

Prospects for Hong Kong's Democratization

By Larry Diamond

The December 29, 2007 decision of the Standing Committee of the National People's Congress (NPCSC) has been greeted as a suitable timetable for "orderly" democratic progress by many establishment forces in Hong Kong and as a cynical deferral of the democratic promise by most in the pan-democratic camp. So far, it seems that the decision—to set 2017 and 2020 respectively as the earliest dates for achieving direct election of the Chief Executive and full universal suffrage in electing the Legislative Council (Legco)—has done little to relieve the persistent polarization between these two camps. As the bitter debate rages on, with Hong Kong democrats adhering to demands for democracy by 2012, the questions of whether, when and how Hong Kong will become a genuine democracy remain unresolved.

Substantively and morally, it is hard not to sympathize with Hong Kong's pan-democratic forces, for the notion that Hong Kong is "not yet ready" for democracy is difficult to sustain analytically. In its level of economic development, Hong Kong has long been ready for democracy—indeed, it is (with Singapore) a striking anomaly in that no other society has ever been so rich and well educated, yet still lacking democratic governance. On the United Nations Development Program's latest Human Development Index, Hong Kong ranked 21st in the world in 2005—ahead of Israel, Greece, Korea, and even Germany. Hong Kong's level of socioeconomic development is higher than every one of the new Central and East European democracies that have been admitted into the European Union in this decade, and higher than about 100 electoral democracies in the world

Most societies that have experienced transitions to democracy as a result of economic development and the attendant transformation of values and social structure have done so at levels of economic development far below Hong Kong's today. When Korea made its transition to democracy in 1987, its per capita income (in 2004 PPP dollars) was about US\$8,500—less than a third of Hong Kong's current level. When their democratic transitions began, Taiwan (in 1987) was a little higher than Korea, and Chile (in 1989) was somewhat lower. When it began its transition in 1975,

Spain's per capita income (in 2004 PPP dollars) was US\$13,000, still less than half of Hong Kong's today.

Other features of contemporary Hong Kong dispose it to democratic success and stability, from the standpoint of social science theory and research. Hong Kong is not deeply divided along ethnic or identity lines. It has a strong rule of law and highly developed state structures. In the latest World Bank Institute ("Governance Matters") measurements, it ranks in the 89th percentile in terms of political stability, 94th in government effectiveness (in terms of the quality and neutrality of the civil service and the quality of policy formulation), 90th percentile in the rule of law, 93rd in corruption control and 100th in regulatory quality. Well institutionalized structures of honest and effective government enable Hong Kong to handle a democratic opening while still ensuring good governance and economic growth. What is missing in Hong Kong is precisely what real democracy would provide—fairer, more just governance that is more accountable to the public.

In its political attitudes and values, as measured by the 2007 Asian Barometer survey, Hong Kong also appears more than ready for democracy. On a ten-point scale where one is the most undemocratic and 10 the most democratic, 71% of Hong Kong respondents said they wanted their system to score at least a seven on the scale "now", indicating a strong preference for democracy. And on a similar scale of democratic suitability, 69% rated the suitability of democracy in Hong Kong at least a seven and 77% felt it was at least somewhat suitable (at least a "six"). Among the 11 Asian societies recently surveyed, Hong Kong respondents scored among the highest in their rejection of authoritarian regime options and practices and in their commitment to liberal democratic values, such as political equality and freedom, judicial independence, and checks and balances.

Models and Constraints of Transition

The limits to democratization in Hong Kong, then, do not derive from its intrinsic "lack of readiness" but from political structure: Under the Basic Law, Hong Kong will not be constitutionally ready for democracy until the authorities in Beijing and their allies within Hong Kong determine that it is. To be sure, indefinite postponement of full democracy by Beijing would be inconsistent with the spirit of the Basic Law, and specifically articles 45 and 68, which proclaim democratic election of the Chief Executive and the

Legislative Council “by universal suffrage” as “the ultimate aim.” But “ultimate” can mean a long time down the road.

The basic political problem in Hong Kong today is that pro-Beijing forces are unwilling to concede that Hong Kong is in every sense but one long since “ready for democracy,” while pro-democracy forces have failed to recognize that in the last sense—the political and constitutional balance of power and authority—Beijing can block the SAR’s transition to democracy indefinitely. Unless Hong Kong pro-democracy forces figure out a way to change the current polarized power game that finds democrats on one side demanding democracy now (2012) while pro-Beijing forces take a variety of go-slower, the transition to genuine democracy will continue to be deferred or diluted (until the political system for the rest of China undergoes significant democratization). A transition will require a negotiated bargain, as Hong Kong pro-democracy forces are too weak to impose a transition timetable and structure on the Hong Kong authorities—not to mention those in Beijing. (And the coming Legco elections this September could leave those democrats somewhat weaker still).

