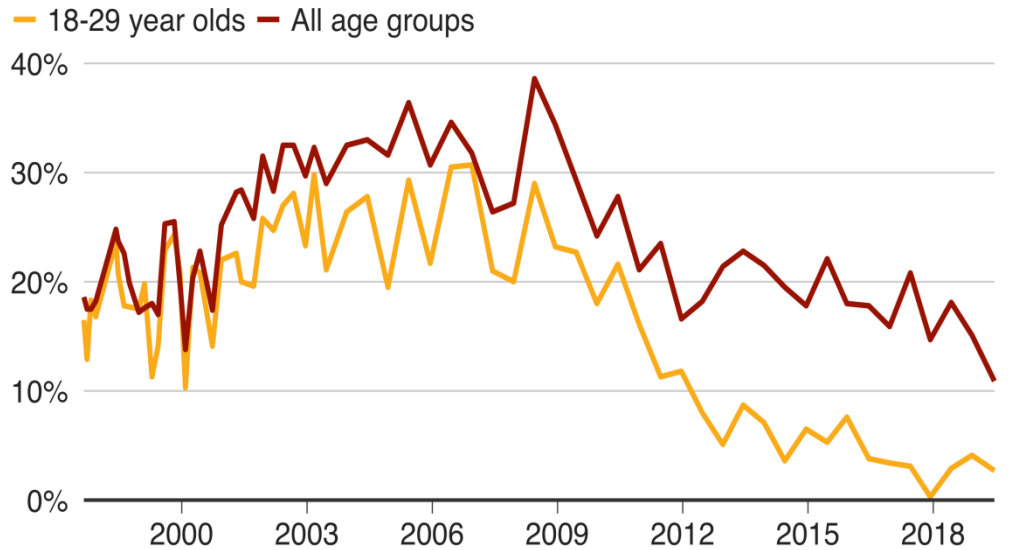
Source: Hong Kong Census and Statistics Department



it is a popular destination for tourists worldwide and one of the richest regions of China. Consequently, a lot of people claim that the Chinese government might intervene and crack down on the protests by using military force.⁴ On the other hand, Hong Kong is divided into people that support the Chinese government, people who demand more autonomy and are discouraged from the Chinese government's stance, and people who demand the complete independence of Hong Kong. Although the latter do not represent a considerable number of Hongkongers, the regional government's response to the protests did not seem to please the majority of the population. Police forces cracked down on the demonstrations by using violence. That fueled the protesters' anger and many people now started to claim that Hong Kong's democratic system was infringed. Consequently, the protesters started exerting violence against the police as well and the violent protests became a regular phenomenon with many people being disappointed both in the regional and in the Chinese government. The popularity of Hong Kong's leader, Carrie Lam, has dropped significantly, indicating the disappointment of the people.

Young Hong Kongers are increasingly unlikely to identify as 'Chinese'

% of respondents asked about ethnic identity (1997-2019)



Source: Public Opinion Programme, University of Hong Kong



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This chart indicates the Hong kongers who identify themselves as Chinese.

United States of America

The United States of America have been accused of backing financially and diplomatically the Hong Kong demonstrations, especially after the US Congress passed the so-called Hong Kong Human Rights and Democracy Act in November 2019. This bill encourages the regular investigation of Hong Kong's current political situation regarding the upholding of democratic principles. Although the United States of America have imposed sanctions on China, those sanctions do not apply

⁴ Hughes, Helier Cheung & Roland. "Why Are There Protests in Hong Kong? All the Context You Need." *BBC News*, BBC, 21 May 2020, www.bbc.com/news/world-asia-china-48607723.

to Hong Kong, since the latter is a semi-autonomous region with a different financial system. Consequently, this bill makes it possible for the United States of America to examine if the police forces in Hong Kong infringe on the rights of the people and if Hong Kong actually complies with the principles of the Basic Law and is actually a democratic regime. In case that the US has the notion that democracy is not upheld in Hong Kong, then this bill proposes that sanctions will be imposed on Hong Kong as well. The protesters in Hong Kong thanked the United States of America for the support given to them by this bill, whereas the Chinese government accused the US of deceiving the world community.

United Kingdom

The United Kingdom has condemned the violence used by both the police forces and the protesters. The latter were throwing petrol bombs against police officers vandalizing and destroying buildings and cars during their clashes with police officers. The United Kingdom mentioned that police should not exert violence on the protesters, since the right to peaceful and democratic protests is one of the major provisions of the 1984 Joint Declaration. The UK also stressed that this declaration is legally binding and will still be in force until 2047. China responded that police was trying to restore order in the city of Hong Kong, since the protesters were rioting and vandalizing buildings.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
29 August 1842	The Treaty of Nanjing is signed putting a large part of Hong Kong under British colonial rule.
26-27 June 1858	The Treaty of Tianjin let Britain rule the whole region of Hong Kong until 1997.
19 December 1984	The Sino-British Joint Declaration is signed.
1 July 2003	Hongkongers protest against reform of the legislative system.

