

***“Hong Kong: Can Two Systems Survive One Country?”
An Assessment 20 Years After the Handover***

CECC Testimony

By Martin Chu-ming Lee

On the night of July 1, 1997, my home, Hong Kong, a territory of then-7 million people was handed over from Britain to the People’s Republic of China. Twenty years later, we have come to a critical moment: Promised democratic development has been totally stopped, and the autonomy and core values we have worked hard to preserve under both British and Chinese rule are in serious danger.

I am 78 years old, and have been working for *four decades* as a lawyer and advocate for Hong Kong. I have been the bar chair, an elected legislator, a pro-democracy political party founder, and a member of the Basic Law drafting committee, working for the mini-Constitution agreed by China that was supposed to protect the rights of Hong Kong people.

In all of these roles, my goal has been to preserve Hong Kong’s freedoms, core values, and way of life. My generation has fought hard. But it is the future generation you have heard from today, represented by Joshua Wong, whose members are even more adamant that their rights be preserved and enlarged.

The framework for the transfer of Hong Kong’s sovereignty and people was established by the 1984 Joint Declaration, an international treaty registered at the United Nations. In that treaty, Hong Kong people were promised “one country, with two systems,” that we could rule our affairs with a “high degree of autonomy,” and that our rights, freedoms, rule of law, and way of life would continue for at least 50 years after Britain ceded Hong Kong to China

Beyond these assurances, after 150 years as a British colony, we Hong Kong people were promised that we would gradually progress toward elections based on universal suffrage. This arrangement has protected free political speech in the city and kept alive hopes for a degree of electoral democracy that we were also denied under British rule.

Twenty years ago, the “one country” part of this agreement was completed, when China assumed control over Hong Kong on July 1, 1997.

But I am here to tell you today that we are still waiting for the “two systems” promises to be upheld.

Until we are masters of our own house, you cannot say “two systems” is a reality. And without democratic elections, not one of our freedoms is secure.

Let me be clear: Hong Kong people are not challenging Beijing. We are merely asking that China uphold its pledge to let us freely choose our leaders by universal suffrage, and exercise the “high degree of autonomy” promised in the 1984 Sino-British Joint Declaration as a condition of the handover of Hong Kong.

Since the July 1, 1997 handover, Hong Kong journalists, lawyers, students, religious leaders, teachers, business executives, and other citizens have fought hard against every encroachment by Beijing. Our society is as free as it is today because of those efforts.

But much more needs to be done if Hong Kong is to remain a model for people seeking democracy and opposing authoritarianism.

We have fought to preserve our core values, including the rule of law, transparency, a free flow of information, and free markets—the values that have long been a beacon for China and beyond.

But the past three years have seen an acceleration of worrying encroachments:

- Beijing’s extrajudicial abductions of publishers and a businessman from Hong Kong;
- The removal of elected Hong Kong leaders, by Beijing's interpretation of the Basic Law;
- A surge in arrests of peaceful critics; and
- Attacks on our independent judiciary

These developments spotlight the failings of the “one country, two systems” model and the need for democratic elections to preserve basic rights and freedoms in our territory of 8 million people.

This trend also spotlights the role of the US, and the international community. The US approach in Hong Kong is governed by the US-Hong Kong Policy Act, which is rooted in the Joint Declaration, and gives the US Congress the right and obligation to speak up when freedom in Hong Kong is under threat.

Over the past four decades, Hong Kong’s resilient people have weathered the announcement Hong Kong would be handed over to China, Tiananmen Square's dashing of the hope for democracy both in China and Hong Kong, and the race against time to create Hong Kong's own political institutions despite China's opposition.

This means we cherish our freedoms more, and we recognize how important their example is to any hope of a rights-respecting China in the future.

For our young people, this long road to ensuring the rights we were promised is a reminder that as Americans know from their own history, freedom is not free—it takes vigilance and persistence, a battle that sometimes extends over multiple generations.

When Hong Kong was promised by paramount leader Deng Xiaoping that we would keep all of our freedoms for 50 years after 1997 unchanged, we understood that we have to insist that every single freedom is kept intact—100%. If we do, there is a chance for those freedoms to some day come to China.

But 20 years after the handover, China's Central Liaison office in Hong Kong has gone from being a representative office to issuing pronouncements that undermine the integrity of our system.

Last week, the legal chief of the China's liaison office claimed that "one country" must come before "two systems," and suggested abrogating the treaty if Hong Kong people protest. This undermines confidence in the system, and further alienates the youth who are our future.

It is a deeply unwise statement guaranteed to generate yet more protests—obviously the opposite of what Beijing wants.

It is increasingly our young people who are literally on the frontlines of protests for democracy in Hong Kong. This includes many who weren't even born at the time of the handover in 1997.

These young people understand very well what makes Hong Kong special and different from mainland China. They have a life ahead of them based on "two systems." They don't want to live in a Hong Kong that becomes ever more like China's system of cronyism and corruption. They value academic freedom, press freedom, and the ability to protest, speak and write freely.

The young generation has now seen 20 years of the older generation trying to get Beijing to carry out its promise of two systems. They have more reason than their parents and grandparents not to trust Beijing's promises because the promises of the Basic Law have been broken.

They don't trust the present and won't wait another 20 years.

There is still a roadmap to restore relations between Hong Kong and China, which would involve Beijing discovering better judgment, as it has done before.

China needs to make sure that the "two systems" survives—both as a model for Taiwan, but also as an incentive for younger generations to stay and build on our successes.

When Xi Jinping comes to Hong Kong for the anniversary of the handover on July 1 this year, I hope he will personally reverse the dangerous course of the last two decades, and confirm that our freedoms and way of life are good for China too.

It would be helpful if the US Congress and administration reminded him that mature countries respect treaties such as the one lodged at the UN through which China pledged rights for Hong Kong if Britain agreed to give up control.

Now is the time when the world is wondering if China will be a responsible member of the global community, and the US is trying to develop a good strategic relationship with China.

Thus China needs to show the world it can be trusted to uphold international agreements and play by the rules.

What better place to start than Hong Kong—where it already obliged to do so?