Neither Washington nor Beijing – A backgrounder

written by Au Loong Yu | February 17, 2020

The western mainstream media tends to depict the situation of HK merely in a one dimensional manner, presenting Hong Kong a victim of Beijing's tyranny while the US and the UK as supporters of Hong Kong's autonomy and democracy. On the other hand, Beijing claims that it remains committed to Hong Kong's autonomy and democracy but the latter is now under threat from "foreign intervention". The two sides mirror each other in terms of their argument. The real picture is actually much more complicated.

A Historic Compromise

The first fact is that when London and Beijing signed the Sino-British Joint Declaration in 1984 both sides had little interest in promoting the democratic rights of the Hong Kong people. Both governments never bothered to allow Hong Kong people to have a voice during and after their negotiation over the fate of Hong Kong, showing their contempt over Hong Kong people. The Declaration from Beijing only vaguely promised "election" for the Hong Kong legislature and executive head after the handover. The main purpose of the deal between the two governments is merely to advance their mutual interest of maintaining Hong Kong laissez faire capitalism and its British colonial law in exchange for UK's commitment to hand back the island to China in 1997. In protecting Western interest in Hong Kong Beijing also see this as a great chance to use Hong Kong as a platform to pursue a complete re-integration into global capitalism and reap commercial benefits accordingly. Both sides get what they wanted. Beijing used Hong Kong to raise huge amount of capital for its corporations, so much so that today's Chinese companies accounts for more than 60 percent of the market value of Hong Kong stock exchange, up from practically zero thirty years ago. Without Hong Kong China would not have risen so quickly. On the other hand, Western capital also uses Hong Kong as a medium to channel overseas investment into Mainland China: more than 70 percent of China inflow Foreign Direct Investment comes from Hong Kong.

Nowadays Beijing repeatedly warned of "foreign forces" intervening in Hong Kong. We HongKongers do hate these "foreign forces". Since the outbreak of the current protests a British-born Hong Kong Police Force Chief Superintendent Rupert Dover became famous for leading many ferocious attacks on the protestors. In fact, there are hundreds of white police officers holding foreign passports in Hong Kong and cracking down on protestors as well.This lead us to one important issue: not only "foreign forces" are always here but also it is, first and foremost, Beijing who tacitly recognized the West, with UK and US as its head, as stake holders in Hong Kong. Hong Kong is not comparable with Ukraine. The so called "one country, two systems", enshrined first in the Sino-British joint declaration and then in the 1997 Basic Law, was from the beginning a historic compromise by Beijing with the West. The Basic Law's solemn promise of "the previous capitalist system and way of life shall remain unchanged for 50 years" is first and foremost to appease

Western influence and business interests. That is also why the Basic Law recognizes English as Hong Kong official language, allows the local people to keep their British passport, allows Hong Kong to keep its own British law, that its courts are allowed to hire foreign judges (article 92) and even to the extent of allowing foreigners to be employed as public servants from low to high grades except the ministerial and Chief Executive level (article 101). It is this article which allows Rupert Dover to smash our skulls. The West, with the US and the UK at its lead, surely has been pleased with this arrangement and surely not in their interest to de-stabilize Hong Kong. On the contrary, they need to uphold a Hong Kong as defined by the Basic Law, remains valid until 2047. This is why the UK and US representatives told the Hong Kong pan-democrats that instead of voting no they should accept Beijing's political reform package in 2014 prior to the outbreak of the Umbrella Movement, even if the package continues to allow Beijing to handpick Hong Kong's Chief Executive, decorated with some form of popular vote.

