

Forum: Advisory Panel

Issue: Question of the sovereignty of Hong Kong

Student Officer: Maria Helene Bowler

Position: Chair

Overview

China was forced to cede Hong Kong island to Britain in 1842, after being defeated in the First Opium War. Later Britain gained control of Kowloon in 1860. In 1898 the UK promised to return its territory surrounding mainland China after 99 years. Hong Kong thrived financially under British rule and quickly became an international business centre and a key city in the world's financial spectrum.

Approaching the 99 year deadline, in 1982 London and Beijing started negotiating the territories being returned to Chinese rule. This was a difficult process and many conflicts arose due to the vast difference in governing between Britain and China. Britain had developed a democratic system in Hong Kong. They had established a capitalist financial system and Hong Kong had many more freedoms, such as freedom of speech, compared to mainland China. China was governed by an authoritarian one-party Communist rule. This had been the case since 1949.

After long negotiations China agreed to govern Hong Kong under the system, "one country, two systems". This was developed by the former Chinese leader Deng Xiaoping. This system was put in place to safeguard Hong Kong's unique identity, the freedom of the people and the economic system put in place during the British rule. This system provided Hong Kong with a high degree of autonomy. The only aspects that the mainland government would have full control over was foreign affairs and defence. According to the agreement this would be the case for the next 50 years. As a result, Hong Kong became a Special Administrative Region. This means Hong Kong has its own legal system, multiple political parties and rights that are not exercised in mainland China, such as freedom of assembly and freedom of speech. To safeguard these special rights, Hong Kong has its own constitution called the Basic Law. The ultimate goal of the "one country, two systems", according to the Basic Law is to "elect a chief executive, by universal suffrage and in accordance with democratic procedure."

How Hong Kong is ruled at the present is causing conflict within Hong Kong. The current Chief Executive, Carrie Lam is seen to be pro Beijing. The parliament, LegCo, elects the Chief Executive. The nature of the committee, having half its members being directly elected and the other half being chosen by professional or special interest groups, has caused uprisings. Protesters have stressed their concern that this system gives Beijing the ability to screen any candidates that they do not approve of. This is seen as a direct infringement on Hong Kong's autonomy.

In 2014, Beijing clearly stated that Hong Kong would have direct elections of a Chief executive, however only from a pre-approved list of candidates. This caused outrage amongst the people and a mass protest was launched. The protest shut down parts of the city for weeks. This caused the Beijing government to reverse this move.

Many members of the population of Hong Kong are increasingly concerned with the fact that mainland China is intervening in Hong Kong's politics. This directly undermines more aspects of the liberal political system of Hong Kong. The increased tension due to the suspicion of China meddling in political affairs has caused a divide within the territory. The pro-Beijing group wants mainland China to have more influence in Hong Kong's internal politics. The pro-democracy group wants to strengthen Hong Kong's autonomy and in some cases want complete independence from China.

The future of Hong Kong remains unclear as the the deadline agreed between China and Britain is approaching. After 2047 China will no longer be obliged to grant Hong Kong with autonomy.

Definition of Key Terms

HKSAR: Hong Kong Chinese special administration region

Legislative Council (LegCo): It is a council of 70 members, 35 members are directly elected representatives and the other 35 members are chosen by professional and special interest groups. The council has the power to enact, amend and repeal laws. It also is involved in overseeing the budget and public expenditure and raises questions on the work of the government. The council has the authority to impeach the chief executive. The chief executive vests executive authority, however they are under the jurisdiction of the central government in Beijing.

“One country, two systems”: The former Chinese leader Deng Xiaoping set up this system to allow a smooth transition for the formerly British colony, Hong Kong to be reunited to mainland China. It allows Hong Kong to exercise a fairly high degree of autonomy compared to the rest of mainland China. This system is agreed upon between the British and the Chinese governments to remain in place for 50 years from the handover in 1997.

Hong Kong Basic Law: This is the constitutional document of the Hong Kong Special Administrative Region.

The localist movement: It is made up of two primary groups, Hong Kong Indigenous and Civic Passion. It is a pro democracy group. They fight for greater autonomy for Hong Kong and protection against growing political influences from mainland China.

Countries and Organisations Involved

The two main countries involved in the issue of sovereignty of Hong Kong is China and the United Kingdom.

There are several other nations and organisations that have been involved and/or affected by the issue:

People's Republic of China

United Kingdom

United States of America

Taiwan

Australia

United Nations

Countries:

People's Republic China: Hong Kong was originally part of China before 1842. China lost this territory to Britain during the First Opium War. After 99 years under British rule, Hong Kong was returned to China after a long period of negotiations. China and Britain agreed that China would govern Hong Kong under the system of "one country, two systems". Despite China being ruled under a strict authoritarian one-party Communist rule, China had to give Hong Kong a high degree of autonomy. Hong Kong had been under a democratic and capitalist system. China had to allow this system to continue despite it going against mainland China's political views. At present China has been accused of increasingly meddling in Hong Kong's internal politics and undermining the agreement made between itself and Britain. The "one country, two systems" rule was agreed to last 50 years. By 2047 China no longer needs to provide Hong Kong with autonomy.

