

An Umbrella of Autonomy:  
The Validity of the Hong Kong Protests

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**Abstract**

Hong Kong has been fighting for democracy and to retain its autonomy from China, and the world has been watching. Over time, Hong Kongers have seen Beijing blatantly tighten its grip before time was up for the fifty-year agreement since the handover in 1997. In 2014, and again in 2019, hundreds of thousands of citizens filled the streets to participate in pro-democracy demonstrations with the protests only gaining momentum and influence. While there has mostly been support for Hong Kong's independence movement, there has been argument that Beijing's actions are completely justified. Should Hong Kong remain autonomous from China, and if so, what is the justification? This paper will discuss Hong Kong's need to regain and maintain autonomy from China as well as solutions to help it achieve this.

### Introduction

Events within Hong Kong have gripped global awareness and have been the source of international scrutiny due to its unique status and economic significance in trade. Possessing a highly developed financial system, low taxes, and light regulations among other capitalistic features, Hong Kong has become a financial hub that few would wish to see crumble.<sup>1</sup> In fact, “Most of the world’s major banks and multinational firms maintain regional headquarters in the city.”<sup>2</sup> The World Bank has even placed Hong Kong third in its annual Doing Business rankings, and it ranked second on the Heritage Foundation’s 2020 Index of Economic Freedom.<sup>3</sup> Indeed, Hong Kong is such that the free world not only needs it, but also wishes to see it thrive.

For the past five years though, the international community has watched the former British colony in its fight for democracy and true universal suffrage without the infringement of Beijing. Of particular significance, in 2014 and especially in 2019, hundreds of thousands of citizens filled the streets in pro-democracy and pro-autonomy demonstrations. What the world thought as a cry merely for democracy and universal suffrage, has become an explosive movement to remain autonomous from China. In general, the sentiment towards Hong Kong has been supportive, especially in light of the reality that China is an authoritarian regime with serious human rights violations. Despite this, Hong Kong is still technically under the rule of China and this reality has triggered some arguments that Hong Kong is in a dangerous position by protesting and is over-stepping its bounds as the Special Administrative Region of China.

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<sup>1</sup> Eleanor Albert and Lindsay Maizland, “Democracy in Hong Kong,” Council on Foreign Relations, last updated June 30, 2020, accessed August 2020, <https://www.cfr.org/backgrounder/democracy-hong-kong>.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Nevertheless, the agreement that was made when Great Britain handed Hong Kong over to China is not over until 2047 and Hong Kongers have seen Beijing blatantly work to tighten its grip before time is up on the fifty-year agreement. The protests have progressively become more aggressive and have only gained momentum, but is Hong Kong well within its right to protest against Beijing? This thesis will argue, that in fact, it is, in order to retain its autonomy. No doubt, it will be a struggle for Hong Kong to resist the control of Chinese Communist Party, but Hong Kong must remain completely autonomous in order to preserve the liberties of the Hong Kong people and by extension, push back against the spread of authoritarianism.

## **Background**

### **Hong Kong's Handover**

On July 1, 1997, Great Britain handed her colony, Hong Kong, back over to the control of China.<sup>4</sup> For the next fifty years, the former British colony was to co-exist with mainland China under a governance system known as “One Country, Two Systems.”<sup>5</sup> Under this system, Hong Kong maintained a certain level of autonomy that allowed it to quickly become an economic powerhouse. In fact, from 1995 to around 2019, the former British colony's economy was considered to be the freest in the world.<sup>6</sup> The structure of Hong Kong's relationship with China is Basic Law,<sup>7</sup> which since the handover, has been considered the mini constitution of

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<sup>4</sup> Grace Tsoi, “What is Hong Kong's Political Controversy About?,” BBC News, November 7, 2016, accessed August 2020, <https://www.bbc.com/news/world-asia-china-37893070>.

<sup>5</sup> Ibid.

<sup>6</sup> “2020 Index of Economic Freedom: Hong Kong,” The Heritage Foundation, accessed August 2020, <https://www.heritage.org/index/country/hongkong#:~:text=Hong%20Kong%20is%20ranked%202nd,world%20from%201995%20through%202019>.

<sup>7</sup> Hong Kong SAR, *The Draft Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China for Solicitation of Opinions*, 20 Case W. Res. J. Int'l L. 301 (1988), accessed October 20, 2020 <https://scholarlycommons.law.case.edu/jil/vol20/iss1/14>.

Hong Kong.<sup>8</sup> Basic Law has been seen as a promise from China that Hong Kong could remain as it was under Britain for the next five decades.<sup>9</sup>

It created the understanding that Hong Kong would deal with its own internal affairs like elections and its justice system, while Beijing handled external issues such as defense,<sup>10</sup> allowing Hong Kong to be an “...independent customs territory and economic entity separate from the PRC...” able to “...separately enter into international agreements in commercial, economic, and certain legal matters...”<sup>11</sup> However, Beijing has begun to reach deeper into Hong Kong’s political system way before the fifty-year agreement is up. Despite the level of freedom and significant autonomy that Hong Kong possessed, there was always an underlying current of debate about Beijing’s sincerity in keeping its word and the Basic Law.<sup>12</sup>

### ***Rights of a Special Administrative Region***

While Basic Law was seen as an agreement that Hong Kong could remain as it was under Great Britain for fifty years after the handover, it also represented and defined Hong Kong’s status as China’s Special Administrative Region (SAR). Basic Law provided that while Hong Kong would share the same overarching leader, China’s president, it would have its own local leader, the chief executive who was to be supported by a body of advisors known as the Executive Council.<sup>13</sup> As China’s SAR, Hong Kong was supposed to be different, possessing rights that were not enjoyed, or even found on the mainland. Hong Kongers’ rights to freedom of

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<sup>8</sup> Tsoi, “What is Hong Kong’s Political Controversy About?”

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> “U.S. Relations with Hong Kong,” U.S. Department of State, August 28, 2020, accessed October 29, 2020, <https://www.state.gov/u-s-relations-with-hong-kong/#:~:text=Hong%20Kong%20is%20an,matters%2C%20under%20the%20Basic%20Law.&text=It%20is%20grounded%20in%20the,autonomy%2C%20and%20way%20of%20life>.

<sup>12</sup> Lewis Lau You-man, “Hong Kong and the Independence Movement that Doesn’t Know Itself,” *New York Times*, September 17, 2019, accessed August 2020, <https://www.nytimes.com/2019/09/27/opinion/hong-kong-umbrella.html>.

<sup>13</sup> “Hong Kong: What is the Basic Law and How Does it Work?,” BBC News, November 20, 2019, accessed September 25, 2020, <https://www.bbc.com/news/world-asia-china-49633862>.

speech and assembly are protected under the Basic Law, neither of which exist on mainland China.<sup>14</sup> In addition, Hong Kong also has "...a two-tiered semi-representative system of government: the law-making Legislative and district councils, as well as an independent judiciary."<sup>15</sup> The district councils, though, are mostly advisory, and in reality, possess little to no power as they act as the government's eyes and ears at a local level.<sup>16</sup> In regard to the Legislative council, while it is meant to have the authority to amend Hong Kong's laws, and members are voted in by businesses and special interest groups, the truth is that most of the members have historically been from pro-Beijing sectors.<sup>17</sup>

As far as elections go, according to the mini constitution, the "...ultimate aim' is for the chief executive to be selected by universal suffrage upon nomination by a broadly representative nominating committee."<sup>18</sup> Politically, however, Beijing possesses a lot of control over Hong Kong.<sup>19</sup> Basic Law states that "'Hong Kong's courts are responsible- 'within the limits of [its] autonomy' -for determining whether the government's actions are legal." Despite this, the "...National People's Congress Standing Committee (NPCSC) - China's rubber-stamp parliament - holds the ultimate 'power of interpretation' of the law."<sup>20</sup> Beijing has already acted five prior times to reinterpret the Basic Law, the most recent incident in 2016 when pro-independence lawmakers adjusted their oaths at swearing in that were meant to declare allegiance to China.<sup>21</sup> As of November 2019, there were 5,000 soldiers of the People's Liberation Army stationed in Hong Kong.<sup>22</sup> Even as Hong Kongers wondered if Beijing would keep Basic Law, it seems that

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<sup>14</sup> "Hong Kong: What is the Basic Law and How Does it Work?"

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

Hong Kong's freedoms may have never been intended to be respected, but were always vulnerable to Beijing's whims. For even in the very freedoms that were to define it, Beijing subtly reached in to twist them.

