

THE BEGINNING OF A THAW—OR A FATAL SPLIT IN THE DEMOCRACY MOVEMENT?

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The historic compromise in late June between Beijing and the Democratic Party of Hong Kong fundamentally changed the political landscape of Hong Kong. For the first time in more than 20 years, Beijing officials and Hong Kong democrats held face-to-face negotiations over constitutional reform, and managed to strike a deal that produced noticeable progress, however minimal. More pessimistically, however, the political compromise may also have caused an unprecedented split within the pro-democracy camp, which could have lasting impact on its solidarity and ability to pressure Beijing into granting Hong Kong its long-promised local democracy.

At the end of the day, the progress was more symbolic than substantial. In terms of institutional reform, the changes that will apply to the 2012 elections of chief executive and Legislative Council offer only a small practical step forward. Yet the deal could mark the beginning of a thaw between Beijing officials and Hong Kong democrats, enabling them to narrow their political differences and begin negotiating terms for full democracy in the future.

The De Facto Referendum and the Movement's Split

By 2009, the Hong Kong democrats were in the midst of “transition fatigue.” They were disappointed by a 2007 decision of the Standing Committee of the National People’s Congress (NPCSC) which ruled out universal suffrage elections for both the chief executive and the Legislative Council (Legco) in 2012, but would permit—though not guarantee—popular election of the chief executive in 2017 and all Legco members in 2020. Most democrats seemed willing to settle for that in principle, but feared Beijing would control the nomination process and screen out candidates they didn't like before allowing a popular vote on

those who passed the test. They also feared that all Legco seats might not be chosen by true universal suffrage in 2020 because the Standing Committee decision only said that could be possible without explicitly promising it. The democrats wanted an authoritative pledge that the balloting would be via genuinely fair and unfettered elections, but lacked either the institutional power or a negotiating channel to force Beijing into offering more.

By late 2009, when it was obvious that the government's reform proposal for 2012 would be a minimal one, the democrats were split over how to bring about more sweeping changes. The League of Social Democrats (LSD), a new radical group strongly supported by younger voters, proposed that five pro-democracy legislators, one from each of the five Legco geographic constituencies, resign in protest. They hoped the resulting five by-elections, which would allow every Hong Kong voter to take part, would then serve as a "de facto referendum" on democracy. If the by-elections produced a high turnout and overwhelming support for the pro-democracy candidates—who would be standing for re-election to the seats they had just resigned—it would boost the democracy movement and put renewed pressure on Beijing. The Civic Party suggested an even more radical proposal: if Beijing remained intransigent after the democrats "won" the referendum, all 23 pro-democracy legislators then should resign to force the issue. However, other democrats, most notably the older Democratic Party, had serious doubts about whether this move would attract or alienate moderate voters, and whether a low turnout or loss of seats might erode the public credibility they had earned over the years.

In the end, the pro-democracy camp was split. The LSD and the Civic Party supported the referendum initiative, with five of their legislators resigning last January to force what they called a "de facto referendum." But the Democratic Party refused to join them, and formed a new Alliance for Universal Suffrage, which included 14 pro-democracy legislators and other traditional pro-democracy groups. The goal was to draw Beijing into direct negotiations over political reform. Supporters of the LSD attacked the Democrats and the Alliance for "betraying" the movement and appeasing the establishment, sometimes with much verbal abuse in open fora and web discussions that created much bad feelings

between the two groups.

Beijing's Response

Unsurprisingly, the referendum initiative drew vehement criticism from Beijing. In official ideology, the Chinese Communist Party (CCP) represents all 1.3 billion Chinese people, including the seven million in Hong Kong. The CCP then allots to Hong Kong whatever autonomy it chooses to delegate through the Basic Law, the Chinese legislation that serves as Hong Kong's de facto constitution. To the Communist Party, any locality claiming separate political authority, or the right to decide its own political fate by holding a referendum, is tantamount to claiming a separate sovereignty, which smacks of separatism. The Hong Kong and Macau Office under the State Council (cabinet) in January tersely denounced the referendum initiative as “unconstitutional” because Hong Kong has no referendum law. Pro-Beijing politicians in Hong Kong then decided to boycott the by-elections, refusing to field candidates or mobilize their supporters to vote.

On the other hand, Beijing saw the Democratic Party's shunning of the referendum initiative as a sign of rapport and a turn away from its traditionally more confrontational stance. Mainland authorities have grown concerned about a trend toward radicalism within Hong Kong politics and the deepening of a governance crisis, and saw a chance to marginalize the Civic Party and the League of Social Democrats—both all too extreme for them. Beijing also wanted the government's reform proposal for the 2012 elections to win Legco approval, thus creating a more amicable political atmosphere and giving the Hong Kong government greater public legitimacy.

