

Testimony for the Congressional-Executive Commission on China
Will the Hong Kong Model Survive: An Assessment 20 Years After the Handover
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Mr. Chairman and members of the Commission, it is an honor to appear before you alongside leaders of Hong Kong's democracy movement. Thank you for including me in today's hearing.

As we approach the 20th anniversary of Hong Kong's return to mainland Chinese rule, a great deal has changed.

Beijing has dropped the pretense of respect for Hong Kong's autonomy and the "one country, two systems" arrangement. The Party is not only preventing Hong Kong from moving forward toward full democracy, it is also advancing communist political culture and taboos within Hong Kong's society. Even words like "referendum" and "self-determination" are being treated as taboo.

Hong Kong's democracy movement has responded in ways that few expected. Beijing's refusal to allow democratic election of the chief executive sparked the Umbrella movement protests of 2014. The movement's young leaders have eclipsed the established leadership that started the movement in the 1980s. The old guard is thrilled. They have happily given way to the new generation, many of whom were infants, or not yet born when the movement accelerated after the 1989 Tiananmen crackdown.

Unlike their parents and grandparents, young Hong Kong democrats don't have firsthand experience of living under mainland communist rule. They see no reason for their futures to be constrained by arrangements reached by Great Britain and China without input or assent of the Hong Kong people – particularly now that the UK seeks to be Beijing's "best partner in the West." They raise an issue that has been largely overlooked by the U.S. and the world's other democracies: even the inadequate guarantees of the Joint Declaration will expire in 2047.

Hong Kong people's identity has changed – or been revealed - under communist rule. Fewer identify as Chinese or as citizens of the PRC. Their outlook is shaped by their experience living in Hong Kong's free society, as well as their expectation that they would be allowed preserve it, and establish full democracy.

U.S. policy has not changed in response to these developments. Adopted in 1992, before the handover, the U.S.-Hong Kong Policy Act was a product of optimism about Hong Kong's future and a belief that Beijing would tolerate "two systems" within its borders. The approach to Hong Kong was part and parcel of the "engagement"

approach toward China. At the time, the US was enjoying victory in the Cold War with the Soviet Union. American policymakers were taken by Francis Fukuyama's famous essay, *The End of History*. The triumph of democracy over communism, fascism, marked "the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government." Confrontation could be avoided. Trade and investment, and integration into the world system would change China.

It wasn't a big jump from that idea to a belief that that China's Communist Party would accept Hong Kong's rule of law, capitalism, and civil liberties. The hope was expressed that Hong Kong would change China, not the other way around. At the very least, people argued, Beijing would want to keep Hong Kong as it was for economic reasons. The Party would not, the argument went, want to "kill the goose that laid the golden egg."

If Beijing did interfere in Hong Kong, lawmakers contemplated that the president could downgrade Hong Kong's separate status in some areas of U.S. law. However, the executive has been understandably reluctant to take that step. Denying Hong Kong separate treatment would penalize the people of Hong Kong, not Beijing's Party leaders or even their proxies in Hong Kong. The act's approach toward Hong Kong has lasted well after conditions for which it was adopted changed.

New legislation proposed by members of the commission, the Hong Kong Human Rights and Democracy Act, would take an important step by shifting the consequences for the most egregious violations of Hong Kong's autonomy from the people of Hong Kong to those who are actually responsible.

Members should consider broadening this provision. China's seizures of the booksellers are not isolated incidents. Beijing has also reached across borders to pursue Tibetans in Nepal and Uighurs in Central and Southeast Asia. It has coerced Thailand to repatriate Chinese dissidents. When the United Kingdom's Foreign Secretary sought to intercede on behalf of Lee Bo, a British citizen and one of the Hong Kong booksellers, the Chinese foreign minister rebuffed him, saying Lee is "first and foremost a Chinese citizen." This is an alarming distortion of norms of sovereignty and citizenship, but one that so far seems to have elicited little response from the countries involved or from Washington. Although Great Britain declared a "serious breach" of the Joint Declaration in connection with the booksellers, it's not clear what that means since London has gone on to conduct business as usual with China.

For a long time, the U.S. has treated Hong Kong as a discrete issue. We hoped that Party leaders would tolerate freedoms there that they would not allow in the mainland. On America's behalf, Secretary of State Albright insisted that there would be U.S.-China relations would suffer if Beijing didn't live up to its promises under the Joint Declaration. However, we effectively, and probably deliberately sidelined

ourselves by taking the position that the U.S. could not express an opinion on violations of a treaty to which it was not a party.

It is clear now, even more than it was in 1997, that America has the leading role in support for Hong Kong's democracy, rule of law and civil liberties. Hong Kong's fate will be determined not by arguments over a treaty signed by a disinterested, fading colonial power, but by the confidence and commitment to democratic norms and institutions by the U.S. and its allies.

From support for the Helsinki movement in the Soviet bloc, to the defense of Taiwan, to the battles over MFN for China, Congress has long played an indispensable role in making democracy and human rights a priority in America's foreign policy. Considering the Trump administration's affinity for autocrats, Congress's responsibility to maintain principled support for democracy around the world is even greater now and in the years ahead.