

ICCPR. It is doubtful how to impose on the government of the People's Republic of China the obligations arising from the provisions of the ICCPR if it is not a party to the Covenant. Furthermore, the Hong Kong Basic Law, which is the supreme law in the SAR, is only a 'national law' in the Chinese normative hierarchy. This status causes many problems in relation to the protection of fundamental rights in the Special Administrative Region.

The puzzles mentioned above are the result of the transfer of sovereignty. On that ground, this study primarily addresses the problems arising from the transition both in international and in national law. The first part of this study will focus on the analysis of the legal status of the Hong Kong SAR in international law, which involves the protection of the collective fundamental right that is the right of self-determination, and also attempts to analyse whether the people of Hong Kong are entitled to exercise such a right. The right of self-determination has been recognised as an ongoing fundamental right not limited to a 'one time' application. Thus, it is necessary to analyse why the Hong Kong people were not entitled to exercise this right in the period of decolonisation during British domination nor at the time of transfer of sovereignty. Besides the right of self-determination, the scrutiny of the features of autonomy now practised in the Special Administrative Region is one of the major parts of this study. It is intended to answer the question whether the 'autonomy' enjoyed by the Hong Kong people corresponds to a right to self-government or to a right to internal self-determination.

The second part of this study will deal with the effect of the transition on the protection of individual rights under the framework of national law. This involves the concept of 'One Country, Two Systems' and the independent separate legal system of the Hong Kong SAR. It is *not* the purpose of this study to comprehensively examine the protection of substantive constitutional fundamental rights in municipal law, but the legal problems of the protection of fundamental rights arising from the transition and the establishment of the Special Administrative Region. Thus, the second part of this study is confined to several examinations in relation to the protection of fundamental rights under the new legal structure of the SAR, in particular under the new judicial system.

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