29 July-8 September 2012	The people of Hong Kong demonstrate against a bill regarding educational reform.
26 September 2014 -15 December 2014	The Umbrella Movement takes place.
3 April 2019	The extradition bill is proposed.
9 June 2019	Many people start protesting against the bill.
4 September 2019	The bill is withdrawn.
27 November 2019	The United States of America pass the Hong Kong Human Rights and Democracy Act of 2019.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

The Treaty of Nanjing

Signed on 29 August 1842, this treaty marked the end of the First Opium War. The British Empire forced China to surrender and cede a large part of Hong Kong. This treaty allowed Britain to intensify its trade with China and make Hong Kong's port one of the most commercial ports worldwide. Hong Kong's economy started flourishing.

The 1984 Sino-British Joint Declaration

Signed on 19 December 1984, this declaration describes the terms and conditions under which Hong Kong would be reunited with China. After two years of negotiations, the two parties agreed that Hong Kong would belong to the United Kingdom until 1997. And from this year onward, Hong Kong would be reintegrated into China. Nevertheless, Hong Kong would have its independent government and legislation, while its financial system would be unchangeable. Furthermore, freedom of the press, freedom of speech and freedom of assembly would be protected and enjoyed by the people of Hong Kong for a period of 50 years until 2047. All those terms are included in a legal document called Basic Law which is Hong Kong's constitution.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

Although the protests have been taking place for a while in Hong Kong, not many attempts towards the restoration of the political stability have been made. In all the previous protests since 1997, the solution resulted from the withdrawal of the contested bill. Although this has already happened, the underlying causes of the problem seem to be more complicated. Carrie Lam has withdrawn the bill and claimed that the regional government of Hong Kong is open to democratic and fruitful discussions with the protesters in order to find a solution. However, her claims seemed to contradict her actions as the police violence in Hong Kong has been aggravated since then fueling the anger of the protesters who claim that their right to a democratic protest is violated.

The world community has also tried to encourage both sides to stop resorting to violence and resolve the issue through discussions. Many UN Agencies, such as Amnesty International, has condemned the violence used by police forces by reporting the incidents of police brutality as a proof of the infringement on the rights of the Hongkongers. Many other foreign powers, such as the European Union, Canada and the United Kingdom, has also condemned police violence and urged the regional government to protect the rights of its citizens especially its right to democratic and peaceful protests. However, the aforementioned countries have also urged protesters to stop resorting to violence and vandalism as a means of achieving their objectives. They have also urged both sides to start negotiating with each other so as to find a solution, since the political instability has taken its toll on Hong Kong's economy and has damaged its tourism industry.

POSSIBLE SOLUTIONS

If both sides wish to democratically discuss their demands and reach an agreement, the daily clashes between the police and civilians need to stop. Protesters started using violence and vandalizing Hong Kong's city when they felt that their rights were violated and they were victims of police brutality. Violence in the streets needs to stop and Hong Kong's leader Carrie Lam has to convince protesters that she is open to negotiations. Then discussions between the two parties need to take place. The concerns of the population stem from the fact that the Basic Law only lasts until 1947 and they have seen in the past that the Chinese government has tried to introduce bills that strengthen its power in Hong Kong. Consequently, many people fear that their flourishing stock market will crash if the "one country, two systems" principle stops being applied. In order to dissolve those fears, both sides should focus on finding solutions that would ensure people that its democratic rights and lifestyle will be upheld even after the end of the 2047. In case of failure of the negotiations, a possible solution would be to set a moderator who would be responsible that both sides are treated fairly and the decision agreed will stabilize Hong Kong's political system in the long run. An ideal moderator could be the United Kingdom which recognizes that the 1984 Joint Declaration is legally binding and has at times expressed its serious concerns about the violence used by both sides. Except for the United Kingdom, there are many other countries that could assume this role on the condition that they will take into consideration

the protesters' demands and not influence the outcome for the sake of their interests.

Furthermore, holding elections or a referendum regarding Hong Kong's future could also be a solution. Taking into consideration the people's resentment regarding the way Hong Kong's leader dealt with the situation, regional elections that would appoint a new regional leader could restore trust and give Hongkongers hope that political instability might come to an end. Although the idea of a Hong Kong referendum might not please both sides, given the fact that many Hongkongers do not actually wish to become independent but believe that universal suffrage and their democratic rights must be upheld, a referendum would indicate that Hong Kong's citizens live in a democratic society which gives them the choice to decide upon their future. Last but not least, through a referendum the split of the society into three groups would come to an end, since the decision regarding Hong Kong's future would be taken democratically.

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