### **The Umbrella Revolution**

#### **First Cries for Democracy**

The disquietude over the legitimacy of Beijing's promise became reality when in August of 2014, the voices of the Hong Kong people rang out demanding that Beijing respect the democratic freedoms of Hong Kong.<sup>23</sup> The reader must keep in mind, that there has always been an elemental desire for independence in Hong Kong, and even before 2014, there was a pro-democracy camp and anti-Beijing supporters.<sup>24</sup> It was the Umbrella Revolution that really initiated the movement in the wake of pro-democracy candidates being barred from running for seats in the Legislative Council for not demonstrating enough loyalty to China, and the government disbandment of a pro-democracy party.<sup>25</sup> Infamously remembered as "8/31,"<sup>26</sup> Beijing issued a statement on August 31, 2014, of how it planned to implement "One Country-Two Systems" in Hong Kong elections.<sup>27</sup> Hong Kong officials would be elected by the people out of two or three candidates that had been nominated and pre-approved by a "nomination committee" of 1,200 in Beijing.<sup>28</sup> These are "chosen by representatives of various sectors in Hong Kong-who only make up 6% of the electorate."<sup>29</sup>

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<sup>22</sup> "Hong Kong: What is the Basic Law and How Does it Work?"

<sup>23</sup> Lau You-man, "Hong Kong and the Independence Movement that Doesn't Know Itself."

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Albert and Maizland, *Democracy in Hong Kong*.

<sup>27</sup> "Fact Check: Was Hong Kong Ever Promised Democracy?," ABC News, December 16, 2014, accessed August 2020, <https://www.abc.net.au/news/2014-12-16/was-hong-kong-ever-promised-democracy-fact-check/5809964?nw=0>.

<sup>28</sup> Ibid.

<sup>29</sup> "Hong Kong: What is the Basic Law and How Does it Work?"

In light of this, the sentiment among many Hong Kongers is that they were promised “...a level of democracy that has not been delivered.”<sup>30</sup> This was exceptionally aggravating and alarming for the Hong Kong people because in 2007, Beijing stated that Hong Kong would be guaranteed universal suffrage by 2017.<sup>31</sup> By disregarding its own word, the intentions of this election system were crystal clear: to preemptively inhibit any possible uprisings against Beijing.<sup>32</sup> In response, Hong Kongers denounced the statement as fake democracy and demanded universal suffrage and true democracy without the intervention of Beijing.<sup>33</sup>

What followed for Hong Kong, starting on September 28, 2014, was what has come to be known as the Umbrella Revolution. Led mostly by the young people of Hong Kong, were a series of pro-democracy marches and protests, including Occupy (fully named “Occupy Central with Love and Peace), a 79-day sit-in occupation at the main thoroughfares of Admiralty, Mong Kok, and Causeway Bay.<sup>34</sup> Students boycotted classes and set up make-shift study halls as they followed the leadership who emphasized civil disobedience rather violence.<sup>35</sup> As protests progressed, hundreds of thousands of students and citizens flooded the streets of Hong Kong carrying umbrellas to fend off onslaughts of pepper spray and tear gas from the police attempt to break up crowds, and passionately denounced the actions of Beijing.<sup>36</sup> Initially, the demonstrations seemed to be short lived. In reality, they planted the seed for a greater independence movement that merely simmered and became a resurgence stronger than ever.<sup>37</sup>

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<sup>30</sup> “Hong Kong: What is the Basic Law and How Does it Work?”

<sup>31</sup> Ibid.

<sup>32</sup> Lau Yiu-Man, “Hong Kong and the Independence Movement that Doesn’t Know Itself.”

<sup>33</sup> Ibid.

<sup>34</sup> Adolfo Arranz, and Jeffie Lam, “From Occupy 2014 to Protests 2019,” *South China Morning Post*, September 28, 2019, accessed August 2020, <https://multimedia.scmp.com/infographics/news/hong-kong/article/3030696/from-occupy-to-hong-kong-protests/index.html>.

<sup>35</sup> Arranz and Lam, “From Occupy 2014 to Protests 2019.”

<sup>36</sup> Jon Henley, “How the Umbrella Became a Symbol of the Hong Kong Democracy Protests,” *The Guardian*, September 29, 2014, accessed August 2020, <https://www.theguardian.com/world/2014/sep/29/umbrella-symbol-hong-kong-democracy-protests>.

<sup>37</sup> Lau You-man, “Hong Kong and the Independence Movement that Doesn’t Know Itself.”

Five years later, the world's attention was again seized as the spark lit in 2014 became a raging fire.

The foundation of the agreement between China and Hong Kong "...was premised on the 'one country, two systems' model, which creates a firewall to protect Hong Kong's open society from the mainland's one-party dictatorship — to be achieved by 'Hong Kong people ruling Hong Kong' under a 'high degree of autonomy.' Mainland departments are expressly barred from interfering in Hong Kong affairs. Mainland laws, with limited exception, are not to apply in the city. Central to this constitutional structure is a commitment to...the rule of law and the fundamental rights and freedoms spelled out in international human rights covenants."<sup>38</sup> In retrospect, China's abandonment of these commitments and physically forceful response to protestors provides clear evidence that Beijing has no regard for basic human rights. Rather, it abuses them for its own political aspirations and power agenda.

### **Return of the Umbrella Protests**

#### **The Extradition Bill**

Over time, Hong Kong has felt China slowly tighten its grip.<sup>39</sup> Between 2014 and 2019, things seemed to calm down since the Umbrella Revolution, but the peace was not to last, and in April of 2019, Beijing announced its plan to invoke a bill that would mandate extraditions to mainland China.<sup>40</sup> Protests once again were sparked in opposition to what Hong Kongers claimed to be the mainland's infringement on their political system.<sup>41</sup> Any person suspected of a

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<sup>38</sup> Michael C. Davis and Victoria Tin-bor Hui, "Beijing's National Security Law Brings Mainland Repression to Hong Kong: The Implications of the New Law for Hong Kongers and the World," *The Diplomat*, July 3, 2020, accessed October 30, 2020, <https://thediplomat.com/2020/07/beijings-national-security-law-brings-mainland-repression-to-hong-kong/>.

<sup>39</sup> Yan Sham-Shackleton, "July 1, 1997: When Six Million Hongkongers Were Handed Over by Their Colonists to a Totalitarian Regime," *Hong Kong Free Press*, July 1, 2019, accessed August 2020, <https://hongkongfp.com/2019/07/01/july-1-1997-six-million-hongkongers-handed-colonists-totalitarian-regime/>.

<sup>40</sup> Tanja Porčnik, "Hong Kong: Withstanding the Attack," *Cato Institute*, October 7, 2019, accessed August 2020, <https://www.cato.org/publications/commentary/hong-kong-withstanding-attack>.

crime in Hong Kong would be extradited to the mainland and be subject to Beijing's unjust legal system; which would involve "...arbitrary detention, unfair trial, and torture..."<sup>42</sup> While citizens of Hong Kong have some hope of a fair trial, on the mainland, the justice system is used to silence those who show signs of opposition.<sup>43</sup>

Those sent to China would be subject to a justice system that would further undermine the judicial independence of Hong Kong and allow Beijing to pursue and remove its political enemies.<sup>44</sup> Additionally, Human Rights Watch noted that "...extradition laws will put anyone in Hong Kong doing work on the mainland at risk..." and "...no one will be safe, including activists, human rights lawyers, journalists, and social workers."<sup>45</sup> The proposal reignited what began in 2014,<sup>46</sup> and once again the streets of Hong Kong were filled with a sea of umbrellas. Unlike the Umbrella Revolution of 2014 however, the 2019 protests generated an unexpected force and maintained unprecedented longevity. Following the legislative proposal, thousands of demonstrators broke into and defaced the Legislative Council on the anniversary of the Handover<sup>47</sup> and subsequently, occupied the Hong Kong International Airport.<sup>48</sup>

On October 23, 2019,<sup>49</sup> after thirteen weeks of protests, Hong Kong's leader, Carrie Lam, announced that the bill would finally be withdrawn, but the protests did not weaken.<sup>50</sup> In fact,

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<sup>41</sup> Albert and Maizland, "Democracy in Hong Kong."

<sup>42</sup> Jeff Li, "Hong-Kong China Extradition Plans Explained," BBC News, December 13, 2019, accessed August 2020, <https://www.bbc.com/news/world-asia-china-47810723>.

<sup>43</sup> Porčnik, *Hong Kong: Withstanding the Attack*.

<sup>44</sup> Human Rights Watch, quoted in Li, "Hong-Kong China Extradition Plans Explained."

<sup>45</sup> Li, "Hong-Kong China Extradition Plans Explained."