The defenders of Beijing argue that there are too much colonial legacy in Hong Kong therefore what is needed is another wave of "de-colonisation", by this they mean Hong Kong people are still pro-West, or that its streets still retain the colonial names etc. But obviously Beijing does not want to do away all kinds of "colonial legacy". Actually it is very keen to keep those repressive aspects of all the colonial laws. The Basic Law basically copies the colonial political system which makes the executive overrides the legislature; its Article 8 stipulates that "the laws previously in force in Hong Kong . . . shall be maintained" which practically keep intact most of the repressive colonial laws, for instance the 1922 Emergency Regulation Ordinance, which the Hong Kong government invoke, on 4 October, to ban face mask altogether. Ironically the law was enacted by the then British colonial government to repress, unsuccessfully, the general strike led by the seaman's union – then under the CCP leadership. This time the colonial act has been invoked again by a Chinese led Hong Kong government to crack down on its "fellow country folks". Precisely because Beijing has kept most of the repressive colonial legacy one can argue that what it is practicing is precisely a kind of internal colonisation against the Hong Kong people.

The Forgotten People

In the Mao era, Hong Kong was already so essential to Beijing that it had to tolerate the colonial government in exchange so as to be able to use the free port to earn one third of its foreign currency during the midst of the Cold War. Beijing had enthusiastically supported the world anti-colonialism movement but its inconsistency over an important port within its territory was mocked by Moscow in the early 1960's [1], leading China to request that the UN remove HK from the list of Non-Self-Governing Territories in 1972 after it was admitted to the UN a year earlier. But this had not actually abolished the British colonial rule and we were still colonised and suffered from this. Beijing by that time also became more accommodating towards the colonial government by telling their grass root supporters in Hong Kong not to fight against the British but should patiently wait for the liberation from Beijing in an unknown future. That is why when beginning in 1969 there was a new wave of radicalisation among a thin layer of young people who wanted to fight against colonialism they naturally looked to those left currents outside of the Maoists – Anarchists, Trotskyists, Liberal Leftists and social reformers etc. This generation of youth often described themselves as the "rootless generation", as they strongly felt being left alone to face the ferocious colonial government, and neither Beijing nor Taipei was ready to give a hand to.

However this thin layer of left youth could not find a serious hearing among the horribly exploited working people. The latter were mostly being refugees or their descendents from Mainland China who preferred to focus on their job to make ends meet to revolt against the colonial order. That also explains why Hong Kong people had always been very moderate. Their voice for political participation under the colonial government had always been very small. In the 1980s when a change in sovereignty was in sight the voice now became slightly higher but still very moderate – in

1986 the pan democrats only dare to ask for partial direct election in the legislature but even this was rejected by the UK. Some small group of leftists demanded for self determination for Hong Kong people but absolutely no one bother to listen. They then tried to argue for universal suffrage for the legislature as a starting point of political empowerment for the local. The result was the same. The public were content with Beijing's promise of gradual implementation of universal suffrage. "No need to rush" is the mainstream sentiment.

Six years after the handover in 1997 Beijing took a major move, instead of giving Hong Kong the long due universal suffrage it tried to impose its National Security Bill on the latter, which angered the people and who responded with 500,000 protestors taking to the street in 1st July, 2003. From retrospect, this was just the beginning of a long resistance to Beijing's attempt in finishing off Hong Kong's autonomy altogether. When the Hong Kong people, after waiting for nearly two decades, began to launch a big occupation in 2014 to demand Beijing to honour its promise of universal suffrage for Hong Kong, the latter decided to do the contrary by rolling back Hong Kong's autonomy. The Hong Kong people have always been denied the right to run their own affairs, be it under British or Beijing's rule. But gradually Beijing proves to Hong Kong people that they are worse than the British. Years before the China Extradition bill, Beijing already tried to impose its chauvinist version of "Chinese identity" on Hong Kong which the British had not done: it tried to make the Hong Kong government to replace Cantonese with Mandarin as medium of teaching. On top of it Beijing began to enforce the "National Education curriculum" followed by the "National Anthem bill" which prosecutes anyone who does not sing properly in accordance to the official version. These enraged the Hong Kong public who started to protest. Therefore, when the China Extradition Bill was tabled the Hong Kong people knew very well that a complete show down with Beijing was now inevitable.

Hong Kong as Beijing's leverage

For a long time the Hong Kong people have fought alone. This only began to change when Beijing under Xi was becoming even more aggressive in pushing for its new Hong Kong and global agenda.

