

“The Future of Democracy in Hong Kong”
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Chairman Brown, Chairman Smith, thank you for giving me the privilege to testify today. This is an important issue for U.S. policy and for me personally. I lived in Hong Kong as a teenager and followed the issue during the dozen years I was on the staff of the House Foreign Affairs Committee. In 1992, I played a staff role in the House consideration of the U.S.-Hong Policy Act.

I have four general themes:

Theme Number One: Hong Kong is important to the United States and U.S.-China relations primarily because it is a test of the proposition that ethnic Chinese people are perfectly capable of democratic citizenship. Hong Kong can and should be an example of Chinese government that is representative, accountable, and effective – the sort of government that Americans would like to see emerge in China someday.

Let me stress four words in that last sentence.

- Example: Chinese leaders and their citizens will be more likely to choose democracy, whatever its flaws, when they see that it works well in Chinese societies like Hong Kong and Taiwan.
- Representative: for Hong Kong’s system to be representative, the candidates for major elections must offer voters a choice between all major points of view.
- Accountable: elections give citizens the opportunity to confer legitimacy on leaders when they do well and hold them accountable when they do not.
- Effective: The majority of Hong Kong people no doubt want a democratic system for its own sake, but they also expect that it will address the problems in their everyday lives.

There are, of course, other American interests at play in Hong Kong. About 1,200 American companies have a presence there, along with a very active American Chamber of Commerce. Approximately, 60,000 Americans live there. Many more U.S. residents of Hong Kong origin live in the United States, and make a significant contribution to our society. Still, I would rate Hong Kong’s political future as the most important U.S. interest.

Theme Number Two: the U.S.-Hong Kong Policy Act remains a sound foundation for American policy.

Its policy prescriptions remain valid, and its emphasis on the preservation of Hong Kong’s autonomy in areas that are critical to American interests is more important today than it was twenty-two years ago. I believed in 1992 and believe now that Section 202, regarding suspension

of the application of U.S. laws in the event that Hong Kong's autonomy is circumscribed, is the most important provision of the legislation.

Regarding the bill you have introduced, Mr. Chairmen, I support the resumption of the State Department reports on developments in Hong Kong. Actually, I believe that the Administration should resume the reports on its own without waiting for legislation, because that would be a good and timely signal. Whoever initiates the resumption of the report, it is important as there be a serious Congressional commitment to hold regular hearings on Hong Kong and U.S. policy.

I am agnostic on your proposal to require the President to certify that Hong Kong is sufficiently autonomous before any new laws, agreements and arrangements are applied to it. Implicit in the original law's requirement that the President make judgments about the applicability of *existing* laws, agreements, and arrangements is the idea that the President make the same sort of judgment about *new* ones. As useful as certification might be, substantive consultations between the two branches on this matter would be just as important.

Theme Number Three: what has happened in Hong Kong over the last three months was not foreordained. The protest movement was the product of a series of choices by the parties involved, particularly the government of China. Here I would make the following sub-points.

First of all, when Beijing enacted the Basic Law for Hong Kong in 1990, it created a political system that provided extraordinary power and influence to some social groups over others. The Hong Kong business community was particularly privileged and the middle class was disadvantaged.

Second, as a result, the middle class came to recognize that public protest was the only mode of political participation open to it. And in some cases, protests actually worked to secure the withdrawal of policy initiatives that lacked public support.

Third, in my view, back in the spring and summer of this year there was available a compromise on how to elect Hong Kong's chief executive. The approach I have in mind would have ensured that the candidates running for chief executive would likely have offered voters a choice among the range of public views on government policy. Such an approach would likely have received support from at least some in the democratic camp and therefore could have secured Legislative Council approval.

As an aside, I should say that Beijing's choice to allow elections on a one-person-one-vote basis is an improvement over the existing arrangement of having an unrepresentative, 1,200-person committee to pick the chief executive.

The problem, of course, is China's method for picking the candidates, and the fear of many in Hong Kong that Beijing in effect would screen candidates. The compromise that I believe was available would have liberalized the composition and processes of the nominating committee. It would have been consistent with the Basic Law (a Chinese requirement) and likely ensured a competitive election. There were Hong Kong proposals along these lines, but the decision of the

PRC National People's Congress Standing Committee on August 31st ignored them. That decision was unacceptable to a majority of Hong Kong people because it did not *guarantee* a competitive election in which a range of policy approaches was at play.

Fourth, the protest movement was assuredly about ensuring genuinely competitive elections and representative government, but it was also fueled by widespread public dissatisfaction over inequality of income, wealth, opportunities for good jobs, and access to affordable housing. A democratic system is seen as the solution to these problems. But even if a truly democratic system is established, if that system fails to address these problems, confidence in democracy will wane.

Fifth, the protest movement has had a number of deficiencies. It is divided among different social and generational groups, all competing for initiative. It became fixated on one means of ensuring a competitive election – civic nomination – and not on the goal itself. It has lacked a clear strategy and unity of command, which in turn has made it very difficult for it to define success and then engineer a negotiated end to the crisis.

And an end to the crisis is needed. The citizens who initially supported the protests and those that did not are increasingly unhappy about the disruption that they must cope with every day. Some older leaders of the movement are calling on their younger comrades to end the occupation of major thoroughfares. No one should assume that the occupation can continue forever or that Beijing will ultimately back down. The opportunity to avoid a coercive or violent crackdown – and to avoid new constraints on Hong Kong's civil and political liberties – should be seized and seized soon.

Sixth, there is reason to believe that even within the parameters laid down by Beijing on August 31st, it still remains possible to engineer a nominating process that has a competitive character. Senior Hong Kong officials have hinted as much.

Theme Number Four: the United States Government has pursued a skillful threading of the policy needle, and it should continue to do so.

The Administration has been measured, clear, balanced, and pointed in its rhetorical statements on the current situation. I would refer you in particular to the White House statement of September 29th. The Administration has signaled its support for a genuinely democratic solution. It recognizes that if Hong Kong people can, with Beijing's concurrence, work out a mutually acceptable solution to the challenge of constitutional reform, it will be more enduring because they were the ones that achieved it.

I will say that Washington is constrained somewhat by the reflexive tendency of the Chinese government to blame whatever trouble it is facing on outsiders, instead of recognizing its own policy failures. In the Hong Kong case, Beijing and its propaganda organs have put out the canard that the U.S. government is the "black hand" behind the current protest movement. Nothing could be further from the truth, of course, and Beijing has had to grasp at straws to make its case. I am pleased that last week in Beijing, President Obama authoritatively made clear to President Xi Jinping that the Hong Kong protest movement was home grown. Taking Beijing's

misperceptions into account is necessary because of the actions that it may take based on those misperceptions. But having taken that factor into account, the U.S. government should not refrain from doing what it believes is needed to protect and promote our interests.

Let me assure you, by the way, that our diplomats in Hong Kong are skilled professionals who understand both the promise and the problems of the current situation. Among other things, they understand what all of us should appreciate: the need to hear a range of Hong Kong views. And a range does exist. There are sensible people in both the establishment and democratic camp, people who understand the need to address all of Hong Kong's governance problems through a political system that is representative, accountable, and effective. We should take our cues from people in Hong Kong who have an accurate appreciation of its problems and good judgment about how to solve them.