Unless political forces in Hong Kong bridge their differences and agree on a compromise plan and timetable for democratic transition, the situation is likely to remain stuck short of democracy, for three reasons. First the December NPCSC decision permitted but did not mandate universal suffrage by 2017 and 2020 respectively. Second, the (tentative, permissive) commitment in 2017 is to “universal suffrage” for election of the Chief Executive. Universal suffrage is of course one component of a democratic, free and fair election, but not the only component. Democratic elections also require open and free access to the ballot on the part of potential competing candidates and parties. More than anything else, that is what remains indefinitely in doubt in Hong Kong. Given that the decision to implement universal suffrage must happen by consensus and, under the Basic Law, the establishment forces (in Hong Kong and Beijing) will likely insist upon retention of some kind of nominating committee to vet candidates for the position of chief executive. Unless consensus can be fashioned on this question, as well as on the electoral system for a fully directly elected Legco and the transitional arrangements until 2017-2020, hopes for democratic change could be frustrated for much longer.

Thus, the real dialogue that is needed now is serious negotiations between pro-democracy and pro-China forces within Hong Kong to find

common ground. Historically, in other negotiated transitions (like those in Poland, Chile, and South Africa), democratic forces initially won less at the bargaining than they would have gotten if the authoritarian regimes had just collapsed. Instead, the democrats had to settle for transitional periods and in some cases lengthy periods in which certain “authoritarian enclaves” or prerogatives (for example, for the military in Chile) were preserved. A constitutional bargain in Hong Kong would probably preserve less than fully democratic practices for some transitional (hopefully not long) period of time. This is already apparent from the insistence on 2017 and 2020 as the earliest possible dates for universal suffrage, and is implicit as well in the mechanism for electing a chief executive. But against a longer (really, only moderately long) sweep of history, these aspects of deferred democratic gratification proved in these other cases to be only transitional.

Implications for a Negotiated Transition in Hong Kong

Morally, any democrat in the world must feel great sympathy for those in Hong Kong who have demanded universal suffrage and full democracy in 2007 and 2008—and now by 2012. But Hong Kong democrats appear to lack a favorable tactical situation to achieve their goal. Unless they broaden their coalition, they could be making this demand and losing out for several more electoral cycles to come. Sometimes, democrats must swallow hard and compromise for something less than what is morally due them but more than they can otherwise achieve by civic mobilization and moral appeals alone.

There are obvious points for compromise, and they involve two sets of issues: the timetable for achieving full universal suffrage, and the structure of the democratic system that would result. The broad lessons from other democratic transitions—to the extent they are applicable—suggest the following points.

First, pro-democracy forces will be more effective in pressing for a genuine transition to democracy to the extent that they can unite in a strong, coherent political and civic coalition that is capable of negotiating with pro-Beijing or “pro-system” forces, including the government of the HKSAR.

Second, if pro-democracy forces cannot unite for negotiations, a breakthrough might nevertheless be facilitated if a prestigious and politically weighty subset of the pro-democracy camp were to opt for pragmatic

negotiations with their moderate and compromise-seeking counterparts on the pro-Beijing side.

Third, it will help if pro-democracy forces demonstrate from time to time the capacity to mobilize large numbers of demonstrators and other expressions of mass popular sentiment for democratic change, but the moderate bloc must exercise the moral authority and political discipline to cease mobilization as well as ignite it.

Fourth, the near-term tactical goal must be the achievement of an internal agreement in Hong Kong among the major political players: the pro-democracy forces, the pro-Beijing political forces (including leading elements of the business community), and the government. Only if the major actors in Hong Kong come to a compromise agreement on the timing and structure of a democratic transition are the Beijing authorities likely to judge that “actual political conditions” have evolved to the point where Hong Kong is “ready” for democracy.

Fifth, pro-democracy forces probably have no choice at this point but to accept in principle the dates of 2017 and 2020, and focus on the key issues of what the interim electoral arrangements will look like in 2012 and (for the Legco) 2016, and how the universal suffrage elections will be structured from 2017 and 2020 on.