<sup>46</sup> Lau Yiu-Man, "Hong Kong and the Independence Movement that Doesn't Know Itself."

<sup>47</sup> "Hong Kong: Protestors Storm and Deface Parliament on Handover Anniversary," BBC News, July 1, 2019, accessed August 2020, <https://www.bbc.com/news/world-asia-china-48821640>.

<sup>48</sup> Shannon Van Sant, "Hong Kong Protestors Occupy the City's Airport in 'Summer of Discontent,'" National Public Radio, July 26, 2019, accessed August 2020, <https://www.npr.org/2019/07/26/745662446/hong-kong-protesters-occupy-the-citys-airport-in-summer-of-discontent>.

<sup>49</sup> "Hong Kong Formally Scraps Extradition Bill that Sparked Protests," BBC News, October 23, 2019, accessed September 2020, <https://www.bbc.com/news/world-asia-china-50150853>.

<sup>50</sup> "Hong Kong Leader Carrie Lam Announces Formal Withdrawal of the Extradition Bill and Sets up a Platform to Look Into Key Causes of Protest Crisis," *South China Morning Post*, September 4, 2019, accessed August 2020, <https://www.scmp.com/news/hong-kong/politics/article/3025641/hong-kong-leader-carrie-lam-announce-formal-withdrawal>.

they gained momentum. Protestors, not satisfied with merely withdrawing the extradition bill, said the withdrawal was “too little too late” and again demanded electoral reforms.<sup>51</sup> Protestors went even further and presented their “List of Five Demands” of: withdrawing the extradition bill, withdrawing the classification of protests as riots, providing amnesty for protestors who were arrested, independent inquiries into police brutality, and implementing universal suffrage.<sup>52</sup> Universal suffrage, which was largely at the heart of the protests and described in Articles 45 and 68 of Basic Law as the “ultimate aim,” was a desire to see the Chief Executive be elected solely by the Hong Kong people, not merely selecting from options given by Beijing.<sup>53</sup> Some wondered if the campaign for democracy would detract from “...the unprecedented solidarity of the movement. But the move was backed by strong public sentiment, and soon the slogan became: ‘Five demands, not one less.’”<sup>54</sup>

While the demand for the withdrawal of the extradition bill was recognized, Hong Kongers maintained strong suspicions. In an article for the *Hong Kong Free Press*, journalist Holmes Chan quotes a protest organizer from the Civil Human Rights Front, “Chief Executive Carrie Lam did respond to one of the demands, but if she wants to use this to resolve the crisis, then she has made a serious error in political judgement and will not fix us.”<sup>55</sup> In the same article, Chan records a Tweet of Joshua Wong of the Demosisto political group where Wong strongly concurs regarding the withdrawal, “In short, Carrie Lam’s repeated failure in

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<sup>51</sup> Holmes Chan, “‘Too Little, Too Late:’ Hong Kong Democrats and Protestors Vow Further Action Despite Extradition Bill Withdrawal,” *Hong Kong Free Press*, September 4, 2019, accessed August 2020, <https://hongkongfp.com/2019/09/04/little-late-hong-kong-democrats-protesters-vow-action-despite-extradition-bill-withdrawal/>.

<sup>52</sup> “The Hong Kong Protests Explained in 100 and 500 Words,” BBC News, November 28, 2019, accessed August 2020, <https://www.bbc.com/news/world-asia-china-49317695>.

<sup>53</sup> “Tens of Thousands March for Universal Suffrage in Hong Kong,” Congressional-Executive Commission on China, January 1, 2006, accessed September 28, 2020, <https://www.cecc.gov/publications/commission-analysis/tens-of-thousands-march-for-universal-suffrage-in-hong-kong>.

<sup>54</sup> Holmes Chan, “Explainer: Hong Kong’s Five Demands-Universal Suffrage,” *Hong Kong Free Press*, December 26, 2019, accessed September 2020, <https://hongkongfp.com/2019/12/26/explainer-hong-kongs-five-demands-universal-suffrage/>.

<sup>55</sup> Chan, “Explainer: Hong Kong’s Five Demands-Universal Suffrage.”

understanding the situation has made this announcement completely out of touch – She needs to address all five demands: Stop prosecution, stop calling us rioters, independent inquiry of police, and free election!”<sup>56</sup>

With a fear of losing autonomy as a driving force behind the protests and that the bill would be revived, demonstrations became more forceful.<sup>57</sup> Clashes with the police ensued as protestors used petrol bombs and other projectiles such as bows and arrows,<sup>58</sup> and police utilized pepper spray, pepper balls, rubber bullets<sup>59</sup> and riot gear.<sup>60</sup> With the arrival of the Chinese Communist Party’s 70<sup>th</sup> anniversary (2019), a young protestor was shot with a live bullet during a police-protestor clash.<sup>61</sup> Things continued to escalate as protestors were banned from wearing masks,<sup>62</sup> a pro-Beijing official was stabbed<sup>63</sup>, another protestor was shot point-blank by the police<sup>64</sup>, and anti-government protestors set a man on fire.<sup>65</sup> Streets were barricaded and students engaged in a standoff with Hong Kong police at Hong Kong’s Polytechnic University.<sup>66</sup> In the wake of the standoff, council elections were held to gauge public opinion, and resulted in an overwhelming pro-democracy vote with seventeen of the eighteen seats held by pro-democracy councilors.<sup>67</sup>

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<sup>56</sup> Chan, “Explainer: Hong Kong’s Five Demands-Universal Suffrage.”

<sup>57</sup> “The Hong Kong Protests Explained in 100 and 500 Words.”

<sup>58</sup> “Hong Kong Protests: Students Fight Police with Petrol Bombs, Bows and Arrows,” BBC News, November 13, 2019, accessed August 2020, <https://www.bbc.com/news/av/world-asia-china-50387306>.

<sup>59</sup> Joshua Wong, “China is Committing Human Rights Abuses in Hong Kong,” AlJazeera News, April 18, 2020, accessed September 2020, <https://www.aljazeera.com/indepth/opinion/china-committing-human-rights-abuses-hong-kong-200408083726463.html>.

<sup>60</sup> Athena Chan, and Sue Ng, “What are the Weapons Hong Kong Police Use on Anti-Government Protestors, and how Dangerous are They?,” *South China Morning Post*, August 10, 2019, accessed August 2020, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3022189/what-are-weapons-hong-kong-police-use-anti-government>.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> “The Hong Kong Protests Explained in 100 and 500 Words.”

What would happen should autonomy be lost? Hong Kong's unique status as an autonomous region is characterized by the protection of basic rights such as free speech, assembly, expression, and association.<sup>68</sup> Being autonomous from China, its economy has been awarded some of the lowest taxes in the world (completely independent from the mainland) making it the most business-friendly economy on the globe.<sup>69</sup> Hong Kongers fear that the loss of autonomy would not only squelch the freedom of speech, assembly, and expression that are suppressed or not even found on the mainland, but would also completely alter or even decimate it.<sup>70</sup> Personal security would be compromised, their judicial independence entirely dissolved, and what little resemblance of democracy it has, replaced with the iron fist of the Chinese Communist Party. Hong Kong's economy would become subject to more regulations and government interventions causing it to lose any attractiveness to international business and investment.<sup>71</sup> If Hong Kong loses its autonomy entirely, the fears of Hong Kongers would be more than realized, they would become reality.

### ***The National Security Law***

Despite the council win for pro-democracy supporters, the push-back against Beijing did not cease. On June 30 of 2020,<sup>72</sup> Beijing passed a national security law further intensifying fears of its closing fist over Hong Kong.<sup>73</sup> Human Rights Watch deems this to be "...Beijing's most aggressive assault on Hong Kong people's freedoms since the transfer of sovereignty in 1997."<sup>74</sup>

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<sup>68</sup> "Protect the Rights of People in Hong Kong," Amnesty International, accessed September 28, 2020, <https://www.amnesty.org/en/get-involved/take-action/stop-the-hong-kong-extradition-bill/>.

<sup>69</sup> Hana Davis, "Hong Kong's Tax System Explained: Why Levies are So Low , How it Competes with Singapore, and Why it's Both 'Out of Date and Ahead of its Time,'" *South China Morning Post*, March 2, 2019, accessed September 28, 2020, <https://www.scmp.com/news/hong-kong/hong-kong-economy/article/2188256/hong-kongs-tax-system-explained-why-levies-are-so>.

<sup>70</sup> Ibid.

<sup>71</sup> "Hong Kong Security Law: What is it and Why is it Worrying?," BBC News, June 30, 2020, <https://www.bbc.com/news/world-asia-china-52765838>.

