

**A GOVERNMENT RULED BY LAW;
OR, A GOVERNMENT RULED BY COMPLAINT ?**

The student protests, now having engulfed the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC) for about one month, appear to be centred on the conviction that, by conducting exercises in acts of civil disobedience, the students' political goals can be achieved.

The leaders of this protest would have the world believe that their demands are those, embraced by the vast majority of the population of the 416 square miles that constitute the HKSAR.

This, of late, has been proved, conclusively, not to be the case.

The student leaders have exaggerated the amount of support from the populace that they have with regard to for their demands.

The civil disobedience plan of the student leaders is based on the erroneous, far-flung suggestion that the HKSAR Government has the ability to be ruled by complaint rather than be ruled by law.

Regardless of the seeming nobility of the demands of the student protestors, civil disobedience may not be the best way forward if the 7.30 million, human residents of territory are to prosper in the years to come.

In a televised meeting, held on Tuesday, October 22, 2014, between five representatives of the student protestors and five, high-ranking HKSAR Government officials, nothing of any note was achieved – on either side.

The end result of the talks was well expected simple because the HKSAR Government does not have the right to disregard, or even to request modifications to determinations, made by the Government of the PRC, which, after all, is the sovereign power of the HKSAR.

The five student representatives persisted, during the meeting with very senior members of the HKSAR Government, to state, emphatically, that the majority of the population of the HKSAR support them in their struggle for what they claim is the right of '*freedom now!*' and, it followed, the right to refuse to accept, in its original form, any mandate, handed down by the sovereign power of the HKSAR.

What appears to have gone unnoticed of late – or, perhaps, it is convenient for the student representatives not to remember – that the sovereign power of the HKSAR, that is the supreme authority of the People's Republic of China, of which the HKSAR is an integral part, is vested in the National People's Congress (NPC).

The NPC has the legal right to exercise supreme authority over the entire country and its human population, said to number about 1.30 billion people.

In accordance with the Constitution of the PRC, the NPC is structured in the manner of a unicameral legislature with the sole authority to legislate as well as to monitor the operations of Government and, if thought fit, to take whatever legal actions are deemed necessary in the interests of the entire nation.

One might severely criticise the existence of a legislative assembly that is ruled by one political party in this

day and age, but the facts remain that The Communist Party of China (CPC), like it or lump it, has, since its founding in 1921, brought the PRC to become the second-largest economy of the world.

Few people in the PRC, today, starve to death, as was the case in yesteryear.

It is true that it may well be very unwise for any of the 3,000 or so delegates of the NPC to vote against the adoption of a newly proposed, legal determination, tabled at an annual session of the NPC, held in The Great Hall of The People at Beijing, but that is a horse of a different colour.

The Western Form of Democracy

The Western World, by and large, maintains that its form of democracy is the best form of government that the world has ever known because, inter alia:

- It is a government by the people;
- It is a government, ruled by the majority of the population; and,
- It is a government of which the supreme power is vested in the people and exercised by them, directly or indirectly, via a system of representation, usually by periodic free elections.

But the Western World's form of democracy may not be the best form of government for all countries and for all the peoples of the world.

The word, '*peoples*', is defined as being a body of persons, united by a common culture, tradition or sense of kinship, typically having a common language, institutions and beliefs.

One might like to question whether or not the Government of The Russian Federation is truly democratic in the Western World's sense of the word, democracy.

According to the Embassy of The Russian Federation at Washington, D.C.:

'The government exercises executive power in the Russian Federation. The members of the government are the prime minister, the deputy prime ministers, and the federal ministers. It has its legal basis in the Constitution of the Russian Federation and the federal constitutional law "On the Government of the Russian Federation".'

'The prime minister is appointed by the president of the Russian Federation and confirmed by the State Duma. He or she succeeds to the presidency if the current president dies, is incapacitated or resigns. The current prime minister is Dmitry Medvedev.'

'The government issues its acts in the way of decisions and orders. These must not contradict the constitution, constitutional laws, federal laws, and Presidential decrees, and are signed by the Prime Minister.'

Yet, when President Vladimir Vladimirovich Putin went on a land-grab spree, gobbling up The Crimea Peninsula, with some 30,000 Russian troops, making their presence known on sovereign Ukrainian soil in April 2014 – the presence of 30,000 Russian troops on Ukraine's territory was widely construed in the Western World as an act of aggression by The Russian Federation against a sovereign power – nobody in the State Duma uttered a dicky bird.

President Vladimir Vladimirovich Putin gave the order '*to invade*' Ukraine with 30,000 crack troops and it was done without a shot being fired – because of the inability of Ukraine's militia to repel the armed invasion over its border with Russia.

And, even if Ukraine's militia could have rushed, pell-mell, into The Crimea in order to resist Russia's intent, the consequences would have been disastrous: Ukraine does not have the ability, or the will, to

engage in a war with The Russian Federation which is, without question, the second-largest, military force in the world.

So much for Russian democracy à la the West.

The annexation of The Crimea by The Russian Federation resulted in widespread celebrations, throughout country, as the Russian people welcomed the return of The Crimean Peninsula, back to the bosom of the Russian Bear.

One notes, also, that in many parts of the Middle East, the experiment of employing democratic concepts in newly restructured states is not working very well, at all, with chaos, abounding in a number of countries: One armed faction, fighting another for dominance; and, rule of law, being non-existent.

