

Hong Kong Democracy Has a Rare Opportunity

By David Zweig

On December 29th, 2007, the Standing Committee of the National People's Congress, Hong Kong's real "Court of Final Appeal," handed down a landmark decision in response to a proposal on constitutional reform put forward by Hong Kong's chief executive (CE), Donald Tsang Yam-kuen. That decision ruled out universal suffrage for the CE election of 2012 and did not fix a date for universal suffrage in future CE and Legislative Council (Legco) elections, but it did "allow" the introduction of direct elections for the Chief Executive in 2017. It also said direct elections would be possible for all Legco seats sometime thereafter—perhaps in 2020—if the people of Hong Kong choose to have them. However, it also stated that the final process must conform to the Basic Law (Hong Kong's mini-Constitution) and be subject to a political consensus in Hong Kong. Yet the bottom line was this: after having said no to universal suffrage for 2007 and again for 2012, the central government did not oppose holding direct elections for Hong Kong's executive in 2017 and for the first legislative election following that date.

To me, this decision by a parliamentary committee of the world's largest authoritarian government, which would allow direct election of Hong Kong's leaders, is a great victory for democracy—not just in Hong Kong but for democratic forces around the world. Although Hong Kong is a special administrative region of China with democratization guaranteed under the Basic Law and a Joint Declaration by Britain and China regarding its sovereignty, its status within China's administrative hierarchy is

equal to that of a province. Its chief executive is accorded such a status when he visits the mainland. The decision is a major breakthrough even if many obstacles to full universal suffrage for 2017 remain. The glass may be only half-full, but even that is significantly better than before the December 29th announcement.

However, initial responses to the decision have been mixed. Most Western governments, seldom shy about challenging China to demonstrate significant progress towards democracy in Hong Kong, could see much that was positive in this process; some consulates made this point in internal reports to their home governments. Strong local supporters of immediate democratization, such as columnist Frank Ching and Professor Michael DeGolyer of Hong Kong Baptist University, publicly argued that if pan-democratic forces reject this opportunity, they may in turn be rejected by Hong Kong's electorate. Moreover, excessive opposition or negativity would reinforce mainland fears that the democrats cannot be trusted.

So why did the democratic camp and the foreign media react so negatively and critically towards this decision to reject universal suffrage for 2012 but allow it for 2017? Why did legislator Emily Lau, an outspoken critic, insist that "maximum pressure" be applied on the central government? Why did the democrats mobilize for protest marches, rather than celebrate this victory and plan for the coming elections?

Speaking at a seminar run by the Civic Party, one of its leaders, Ronnie Tong, argued that because the people of Hong Kong have consistently demonstrated their clear preference for full democracy as soon as possible, it is the Civic Party's duty to push for 2012 rather than wait until 2017. Should the democrats passively accede to the central government's plan and not fight for 2012, he explained, they would not meet their

obligations to those who elected them. For him, the NPC decision was purely negative because it rejected universal suffrage for both Legco and CE elections in 2012. And because the NPC did not require universal suffrage in 2017, stating only that it would then be possible, he noted there is no guarantee that it would happen even then. Nor does the ruling guarantee that universal suffrage will be used for the 2020 Legco elections, for it only states such voting could be introduced after its first use when choosing a chief executive. Moreover, since the decision ensures that in 2012 half the legislators will continue to be elected by functional constituencies (an undemocratic electoral system that favors the business establishment and party-liners), the majority of Legco officeholders during the run-up to 2017 will remain establishment representatives generally opposed to a rapid democratic transition.

As pro-democracy legislator Margaret Ng argued in the South China Morning Post of January 3rd, Beijing could block progress and “revise the timetable at any time through compliant bodies in Hong Kong,” because the road ahead must be based upon consensus and cooperation among all the city’s political forces. Therefore, she worries that “a postponement in the first poll will cause a delay in the second,” that is, if two-thirds of Legco members cannot agree on a formula for electing the CE in 2017, universal suffrage cannot be used for the Legco elections of 2020. Thus, she argued, “the gloss put upon the NPC ruling by Chief Executive Donald Tsang Yam-kuen—that the timetable for democracy has been fixed for 2017 and 2020—is no more than a half-truth.”

Sources of Misunderstanding

One source of misunderstanding between the pan-democrats and the mainland government arises because the former are not allowed to visit the mainland, while their meetings with Hong Kong officials are usually in formal sessions. Thus they hear only the public voice, not the private views, of those officials who in fact are sympathetic to their political concerns. This problem is easily solvable; the central government should lift its travel ban, allowing and encouraging pan-democrats to visit the mainland.

Not facing similar constraints, I am able to discuss Hong Kong's democratization with mainland officials, some here in Hong Kong, and some in Guangdong. What have I heard from them?

Some Guangdong officials remain deeply suspicious of Hong Kong's voters. Rightly or wrongly, and in my view quite wrongly, they believe that if the 2007 election for the Chief Executive had been by universal suffrage—at a time only 10 years after the passing of sovereignty—Hong Kong might have chosen a candidate opposed to mainland interests. In their eyes, because Hong Kong's colonial era had ended so recently, many public perceptions were still deeply influenced by 150 years of British tutelage.