<sup>72</sup> "China: New Hong Kong Law A Roadmap for Repression," Human Rights Watch, July 29, 2020, accessed September 2020, <https://www.hrw.org/news/2020/07/29/china-new-hong-kong-law-roadmap-repression>.

<sup>73</sup> Albert and Maizland, "Democracy in Hong Kong."

<sup>74</sup> "China: New Hong Kong Law A Roadmap for Repression."

According to Article 23 of Basic Law, Hong Kong was to pass a national security law, but this was always put off due to its unpopularity.<sup>75</sup> The security law that Beijing passed condemns “terrorism, subversion, secession, and collusion with foreign power” but defines them very broadly, which, critics note, strongly suggests it was done so with the express intent of cracking down on protestors;<sup>76</sup> for example, the damaging of public transport can be considered an act of terrorism.<sup>77</sup> Whatever the new law deems as subversion, terrorism, secession, and collusion with a foreign power can be punishable with up to a lifetime prison sentence, and those who are guilty will be barred from running for public office.<sup>78</sup> Additionally, the law which bypassed the Hong Kong legislature (a departure from the usual legal process), makes provision for a security force in Hong Kong established by Beijing, as well as Beijing-appointed judges for national security cases.<sup>79</sup>

Working to enforce its law, Beijing intends to install a security office in Hong Kong, and while the office can send some cases of violation to the mainland, Beijing claims that it will only have such power over a “tiny” amount of cases.<sup>80</sup> Furthermore, Hong Kong will be required to have a commission to enforce the law headed by an advisor appointed by Beijing and the chief executive of Hong Kong has the authority to assign judges to cases of violating the national security law, “...raising fear about judicial autonomy.”<sup>81</sup> Perhaps most concerning, is the fact that, “Beijing will have power over how the law should be interpreted, not any Hong Kong judicial or policy body. If the law conflicts with any Hong Kong law, the Beijing law takes

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<sup>75</sup> “Hong Kong Security Law: What is it and is it Worrying?”

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

priority,” and suspects can be subject to surveillance and wiretapping.<sup>82</sup> Not only would this apply to Hong Kong residents, but to non-residents as well.<sup>83</sup> In the face of these events, lawmakers and activists who support democracy and autonomy in Hong Kong have decried their fears of “the end of Hong Kong.”<sup>84</sup>

### **Why Hong Kong Should be Autonomous**

#### **What Beijing Thinks of Hong Kong**

According to the people of Hong Kong:

The civil disobedience campaign is about more than open elections – it’s about the future of the city’s relationship with Beijing. Hong Kong residents say that over the past few years, the central government has been slowly and systematically tightening its grip over the city, leading them to feel politically marginalized and economically squeezed. Real estate markets have flooded with mainland money, making home ownership prohibitively expensive. Local media outlets have begun to rigorously self-censor, for fear of losing advertisers. Outspoken voices have been threatened, even attacked.<sup>85</sup>

From the perspective of Beijing though, China is merely treating Hong Kong as a mother would its wayward child.<sup>86</sup> In the mind of the Chinese Communist Party, and in most of Beijing for that matter,<sup>87</sup> China “...has the right to intervene in Hong Kong’s political affairs; in fact, that right is built into the system.”<sup>88</sup> With their “8/31” statement, Beijing even declared that it had “all-inclusive power to govern; no holds barred” (In Mandarin, 全面管治權 - Quánmiàn guǎn zhì

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<sup>82</sup> “Hong Kong Security Law: What is it and is it Worrying?”

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Jonathan Kaiman, “Hong Kong’s Umbrella Revolution-The Guardian Briefing,” *The Guardian*, September 30, 2014, accessed September 2020, <https://www.theguardian.com/world/2014/sep/30/-sp-hong-kong-umbrella-revolution-pro-democracy-protests>.

<sup>86</sup> Lau Yiu-Man, “Hong Kong and the Independence Movement that Doesn’t Know Itself.”

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

quán).<sup>89</sup> In other words, “The autonomy enjoyed by the special administrative region is not *a given*; it is *given*, or granted, by Beijing.”<sup>90</sup>

Wanting to maintain a tight rein on its Special Administrative Region (SAR), President Xi Jin Ping of China strongly warned, “...any attempt to endanger China’s sovereignty and security’ or to challenge Beijing’s power would cross a red line.”<sup>91</sup> In other words, Hong Kong essentially has no recourse. China made promises to Hong Kong, but these agreements are just part of a “...long string of promises broken by the communist regime. They have violated their commitments to U.N. Convention on the Law Seas [sic], violated U.N. sanctions (which they voted for) against North Korea and delivered debt and corruption (rather than the promised prosperity) through their vaunted Belt and Road economic ‘initiative.’”<sup>92</sup> James Jay Carafano concluded that China’s actions should really come as no surprise.<sup>93</sup> It has demonstrated a pattern of “...playing fast and loose with the rules as it tries to bully its way to the top-and its actions with Hong Kong only reinforce that reputation.”<sup>94</sup> Carafano further states that China knows that no one in their right mind would believe the propaganda it puts out, but of course it does not care; the Chinese people will believe the narratives that are so exclusively force-fed to them, and that is all Beijing asks for.<sup>95</sup> The Chinese Communist Party does not view its actions as subverting Hong Kong’s authority or governance; according to Beijing, Hong Kong never had that power in the first place

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<sup>89</sup> Lau Yiu-Man, “Hong Kong and the Independence Movement that Doesn’t Know Itself.”

<sup>90</sup> Ibid.

<sup>91</sup> Albert, and Maizland. “Democracy in Hong Kong.”

<sup>92</sup> James Jay Carafano, “What Hong Kong Unrest Tells Us About China’s Plans for the Rest of the World,” The Heritage Foundation, August 14, 2019, accessed October 30, 2020, <https://www.heritage.org/asia/commentary/what-hong-kong-unrest-tells-us-about-chinas-plans-the-rest-the-world>.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Christina Zhou, “China’s Communist Party is at a Fatal Age for One-Party Regimes. How Much Longer Can it Survive?,” ABC News, January 4, 2020, accessed September 2020, <https://www.abc.net.au/news/2020-01-05/chinas-communist-party-is-at-a-fatal-age-for-one-party-regimes/11807138>.

As China's Special Administrative Region, Hong Kong has strong economic ties to the country, remaining its third largest trading partner (after the United States) and in 2019, made up 6% of the mainland's total trade.<sup>96</sup> Hong Kong also relies financially on the mainland, sending the majority of its exports there which consisted of more than half of the city's entire trade in 2019.<sup>97</sup> Thus, it could be argued that because of this economic relationship, it would not be wise for Hong Kong to separate from China. From the mainland's ideological perspective, however, it is an entirely different matter. To the Chinese Communist Party, "...economic freedom is no more popular than political freedom..."<sup>98</sup> China wants to ensure that pro-democratic rhetoric never reaches the mainland, and as long as these ideas stay outside of China:

Beijing might not be too concerned to see Hong Kong's stature as a stable and dependable place to do business diminished. Hong Kong just doesn't mean near as much to the Chinese economy as it did 20 years ago. Besides, the Chinese would rather see investment flow to mainland cities like Guangzhou and Shanghai that are more firmly under the regime's control. As for the welfare and future of the people of Hong Kong, that is the last thing Beijing cares about.<sup>99</sup>

In sum, China views its actions towards Hong Kong as entirely legitimate. It is correcting the behavior of its "child," bringing it back into the fold, and it will continue its behavior as a bully, until the international community decides it will no longer tolerate such conduct.<sup>100</sup>

### ***The Threat of Authoritarianism***

One may then question why there is all of this chaos in the first place when Hong Kong is technically under the rule of China. Let the reader keep in mind, however, that China is an authoritarian state, and if history has demonstrated anything, it has shown that the Chinese

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<sup>96</sup> Albert, and Maizland, "Democracy in Hong Kong."

<sup>97</sup> Ibid.

<sup>98</sup> Carafano, "What Hong Kong Unrest Tells Us About China's Plans for the Rest of the World."

