

The Umbrella Movement: A Pivotal Moment for Democracy in Hong Kong

Prepared statement by

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Introduction

Chairman Brown, Co-chairman Smith, and distinguished members of the Commission, it is an honor to appear before you today.

We have reached a pivotal moment for the future of democracy in Hong Kong. As you know, Hong Kong and China are very different.

Hong Kong is a party to the International Covenant on Civil and Political Rights (ICCPR); China is only a signatory. Hong Kong is ranked Partly Free in Freedom House’s *Freedom in the World* report for 2014; China is ranked Not Free. Hong Kong is ranked Partly Free in Freedom House’s *Freedom of the Press* report for 2014; China is ranked Not Free.

These differences provide important context for my remarks today, which focus on the significance of the protests in Hong Kong for human rights in Hong Kong and in China.

Despite the fact that Hong Kong's Basic Law guarantees one country with two systems until 2047, Chinese officials continue to redefine and reinterpret the law. Article 45 of the Basic Law states that, “the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative

nominating committee in accordance with democratic procedures.”¹ In 2007, the National People’s Congress Standing Committee (NPCSC) ruled that the first universal suffrage election for Chief Executive could take place in 2017. Yet, in August 2014, the NPCSC reversed course, instead deciding that the next Chief Executive must be elected from a pre-selected pool of candidates.

Article 27 of the Basic Law guarantees the freedoms of speech, press, and publication. Yet, when Hong Kongers took to the streets to protest the August NPCSC ruling, police did nothing to protect them from thuggish attacks by CCP supporters, instead responding aggressively and tear-gassing the crowd. Images of peaceful protesters fending off tear gas with only umbrellas to protect themselves generated the movement’s iconic name: the Umbrella Revolution. The aggressive police response was especially troubling, because the demonstrators had taken no violent action and because the aggression was a clear violation of the right to peaceably assemble – a right long protected in Hong Kong. Many were arrested, including a key student leader of the movement, Joshua Wong. Wong was detained for more than forty hours and was released after his lawyers filed a habeas corpus petition—a petition option that does not exist in China.

Optimists have long hoped that because of Hong Kong’s economic strength and regional importance, China would follow through with its commitment to the “one country, two systems” arrangement to which it committed until 2047. Many have even hoped that the Xi presidency would usher in an era of meaningful democratic reform in China. Unfortunately, the events in Hong Kong have provided a clear answer to the contrary in both cases.

What do the events in Hong Kong signal for human rights in Hong Kong specifically?

- 1. A continued push by China to assume ultimate control of Hong Kong.** I believe we will see China continue to reinterpret and redefine existing law to exert ever-increasing control and influence over Hong Kong, which could negatively impact human rights. We have already seen freedoms in Hong Kong slowly declining since the handover in 1997. Press freedom is at its lowest point in a decade; Beijing has attempted to introduce a propagandistic “national education” curriculum in Hong Kong schools; and the white paper released by Beijing in June 2014 affirming the CCP’s “comprehensive jurisdiction” over the region stated that all city administrators—including judges—must “love China.”² Many believe circumstances will only get worse as 2047 approaches. The 1200 member nominating committee assigned with vetting candidates for the next chief executive election will be based on the current election committee, which is comprised of a variety of special interests and is disproportionately weighted with pro-CCP members. Because they perceive that it is within their interests to do so, the majority of Hong Kong’s political and economic elite side with the CCP on most matters, and would likely be willing to cede additional controls to Beijing so long as it does not interfere with their status.
- 2. Strong popular support for democracy and universal human rights that is not likely to disappear.** Hong Kongers have experienced a starkly different history from their mainland neighbors over the last hundred years, a history of rule of law rooted in a respect for universal rights. It is precisely this tradition of rights-based law that has enabled Hong Kong to become an economic powerhouse and resulted in a population used to actively engaging in civil society discourse. There are civil society organizations addressing a wide range of issues, including political rights, health care, the environment, women’s political participation, LGBTI rights, religion, and even arts and culture and sports. Hong

¹ *The Basic Law*, http://www.basiclaw.gov.hk/en/basiclawtext/chapter_4.html#section_1

²“Full text: Chinese State Council white paper on ‘One Country, Two Systems’ policy in Hong Kong,” *South China Morning Post*, 10 June 2014, <http://www.scmp.com/news/hong-kong/article/1529167/full-text-practice-one-country-two-systems-policy-hong-kong-special>.

