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Hong Kong

Hong Kong Human Rights and Democracy Act (HKHRDA): A Progressive Critique

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This statement was written by some Hong Kong activists based in both Hong Kong and abroad. If you would like to sign onto the statement as either an individual or collective, please write us at transnationalsolidarity@protonmail.com.

Earlier this month, tens of thousands of Hongkongers marched to the U.S. Consulate in support of the Hong Kong Human Rights and Democracy Act (HKHRDA), in order to solicit the help of the U.S. to counteract the pressures from Beijing. The HKHRDA is an act in the U.S. Congress supported by some prominent individuals and organizations associated with Hong Kong's protest movement. The act was passed unanimously in the House of Representatives, and is currently being received in the Senate. The act promises "to support the democratic aspirations of the people of Hong Kong," but ultimately limits this support to only elements "directly relevant to United States interests in Hong Kong." Hence, the bill's sections are heavily entangled with U.S. foreign policy and its other national interests. In addition, the bill neglects to support the key demands of Hong Kong protestors and to condemn the central repressive legislations of the HKSAR government. Uncritical and unconditional support of this legislation may create opportunities for the further erosion of Hongkongers' aim for self-autonomy.

In the guise of lending support to Hong Kong's freedom struggle, some of the bill's provisions compel Hong Kong to help enforce U.S. sanctions on Iran and North Korea and even aid the U.S. in extraditing its political fugitives - including whistleblowers. In addition, numerous human rights organizations and experts have established that U.S. sanctions have been directly causing alarming shortages in basic medical supplies for Iran and other countries. How can we expect the international community to support our human rights if we agree to legislation that limits other peoples' human rights too?

From experience and history, we note that U.S. foreign policy directives have not protected human rights, peoples' right to self-determination, and civil democracy abroad, from the invasion of Iraq in 2003 to the sudden withdrawal from recognizing the Republic of China, led by the Kuomintang at the time, as the sole legitimate representative of China in 1979. Regardless of one's position toward Taiwan's sovereignty, the fact remains that the U.S. has a record of betraying its protection of other people's self-determination, most recently demonstrated by the Trump administration's recent withdrawal of support from the Kurds. We must remember that Hong Kong once refused Edward Snowden's extradition back to the U.S., a decision broadly supported by Hongkongers at the time, as a demonstration of respect for human rights and freedom of speech. In keeping with the spirit of the movement, the recognition of Hongkongers' right to autonomy should be treated separately from another nation's foreign policy aspirations. The U.S. Congress had demonstrated before that delinking these matters is viable in such legislation: the Comprehensive Anti-Apartheid Act of 1986, for one, stands with the international community to oppose South Africa's apartheid regime without any mention of the U.S.'s own national and economic interests.

Furthermore, this bill reaffirms the U.S.'s right from the U.S.-Hong Kong Policy Act of 1992 to determine whether Hong Kong is "sufficiently autonomous." While certain groups argue that the U.S. has economic incentive to never issue a negative certification, we think this is beside the main point of contradiction: that under the current conditions attached to the HKHRDA, Hong Kong's right to autonomy and democratic self-determination would continue to be bound, albeit to another foreign power. We see this as antithetical to the original aspirations of the anti-extradition bill movement.

The bill's most recent iteration also neglects to name its support for the movement's remaining four key demands, namely, 1) the retraction of the characterization of the protests as "riots", 2) the release and exoneration of protestors who have been arrested, 3) creation of an independent commission to inquire into police's abuse of power, and 4) universal suffrage for Legislative Council and Chief Executive elections. It is deeply embarrassing that the HKSAR

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government has still failed to provide the basic right to vote for every citizen. And the bill must also be updated to condemn Carrie Lam's recent use of the colonial-era Emergency Regulations Ordinance act to ban masks, except under certain circumstances. This is a blatant violation of basic human rights in the city, tantamount to extra-judicially enacting martial law.

Lastly, the HKHRDA would be no more than mere gestural support if it does not help uplift other key struggles for basic democratic rights that have long predated this movement but remain unaddressed by the government. Labor groups and other political organizations have briefly won the right to collective bargaining for Hong Kong workers before the Handover, but the HKSAR government immediately struck down these rights mere weeks after its ascendancy to power in 1997. Many political organizations and other civil society advocates have been struggling to recover these rights since then, to ensure basic democratic rights for every worker. These demands for basic human rights have been consistently undermined by the HKSAR government, and any international support for Hong Kong human rights and democracy should address these elements.

Therefore, we ask civil society advocates, progressive organizations, and other supporters of Hongkongers' struggle to help ask Congress to address the following points:

1. Declare support for the remaining four demands of the protestors' Five Demands
2. Ask the HKSAR government to immediately stop the 'Mask Ban Law'
3. Support the Protect Hong Kong Act, which prohibits the sale of anti-riot and other crowd control weaponry to the Hong Kong police. The Hong Kong Police Force has been using U.S.-made tear gas weapons to terrorize the protestors and journalists, affecting communities even beyond those participating in the demonstrations /

Edit the following points of issue in the HKHRDA bill

- Erase the sections of the bill that do not relate at all to supporting the "democratic aspirations of the Hong Kong people" and only benefits the U.S.'s own national interests often to the detriment of our own, particularly those relating to U.S. foreign policy: sanctions to North Korea and Iran, assistance with the extradition of the U.S. 'political fugitives', etc.
- Delink this bill to the limitations included in the U.S.-Hong Kong Policy Act of 1992. Hong Kong's right to autonomy should not be left in the hands of any foreign power, be it China or the U.S
- Add sections in support of Hongkongers' right to collective bargaining agreements

If Congress truly wishes to respect Hong Kong's democratic struggles, as the name of the legislation suggests, then these points must be addressed.

Five Demands, Not One Less!

Signed

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