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

Communist Party is antithetical to anything that remotely resembles democracy.<sup>101</sup> Local Hong Konger and one of the faces of the pro-democracy movement in Hong Kong, Joshua Wong, quoted, “This fight is not just about Hong Kong. This fight is a global resistance to the worldwide expansion of authoritarian regimes.”<sup>102</sup> Especially given the implementation of the national security law, Secretary of State Mike Pompeo, indicated that it is evident China will not easily give up its Special Administrative Region, and as far as Beijing is concerned, Hong Kong will never be sovereign.<sup>103</sup> Pompeo stated:

Beijing’s disastrous decision is only the latest in a series of actions that fundamentally undermine Hong Kong’s autonomy and freedoms and China’s own promises to the Hong Kong people under the Sino-British Joint Declaration, a UN-filed international treaty...No reasonable person can assert today that Hong Kong maintains a high degree of autonomy from China, given facts on the ground.<sup>104</sup>

While Chinese authorities tout the national security law as a means of restoring and enforcing order in Hong Kong, outside of China, analysts have interpreted this law as a “...heavy-handed effort by Beijing to impose its authoritarian impulses on Hong Kong.”<sup>105</sup> Commentators have further noted that China is in the process of “...eroding Hong Kong’s unique attributes – its free speech, free assembly, and legal transparency...mortgaging Hong Kong’s dynamism in pursuit of greater control.”<sup>106</sup>

Because China is vague in its policy-making process, it is difficult to pinpoint its exact intentions in passing the national security law and clamping down on its Special Administrative

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<sup>101</sup> Seth Cropsey, “China’s Worst Fears: Hong Kong, Taiwan, and Any Other Democracy,” Hudson Institute, August 11, 2019, accessed September 2020, <https://www.hudson.org/research/15239-china-s-worst-fears-hong-kong-taiwan-and-any-other-democracy>.

<sup>102</sup> Wong, “China is Committing Human Rights Abuses in Hong Kong.”

<sup>103</sup> The Associated Press, “Pompeo Says Hong Kong No Longer Autonomous from the Chinese Government,” *Fortune*, May 27, 2020, accessed September 2020, <https://fortune.com/2020/05/27/pompeo-hong-kong-no-longer-autonomous-china/>.

<sup>104</sup> The Associated Press, “Pompeo Says Hong Kong No Longer Autonomous from the Chinese Government.”

<sup>105</sup> Ryan Hass, “Why Now? Understanding Beijing’s New Assertiveness in Hong Kong,” Brookings Institute, July 17, 2020, accessed September 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/07/17/why-now-understanding-beijings-new-assertiveness-in-hong-kong/>.

<sup>106</sup> Hass, “Why Now? Understanding Beijing’s New Assertiveness in Hong Kong.”

Region.<sup>107</sup> The Brookings institute observes though, that Beijing's "...imposition of its will on Hong Kong as a morality play with good versus evil undertones" is a common interpretation.<sup>108</sup> In fact, this position supports the theory that Beijing has always desired to suppress Hong Kong and erase its special distinction from other Chinese cities.<sup>109</sup> If this could be achieved, it is speculated that Beijing could guarantee that its Special Administrative region "...did not serve as an inspiration for Chinese citizens desiring greater freedom to express their views, practice their religion, access information from around the world, and protest injustice."<sup>110</sup> In short, according to this argument, Beijing merely accepted the terms at the Handover in 1997 because it was not strong enough at the time to push back and do otherwise.<sup>111</sup>

Beijing does have the authority to interpret Basic Law, and this has caused great concern about the ability of the authoritarian regime to further suppress any acts of democracy, including prohibiting and removing any elected officials that it does not like, undermining the judicial independence of Hong Kong,<sup>112</sup> and rejecting Hong Kong nominations for leadership polls.<sup>113</sup> Rather than defining the Basic Law in such a way that is more clear, critics note that Beijing has just changed the law (this is in fact the fifth time it has done so).<sup>114</sup> Despite this, China has defended its actions toward Hong Kong as "absolutely necessary."<sup>115</sup> Above all, Beijing fears that the city, if left to its own devices, would choose a pro-democratic candidate, potentially planting the seeds for a movement to break away from mainland control."<sup>116</sup>

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<sup>107</sup> Hass, "Why Now? Understanding Beijing's New Assertiveness in Hong Kong."

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Tsoi, "What is Hong Kong's Political Controversy About?"

<sup>113</sup> "Thousands of Students Start Week-long Boycott," BBC News, September 22, 2014, accessed September 2020, <https://www.bbc.com/news/world-asia-china-29306128>.

<sup>114</sup> Tsoi, "What is Hong Kong's Political Controversy About?"

<sup>115</sup> Ibid.

<sup>116</sup> Kaiman, "Hong Kong's Umbrella Revolution-The Guardian Briefing."

Quebec provides a somewhat successful model of a breakaway from mainland control as an autonomous region. Like Hong Kong, it is different from the rest of Canada. Quebec possesses a different legal system, institutions, and language.<sup>117</sup> It is in fact, the only area in North America with a francophone majority.<sup>118</sup> Like Hong Kong relies on China, Quebec relies on Canada economically, but itself has much to offer in terms of things like natural and human resources, entrepreneurship, technology, and infrastructure.<sup>119</sup> For Quebec it is important that its identity and Canada's are complementary to each other and its current interests are not compromised by taking part in Canadian federalism.<sup>120</sup> While this presents an excellent model for Hong Kong, Canada has not suppressed the rights of Quebecers as China has done to the people of Hong Kong.<sup>121</sup> Nevertheless, it would be worthwhile to consider what of Quebec's relationship with Canada Hong Kong could implement in its own relationship with China.

**China's human rights abuses.** One thing is very certain: China has demonstrated serious human rights violations and abuses.<sup>122</sup> In an article for National Public Radio, Shannon Van Sant recorded Joshua Wong's warning, "Under the hardline policy of President Xi Jinping, we realize that a victory for Hong Kong, is a victory for the free world" and the rest of the international community must "...realize that Beijing does not follow and rely on universal values."<sup>123</sup> According to a report by Human Rights Watch, "China's government sees human rights as an existential threat. Its reaction could pose an existential threat to the rights of people

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<sup>117</sup> Franklin Koo, "Identity Crisis: To Address the Cause of Hong Kong's Unrest, Look to Quebec," Inkstone News, October 18, 2019, accessed October 1, 2020, <https://www.inkstonenews.com/opinion/identity-crisis-address-cause-hong-kong-unrest-look-quebec/article/3033492>.

<sup>118</sup> Ibid.

<sup>119</sup> Benoît Pelletier, "The QLP Proposes Several Changes That Would Make the Canadian Federation More Flexible and Would Confirm Quebec's Identity Within Canada," Policy Options Politiques, April 1, 2001, accessed October 1, 2020, <https://policyoptions.irpp.org/magazines/western-alienation/quebecs-choice-affirmation-autonomy-and-leadership/>.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> "China's Global Threat to Human Rights," Human Rights Watch, 2020, accessed September 2020, <https://www.hrw.org/world-report/2020/country-chapters/global#>.

<sup>123</sup> Van Sant, "Hong Kong Protestors Occupy the City's Airport in 'Summer of Discontent.'"

worldwide.<sup>124</sup> This is a primary argument in favor of Hong Kong: China's rap sheet of human rights abuses have been a global concern for a number of years.

In a paper for the Josef Korbel School of International Studies at the University of Denver, several scholars came together and discussed China's human rights record. Writing for this paper, Liza Negriff states that one of the biggest human rights abuses committed by China is censorship of the freedom of speech and expression.<sup>125</sup> Negriff notes that, "The Chinese Communist Party (CCP) has never officially recognized the existence of censorship since its inception in 1949."<sup>126</sup> However, it is abundantly clear that there is control over speech and expression as dictated by the government. In 1989 for example, the Chinese government passed a law that strengthened censorship, specifically in regard to literature content.<sup>127</sup> While the Chinese constitution protects freedom of expression, the CCP has violated its own constitution.<sup>128</sup> "The term 'disturbing social order' (which appears in both civil and criminal laws), creates a vagueness that, combined with the national culture of censorship, undermines the constitutional provisions guaranteeing free speech and expression."<sup>129</sup>

This concern over the vagueness of Beijing law is echoed in the fears of Hong Kongers about the national security law which defines "terrorism, subversion, secession, and collusion with foreign power" unclearly. Not only has China violated its own constitution, but it has also directly done the same in its agreement with Hong Kong. Because of vagueness, Chinese citizens have no clear information of what is censored, and so censor themselves while at the same time,

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<sup>124</sup> "China's Global Threat to Human Rights."

