The Hong Kong Protests: The Right Road to Democracy?

By Peter Gordon

Any election is better than no election, and with the street protests over pro-democratic campaigners must now work towards ensuring that some kind of chief executive election does take place in 2017. Once the first one happens, there will be an unstoppable momentum for democracy to flourish.

By Claudia Mo Man-ching

Hongkongers were promised self-rule, and when denied it in an insulting ruling from Beijing they replied with the legitimate tactic of civil disobedience to highlight their anger. The issues haven’t gone away, and without change, there will be more protests in the future.
Hong Kong’s Political System Can Be Made to Work
By Peter Gordon

ALTHOUGH the pro-democracy “Occupy” protesters have been cleared from their last bastion in downtown Hong Kong, it would be an error for their sympathisers to throw up their hands and go home as well, for two important tasks remain.

The first is to ensure that, come what may, there will be an actual election for chief executive in 2017, which in turn requires passing of the enabling legislation. Any election, even an imperfect one, is immeasurably preferable than none. An election, regardless of candidates, will engender campaigns, platforms, debates, rallies and muckraking — a wide-open discussion in the best Hong Kong tradition.

To think that China, or indeed anyone, would be able to control this seems to discount, against all evidence, the effects of politics and the political process. Candidates wish to win, after all, and will modify their platforms to do so. One can already see the positions of some prospective candidates shifting to respond to the emerging political realities made evident by the student-led protests.

For the pro-democratic forces to impede passage of the enabling legislation — allowing the perfect to be the enemy of the better — would be a self-inflicted setback. Although the establishment is nominally in favor of elections, a continuation of an electionless status quo would suit much of it just fine. Indeed, it is perhaps not too Machiavellian to perceive a certain baiting of the pro-democratic forces, almost daring them to turn the elections down.

The second task is more subtle: to ensure that the candidate “nomination committee” is, and more importantly, operates in a way that is, as “broadly representative” as possible allowed under the Basic Law, Hong Kong’s constitution. Its exact composition and, again more importantly, the way it will actually function, remain to be decided.

At this point, it helps to examine several claims and arguments that have been circulating. One is that the Basic Law should not be an impediment to electoral reform and that it should just be changed. This is, of course, not the way constitutional work, as those working toward direct election of the US president (i.e., eliminating the Electoral College) can attest.

A variation on this is that anyone who wishes to run should be able to run. This is impractical and not even a good idea: more than three candidates will likely result in a victor without a mandate. So there must be a nomination process of some kind. Hong Kong’s political parties are numerous and weak, and for structural reasons likely to remain so, and ill suited to this purpose.

A second argument is that a “committee” is inherently undemocratic. It may be, but Britain’s prime ministerial candidates, for example, are chosen by committee (i.e., the parties). And all electoral systems incorporate some undemocratic elements: in a first-past-the-post system, minorities are unrepresented; bicameral legislatures, such as those in Britain and the US, deliberately distort numerical representation.

Pro-democracy forces should be working to maximize the probability, if not to ensure, that the nomination committee delivers an actual choice to the Hong Kong electorate: that all candidates not be mere pro-establishment clones. This task, in turn, is constituted by two related goals: increased representation on the nominating committee for progressive members and rules of operation that allow this level of representation to be sufficient to affect the outcome. The government and pro-establishment commentators have already begun to make suggestions along the lines of the former.

The latter can be affected by the way the nomination committee is tasked. Hong Kong voters always have the choice of saying “none of the above” in the election: should blank ballots be numerous or voter turnout low enough to deny the victor a mandate, the nomination committee would have arguably failed in its function. Making this explicit would require the members of the committee — who will on the whole be public and professional people who would want not to be seen to fail — to consider the views of the wider electorate.

If the nomination committee were further tasked, for example, not so much to select individual candidates but rather to create a “slate” of candidates with the explicit objective of giving Hong Kong voters a choice, then this might alone institutionalize horse-trading and compromise. Raising the approval from a mere majority to a percentage high enough to require buy-in from the progressive members would necessitate it.

The end — a credible choice in the election and legitimacy of the electoral system — matters more than the exact means by which it is achieved. Achieving this will by no means be easy, but neither is it impossible. The establishment will, of course, try to institute processes so that one of their own is elected. This, however, is politics and the flip side of an electoral system.

And it’s worth keeping in mind that once one election takes place, the genie will be out of the bottle. No one, not even China, will be able to put it back in.

Peter Gordon is editor of the Asian Review of Books. His commentary has also appeared in the South China Morning Post, Hong Kong Standard and other publications.