

## Opinion – Joshua Wong and Hong Kong’s Right to Self-Determination

Written by Ka Hang Wong

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KA HANG WONG, JUN 10 2025

With just over a year left on his sentence, pro-democracy activist Joshua Wong is now facing a new charge: conspiracy to collude with foreign forces under Hong Kong’s sweeping National Security Law. The timing of this charge underscores the Chinese Communist Party’s fear of dissent and its relentless effort to keep high-profile activists behind bars, even after they have served their sentences. But this crackdown also revives a deeper, often overlooked injustice: Britain’s role in enabling Hong Kong’s fate under totalitarian rule. That trajectory began in 1972, when the People’s Republic of China (PRC) replaced the Republic of China (ROC) at the United Nations. From that point forward, Beijing’s sovereignty claims over Hong Kong gained international legitimacy, while Britain’s colonial hold was increasingly untenable. The seeds of the 1997 handover were sown not just in diplomatic negotiations—but in Britain’s gradual retreat from safeguarding the political freedoms of Hongkongers.

In 1972, shortly after taking its seat at the United Nations, the People’s Republic of China formally requested that Hong Kong and Macau be removed from the UN’s list of non-self-governing territories. China argued these were not colonies in need of decolonisation, but Chinese territories under temporary foreign administration. The UN accepted the request that same year. While Britain maintained that the decision had no bearing on Hong Kong’s legal status as a Crown Colony, it lodged no formal protest. This quiet acquiescence marked an early turning point in Britain’s withdrawal from upholding Hong Kong’s political future on the international stage.

While China has long rejected the treaties that ceded Hong Kong to Britain as “unequal”, no international court has declared them invalid, and its sovereignty claim over Hong Kong has never been legitimised through international law or a process of self-determination, as required under UN decolonisation principles. Under UN decolonisation principles, a territory can only be removed from the list of non-self-governing territories if its people freely choose independence, integration, or association with another state. None of these conditions were met when Hong Kong was delisted in 1972. Despite its unique civic and cultural identity, Hong Kong was removed at China’s request—with no public consultation and no formal objection from the UK.

By the time Margaret Thatcher became Prime Minister in 1979, anti-immigration sentiment was widespread in Britain. Shortly after her election, Thatcher’s government passed the British Nationality Act, which separated a single category of British citizenship into three distinct classes. For Hongkongers, the new designation of British Dependent Territories Citizen (BDTC) offered no automatic right of entry or residence in the UK. While technically still British nationals, Hong Kong’s people were legally and symbolically excluded from Britain. Though the Act preceded formal Sino-British negotiations, which began in 1982 and led to the Joint Declaration in 1984, it signalled that the UK was preparing to offload responsibility for Hong Kong’s future—effectively leaving its people to the mercy of a totalitarian state.

The idea that Hongkongers could choose their own political future was never part of the negotiation process. Neither the British nor Chinese governments consulted the people of Hong Kong before signing the Sino-British Joint Declaration in 1984. But by the early 2010s, as Beijing tightened its grip, the question of self-determination re-emerged. In 2013, the Hong Kong University Student Union published a series of essays titled *On Hong Kong Nationalism* (2013). These writings were among the first to explicitly argue for a distinct Hong Kong nation as

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a direct response to growing political repression, including an attempt in 2012 to introduce Moral and National Education into Hong Kong schools. In 2014, the student union followed up with a themed issue entitled *The Hong Kong Nation Determining Its Own Fate* (香港民族自決). Later that year, the National People’s Congress Standing Committee’s (NPCSC) “31 August decision” to pre-screen candidates for the Chief Executive election sparked the Umbrella Movement—and helped transform the idea of self-determination from a fringe concept into a mainstream political demand.

In 2015, Hong Kong’s legislature voted down Beijing’s proposed electoral reform package, which would have allowed universal suffrage only under strict pre-screening of candidates. The defeat energised a new wave of political activism, and several youth-led and localist groups began to form. Among them was Demosisto, co-founded by Joshua Wong—who had risen to prominence during the 2012 protests against Moral and National Education—and Nathan Law, who became the party’s Chairman. Unlike traditional localist parties, Demosisto advocated for democratic self-determination, proposing that Hongkongers should be able to decide their political future when “one country, two systems” is set to expire in 2047. In 2016, Nathan Law became the youngest legislator ever elected in Hong Kong. His victory reflected a growing appetite, particularly among the post-handover generation, for greater autonomy and the right to shape Hong Kong’s own destiny.

In 2017, just a year after his historic election, Nathan Law was disqualified from the Legislative Council. The disqualification followed a controversial interpretation of Hong Kong’s Basic Law issued by the NPCSC in Beijing, which declared that legislators must take their oath sincerely and solemnly. Although the decision was formally handed down by a Hong Kong court, it was widely seen as politically driven. That same year, Carrie Lam was installed as Chief Executive, and during a visit to Hong Kong, Xi Jinping warned that any challenge to China’s sovereignty or central authority would cross a “red line”. This marked the beginning of a coordinated campaign to disqualify and remove pro-democracy politicians from public office.

The sustained effort to eliminate pro-democracy voices from Hong Kong’s political sphere culminated in 2020, when Beijing imposed the National Security Law on the city — a move widely condemned as a breach of the 1984 Sino-British Joint Declaration. In the immediate aftermath, Demosisto disbanded and co-founder Nathan Law went into self-exile in the UK, recognising that he could be silenced or imprisoned if he remained. Law’s departure prompted Hong Kong’s Security Chief Chris Tang to brand him a “coward” for leaving his comrades behind. But this accusation says a lot about the regime: exile was not a betrayal, but a strategic necessity in the face of persecution. Joshua Wong, meanwhile, chose to stay. He was later sentenced for “subversion” for his involvement in the 2020 pro-democracy primary elections, and though he is expected to be released in 2027, he now faces a new charge of “conspiracy to collude with foreign forces”. While one remains behind bars and the other speaks freely abroad, both bear the cost of a struggle that continues to demand global attention.

Joshua Wong was simply asking for a right denied to his people when the UK allowed Hong Kong to be removed from the UN list without their consent. One possible redemptive option for the UK now would be to seek an advisory opinion from the International Court of Justice through the UN General Assembly—similar to the Western Sahara case—which clarified the rights of a colonised people. While the UK cannot unilaterally bring China to the ICJ because both states must consent to the Court’s jurisdiction, this advisory route does not require China’s consent. However, political obstacles remain, given China’s influence at the UN. Some may argue that if the UK intended to correct its historic mistakes, it would have done so years ago. Yet, intensifying repression in Hong Kong and Joshua Wong’s ongoing persecution have reignited global attention on the issue, demanding renewed courage and commitment.

Of course, many might say the outcome of such an advisory opinion is already predictable: that Hongkongers were denied their right to self-determination because China refuses to recognise the treaties ceding Hong Kong. Others may argue that with China’s criminalisation of advocating self-determination and the limited impact of past cases like Western Sahara, such efforts are futile. The legal conclusion is not the end—it’s a foundation for moral and political pressure. The UK, which first betrayed Hongkongers by allowing their rights to be sidelined, now has a chance to reclaim its credibility by leading the global call for justice and human rights in Hong Kong. While the path to justice is fraught, whether the UK chooses to stand with Hongkongers will define if it is remembered as a defender of human

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rights—or a willing accomplice to betrayal.

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### About the author:

**Ka Hang Wong** is a PhD candidate at the University of Technology Sydney. His thesis provides a historical analysis of BN(O) status and how it evolved from being a token of British nationality into a tool of political resistance against a totalitarian party-state's assault on Hong Kong.