<sup>125</sup> Liza Negriff, "The Past, Present, and Future of Freedom of Speech and Expression in the People's Republic of China," 130, University of Denver, Fall 2009, accessed August 2020, <https://www.du.edu/korbel/hrhw/researchdigest/china/China.pdf>.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Lau Yiu-Man, "Hong Kong and the Independence Movement that Doesn't Know Itself."

being subjected to “inconsistent and disproportionate enforcement of laws” and consequences from license revocation to imprisonment.<sup>130</sup> China “...has been unwilling to let go of its stronghold on information generation and dissemination for fear of a breakdown in social and political order.”<sup>131</sup> Thus, Hong Kongers have reason to fear the same occurrence in Hong Kong if the Chinese Communist Party obtains complete control of the freedoms of speech and expression that have been enjoyed under Article 27 of the Basic Law.<sup>132</sup> Even now, unclear charges have been used in the arrest and prosecution of innocent and peaceful protestors.<sup>133</sup>

In light of the human rights abuses on the mainland, the case in favor of Hong Kong autonomy is further bolstered. China has abused human rights legally and physically. Wong further stated that leaked legal documents reveal the targeting and persecution of more than one million Muslim minorities, particularly Uighurs and Kazaks.<sup>134</sup> The lack of a just legal system was the main concern of the extradition bill, and the Hong Kong people had good reason to be suspicious. On the mainland, the “...penal system, which lacks a fair judicial process, employs an extensive network of forced labor camps in order to ‘reform’ criminals through labor.”<sup>135</sup> Physical and psychiatric torture are frequently utilized, due process is pretty much non-existent, and with the incentive to make a profit, prisoners are vulnerable to such atrocities as trafficking and organ harvesting.<sup>136</sup>

Reports like these are understandably alarming to hear for a people who are under the same rule of the country that has been carrying out such vicious abuses. While human rights

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<sup>130</sup> Lau Yiu-Man, “Hong Kong and the Independence Movement that Doesn’t Know Itself.”

<sup>131</sup> Ibid.

<sup>132</sup> Hong Kong SAR, *The Draft Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China for Solicitation of Opinions*.

<sup>133</sup> “Protect the Rights of People in Hong Kong.”

<sup>134</sup> Wong, “China is Committing Human Rights Abuses in Hong Kong.”

<sup>135</sup> Hsiu-lun Teng, “Human Rights in China: Introduction”: ii, University of Denver, Fall 2009, accessed August 2020, <https://www.du.edu/korbel/hrhw/researchdigest/china/China.pdf>.

<sup>136</sup> Teng, “Human Rights in China: Introduction”: ii.

abuses have not reached the exact same extent as on the mainland, they are indeed present in Hong Kong. “China is trying to grind down Hong Kong’s democracy movement, while preserving global-facing amenities like the airport and the banking system.”<sup>137</sup> In doing so, it has utilized surveillance, propaganda,<sup>138</sup> and police brutality that has employed rubber bullets, tear gas, and brutal beatings against the people.<sup>139</sup> All of this has fearfully reminded the Hong Kong people of the bloody violence of Tiananmen Square in 1989.<sup>140</sup>

**Patterns in history.** Human rights abuses and the mother-child philosophy have not just occurred within Hong Kong, nor is the spread of authoritarianism merely theoretical. China has viewed Tibet in much of the same way. Beijing maintains that Tibet has always been a part of the “motherland” and forced it into annexation in 1951.<sup>141</sup> Tibetans attempted to regain their independence in 1959 but were quickly repressed.<sup>142</sup> The Dalai Lama fled the country to India and Tibetans have been subject to the authoritarianism of the Chinese government and serious human rights violations.<sup>143</sup> During implementations of martial law, thousands of Tibetans have been killed and in the 60s and 70s monasteries and temples were burnt down during Mao Zedong’s Cultural Revolution.<sup>144</sup> Like the mainland, Tibetans are subject to religious and political persecution and schools are being forced into education reforms such as using Mandarin rather than native Tibetan in the classroom.<sup>145</sup>

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<sup>137</sup> Claudia Rosette, “A Defiant Stand for Freedom,” *City Journal*, December 11, 2019, accessed August 2020, <https://www.city-journal.org/hong-kong-struggle-against-tyranny>.

<sup>138</sup> Rosette, “A Defiant Stand for Freedom.”

<sup>139</sup> Wong, “China is Committing Human Rights Abuses in Hong Kong.”

<sup>140</sup> *Ibid.*

<sup>141</sup> Peter Hessler, “Tibet Through Chinese Eyes,” *The Atlantic*, February 1999, accessed September 29, 2020, <https://www.theatlantic.com/magazine/archive/1999/02/tibet-through-chinese-eyes/306395/>.

<sup>142</sup> “Tibet Profile,” *BBC News*, April 26, 2019, accessed September 29, 2020, <https://www.bbc.com/news/world-asia-pacific-16689779>.

<sup>143</sup> Hessler, “Tibet Through Chinese Eyes.”

<sup>144</sup> “Tibet Profile.”

<sup>145</sup> *Ibid.*

Much like the national security law in Hong Kong, any act that poses a threat to the Chinese regime can be deemed a crime.<sup>146</sup> Tibetans face the very oppression that Hong Kongers fear with arbitrary punishments, detentions based on unclear charges, torture, and no access to a fair trial. Even children are subject to such abuses.<sup>147</sup> The flag and national anthem are banned, and as Buddhism (the national religion and even identity of Tibet) is seen as a threat, anyone who promotes the national identity are jailed and are vulnerable to much worse.<sup>148</sup> Thus, with such an example as Tibet suffering at the hands of the Chinese Communist Party, Hong Kong understands what is at risk should it be taken over and must look to a better model.

### **Achieving and Retaining Autonomy**

#### **Collapse of the Chinese Communist Party**

Taking into serious consideration the situation that Hong Kong is in, and the most extreme suppression it will surely face under complete control of Beijing, one thing is evident: it must not merely regain the level of semi-autonomy it once possessed but be completely independent of Beijing in order to preserve the freedoms that the Hong Kong people enjoy. However, even experts admit that it would be exceedingly difficult, close to impossible even, for Hong Kong to be free. In an interview with the Heritage Foundation, Ambassador Terry Miller stated:

I think in the long run, Hong Kong is going to become a Chinese city, and we'll see what kind of China there is at that time. We're talking about 30 years in the future. A lot could happen in 30 years, both in Hong Kong and China. But it's clear that the integration of Hong Kong into China is going to continue and the people in Hong Kong are fighting to preserve the freedoms that they have and it'll be very interesting to see how successful they are in that struggle.<sup>149</sup>

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<sup>146</sup> "Human Rights in Tibet," Free Tibet, accessed September 30, 2020, <https://www.freetibet.org/about/human-rights>.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Terry Miller, interview by Michelle Cordero, "Is This the End of a Free Hong Kong?" The Heritage Foundation, accessed September 2020, <https://www.heritage.org/international-economies/heritage-explains/the-end-free-hong-kong>.

While Secretary of State, Mike Pompeo, called out China's recent actions against Hong Kong as "disastrous" and such that "...undermine Hong Kong's autonomy and freedoms and China's own promises to the Hong Kong people under the Sino-British Joint Declaration, a U.N.-filed international treaty," he conceded to the truth that Hong Kong is no longer autonomous.<sup>150</sup> The United States withdrew Hong Kong's special status with officials fearing that "Hong Kong may be lost."<sup>151</sup>

Despite the bleak situation, it is not an unworthy cause to consider situations and solutions in which Hong Kong could become fully independent. After all, as Ambassador Terry Miller noted, much can occur in the next thirty years before the agreement made at the Handover is officially over. Perhaps, it may take something as drastic as the collapse of the Chinese Communist Party. Overall, it is exceedingly hard to predict if the Chinese Communist Party (CCP) will ever fall. However, it has been demonstrated throughout history that one-party governments typically do not last much longer than seventy years, (the Communist Party of the Soviet Union lasted seventy-four years and Mexico's Institutional Revolutionary Party survived seventy-one years before its fall).<sup>152</sup> In the case of China, there are serious cracks in the CCP that lend themselves to the consideration that perhaps it is the next regime to go.<sup>153</sup>

"Analysts say while there's no time limit on authoritarian governments, the CCP's one-party rule may not be sustainable in the long run despite its past resilience and

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<sup>150</sup> Adam Shaw, "Pompeo Officially Declares Hong Kong 'No Longer Autonomous,' Slams China Intervention," FOX News, May 27, 2020, accessed September 2020, <https://www.foxnews.com/politics/pompeo-hong-kong-autonomous-china-intervention>.

<sup>151</sup> Ibid.

<sup>152</sup> Zhou, "China's Communist Party is at a Fatal Age for One-Party Regimes. How Much Longer Can it Survive?"