At this time, the Alliance drafted its own reform proposal which delineated the progress it sought between 2012 and 2020, and began lobbying local conservatives for support. Its plan made several demands, and warned that Alliance members in Legco would vote against the government plan if these were not accepted. Its objectives included: (a) the nomination threshold for the 2017 chief executive election should be no higher than in 2012, making it difficult for pro-Beijing forces to screen out popular candidates they didn't trust; (b) Beijing should ensure that the

functional constituencies system—voting by profession and business groups that selects half the legislature—would be abolished by 2020; (c) the new functional constituency seats proposed for 2012, part of the reform plan, should be chosen by popular vote rather than elected by District Councilors.

The Negotiations

Secret contacts between Beijing representatives and Democratic Party leaders began in February. On April 14, the Hong Kong government announced its “revised” 2012 proposals after a period of public consultation, little changed from those it had previously described in the official consultation document. Moderate democrats saw this as a slap on the face, but did not change their opposition to the referendum plan and insisted they would pursue further “dialogue” about changing it.

The “de facto referendum” aroused great enthusiasm among young supporters and civil society groups, but failed to convince most moderate voters that it was an effective strategy. It also failed to attract the support of all pro-democracy groups: some were alienated by the League's hostile attitude, some chose to abstain from the referendum effort for sake of continued dialogue with Beijing, while others offered only lukewarm support. The fact that no conservative candidates contested the five seats also meant that the overall campaign atmosphere was tepid, for the legislators who had resigned were not in danger of losing their places. Thus the May 16 by-elections drew only a low turnout of 17.1%, with the five incumbents winning easily. But the League and the Civic Party refused to acknowledge failure, and claimed the 500,000-voter total was a vote for genuine democracy and abolition of the functional constituency system.

After the by-elections, Beijing essentially took over negotiations with the Democratic Party and the Alliance—rather than leave them to the local government—and had its Liaison Office officials in Hong Kong began direct talks with the two groups only one week later. This marked the first time since the 1989 Tiananmen crackdown that representatives from Beijing had conducted an official dialogue with Hong Kong democrats, many of whom remain key members of the Alliance of Patriotic

Democratic Movement in China, the organization that holds an annual June 4 candlelight vigil featuring slogans such as “end one-party dictatorship in China”.

The negotiations reflected several things about Beijing’s position and strategy. First, in Beijing’s eyes, initiating a referendum is a more serious political crime than striving to end “one-party dictatorship”; to them the latter at least worked within a “one-China” context and did not suggest an effort to split the country. Second, the dialogue marked an attempt by Beijing to improve relations with the Democratic Party and certain other pro-democratic leaders, hoping to prevent further radicalization and a worsening of Hong Kong’s governance crisis. Third, it also showed that Beijing seriously wanted a reform proposal to win Legco approval and give the Hong Kong government greater public credibility, although without relinquishing ultimate political control or granting more than minimal concessions.

Both sides stood firm as negotiations began. The democratic side demanded that Beijing publicly guarantee genuine free, fair and equal elections for 2017 and 2020, and/or introduce substantial concessions for the 2012 elections. Without such guarantees or concessions, the democrats claimed, they would ensure that the government reform proposal failed in Legco. However, Liaison Office officials claimed that the current Hong Kong government was not authorized to write any rules for elections in 2017 and 2020, which would be held long after it left office. They also said that putting the five new seats to a popular vote would be against terms of the Basic Law, for it would violate China’s 2007 ruling that only half the Legco seats could be filled by universal suffrage. (This democratic demand would mean that 40 of 70 members in an expanded legislature would in effect be chosen by popular vote.) Both sides stood firm for a couple of weeks.

The Deal

On June 7, the Deputy Secretary of the NPC’s Standing Committee, Qiao Xiaoyang, who has been in charge of Hong Kong’s constitutional reform, made a speech outlining the future of universal suffrage in Hong Kong. He asserted that future elections would be “universal and equal” in terms

of voting rights. However, he emphasized the nomination procedures for the 2017 chief executive election would be different from those in 2012; that meant getting on the ballot could be more complex than simply having a petition signed by at least one-eighth of the members of Hong Kong's official Nomination Committee, as at present. (This committee will expand to 1200 members in 2012, up from the present 800.) Qiao also claimed that “universal suffrage” for the legislature meant equal and universal “voting rights” but these rights could be subject to legal restrictions, while future elections should be compatible with the legal status of Hong Kong, its executive-led political system, its capitalist economy and the (unstated) interests of its various classes.

