

A HONG KONG-STYLE SOLUTION FOR TIBET?

By Suzanne Pepper

When British rule ended in Hong Kong 11 years ago, local anxieties about living under a communist-led government had been eased by the promise of autonomy. Determined to retrieve all of China's lost territories, Beijing had made the same offer to Taiwan and was promptly rebuffed. Critics asked why anyone should trust such a promise that had also been made to the Tibetans and other non-Han Chinese ethnic minorities soon after the Communist government was established in 1949. All soon found themselves fully integrated within the new political system under Beijing's centralized rule.

Taiwan continues to resist but Britain could do no more than demand guarantees for Hong Kong. Autonomy was formalized in negotiations between London and Beijing during the 1980s and written into Hong Kong's new Basic Law mini-constitution, which was promulgated in 1990. As a Special Administrative Region of China, Hong Kong would enjoy a "high degree of autonomy," popularized under the slogan "one-country, two-systems." The promise even came with a 50-year guarantee (Basic Law, Article 5). China's communist-led political system would not

be introduced and the local way of life, including all its inherited rights and freedoms, would remain unchanged for 50 years from 1997 when Hong Kong reverted to Chinese sovereignty.

Some observers of Tibet's ongoing resistance are now invoking this Hong Kong model as a pragmatic solution, mid-way between the demand of Tibetan radicals for independence and the Chinese government's hard-line imposition of its will. This renewed interest followed the latest upsurge of Tibetan protest last March. In Hong Kong, human rights lawyer Paul Harris stated the case for a mid-way solution. He noted the conceptual similarities between Beijing's 1951 agreement on the future of Tibet and Hong Kong's Basic Law. The agreement had granted Tibetans "regional autonomy under the unified leadership of the Central People's Government," and promised that the central authorities "will not alter the existing political system in Tibet" or alter the status of its leader, the Dalai Lama. ¹

The difference, noted Harris, was that Hong Kong's Basic Law has since 1997 been largely observed whereas the newly victorious communist government soon began renegeing on its promise to the Tibetans. The promise was abandoned after their 1959 revolt, which precipitated the Dalai Lama's flight to India where his government-in-exile has remained ever since. "If Tibet had Hong Kong's autonomy," wrote Harris, "the political

situation would be transformed.”² Malcolm Rifkind offered the same advice. He was Britain’s foreign secretary during Hong Kong’s anxious pre-1997 years and now looks with satisfaction at the end result of so much controversy. The best option, he maintains, is for Tibet to be granted cultural freedom and political autonomy like that “currently enjoyed by Hong Kong and Macau.”³

Tibet: Backward toward autonomy

The only problem with using Hong Kong as a model solution is that the idea has been raised many times before, and rejected just as often by the Chinese government. The reasons are worth noting both for what they say about the state of governance in Tibet and the state of Hong Kong’s evolving autonomy today. The most authoritative presentation of the idea occurred in 1987 and 1988, when the Dalai Lama took his case to America and Europe. His five-point proposal presented to the United States Congressional Human Rights Caucus in September 1987 called for, among other things, democratic freedoms to be established in Tibet where all political power was monopolized by communist party officials.⁴

Hong Kong’s Basic Law was being drafted at this time and its well-publicized essentials were more clearly apparent in the revised version of his proposal that the Dalai Lama presented in an address to the European

Parliament on June 15, 1988. Known as the Strasbourg proposal, it called for a basic law constitution that would grant Tibetans the genuine right to manage their own affairs via democratic institutions of government.⁵

Beijing rejected all the points of both proposals. Specifically on the one-country, two-systems aspect -- meaning enclaves of Western-style democratic autonomy within the Chinese state -- Beijing's answers have remained the same since 1982 when the Tibetans first mentioned the possibility. It would mean a step backward, said the Chinese, because Tibet had already been integrated into China's unified political system.⁶ By proposing a "Western capitalist political system," the Dalai Lama was trying to "negate the system of people's congresses ... and negate the superior socialist system established in Tibet."⁷

Beijing continues to explain that Hong Kong and Macau were colonies under foreign rule and the one-country, two-systems formula was designed to bring them back into the national fold, whereas Tibet is now governed within the socialist state system led by the Chinese Communist Party.⁸ The implications are never spelled out but in Hong Kong the pressures toward Chinese-style one-size-fits-all governance are already clear and present. Consequently, present-day champions of a Hong Kong-style solution for Tibet should be careful what they ask for because Hong Kong's

autonomy is not a permanent condition to be enjoyed in perpetuity. It is instead like the proverbial river that can never be crossed twice. The Basic Law as promulgated in 1990 is already not the same as the Basic Law in practice today and, if present trends continue, the result will be a Tibet-style political ending for Hong Kong rather than vice versa.