<sup>153</sup> Ibid.

distinctiveness from other regimes.”<sup>154</sup> Unlike many regimes, the Chinese Communist Party has been able to learn and adapt over time and discover its weaknesses and foes (such as the Chinese Nationalist Party), preemptively taking them out before they cause a problem.<sup>155</sup> While the CCP has demonstrated a unique longevity and even anticipates a one hundred year anniversary when it will be the most powerful force in the world, this seems unlikely.<sup>156</sup> Dr. Diamond of Stanford University, quoted by Cristina Zhou in an article for ABC News, stated his belief that the one-rule of the Communist Party is not sustainable for the long-term.<sup>157</sup>

China’s population is also ageing quickly, and professor at the University of Canterbury, Anne-Marie Brady, said this has caused questions about whether the CCP could provide enough benefits.<sup>158</sup> Many Chinese banks are in debt, and behind the censorship, there is high inflation and unemployment.<sup>159</sup> Writing for ABC News, Christina Zhou noted Dr. Diamond’s words, “people's values change when they have more income and a higher level of education, and eventually ‘they want more autonomy, more dignity, more freedom and more control over their own lives.’” As a result, “A lot of people are leaving, or have left, because they can't get this freedom and autonomy in China — certainly not now under the tightening grip of Communist Party control.”<sup>160</sup> Just as in any other autocracy, China faces “basic contradictions” within its system.<sup>161</sup>

Furthermore, China is still suffering repercussions from the one-child policy that would

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<sup>154</sup> Zhou, “China’s Communist Party is at a Fatal Age for One-Party Regimes. How Much Longer Can it Survive?”

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid.

<sup>161</sup> Ibid.

be fixed by immigration on a mass scale. The country cannot handle this though because it still possesses big problems with quality of life.<sup>162</sup>

From his observations, Dr. Diamond:

sees the CCP facing “corruption up and down the system” but says there is a “fundamental contradiction” in trying to solve it. “There is no way to control corruption except through a rule of law (not rule by law), and that requires separating the Communist Party from the state and the judiciary... But if the CCP no longer reigns supreme over the state and the judiciary it risks losing control. This is a dilemma that the CCP cannot resolve except by moving toward democracy.” While no-one knows for sure whether China will ever become a democracy, complete with universal suffrage, the CCP certainly hasn’t shied away from using the word.<sup>163</sup>

Taking this into consideration, it makes sense that the Chinese Communist Party would see the democracy and autonomy movement in Hong Kong as threatening.<sup>164</sup> However, if Dr. Diamond’s conclusions are correct, and history repeats itself with the CCP regime and it collapses, then this could provide an open door for Hong Kong to gain complete independence.<sup>165</sup>

### *Outside Aid*

Keeping in mind the words of Joshua Wong that Hong Kong’s fight is by extension, a global one against the spread of authoritarianism, the international community should consider methods that would keep China in check. The main objective must be to protect Hong Kong and its people. In dealing with Beijing, careful consideration must be careful that in “punishing” China and getting it to make concessions, Hong Kong does not get bulldozed in the process.<sup>166</sup> Hong Kong has one of two options that it can follow. A thorough understanding of this conflict

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<sup>162</sup> Zhou, “China’s Communist Party is at a Fatal Age for One-Party Regimes. How Much Longer Can it Survive?”

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Eamon Barrett, “Nuclear Option: How the U.S. Could Leverage Hong Kong to Hurt Beijing,” *Fortune*, May 5, 2020, accessed July 2020, <https://fortune.com/2020/05/29/trump-china-announcement-hong-kong/>.

concludes that based on its records in governance and human rights, cooperation alone will not happen between China and Hong Kong, resulting in Hong Kong's complete freedom. Hong Kong needs the support of the international community to stand up to China. Singapore, for example, "...produced a leader who was creative and used independent thinking. He knew the needs of a country-stability and a strong economy. Hence, he supported foreign interference by decolonizing Singapore. He focused on the economy and social order...Anything interfering with Singapore's progress was suppressed, sometimes harshly."<sup>167</sup>

The exact opposite occurred in Hong Kong, and as a result, it will have a much more difficult, if at all possible, time following Singapore's path.<sup>168</sup> Much of Hong Kong's foundation was built on the Western frame of governance, and Beijing strongly rejects that.<sup>169</sup> Beijing made the same offer of democracy and autonomy under "One Country, Two Systems" to Taiwan in the 1980s, which Taiwan completely rejected.<sup>170</sup> Knowing what the implications would be for itself should it accept Beijing's offer Taiwan went a step further and declared war with China.<sup>171</sup> While relations between Taiwan and China are somewhat improved, China still views Taiwan as a breakaway from the motherland and Taiwan remains wary. With this knowledge of China's intentions however, Taiwan has backed Hong Kong. President Tsai Ing-wen stated that Taiwan would support Hong Kong with any "necessary assistance" (such as providing a haven for

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<sup>167</sup> "Unlike Singapore, Hong Kong Still Suffers From Foreign Interference," *South China Morning Post*, September 2, 2020, accessed September 30, 2020, <https://www.scmp.com/comment/letters/article/3099703/unlike-singapore-hong-kong-still-suffers-foreign-interference>.

<sup>168</sup> Ibid.

<sup>169</sup> Gideon Rachman, "Why Hong Kong Cannot Be Another Singapore," *Financial Review*, July 7, 2020, accessed September 30, 2020, <https://www.afr.com/world/asia/why-hong-kong-cannot-be-another-singapore-20200707-p559ow>.

<sup>170</sup> "What's Behind the Taiwan-China Divide?" BBC News, accessed September 30, 2020, <https://www.bbc.com/news/world-asia-34729538>.

<sup>171</sup> Ibid.

refugees) and remarked that the national security law posed a great danger to the judicial independence and freedoms of Hong Kong and “terrorism” has been growing in the streets.<sup>172</sup>

A solution made by geostrategist Brahma Chellany, is to “treat China like the bully it is.”<sup>173</sup> China has demonstrated in its past records and its current dealing with Hong Kong that it is a bully. It “...engages in unwanted, aggressive behavior by taking advantage of an imbalance of power.”<sup>174</sup> China consistently employs “strong-arm methods” over “mutual understanding,” and “...pursues a ‘tribute nation’ approach to other nations and aspires for ‘veto power’ over their sovereign decisions”; it is also proven to be a “trade cheat” and leverages the debt that it has lured other nations into.<sup>175</sup> Therefore, Chellany endorses the continued use of tariffs to stand up to China. He notes that active pressure from the United States in particular is extremely effective in yielding concessions.<sup>176</sup> Because it did not remove the 10 percent tariffs on Chinese imports (worth about \$250 billion), Beijing conceded and lifted restrictions on American imports of cars, energy, and food.<sup>177</sup> “This underscores that China respects strength and resolve. It is also a pointer on how other powers should seek to deal with China on a regular basis so as to improve the bully’s behavior.”<sup>178</sup> As China responds to active pressure, this could be used to pressure Beijing to back down from Hong Kong.

Outside states must remain aware that any economic methods used to punish China do have the potential to hurt Hong Kong in the long run. “While revoking Hong Kong’s special

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<sup>172</sup> Lily Kuo, “Taiwan Promises ‘Support’ for Hong Kong’s People as China Tightens its Grip,” *The Guardian*, May 24, 2020, accessed September 30, 2020, <https://www.theguardian.com/world/2020/may/25/taiwan-promises-support-for-hong-kongs-people-china-national-security-law>.

<sup>173</sup> Brahma Chellany, “Treat China Like the Bully It Is,” *Japan Times*, December 14, 2018, accessed August 3, 2020, <https://www.japantimes.co.jp/opinion/2018/12/14/commentary/world-commentary/treat-china-like-bully/>.

<sup>174</sup> *Ibid.*

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

<sup>177</sup> *Ibid.*

<sup>178</sup> *Ibid.*

trade status is the most obvious means of retribution, it's not the most effective if the...end goal is to punish Beijing.”<sup>179</sup> Revoking this status would have more of an effect on local companies that are heavily invested in Hong Kong than on Beijing itself.<sup>180</sup> Chief economist for ING Greater China observed in regard to the American response specifically, “If the U.S. penalizes mainland China then mainland China will be hurt, but if the U.S. wants to hurt Beijing through Hong Kong, it will be much more difficult.”<sup>181</sup> In light of this, there is a more drastic, but likely very effective option.

To hurt China and force it to back off of Hong Kong, a course of action is dollar clearing. What matters most to China in its relationship with Hong Kong is its “...existing financial exposure to Hong Kong – companies on the Hong Kong stock exchange and the stock-connect schemes that enable international traders to invest in Chinese stocks...” is of the utmost importance.”<sup>182</sup> Therefore, in order for mainland access to liquidity to be undermined, the international community would need to prohibit “...the Hong Kong Monetary Authority from clearing any of their currencies, cutting off access to the most circulated world currencies.”<sup>183</sup> Because Hong Kong is where Chinese firms access international investors, if Hong Kong cannot clear a particular currency, investors from that country will go elsewhere.<sup>184</sup>

A final course of action, one that in particular requires the support of the international community is a display of military force. While much of foreign policy relies on diplomacy, a physical show of force is an option that would “...send a clear message to Xi and the Chinese government that...” the international community “...will not remain neutral if they opt to squash

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<sup>179</sup> Barrett, “Nuclear Option: How the U.S. Could Leverage Hong Kong to Hurt Beijing.”

