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

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Propositions relating to the dissertation

NAVIGATING BETWEEN EMPIRES

The discourses on self-determination in and about Hong Kong

by Sze Hong Lam

1. Self-determination is a dynamic concept. Its legal meaning is shaped by historical, strategic, and ideological factors and developed in the discursive spaces 'between', 'within', and 'beyond' the framework of states.
2. International law did not mediate politics; it became the politics. The case of Hong Kong shows that the application and denial of self-determination in small colonial territories often reflects geopolitical interests, rather than consistent legal principles.
3. Hong Kong's dual sovereign status has generated conflicting expectations and entitlements which made it a 'hard case' for decolonisation, revealing the limits of generalised frameworks of self-determination.
4. Hong Kong met UN requirements for a Non-Self-Governing Territory, yet the 99 years lease of the New Territories and Great Power politics had altogether constrained the application of self-determination in Hong Kong.
5. The settlement of Hong Kong involved three entities (PRC, UK, and people of Hong Kong), but was resolved to a large extent bilaterally, leaving Hong Kong trapped between empires and denied recognition as a 'people'.
6. Self-determination did not end Empires; it gave them new sets of grammar. In the case of Hong Kong, the debate over self-determination was governed by at least seven distinct but overlapping discourses: (1) nationalism, (2) self-government, (3) colonial independence, (4) freedom of choice, (5) sovereignty, (6) democracy, and (7) autonomy.
7. Inter-state negotiations relied on tacit agreements. Such agreements may have binding powers comparable to those of international treaties but evade public accountability and transparency.
8. Self-determination was everyone's slogan and no one's right. In the context of Hong Kong, the concepts of autonomy, sovereignty, self-government, and democracy were strategically invoked, and sometimes in tension with each other. The conflicting interests finally culminated in Hong Kong's model of administrative autonomy.
9. Hong Kong's autonomy was real enough to be performed, but never good enough to be believed. It is marked by functional separation of social, economic and legal systems, rather than political self-government. It serves to accommodate conflicting interests, but remains fragile, because it reinforces the separate and distinct identity of a people, without fulfilling their political aspirations.

10. Hong Kong's constitution-building can be seen as another example of 'internationalised' constitution-making, in which international concerns for 'peace and security' overshadowed the countervailing local concerns.
11. Overall, the case of Hong Kong carries broader lessons for international law as a juridical field. It shows that doctrinal positions of states and their actual practices may differ significantly. International law scholars should move beyond a study of writings and pronouncements of legal scholars and investigate the actual practice of state to find out how international law is really made.
12. Self-determination is like the word count of my thesis: everyone agrees it's important, but no one knows where it really ends.