Hong Kong: Forward toward integration

Initially, the goal of political integration was not spelled out, nor was it even mentioned. On the contrary, the Basic Law promised ongoing political reform toward fully elected local government. Hong Kong democrats even had visions of projecting their cause across the 1997 divide into China itself and by 2047, people reasoned, China's dictatorship would surely have succumbed to the lure of prevailing democratic world trends. Most prominent among that first generation of democratic idealists was Martin Lee Chu-ming. He liked to cite the 1988 musings of China's then-paramount leader Deng Xiaoping who said that the 50-year guarantee might be extended for another 50 years.⁹

Today, just a decade into the first 50 years, democrats are on the defensive even in Hong Kong and everything possible has been done to erect a firewall against cross-border democratic contamination. Martin Lee announced his retirement from electoral politics in March and local pundits

immediately began heralding the end of an era. Ordinarily one person's departure does not spell doom for so popular a cause. But the pressures for political integration within an unreformed Chinese political system are now unmistakable in Hong Kong where Tibetan grievances strike many familiar cords.

Official Chinese vilification of the Dalai Lama as a "wolf in monk's clothing," has been criticized even by some in China as "Cultural Revolution" hyperbole. The reference is to China's 1966-76 Cultural Revolution when radical mass movement rhetoric was at its height. Yet Martin Lee and his colleagues have been subjected to similar diatribes for over a decade. "Traitor," "quisling," and "running dog of American imperialism" are among the favorite epithets, and Hong Kongers who presume to criticize such language are themselves excoriated in similar terms. Like the Dalai Lama, Lee and others are also routinely charged with advocating Hong Kong's independence, although neither he nor anyone else in Hong Kong has ever done so.

What Lee has done is advocate Western-style democracy for both Hong Kong and China, which in Beijing's view is tantamount to advocating the overthrow of the current Chinese government. Like the Dalai Lama, Lee also infuriates Beijing by making frequent travels abroad where he urges

Americans and Europeans to speak out for his cause. The traitor placards came out most recently over Lee's Wall Street Journal article last October. He had urged world leaders to press their Chinese counterparts on the issue of human rights ahead of the 2008 Olympic Games in Beijing.¹⁰

The Push Toward a Single System

Beyond name-calling and the intricate exercise of political logic are subtle legal changes as the grey areas in Hong Kong's Basic Law are colored in by formal Beijing interpretations that push Hong Kong inexorably toward one-system integration. For example, evolutionary changes leading to full universal suffrage elections for the chief executive were only to be approved by Beijing (Basic Law, Annex I), and those for Hong Kong's local legislature were supposed to be a matter for Hong Kong and its legislature to decide on their own (Basic Law, Annex II). The latter point was twice categorically affirmed by official Chinese statements in the 1990s. The appointment of senior officials also seemed a local prerogative under several relevant Basic Law articles. Democrats treated these legal promises as the best means of safeguarding their objectives.

On each point, however, Beijing has since 2004 emphatically asserted and exerted its power to decide. Reflecting the so-called misunderstandings on these points, the Hong Kong government's Green Paper on Constitutional

Development, issued in July 2007, stated as bluntly as possible that China is governed as a “unitary state”; that Hong Kong has no “residual powers”; that it cannot decide local political structures on its own; and that even if a chief executive is elected, the power of the central government to appoint an individual to that post is “substantive and not a formality.” These assertions culminated in Beijing’s December 2007 decision delaying full universal suffrage elections for the chief executive and the legislature until 2017 and 2020, respectively. The dates are described as being half-way through Hong Kong’s 50-year transition.¹¹ The question of extending its safeguards for Hong Kong’s rights and freedoms beyond 2047 is no longer mentioned.