Thirty years ago when Beijing drafted the Basic Law it would not have expected China would rise to the status of being the second largest economy in the world in so short a time. When Xi Jinping came to power in 2012 he now become the most assertive Chinese leader on the global platform of nations. Increasingly he finds it more and more tempting to not only refusing to honour its promise of universal suffrage in the Basic Law, but also to use Hong Kong as a leverage in its global contest with the US in general and in the Huawei case in particular. Hence the attempt to table the China Extradition Bill.

Up until before the tabling of the bill the US government continued to produce a yearly positive appreciation of Hong Kong autonomy in accordance to the Hong Kong Policy Act 1992, which is essential for the US government to continue to recognise Hong Kong as a separate custom territory. It is Beijing's unilateral change of its Hong Kong policy which now also antagonised the US and the West in general as well by tabling the China Extradition Bill.

It is a fantasy to argue that the Bill's sole purpose is to send those wealthy mainland Chinese who are wanted for corruption back to Mainland to be properly prosecuted. The word used in the bill is "anyone" in Hong Kong, not just corrupted Mainland rich people. And it is the time when the Causeway Bay Bookshop Five incident was still fresh in the mind of many. Between October and December 2015, five owners / staff of Causeway Bay Bookshop went missing. In February 2016 Guangdong authorities confirmed that all five had been taken into custody for an old traffic accident involving Gui Minhai, one of the owners. Hardly anyone outside the Chinese government believed the explanation. It is widely believed that the five were arrested for publishing books about the private life of Xi. [2] What is alarming is not only that this violates the one country two systems

principle, but also that two of the arrests were obviously extra-judicial arrests. That is why people from all walks of life, from Hong Kong politician and wealthy class to European and US expatriates here, fear of the Bill and wish it goes away.

Hong Kong has extradition agreements with twenty countries, including the UK and the US, but not with mainland China. The pro-Beijing camp, here in Hong Kong and overseas, argues that since Hong Kong has extradition agreements with the West, why can't it have an agreement with mainland China? It is because no one trusts Chinese legal system. China is not only disdainful of basic due process but also of judicial independence. This distrust is actually recognized by Beijing as well and then codified in the aforementioned article 8 of the Basic Law which stipulates that "the laws previously in force in Hong Kong . . . shall be maintained," which means that Hong Kong is insulated from China's legal system. Without this insulation there is neither Hong Kong autonomy nor "one country two systems". If China's legal system improved significantly then it would be possible to discuss an extradition agreement with China. But in reality it has gone from bad to worse.

In the final analysis, we do not have a version of "one country two systems" as defined by Beijing, namely one remains socialist and the other remains capitalist. Rather the reality is merely two systems of capitalism: in Mainland a bureaucratic capitalism which combines the coercive power of the state and the power of capital, and a Hong Kong laissez faire capitalism. The latter is surely very problematic for working people there, but this capitalism, as defined by the Basic Law, also provides protection on basic human rights which allows the growth of a social movement. Actually, it is this Hong Kong feature which increasingly worries Beijing. Since the turn of the century, more and more people in the Mainland have begun to imitate Hong Kong's social movement and started organizing, informally or through NGOs. This was the price Beijing had to pay for making use of Hong Kong to help build China's new capitalism. Increasingly Beijing has found the price too high, and since Xi Jinping came to power in 2012, Beijing must have thought that it had become strong enough to tear apart the Hong Kong autonomy altogether. Therefore the Hong Kong working people's way of forward is, in the short and medium term, defend and extend our rights so as to prepare for a long term struggle to replace this laissez faire capitalism with a genuinely equal and democratic society.

U.S. promoting Hong Kong's democracy?