Kongers are also experienced with protests. Tens of thousands have participated in Umbrella Movement protests. Tens of thousands also turn out for the Tiananmen Square Massacre protest vigil, which has been held in Hong Kong each year since 1989. The 2014 event commemorating the massacre's 25th anniversary drew a crowd of nearly two hundred thousand. Hong Kongers have also marched to commemorate the anniversary of the handover, to support democracy, and to oppose pro-CCP school curriculum changes and national security laws. Many of the pro-democracy movement's strongest voices are also its youngest voices. They are highly digitally literate, and since Hong Kong has the world's third-fastest Internet speeds, they are able to communicate instantaneously worldwide. Given these factors, support for democracy and human rights in Hong Kong is not likely to be silenced any time soon.

- 3. A pivotal moment for Hong Kong.** As both sides dig in their heels and we hear reported plans by the Hong Kong government to remove the remaining protesters, democracy in Hong Kong is reaching a pivotal moment. It will be very difficult to maintain the "one country, two systems" arrangement and sustain Hong Kong's economic prosperity without addressing the public's demands for democracy. If Hong Kong's leaders – influenced by Beijing – ultimately reject democratic demands and move toward more mainland-style policies, Hong Kong's special status will be put at risk. The way they choose to address the current impasse will factor heavily into whether the "one country, two systems" set-up can work and whether Hong Kong will retain its unique place as a financial center in Asia, or whether over time its prosperity will decline as it becomes just another Chinese city, racked with corruption, censorship, and pollution.

What do the events in Hong Kong signal for human rights in China?

- 1. Continued repression in mainland China.** Following the handover in 1997, optimists had hoped that Hong Kong's freedom and prosperity would trickle into China. The ongoing events in Hong Kong signal that, unfortunately, the opposite is true. China's authoritarianism is trickling into Hong Kong. Much of what the CCP does is with an eye to its domestic audience. If the current CCP leadership will not tolerate previously agreed upon universal suffrage in Hong Kong—a region protected by the International Covenant on Civil and Political Rights – they certainly will not undertake any meaningful democratic reforms on the mainland. They are also signaling that mainland Chinese should not expect democratic participation either. And, by having state media condemn and discredit protesters in Hong Kong, CCP leaders are also signaling to mainlanders that there will be consequences for any similar protests in China. The CCP has no plans to allow space for civil society, respect for universal human rights, or any weakening of their control over the Chinese people's voice, and the events in Hong Kong will only strengthen their resolve to strictly maintain that control.
- 2. Escalating anxiety within the CCP, which has resulted in increased anti-foreign rhetoric and more stringent censorship on the mainland.** As recently noted in *The New York Times*, "the vilification of foreigners as enemies of China has been a staple of propaganda by the Communist Party since before its rise to power, [but] analysts say the leadership tends to ramp up such rhetoric when it feels under pressure at home." Uniting citizens behind a common foreign enemy has been a popular CCP smokescreen for decades, distracting citizens from the corruption, pollution, and lack of free expression that plague the mainland. The latest round of anti-American rhetoric has been marked. Even as the United States and China are agreeing to reduce greenhouse gas emissions and cut tariffs for technology products, Chinese leaders are calling on other nations to "challenge U.S. hegemony on the Internet," targeting US companies for investigation, and praising anti-American Chinese writers. This type of rhetoric can have broad implications for future relations, disrupting cooperation, information sharing,

and even trade relations. The CCP is also working hard to block and control traditional and social media coverage of Hong Kong. According to Freedom House's forthcoming *Freedom on the Net* report, which will be released on December 4, CCP censorship efforts in China during October 2014 were even more intense than in June 2014, which was the 25th anniversary of the Tiananmen Square Massacre.

- 3. The CCP's anxiety is not unfounded, because hunger for democracy still exists within China, despite the odds.** Hong Kong's protests have been successful because of their scale and the international attention they have garnered, generating significant interest in China. Despite the CCP's strict control of traditional media and sophisticated Internet censorship, mainland Chinese have still been able to unearth coverage of the Umbrella Movement. And, despite the fact that sharing information about the protests or expressing support for them is forbidden and has resulted in dozens of arrests and detentions, mainland Chinese are still sharing information and still expressing support. Activists in China have used digital technology to evade censorship and risked their personal security to discuss the protests. Though many in China who speak publicly about the protests have expressed strong opposition, there is a curiosity about and appetite for narratives that challenge one party rule. Some mainland Chinese tourists in Hong Kong at the time of the protests went to watch the demonstrations, though China has since suspended approval of tours to Hong Kong. The Umbrella Movement had provided mainland prodemocracy advocates an opportunity to witness widespread international support for democracy efforts in the People's Republic of China.

What steps can the United States and the international community take to support democracy and human rights in Hong Kong and China?