The intent seems clear. By that mid-way point, Martin Lee’s British-trained generation will be gone and his successors will presumably have mastered their political lessons since promoting “national patriotic education” has become a top Hong Kong government priority, and is proclaimed as such both by Hong Kong’s current chief executive, Donald Tsang Yam-kuen, and by his new Secretary for Home Affairs Tsang Tak-sing (no relation). In unguarded moments, local pro-Beijing partisans are more forthright. They equate national awareness education with communist party rule, which they say Hong Kongers must learn to accept before they can win the right to elect their local government. Half the 60-seat legislature

is currently elected by universal suffrage. Pro-democracy candidates have won majorities at this level since direct elections were introduced in 1991. Their margins of victory are nevertheless shrinking as Beijing loyalists begin to master the tricks of the trade, which suggests why loyalists think that time and increasing doses of national-identity education will benefit them. Electioneering skills like computer technology can be put to many uses.

Similarly, Beijing is often said to be waiting for the Dalai Lama's demise in the hope that successor generations will be more receptive to the dictates of Chinese rule. Hence the difference in this respect between Tibet and Hong Kong seems more of degree than of kind. In Tibet, the old hard-line approach to political study is still being enforced. Euphemistically referred to in Cultural Revolution days as study classes (*xuexi ban*), they included struggle sessions against those going against the official line of the day. In Tibet, monks are reportedly required to disavow the Dalai Lama openly before their study class peers.¹² Except for the demonization of Martin Lee and a few others, Hong Kong remains in the soft-power stage but civil servants will henceforth be required to pass tests in order to show they have mastered their Basic Law studies. Additionally, national patriotic education is being prepared for multiple venues targeting media workers, students, teachers and the public at large.¹³

Meanwhile, only those who conform to the new standards of political correctness are eligible for appointments to councils and committees and departments all up and down the line. This development is epitomized by the new Secretary of Home Affairs, appointed in July 2007, since he himself is a long-time pro-Beijing loyalist and the first to hold a leading position in Hong Kong's government. Local pro-Beijing partisans celebrate this appointment, saying it has established a bridgehead for Beijing within the Hong Kong government itself.

Tsang Tak-sing's Home Affairs department oversees the work of Hong Kong's 18 District Councils, which are now dominated by pro-Beijing and pro-government councilors who could easily affect a "take-over from below" should the proposal to let them elect legislators be adopted.¹⁴ From above, the Chinese custom of overlapping positions is already in place. Almost a third of Hong Kong's 60 legislators, or 18 to be exact, now occupy comparable seats within the Chinese people's congress system, including both the National People's Congress and its parallel honorary body the Chinese People's Political Consultative Conference.¹⁵ This is the same indirectly elected party-led people's congress system that Beijing has defended so staunchly in its rejection of the Dalai Lama's proposals for Tibetan autonomy. Hong Kong's two-hat legislators are all either pro-

Beijing or pro-government, sometimes now referred to as a composite “pro-establishment.” All were vetted, selected, and appointed to the national bodies by mainland procedures.

National security legislation, with all its multiple safeguards against the subversion of state power by word or deed, is likely to be reintroduced soon. This legislation, mandated by Article 23 of the Basic Law, was withdrawn after it provoked a sudden upsurge of dissent on July 1, 2003, when half-a-million people took to the streets in protest. Insiders report that Donald Tsang hopes to see the national security legislation passed before his term ends in 2012.¹⁶ In retrospect, that 2003 protest march seems to have been the functional equivalent, albeit non-violent, of Tibet’s 1959 rebellion since Beijing was similarly shocked to discover the extent of local disaffection. Until July 2003, Beijing had continued to repeat the assurances of its Hong Kong representatives that opposition was confined to only a few misguided democratic elements. Beijing’s more overt efforts to influence Hong Kong political life date from mid-2003. Partisans call it exerting leadership; compromise with an opposition movement in the exercise of power is not part of Beijing’s political lexicon.

