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Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister

A.S.C. 7₁₂

6 December 1982

Dear John,

In your letter of 26 November you asked for an account of the circumstances which led to our ceasing to report to the United Nations on Hong Kong. This was raised briefly at the meeting in Hong Kong on 2 December, but you may like to have the full story.

In accordance with Article 73(e) of the United Nations Charter, the United Kingdom began transmitting information on Hong Kong to the Secretary-General annually from 1947. In 1960 the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514 of 1960). In 1963, when the Committee of 24 took over the function of the Committee of Information from Non-Self-Government Territories, it approved a preliminary list of territories, including Hong Kong, to which the Declaration applied. (Bulgaria, Cambodia and the USSR reserved the positions of their Governments on the inclusion of Hong Kong because they regarded this territory as an integral part of the People's Republic of China forcibly occupied by the United Kingdom).

In late 1971, the Government of the PRC took over the China seat in the United Nations replacing the representatives of the regime in Taiwan. On 8 March 1972, the Permanent Representative of the People's Republic of China, in a letter to the Chairman of the Committee of 24, asked for the removal of Hong Kong from the list of territories to which the Declaration applied, stating that Hong Kong was part of Chinese territory occupied by the United Kingdom and that the settlement of the question of Hong Kong fell entirely within China's sovereign right. (I enclose a copy of the letter).

This letter was referred to the Working Group of the Committee of 24. The Working Group's recommendation, that the General Assembly should adopt the decision removing Hong Kong from the list of non-self-governing countries, was approved by the Committee of 24 included in its report to the General Assembly. The resolution, approving the report, was adopted in Plenary on 2 November 1972. However, it also contained much offensive language on, inter alia, South Africa and military bases. This is an annual ritual and the United Kingdom as usual voted against the resolution, which was adopted by 99 - 5 - 23, and did not participate in the discussion or speak in explanation of vote.

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By the time the Committee of 24's report was discussed in Plenary, the then Government had decided that, if the General Assembly adopted the Committee's recommendation, the United Kingdom would cease to transmit information on Hong Kong Article 73(e). The reasoning was as follows. If the United Kingdom were to continue to transmit information, the United Nations Secretariat would so report. This would almost certainly have led to an annual confrontation over Hong Kong in the Committee of 24 and perhaps also in the General Assembly. Against the background of the agreement to raise the status of the missions in Peking and London to Embassies, the United Kingdom was anxious to avoid a public dispute with the Chinese over Hong Kong (hence the decision to refrain from participating in the discussion in the Plenary Meeting of the General Assembly). The Government also took the view that to invite this kind of confrontation each year at the United Nations would have damaging consequences in the long term.

Nevertheless, it was the view of our Legal Advisers that, if the General Assembly approved the Committee of 24's report, it could be assumed that the General Assembly also considered that Article 73(e) of the Charter was no longer applicable to Hong Kong. In these circumstances, and particularly if the Government were to decide to cease transmitting information on Hong Kong under that Article, it would be necessary to safeguard our legal position. A letter, dated 19 December 1972, was therefore sent from the Permanent Representative of the United Kingdom to the United Nations Secretary-General putting on record that the United Kingdom had decided to discontinue transmitting information on Hong Kong because no useful purpose would be served by continuing such transmission and not because the United Kingdom regarded the General Assembly's action as altering the status of Hong Kong or terminating the operation of Article 73(e). A copy of the letter of 19 December 1972 is enclosed.

An annual slanging match at the United Nations General Assembly with China (when Peking might have felt obliged to posture for the Third World decolonisation lobby and we should have been strongly outnumbered) would have done much to undermine confidence in the Territory. In the circumstances we avoided this without prejudicing our legal position.

Your ever

(J E Holmes)

J E Holmes
Private Secretary

A J Coles Esq
 10 Downing Street

UNITED NATIONS
GENERAL
ASSEMBLY



FED

I have sent a short tel.
to Hong Kong to tell them
about this.

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JND 2/1

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HK109 to ice



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19 December 1972

ORIGINAL: ENGLISH

Twenty-seventh session
Agenda items 22 and 63

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE
TO COLONIAL COUNTRIES AND PEOPLES

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER
ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Letter dated 14 December 1972 from the Permanent Representative
of the United Kingdom of Great Britain and Northern Ireland to
the United Nations addressed to the Secretary-General.

I have the honour to refer to General Assembly resolution 2908 (XXVII) of 2 November 1972 and in particular to paragraph 3, which approved the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 1972. My Government have asked me to inform Your Excellency that, in view of paragraph 73 of chapter I of the report of the Special Committee (A/8723 (part I)), they have decided that no useful practical purpose would be served by continuing to transmit information on Hong Kong under Article 73 e of the United Nations Charter. My Government have also asked me to state that the action of the General Assembly in no way affects the legal status of Hong Kong. The views of my Government about this status are well known. They are unable to accept any differing views which have been expressed or may hereafter be expressed by other Governments.

I should be grateful if you would circulate this letter as a General Assembly document.

(Signed) C. T. CROWE

72-26633

ANNEX 1*

LETTER DATED 8 MARCH 1972 FROM THE PERMANENT REPRESENTATIVE
OF CHINA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF
THE SPECIAL COMMITTEE

In connexion with the questions of Hong Kong and Macau, I have the honour to state the following:

As is known to all, the questions of Hong Kong and Macau belong to the category of questions resulting from the series of unequal treaties left over by history, treaties which the imperialists imposed on China. Hong Kong and Macau are part of Chinese territory occupied by the British and Portuguese authorities. The settlement of the questions of Hong Kong and Macau is entirely within China's sovereign right and does not at all fall under the ordinary category of "colonial Territories". Consequently, they should not be included in the list of colonial Territories covered by the Declaration on the Granting of Independence to Colonial Countries and Peoples. With regard to the questions of Hong Kong and Macau, the Chinese Government has consistently held that they should be settled in an appropriate way when conditions are ripe. The United Nations has no right to discuss these questions. For the above reasons, the Chinese delegation is opposed to including Hong Kong and Macau in the list of colonial Territories covered by the Declaration and requests that the erroneous wording that Hong Kong and Macau fall under the category of so-called "colonial Territories" be immediately removed from the documents of the Special Committee and all other United Nations documents.

(Signed) HUANG Hua
Permanent Representative
of the People's Republic
of China to the United
Nations

* Previously issued under the symbol A/AC.109/396.

File
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Hong Kong
7 December 1982

HONG KONG: REPORTS TO THE U.N.

The Prime Minister has noted the contents of your letter of 6 December in which you describe the circumstances which led the Government of the time to decide in 1972 to cease transmitting to the U.N. information on Hong Kong.;

A. L. COLES

John Holmes, Esq.,
Foreign and Commonwealth Office.

By

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10 DOWNING STREET

From the Private Secretary

26 November 1982

HONG KONG

From time to time, during various meetings which the Prime Minister has held on Hong Kong, the point has been made that in the early 1970s we ceased to report to the United Nations on Hong Kong. The Prime Minister is inclined to think that that decision may have been mistaken. She has asked for a detailed account of the circumstances which led to it. I should be most grateful if you could provide this as soon as possible.

A. J. COLES

J.E. Holmes, Esq.,
Foreign and Commonwealth Office.

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