The irony of Qiao’s speech was this: while the democrats had asked Beijing to guarantee that 2017 and 2020 elections would be genuinely democratic, Qiao essentially told them that they could be constrained. It made the democrats suspect that Beijing planned to control the future nomination process firmly and that the 2020 voting might not be genuinely democratic, with functional constituencies not fully abolished.

The Democratic Party made the final concession. Two weeks before the government's reform resolution was scheduled for its Legco vote, Democratic Party Chairman Albert Ho said publicly that if the government would let the new District Council functional seats be chosen by popular vote in 2012, his party would “seriously consider” supporting the government plan. With the negotiating help of several key moderate pro-Beijing figures and current Chief Executive Donald Tsang, Beijing agreed.

The Democrat Party then resolved to support the government, though it earned much criticism from other civil and political groups. This included accusations that it had betrayed the ultimate goal of true local democracy, reneged on campaign promises, engaged in secret negotiations with Beijing and settled for limited piecemeal gains in exchange for improved relations with Beijing. The Democratic Party defended its decisions as an important step forward, one that would give the next Legco 40 seats returned by popular vote and only 30 elected through "small-circle" elections by functional constituencies, thereby diluting their influence. The party said it had not given up its goal of full democracy, but since it

could not secure a concrete promise from Beijing at present it would accept more limited reform for the time being.

The abrupt change of position created severe splits within both the Alliance and the Democratic Party. Some of the 14 legislators affiliated with the Alliance said they would not back the limited reform proposal without a guarantee about eventual full democracy; three of them eventually voted no. DP legislator Andrew Cheng refused to follow his party's lead and quit it to vote against the government. However, the government's two resolutions got 46 supporting votes (six more than necessary) and were passed on June 24 and 25.

The Implications

The approved 2012 proposal was a minimal step forward, falling far short of the universal suffrage for all offices that democrats had long sought and which Beijing had often called the "ultimate" goal. The final terms also failed to secure a Beijing promise such suffrage would be applied in the 2017 and 2020 voting, though it did not rule out the possibility. The final reform package also did not guarantee that pro-democracy politicians would gain many new seats; it's estimated they might win 28-30 places in the new 70-member Legco, not enough to make a major difference in their effort to put extra pressure on the government.

The symbolic implications are much more significant than the institutional ones. The final terms marked the first time that Chinese government officials conducted direct dialogue with the pro-democracy opposition in Hong Kong, long seen as "subversives" who sought to overthrow the mainland socialist system. Both sides made political concessions in the bargaining, which should improve mutual trust between them. Beijing officials also promised that dialogue with its democratic interlocutors would continue after passage of the proposal, and the democrats immediately demanded that a committee on political reform be established to lay out a path toward full democracy. This year's reform ordeal also saw Beijing throw away the pretence of "One Country, Two Systems", and take direct control of the negotiations—sidelining the Hong Kong government. While this mocks the degree of "high autonomy" granted to Hong Kong, it has the advantage of avoiding self-

styled middlemen who could well misrepresent Hong Kong democrats' demands and preferences. The political difference between the Democratic Party and Beijing remain huge, most notably over commemorating the Tiananmen violence each year, while Qiao's speech made clear that Beijing intends to control the chief executive nomination process in 2017, while perhaps defining or reforming the functional constituency system in ways that fit its own definition of what "universal suffrage" might mean. There will be difficult negotiations ahead.

The reform debate also created a severe split within the pro-democracy camp. It started with the refusal of the Democratic Party to join the referendum initiative. There are now two completely different strategies within the democracy movement. The DP and other moderates aim to draw Beijing into continuing political talks to narrow differences and increase mutual trust, hoping to edge forward by piecemeal reforms while seeking an ultimate road map to full democracy. The Civic Party and the League of Social Democrats, plus certain other civil society groups that supported the referendum tactic, emphasize keeping pressure on the government while emphasizing its lack of a public mandate, so that one day Beijing would have to concede Hong Kong's problems cannot be solved by anything less than full local democracy. They consider the DP's acceptance of minimal reform and reconciliation with Beijing as a cynical betrayal, and claim it will weaken the broader democratic movement and ease pressure on Beijing. This new cleavage could bring a permanent split within the camp, weakening both its solidarity and the bargaining power of democrats as a whole.

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