Finally, unlike Tibet, the unrestricted migration of mainlanders into Hong Kong is not allowed. But something similar will be achieved if

current plans go forward to liberalize cross-border economic integration and population flows between Hong Kong and its Shenzhen neighbor. Since “the border with Shenzhen will disappear anyway in 2047,” editorialized Hong Kong’s main English-language newspaper, we may as well be prepared.¹⁷ Political aspects can be left until “later,” say enthusiastic promoters. Nor are those aspects lost on the Hong Kong government. Insiders joke that the plan for a cross-border mega-city would finally solve the universal suffrage problem by creating a mass of patriotic voters sure to swamp local democratic candidates once and for all.¹⁸

Hong Kong’s experience thus illustrates not so much the possibilities for autonomy within the Chinese state as its seemingly instinctive impulse toward a one-size-fits-all pattern of governance. Those looking for solutions in the one-country, two-systems model should see it more realistically as a transitional formula designed to facilitate eventual merger with its Chinese parent. The more urgent question then becomes what if anything will remain of Hong Kong’s inherited rights and freedoms by 2047, and who will be left to defend them.



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Notes:

¹ *Agreement on Measures for the Peaceful Liberation of Tibet* (17-point Agreement of May 23, 1951), text in, Hugh E. Richardson, *Tibet and Its History* (Boulder and London: Shambhala, 2nd rev. ed., 1984), p. 291.

² Paul Harris, “Hong Kong-style autonomy could solve the Tibet issue,” *South China Morning Post*, Hong Kong, April 1, 2008.

³ Malcolm Rifkind, “A pragmatic solution,” *International Herald Tribune*, March 24, 2008.

⁴ Melvyn C. Goldstein, *The Snow Lion and the Dragon: China, Tibet, and the Dalai Lama* (Berkeley: University of California Press, 1997), pp. 76-78.

⁵ <http://www.dalailama.com/page.96.htm>; Goldstein, *The Snow Lion ...*, pp. 87-88; Barry Sautman and Shiu-hing Lo, *The Tibet Question and the Hong Kong Experience. Occasional Papers in Contemporary Asian Studies* (Baltimore: University of Maryland Law School, 1995), pp. 8-9.

⁶ Dawa Norbu, “China’s Dialogue with the Dalai Lama 1978-90,” *Pacific Affairs*, Fall 1991, p. 357; He Baogang, “The Dalai Lama’s Autonomy Proposal,” *Contemporary Tibet: Politics, Development, and Society in a Disputed Region*, Barry Sautman and June Teufel Dreyer, eds. (Armonk, New York: M. E. Sharpe, 2006), p. 72.

⁷ Sha Zhou, “What Is It Behind the Dalai Lama’s ‘Plan’,” *Beijing Review*, Feb. 19-25, 1990, pp. 22-23.

⁸ *White Paper on Regional Ethnic Autonomy in Tibet*, Chinese Government State Council, Beijing, May 2004, http://news.xinhuanet.com/English/2004-05/23/content_1485515.htm, reissued in www.chinaview.cn, May 7, 2008.

⁹ “We Should Draw on the Experience of Other Countries,” June 3, 1988, *Deng Xiaoping on the Question of Hong Kong* (Hong Kong: New Horizon Press, 1993), p. 61.

¹⁰ Martin Lee, “China’s Olympic Opportunity,” *The Wall Street Journal*, New York, Oct. 17, 2007.

¹¹ For the description and the decision, see, *Wenhui bao* [*Wen Wei Po*], Hong Kong, Dec. 30, 2007; English translation of the decision in *China Daily*, Hong Kong, Dec. 31, 2007.

¹² Jill Drew, “In Tibetan Monasteries, the Heavy Hand of the Party,” *Washington Post Foreign Service*, April 6, 2008.

¹³ *South China Morning Post*, 2008: March 15, March 23, and April 15.

¹⁴ Since direct universal suffrage elections for the entire legislature have been ruled out until 2020, various evolutionary intermediate steps are currently being discussed. The government’s *Green Paper on Constitutional Development* (chapter four) contains two basic proposals: one is to leave the current small-circle occupational constituencies in place and the other is to allow District Councilors to elect legislators in a manner comparable to the indirect election sequences of China’s people’s congress system. The latter is based on universal suffrage at the grassroots level, and indirectly-elected delegates to each level above, with local communist party leaders vetting candidates from top to bottom.

¹⁵ *Ming bao* [*Ming Pao Daily News*], Hong Kong, Jan. 27, 2008.

¹⁶ *Xin bao* [*Hong Kong Economic Journal*], Hong Kong, Feb. 29, 2008.

¹⁷ *South China Morning Post*, July 27, 2007.

¹⁸ *Xin bao* [*Hong Kong Economic Journal*], Dec. 28, 2007.