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

the pro-democracy movement by resorting to mass bloodshed on the streets of Hong Kong.”<sup>185</sup> For example, the USS Ronald Reagan leading an aircraft carrier group in the western Pacific and moving it very close to the shores of Hong Kong would provide a tangible and firm statement.<sup>186</sup> Additionally, the West must have a plan for a “...Berlin Airlift-like mission for Hong Kong...” should the People’s Liberation Army try to execute a blockade.<sup>187</sup> Countries must band together to ensure Hong Kongers have a way out.<sup>188</sup> Already, Great Britain has made moves to allow Hong Kongers a path to British citizenship.<sup>189</sup> Action such as this would signal to authoritarians that “...they are no match for the Free World when it consolidates all of its resources for the purpose of protecting one of its own.”<sup>190</sup>

Hong Kong was never promised that “one country, two systems” would continue once the year 2047 arrives, and it faces the very real possibility that it will just become another Chinese city.<sup>191</sup> Joshua Wong, who was arrested during the 2014 Umbrella Revolution, observed:

Hong Kongers should not only focus on universal suffrage, but also fight for the city’s right to self-determination. We should, through civic referendums, determine our own pathways and political status after 2047, because in this lies the future of our democratic movement. If Hong Kong could exercise democratic self-governance under the sovereignty of China, it would not be necessary for us to take this step on the path toward independence. But what self-determination guarantees us is a government of genuine public consent, no matter where Hong Kong’s path may have taken it by 2047; it will safeguard and protect the city’s democracy and autonomy.<sup>192</sup>

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<sup>185</sup> Romeo Kabir, “What Can be Done to Save Hong Kong?,” *New Europe*, August 19, 2019, accessed September 2020, <https://www.neweurope.eu/article/what-can-be-done-to-save-hong-kong/>.

<sup>186</sup> *Ibid.*

<sup>187</sup> *Ibid.*

<sup>188</sup> Benedict Rogers and Johnny Patterson. “How Can the World Help Hong Kong?” *The Diplomat*. July 1, 2020. Accessed September 2020, <https://thediplomat.com/2020/07/how-can-the-world-help-hong-kong/>.

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

<sup>191</sup> Joshua Wong, “Self-Determination is the Only Solution for Hong Kong,” *Time*, September 24, 2015, accessed September 2020, <https://time.com/4042269/hong-kong-self-determination-occupy-umbrella-revolution/>.

<sup>192</sup> Wong, “Self-Determination is the Only Solution for Hong Kong.”

Hong Kong was not able to exercise the self-governance it was promised while under the rule of China. As a result, self-determination is not merely a solution up for discussion, but a legitimate cause that is worth taking up and fighting for.

### **Biblical Application**

English philosopher John Locke wrote of the equality of all individuals through the natural, inalienable, rights that they are born with.<sup>193</sup> Among these most principle rights, according to Locke, are the rights to life, liberty, and property. In other words natural rights are given by God and can never be taken away.<sup>194</sup> According to Locke, "...individuals should be free to make choices about how to conduct their own lives as long as they do not interfere with the liberty of others...liberty should be far-reaching."<sup>195</sup> This belief is in direct alignment with principles found in the Word of God. Genesis 2:16-17 speaks clearly to the free will that God gave mankind at the very beginning. Just as Adam and Eve were given the option to either obey their Creator or go their own path, so do all people have the opportunity to make this decision. God created man to be free to choose; to choose life or death; to choose His will or their own. While the heart of God desires that all people choose life through Him and what Jesus did on the cross, He will not force or coerce His creation to do so.

The people of Hong Kong are fighting for their natural rights. They are in a struggle to preserve inalienable rights that no government has the right to take away. "Locke believed that the most basic human law of nature is the preservation of mankind."<sup>196</sup> To serve that purpose, he

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<sup>193</sup> "Natural Rights: The Declaration of Independents and Natural Rights," Council on Foreign Relations, accessed October 31, 2020, <https://www.crf-usa.org/foundations-of-our-constitution/natural-rights.html#:~:text=Locke%20wrote%20that%20all%20individuals,%2C%20liberty%2C%20and%20property.%22>.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

reasoned, individuals have both a right and duty to preserve their own lives.”<sup>197</sup> God established government structure to keep the sinful tendencies of man in check in order that they do not infringe on the rights of others.<sup>198</sup> The apostle Paul wrote in Romans 13:1a “For there can be no authority in the Universe except by God’s appointment, which means that every authority that exists has been instituted by God.” Romans 13:4 further declares, “Those in authority are God’s servants for the good of society.” The duty of the government is to protect and ensure the inalienable rights given by God.<sup>199</sup> If the government violates this contract with the people in a “long train of abuses,” then the people have the right to resist the government, abolish it, alter it, or create an entirely new system.<sup>200</sup>

### Conclusion

Joshua Wong boldly stated, “The international community must intervene because this is about the expansion of authoritarianism everywhere.”<sup>201</sup> Indeed, this is what the China-Hong Kong conflict is truly about. Democratic and freedom-promoting states must uphold freedom and democracy, doing what they can on behalf of those whose liberties are in danger. From the perspective of Beijing, it is merely doing what other countries do, but according to its own philosophy. In the eyes of the Chinese Communist Party, Beijing has legal authority over Hong Kong, but the West has smeared it and manipulated protests for its own personal gain. The plight of Hong Kong, however, carries more weight and demonstrates the legitimacy of push back against Beijing. The bottom line is that Beijing did not honor the agreement made at the

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<sup>197</sup> “Natural Rights: The Declaration of Independents and Natural Rights.”

<sup>198</sup> Wayne Grudem, *Politics According to the Bible: A Comprehensive Resource for Understanding the Modern Political Issues in Light of Scripture*, (Grand Rapids, MI: Zondervan, 2010), 86.

<sup>199</sup> *Ibid.*

<sup>200</sup> “Natural Rights: The Declaration of Independents and Natural Rights.”

<sup>201</sup> Wong, “China is Committing Human Rights Abuses in Hong Kong.”

Handover and given its record of human rights abuses as an authoritarian state, it is inevitable that Hong Kongers will be subject to injustices that are suffered on the mainland, as they are already receiving a taste of. No matter what, democratic states must stand with Hong Kong and do what they can to force China to back down. China has demonstrated that it is a bully, untrustworthy to protect those under its governance. It is a threat to human rights and liberty and must be confronted.

There is no easy answer to the Hong Kong-China conflict, but one thing is certain, those who support Hong Kong must explore all options necessary to ensure that they recognize and safeguard the liberties of the Hong Kong people. As Wong stated, the fight does not stop with Hong Kong; there must be continual push back against authoritarianism so that people can live free. Whether through further sanctions, dollar clearing, or a demonstration of sheer military power, a message must be clearly communicated that the democratic world will not stand for human rights violations or the possible bloodshed of innocent people. “If not challenged, Beijing’s actions portend a dystopian future in which no one is beyond the reach of Chinese censors, and an international rights system so weakened that it no longer serves as a check on government repression.”<sup>202</sup> This is reason, if any, that Hong Kong must remain autonomous.

The People of Hong Kong understand what freedom is, yet slowly but surely, have seen their way of life shrink, and face the very real possibility of all their freedoms being taken away. At the same time, it does not seem likely that Hong Kong will return to the way it once was under “one country, two systems.” It is difficult to predict what direction Hong Kong will go, but time is up, one way or another. In a quote recorded by Van Sant, Wong passionately declared,

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<sup>202</sup> “China’s Global Threat to Human Rights.”

“...as a Hong Konger, I am born, I live, and I love my hometown...we should determine our own destiny instead of the Hong Kong people’s future being dominated by Beijing.”<sup>203</sup> Hong Kong citizens have zealously advocated for their political freedom in order to have true, free universal suffrage, and ultimately, their objective is to enjoy their personal and civil freedoms, freedom to make decisions for themselves, because in the grand scope of life, it is the people, not the government, that know what is best for the lives of citizens. Humans were created to be free and that internal desire cannot be suppressed.

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<sup>203</sup> Van Sant, “Hong Kong Protestors Occupy the City’s Airport in ‘Summer of Discontent.’”

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