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Navigating between empires: the discourses on self-determination in and about Hong Kong

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This dissertation examines how discourses of self-determination were invoked, shaped, and transformed by state and non-state actors in relation to Hong Kong between 1945 and 2021. Moving beyond positivist legalism, it reconceptualises self-determination as a plural, malleable, and intersecting set of legal-political discourses strategically deployed by the UK, the PRC, and Hong Kong elites during moments of constitutional transition. Using discourse analysis, archival research, and critical legal theory, the study reinterprets Hong Kong's autonomy as a product of inter-imperial negotiation and colonial contingency.

The dissertation makes four key arguments. First, it challenges the state-centric orientation of international law by showing how intra-state and non-state actors used legal discourse flexibly beyond judicial contexts. Second, it identifies seven overlapping discourses, nationalism, self-government, colonial independence, freedom of choice, sovereignty, democracy, and autonomy, each producing distinct and sometimes contradictory meanings of self-determination. Third, it conceptualises colonial Hong Kong as a *de facto* condominium under dual sovereignty, explaining why this differentiated Hong Kong from other Non-Self-Governing Territories and shaped its autonomy as administrative rather than political. Finally, based on new archival findings, it uncovers tacit UK-PRC understandings that constrained development of self-government, and reveals Britain's decisive influence on the Basic Law's drafting and constitutional interpretation.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Exploring the Frontiers of International Law'.

Navigating between empires

*The discourses on self-determination in
and about Hong Kong*

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