Sixth, democrats would do well to focus on practical initiatives to get from the current system to full democracy. In a policy essay before the December 2007 NPCSC decision, former Secretary for Security Regina Ip proposed direct election of the Chief Executive in 2012 from among candidates nominated by a Nominating Committee that would involve a very considerable expansion in the size (and electoral base) of the current Election Committee for Chief Executive (to 1800 members from the current 800), and some threshold of support needed from the Nomination Committee in order for a candidate to contest for election (10% overall and in each of the four sectors of the Election Committee). In the event full universal suffrage for the Chief Executive could not be obtained in 2012, she proposed to expand the current Election Committee in 2012, and then make it a nominating committee in 2017 for choosing candidates for the universal suffrage election.

Pro-democracy forces object that such requirements for nomination could enable one functional sector to veto a pro-democracy candidate for Chief Executive, but her proposal could serve as a basis for negotiation. For example, an expanded Election Committee for 2012 could be better than the current one. And it could also be a bridge to a more democratic future. If such an expanded committee were retained for the first direct chief executive election, in 2017, it might help to build broad confidence in the process, after which its role would be gradually relaxed or abandoned entirely. Of course, democrats will stress that continued restrictive use of a nomination committee departs from democratic principles and can only be acceptable as a transitional confidence-building arrangement, with a clear date for its termination (or its transformation into a merely nominal procedure).

Seventh, creative thinking is needed for the mode of transiting to a fully directly elected Legco as well. A variety of institutional options should be tabled and discussed, including Ip's proposal to increase the size of the body from 60 to 80 members in 2012, if a fully directly elected Legco could not be achieved by that year. The additional 20 seats would be elected by universal suffrage from proportional representation lists put forward by political parties or groups of candidates. This would increase the percentage of democratically elected seats to a clear majority and would then give way to a democratic mixed system of fully universal suffrage (with half of the 80 Legco seats elected from the geographical constituencies and half from party lists).

Beijing appears adamant about preserving the 50-50 split of functional and geographical constituency seats in the Legco until 2020. But there could be other ways of moving gradually, through the 2012 and 2016 elections, to a fully democratically elected legislature in 2020. This could involve, as Professor Kin-man Chan has proposed, starting in 2012 to make the functional constituencies more broadly representative. Some are also proposing to add 10 more Legco seats and have the five new functional constituency seats represent very broad constituencies (perhaps even drawing these five additional functional constituency seats from among the existing elected district council members). Chi-Keung Choy has built on this by also recommending that in the subsequent two Legco elections functionally similar constituencies be merged and progressively enlarged, with 18 of the proposed 35 functional constituency seats being drawn from one large "District Council" constituency (using the preferential system of the single transferable vote).

Whatever the details, the strategic principle is this: Negotiations could trade incremental reforms up to 2020 and a firm commitment to full universal suffrage for Legco elections in 2020 in exchange for acceptance of that delayed date, consensus behind the timetable, and thus enhanced “governability” in Hong Kong during the transitional period.

Hong Kong democrats’ ability to bargain for a clear commitment to democratic transition would be enhanced by three things. First, they need to unite as much as possible around a practical strategy for negotiation. Second, they need to demonstrate political strength in the elections that are realistically open to them. And third, they need to reach out to more conservative and pro-Beijing political forces, build trust, and explore practical possibilities for achieving consensus on these transitional arrangements.

Such a bargain is more conceivable now than five years ago precisely because there are political forces that have the trust and respect of Beijing who are sincerely looking for a way to move Hong Kong to democracy. This is a new and critical development. These new political forces are not agents of the Beijing authorities, but Beijing is watching closely how their ideas and proposals fare. If the political battle lines continue to be drawn starkly into two camps—real democracy now or never—while creative transitional proposals are spurned, Hong Kong is likely to remain mired in its stalemate.

If Beijing sees that political forces are reaching across previously polarized lines to come to a flexible common ground that delivers eventual democracy while offering established interests reasonable grounds of confidence, it might draw the conclusion that “gradual and orderly progress” has indeed taken place in Hong Kong, and that “the actual situation” in the HKSAR has finally reached a point where a firm commitment can be made to a timetable for democratic transition. If that is truly to be a transition to democracy, the timetable must involve not just prospective or permissive but definite dates, on the foreseeable horizon. And it must guarantee not only full, universal suffrage for the election of the legislature and the executive, but—sooner or later—the right of all political parties to contest for the position of chief executive.

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