Where there is said to be strong support for the Islamic way of life, societies are finding themselves, constructively retrogressing into the Mediaeval Period (from the Fifth Century to the 15th Century) when a single khalifa, a politico-religious leader, ruled over the populace with an iron fist and a razor-sharp scimitar.

In such countries, which include Saudi Arabia, Sudan, Iran, Brunei, The United Arab Emirates and Qatar, medieval punishments are metered out, willy-nilly, for those who have been found guilty of violating Sharia law or of mandates, handed down by the ruling Muslim cleric of the day.

These punishments include stoning for adultery, death for insulting the Holy Qu'ran or Muhammad, as well as flogging for minor offences.

The Western World may express abhorrence of Mediaeval thought in respect of the law in today's world, claiming that it is extremely outmoded or antiquated, but many millions of people in the Middle East have chosen Sharia Law to democracy.

A main difference between Sharia Law and democracy is that, in Sharia Law, there is no separation of Church and State: Sharia Law is derived, strictly, from the Qu'ran and the teachings of Muhammad.

No Interference from Beijing

While the protests continue to fester in the HKSAR, it is noticeable that Beijing has not, directly, interfered although, in the words of the PRC's Foreign Minister Wang Yi (), when, on Wednesday, October 1, in Washington, D.C., on meeting US Secretary of State John Kerry, Minister Wang Yi berated Secretary Kerry, saying, inter alia:

'The Chinese government has very firmly and clearly stated its position. Hongkong affairs are China's internal affairs. All countries should respect China's sovereignty and this is a basic principle of governing international relations.'

'I believe for any country, for any society, no one would allow those illegal acts that violate public order. That's the situation in the United States and that's the same situation in Hong Kong.'

Thus, while the PRC has labelled the HKSAR demonstrations as being 'illegal acts', at the same time, it has decided not to interfere, directly, leaving control of its territory in the deep south of the Middle Kingdom in the hands of its 'appointed' Chief Executive, Mr Leung Chun Ying ().

This may be considered an interesting development because it is a departure from the way in which the PRC Government handles the problems with the Uyghur people who live in the Xinjiang Uyghur Autonomous Region of the PRC.

When there are demonstrations in Xingjiang, leading to armed conflicts between the Uyghurs and the Han Chinese over religious and cultural persecution, the **People's Liberation Army (PLA)**, usually have the last

word.

There is a PLA garrison in the HKSAR that could, under The Basic Law, be legally empowered to assist the 28,000 or so HKSAR Police Force to bring order to the territory by the removal of the protestors by force if needs be such.

It is highly unlikely, at this juncture, for the garrisoned PLA troops at the HKSAR to be ordered out of barracks, however: Clearly, only Beijing could order the PLA to lend a hand to Chief Executive Leung Chun Ying.

There are too many international ‘eyes’, watching that which is taking place in the HKSAR; and, the PRC does not want another Tiananmen Square situation to sully its copybook.

However, in this medium’s opinion, the student leaders should not, for one moment, think that Beijing is afraid to call on the PLA to restore law and order in the event of uncontrolled violence, leading to bloodshed, in one of its regions, especially an important one, such as is the HKSAR.

Last Saturday night (October 25), a group of some 1,000-odd, anti-student protestors demonstrated in Tsimshatsui East, and a mêlée erupted between the anti-student protestors and some members of the HKSAR Press in attendance.

The Hongkong Police Force was called in order to separate the anti-student protestors from members of the media.

This was not the first time that there have been demonstrations against the student protestors.

One recalls the situation at Mongkok, Kowloon, earlier this month, when organised gangster elements, known in the HKSAR as triads, physically attacked the student demonstrators, trying to drive them away by force and to dismantle their barricades.

The students and some of their supporters had carved out large swaths at one of the busiest insections of Mongkok, an area, popular for shopping, by both tourists and locals, for prostitution, and for drug-dealing, among other activities.

By establishing barricades on a number of the roads at key intersections, the demonstrators had blocked all traffic, including omnibuses, minibuses, taxis, and private motor vehicles.

People in the area of the demonstrators were livid to have their normal lives disrupted by these unwanted strangers, who were sleeping on the roads and, during the evenings, were yelling and screaming their trite slogans.

Who organised the Mongkok triads has never been proven, officially, but certain facts are known:

1. They were well organised;
2. They were instructed in detail as to what action to take and not to take;
3. They were paid for their work in cash; and,
4. Each triad member wore a yellow wristband to distinguish him from all others in the same vicinity.

More than 80 policemen have, thus far, been injured in clashes with the student demonstrators, but, sadly, little has been said about the injuries, suffered by this uniformed, disciplined group of men and women, trying to maintain law and order.

The situation in the HKSAR is grave and terribly divisive.

The students refuse to compromise; and, the HKSAR Government cannot compromise – because it has no leeway in which even to consider a compromise.

Meanwhile, the majority of the population of the territory continues to suffer, businesses and the hospitality industry are in desperate plights, tourism numbers are ruinous, relative to the same month in 2013, and the entire economy of the HKSAR will, without question, suffer for some time to come due to the student demonstrations.

In summary, what the demonstrators have accomplished is zilch while the cost to the territory to suffer the demonstrations must have run, thus far, into many hundreds of millions of dollars.

The questions:

1. Were the student demonstrations really worth the effort, considering the financial cost to the territory?
2. Did the student demonstrations result in the organisers, obtaining more support for their stated, political objectives, or, have the demonstrations caused many people to arrive at the conclusion that civil disobedience is not the preferred manner in which to accomplish political reform for the HKSAR?

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