

HONG KONG AS BEACON FOR DEMOCRACY AND RULE OF LAW

Notes for Hon. David Kilgour, J.D.

At a rally at the consulate of China, St. George Street, Toronto

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Distinguishing facts from propaganda during three months of pro-democracy protests in Hong Kong is difficult, but important realities are clear:

The government of China solemnly agreed to special status for Hong Kong in the 1984 Sino-British Joint Declaration. It promised a “high degree of autonomy,” and declared that democracy, the rule of law, and basic human rights would be maintained under the “one country, two systems” model for 50 years.

Beijing has systematically violated these commitments since the 1997 handover, especially in recent years. Its appointed Hong Kong government has opted not to safeguard its autonomy. This harms the city, including its estimated 300,000 Canadian residents, and the vast amount of investment that now enters China through it in large measure because of its exemplary legal system.

Beijing’s 2014 White Paper on Hong Kong effectively dismissed the continued applicability of the Joint Declaration. It refused to honour long-promised democratic reforms in 2014-15. Some elected legislators were barred from taking up their office in the partially democratic Legislative Council. Some candidates were barred from running for office. Pro-democracy protesters faced harsh sentences; a political party was banned.

A proposed extradition law from Hong Kong chief executive Carrie Lam would have allowed the removal of persons in transit and political dissidents from the city to mainland China to face an Orwellian system without fair trials or judicial independence, and with widespread torture, forced confessions, televised confessions and executions.

The bill brought a million Hong Kongers into the streets on June 9. Three days later, protesters at a second demonstration were met with police tear gas, pepper spray, rubber bullets and batons. Later, Lam announced she would “suspend” the measure, but protesters demanded its complete, unconditional and permanent withdrawal. A week later, two million persons took to the streets. Lam has since declared the bill “dead” but her refusal to withdraw it completely until her most recent promise led to more protests.

Police brutality and political prosecution together form a toxic mix guaranteed to stir greater protests. The main fuel for the anti-extradition law amendment bill protests has been ongoing violations of fundamental rights and freedoms by Hong Kong police. Their dangerous and indiscriminate use of deterrents has resulted in serious injuries.

There is also significant evidence that the police have colluded with violent triad gangsters to deter protest and curry favour with the People's Liberation Army garrison in Hong Kong, which wants to crush the democracy movement.

Michelle Bachelet, the UN High Commissioner for Human Rights, says that there is "credible evidence" that the police have acted in ways that are "prohibited by international norms and standards," and has called for a robust independent inquiry.

Much of the world appears to be now watching Hong Kong intently. There have been violations of press freedom, as journalists have been targeted. "Rioting" charges are being used against protesters. Injustice, violence and hatred will only produce more of each. Protesters have won hearts and minds around the world, but such support could be lost quickly if they engage in systematic violence. The widely viewed public apologies from the airport protesters for disrupting travellers was a good first initiative.

Hong Kong's Lam and other officials must also reflect on their actions that led to the situation. Failure to listen and to defend the demand of most residents for democratic institutions in Hong Kong are ultimately responsible. Both sides need to step back and seek an immediately peaceful way to move towards a serious dialogue about political reform.

Thank you.