But by 2017, Hong Kong will have been part of China for 20 years and, in China's eyes, 10 more years can make a big difference. By then, a younger Hong Kong generation may feel more integrated into the People's Republic, identifying themselves more as Chinese and less as somewhat separate Hong Kongers. For example, Home Secretary Tsang Tak-sing has stated publicly that one of his top jobs is to promote "patriotic education." All this means that in 2017, voters are more likely to elect a candidate who shares many interests with the central government and seems more reliable to Beijing.

A mainland official working in Hong Kong expressed different concerns. When asked why 2012 had not been acceptable to Beijing, he said some Hong Kong sectors that completely oppose universal suffrage, such as true leftists or members of the business community, are the Chinese Communist Party's support base in the city. In his eyes, these forces were definitely not ready to accept 2012. If an unpopular decision had been forced upon them, Beijing might have created instability and made it difficult to introduce universal suffrage in an orderly fashion. No doubt, had China mandated 2012, the pro-Beijing Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) Party, the far left and the business community would have gotten in line—after all, the DAB supported universal suffrage for 2007, and again for 2012, until Beijing rejected each option. But 2017 is far enough into the future so that all these forces, including hardliners in Beijing, could find the date acceptable. As a result, most Hong Kong citizens, while preferring 2012, have agreed.

The Road Ahead: Why am I Optimistic?

The road ahead is not clear or easy, but it is largely one for Hong Kong to build. That is part of the victory of December 29th, when the Standing Committee threw the ball back into Hong Kong's court by saying “we approve of universal suffrage; now you choose a format that we can all live with.” This was fairly liberal for an authoritarian government.

But we do need a better map. If we do not know what 2017 will look like, the size of the reform steps we can take in 2012 remains unclear. For example, if there is no real support in Beijing for doing away with functional constituencies, the business community could fight to maintain this undemocratic mechanism that both enhances its authority in

Legco and ensures control in 2012, if not also 2017, of the nomination committee that vets candidates for the CE race. Already, some business leaders have argued that their influence should be strengthened, not weakened, in the run-up to universal suffrage.

So why be optimistic? First, I believe that small steps carry their own momentum. Many democrats felt that the decision by the Civic Party's candidate for chief executive, Alan Leong, to run for office when only 800 carefully-selected people had the right to vote, was misguided. But to increase his own support, Donald Tsang committed himself to resolving the issue of constitutional reform during his current five-year term. That forced him to table his report on universal suffrage to the NPC, leading to the Standing Committee's historic decision.

In light of that commitment, could the next generation of China's leaders really welsh on the deal if Hong Kong's top official already had proposed universal suffrage? If there was no support for such progress, Chinese President Hu Jintao would not have committed his successors to something that they would be unwilling to accept. In fact, the mainland official interviewed in Hong Kong said he did not see how Beijing could go back on its word because even the mainland is adopting more democratic procedures. Moreover, he believed that since the Civic Party had fielded a candidate in the 2007 CE election, it would likely do so in the future. Nevertheless, in my view, it was one thing to allow Alan Leong to run in an election that he was sure to lose; it will be quite another to let him, or someone like him, stand in an election when the outcome is not predetermined.

Second, while many business leaders want to retain the functional constituencies, the Liberal Party, which represents the business community in the government, must listen to the voters if it wants to gain Legco seats in 2012. Thus James Tien, its leader,

recently expressed support for doing away with the functional constituency system. One would therefore hope that by the 2012 voting, the electorates in those small constituencies would be greatly expanded, perhaps in ways similar to reforms introduced in 1996 by the last British governor but canceled after China gained sovereignty in 1997. Under that system, all employees in every sector would have the right to vote for a Legco representative, much as we professors already do in the education sector. Also, if the proposed 2012 changes are fair and involve real progress towards a more open system, it would be difficult for the business community to argue that its narrow interests are more important than those of the community at large—especially now that the Standing Committee has set a timetable.

Third, can the DAB afford to be *seen* to be seriously dragging its feet or undermining democratization in Hong Kong? Not a chance. The people of Hong Kong will have an opportunity to use their voting rights in the 2012 geographic constituency elections to punish any party that blocks progress towards universal suffrage. So there will be significant pressure on the DAB to make some gains during the next five years.

Even the democratic camp will have to compromise. Former Chief Secretary Anson Chan, who won a Legco by-election last December by campaigning on the platform of “2012 or bust”, has suggested that the pan-democrats must be prepared to discuss seriously with the Government and other political parties how Hong Kong can achieve true universal suffrage in 2017 and 2020 without at this stage formally abandoning their public stance on 2012. This clearly is a more moderate position than of those who want the fight for 2012 to remain the focus of pan-democratic activity. In fact, as Michael DeGolyer argues, if the democrats are perceived by the electorate as too

uncompromising, and therefore win less than 20 seats in the 2008 Legco election, they won't have enough votes to block whatever program the pro-government camp proposes for 2012. While their rejection of a reform package in 2005 was understandable because it included no timetable or road map for universal suffrage, the situation has changed. Now there's a timetable of sorts that is accepted by most people; the democrats will have to agree to terms that work for both the majority of Hong Kong people and the central government.

The immediate goal, therefore, is to promote greater dialogue among democrats and mainland officials; expand voting rights in all the functional constituencies; and perhaps reduce their number significantly by 2012. In the end, Donald Tsang will have to propose something that the people of Hong Kong find acceptable. It won't meet the expectations or demands of people on extreme ends of the political spectrum. But so long as the people find it acceptable, there will be great pressure on political forces across the territory to make it work. And that, after all, is what democracy is all about.

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