United Kingdom: Britain took over Hong Kong after defeating China in the First Opium War in 1842. Britain promised China it would only lease the land for 99 years. Hong Kong thrived under British rule. The city grew in international stature as one of the world's major business centres. Britain introduced democracy and capitalism to Hong Kong. In 1984 China and Britain started negotiating the handover of Hong Kong to China. There was a long process of negotiation before the two nations finally agreed on the "one country, two systems" rule. In recent years Britain monitors any developments in Hong Kong and reports bi-annually to its parliament. Britain has received some criticism by the population of Hong Kong as the recent reports have stated that the "one country, two systems" system remains fully functional. This is something the general population of Hong Kong disagrees with.

United States of America: Before the handover discussions between Britain and China the US intervened to alleviate tensions between the nations. President Nixon visited China in February 1972. The two countries issued the Sino-U.S. Joint Communiqué in Shanghai. This normalised relations between the US and China. This agreement acted as a bridge allowing Britain and China to restore their relations.

Australia: Australia has been affected by Hong Kong's sovereignty because it is one of Australia's largest trading partners. Chinese meddling in Hong Kong's financial policies

may negatively affect Australia's trade with Hong Kong. This may cause friction between Australia and China.

Taiwan: Deng Xiaoping intended to implement the "one country, two systems" rule with Taiwan as well. His intention was to reunite Taiwan with China. This has not been achieved as of to date.

United Nations: In 25 October 1971 the United Nations adopted its 26th Resolution. The resolution was aimed at restoring all lawful rights of China. After the Chinese Permanent Representative to the United Nations, Huang Hua, sent a letter to the Chairman of the UN Special Committee on Decolonisation, stressing the questions of the territory of "Hong Kong and Macao are matters entirely within the sovereignty of China". As a result of the letter, in November 1972 the United Nations General Assembly adopted its 27th Resolution which supported China's position and stated that the United Nations and individual nations should not intervene in the issues of Hong Kong and Macao.

Related UN resolutions and Previous Approaches to Solving the Issue

Currently, the United Nations have not passed many resolutions that directly aim to solve the issue of Hong Kong's sovereignty.

The United Nations General Assembly adopted its 26th Resolution on the 25 October 1971. The resolution was aimed at restoring all lawful rights of the People's Republic of China. A year later in November 1972 the United Nations General Assembly adopted the 27th Resolution which aimed to protect the sovereignty of China. It supports China's position and states that the United Nations and individual nations should not intervene in the issues of Hong Kong and Macao. Only 5 members voted against this resolution, the United States, Britain, France, Portugal and South Africa.

These actions were taken to protect China's sovereignty within the situation, however no direct actions by the UN in recent times has been taken to protect Hong Kong. Since no formal action has been taken to solve this issue the people of Hong Kong had to take it into their own hands. In 2014 the pro-democracy activists lead a mass protest which shut down central parts of the city for weeks.

Bibliography

Article in South China Morning Post: Everything you need to know about Hong Kong's return to Chinese sovereignty. <http://www.scmp.com/news/hong-kong/education-community/article/1983718/everything-you-need-know-about-hong-kongs-return>

James Griffiths, CNN: The secret negotiations that sealed Hong Kong's future. <https://edition.cnn.com/2017/06/18/asia/hong-kong-handover-china-uk-thatcher/index.html>

Article on BBC: China official says Hong Kong sovereignty 'impossible'. <http://www.bbc.com/news/world-asia-china-35828915>

Grace Tsoi and Tessa Wong. BBC News: What are Hong Kong's localists angry about? <http://www.bbc.com/news/world-asia-china-35547186>

Article on BBC: Hong Kong's handover: How the UK returned it to China. <http://www.bbc.com/news/world-asia-china-40426827>

Lea Li og Jeffie Lam. South China Morning Post: What does 'one country, two systems' mean? <https://www.scmp.com/video/hong-kong/2100413/what-does-one-country-two-systems-mean>

Encyclopaedia Britannica : Hong Kong, Administrative region China – Government and society. <https://www.britannica.com/place/Hong-Kong/Government-and-society#ref85513>

Legislative Council of the Hong Kong Special Administrative region of the Peoples Republic of China http://www.legco.gov.hk/general/english/intro/about_lc.htm

Steven Levine. Encyclopaedia Britannica: Hong Kong's return to China. <https://www.britannica.com/topic/reversion-to-Chinese-sovereignty-1020544>

United Nations General Assembly Resolution 2758 Restoration of the lawful rights of the People's Republic of China in the United Nations. <https://china.usc.edu/sites/default/files/legacy/Appleimages/1971-UN-China-seating.pdf>

Appendix

Appendix 1

Hong Kong and Vicinity



Appendix 2



Appendix 3