- 1. The international community – including the United States – should publicly support the aspirations of the people of Hong Kong.** It is the right thing to do both morally and pragmatically. There is always great debate about whether foreign expressions of support for democracy movements will endanger the movement and its participants – a so-called “kiss of death” – and the Hong Kong case is no different. The CCP has a long history of blaming “foreign hostile forces” for any popular movement it does not like, and CCP leaders have taken every opportunity to do so during the Hong Kong protests. These bully tactics should not prevent the international community from speaking out to support the right of all Chinese people to choose their own political future. Public support will demonstrate to China that the international community is not backing down on human rights, and to prodemocracy activists in Hong Kong and China that they are not alone. A newly-released report by Freedom House on *Supporting Democracy Abroad* found that in U.S. foreign policy toward China “immediate economic and strategic interests almost always override support for democracy and human rights.” It is crucial for U.S. policymakers to understand that supporting the people of Hong Kong in their quest for democracy is not only morally right but also pragmatic. A free and democratic Hong Kong is also an economically prosperous Hong Kong, which makes for better business and stronger partnerships. As noted in the U.S.-Hong Kong Policy Act of 1992, “the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong... Human rights also serve as a basis for Hong Kong's continued economic prosperity.”³
- 2. Multilateral efforts are important.** Democratic nations should work together to express support for the people of Hong Kong while condemning violations of human rights and exhorting China to uphold its handover promises of maintaining the one country, two systems model. If the United States acts alone without a chorus of other democracies, it is subject to the fabricated CCP narrative that the United States

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is picking on China. It is difficult for China to accuse protesters of doing the bidding of the Central Intelligence Agency if numerous nations are communicating the same message. Specific multilateral initiatives could include:

- Efforts at the United Nations to pass a resolution urging the Hong Kong government to genuinely implement the ICCPR – including provisions on freedom expression and assembly and on elections – and uphold its commitment to human rights;
- A visit to Hong Kong by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, to assess whether the government of Hong Kong is honoring citizens’ rights to freely assemble and associate.
- Resolutions in the legislative bodies of democratic nations expressing support for the right of the citizens of Hong Kong to determine their future;
- Efforts to identify points of economic leverage that would allow the international community to increase pressure on Chinese authorities to follow the law and its past pledges, and respect Hong Kong’s special status.

3. Congress can also play a powerful role in supporting democracy and human rights in Hong Kong and China. Though multilateral efforts are important, this does not mean the U.S. and its legislative branch should be soft-spoken. Congress can take several effective actions to highlight and bolster human rights in Hong Kong and China, including:

- Urging the Hong Kong government to uphold its commitments to the ICCPR and listen to its citizens’ demands for free and democratic elections.
- Renewing the section 301 reporting requirements found in the United States-Hong Kong Policy Act of 1992, which required the State Department to report to Congress on “conditions of interest to the United States...including developments related to the change in the exercise of sovereignty over Hong Kong,” and “the development of democratic institutions in Hong Kong.” The last of these reports was submitted in 2007, and an updated assessment would assist you as legislators seized with Hong Kong’s and China’s freer futures. The counterpart bills, S.2922 and H.R. 5696, do just that, and I commend you, Mr. Chairmen, for the bipartisan and bicameral effort to introduce such legislation.
- Maintaining vigorous Radio Free Asia and Voice of America broadcasting in Cantonese is also important, and I again commend you for recognizing this as a priority in the bicameral legislation you have introduced.
- Tying any U.S. differential (i.e., better) treatment of Hong Kong – vis-à-vis China as a whole – to that region’s veritable autonomy. Your legislation’s presidential certification to this effect represents a strong policy.
- And, Congress should also send a congressional delegation to Hong Kong to meet with government leaders, observe the protests, and assess any negotiations that occur between protestors and the government authorities.

Conclusion

We are at a pivotal moment for democracy in Hong Kong. If there is one thing history has show us, it is this: Authoritarian rule has a limited life span. No matter how hard the CCP may try to quash dissent, outlaw religious belief, control the outcome of so-called elections, manipulate economic prosperity, or control the words and thoughts of its citizens, it is on the wrong side of history. No regime can outlast the inherent appeal of universal values among average citizens, and we must all join in supporting the democratic aspirations of the people of Hong Kong.

At the moment of Hong Kong’s 1997 handover of sovereignty from the United Kingdom to China, when I was a House leadership staffer working on the issue, the question could rightly be asked, “Will Hong Kong

positively infect the rest of China with its freedoms, or will China negatively infect Hong Kong with its lack of them?” This moment some seventeen years later is a crucial juncture in answering that question. It matters to the future freedom of China as a whole. The Chinese people will be watching. It is no time for the United States and self-respecting democratic nations to be coy and muted.

Thank you for the opportunity to testify before you today. I look forward to your questions.