Surely the U.S. is also using Hong Kong to target Beijing. It has been on a path of containing China since 2012. The passed Hong Kong Human Rights and Democracy Act (HKHRD) is hailed in Hong Kong as a mean to save its freedom. Actually the bill's name is rather misleading. First, in Section 3, the bill is very clear with its aim: it is the U.S. national interests in Hong Kong that matters. Section 5.a.6 demands an assessment of whether Hong Kong sufficiently enforces U.S. sanctions on certain nations or individuals. Reasons for sanctions include punishing countries or individuals involved in "international terrorism, international narcotics trafficking, or the proliferation of weapons of mass destruction, or that otherwise present a threat to the national security, foreign policy, or economy of the United States." This is clearly aimed at protecting U.S. national interests, not defending human rights and democracy for Hongkongers. This tying of Hong Kong human rights to U.S. foreign policy is in itself a mockery of human rights. The definition of what constitutes as U.S. national interest will always fall on the U.S. government. Accordingly, this bill also includes mandating the Hong Kong government to sanction North Korea and Iran. Even many countries in Europe are refusing to follow the United States' move to abandon the nuclear agreement with Iran, since this is clearly Trump's attempt at being provocative.

Neither the defence of US foreign policy, nor its trade war against China, nor its global contest, is our battle. In general, the big contest for global dominance between China and the US is just a fight to divide up the spoils. Yet one should not denies that in terms of the present defence of Hong Kong autonomy in general and the China Extradition Bill in particular there is a narrowly defined common

interest between Hong Kong people and the Western countries, given that Hong Kong is such an internationalised city and the West's interest is to a certain extent institutionalised under the Basic Law. We should not be scared of defending our rights or making Beijing to honour its promise of universal suffrage because the US and the UK is also asking for similar thing. Although one must add that the Hong Kong movement needs to conduct their struggle independently. The left should also be aware of the fact that the historic interest of the Hong Kong working people lies not defending the whole status quo as defined by the Basic Law, but rather to go beyond that by extending their rights beyond the Basic Law and not be afraid of colliding with both Chinese and Western corporate interest here when they have built a strong enough movement. But the extension of their rights cannot be expected if the working people here cannot even defend what they are enjoying now.

Protest because of social inequality / HK identity

The 2 million participants on the 16 June march showed that the movement enjoys majority support. The movement is not demanding independence, as Beijing claims. Like all former colonial people, the Hong Kong people are also entitled to the right to self-determination, including the option of independence. However, the Hong Kong movement is unified under the very moderate "five demands". There is a small and loose current that aspires for independence, but it has no influence in the movement.

Unlike the previous generations, young people do yearn for a Hong Kong identity, but this does not necessarily imply wanting independence. It is also precisely a reaction to Beijing's increasingly nationalist and chauvinist policies. China, under the CCP, has today evolved into a repressive society that few in Hong Kong want to associate with, hence the aspiration for a "free Hong Kong". The rise of a "Hong Kong identity" is not an isolated event either.
Nativists

A recent survey showed that nearly 40 per cent of students claim to be "localist", but how the radical youth interprets this varies among themselves. Long before this movement the nativist interpretation had the largest influence amongst those who claimed to be "localist". However, when this movement evolved into a huge mobilization it necessarily displayed multiple and conflicting tendencies. While there is a nativist current exhibiting anti-Mainland immigrant sentiment, there was also a much bigger demonstration trying to win over Mainland Chinese visitors. The left's responsibility is to join the struggle and convince the youth with its democratic and inclusive position rather than standing outside of it.

The third component is the xenophobic localists, who predate the Umbrella Movement of 2014. This current has been weakened since 2016. The Western media love these people, but their organisations are small, not more than two or three dozens, or at most below a hundred. But their politics are still dangerous because Hong Kong society has always been right wing, and people can take up the idea that mainlanders are the problem and should be expelled.

What is interesting to note is that they were so discredited that they lost in the 2016 election and were hence marginalised. There are a few very small nativist organisations founded by young people but they are so small that they do not have any institutional muscle to enforce their agenda within the movement. If they do have some ideological influence it is only because, firstly, Hong Kong is always conservative within a context of a so called laissez-faire society; secondly, there already exists a crowd who, maddened by Beijing's repression, mistakenly see all Chinese people as responsible and therefore take an undifferentiated hostility towards Chinese people in general. But this nativist current is very small. In general, the self-claimed localists could garner slightly more than 10 percent of the vote but we must bear in mind that not all localists are nativists.

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