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Foreign and Commonwealth Office

London SW1A 2AH

Prime Minister.

You will wish to read this excellent – but not comforting – account in full. I have asked that it should be sent to you after the immediate Christmas holiday.

A.J.C 12/12.

20 December 1983

Dear John,

Sir P Cradock's Despatch of 12 December on the Hong Kong Negotiations

The Foreign Secretary has read with interest the enclosed despatch by Sir P Cradock, who leaves Peking in a few days. He believes that the Prime Minister and other members of OD(K) might also find it interesting, particularly at the present time when we are looking afresh at our strategy in the talks and the way ahead. As well as summarising the past and present positions it takes a hard-headed look at the future and the realities facing us. It will be invaluable for the review which we are now conducting.

We do not propose that this despatch be distributed beyond the Foreign and Commonwealth Office, the Cabinet Office and the members of OD(K). It has of course been copied to the Governor in Hong Kong who may send us comments of his own. Sir Geoffrey has sent a telegram to the Ambassador thanking him for it and for his outstanding work as leader of our negotiating team during the past 15 months.

I am copying this letter and enclosure to Private Secretaries to members of OD(K) and to Richard Hatfield (Cabinet Office).

Yours ever,

Peter Ricketts

(P F Ricketts)
Private Secretary

A J Coles Esq
10 Downing Street

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THE HONG KONG NEGOTIATIONS

SUMMARY

1. The despatch reviews the negotiations to date and offers a forecast. (Para 1)

2. Difficult negotiations with radically differing approaches by the two parties. The Chinese premise and the letter of 10 March. (Paras 2 and 3)

3. The fight for continuing British administration. The Chinese make their plans known. The message of 14 October avoids a breakdown. (Paras 4-6)

4. Persisting Chinese suspicions of our motives met by the statement of 28 November on the British role. Detailed discussion finally begins. (Paras 7-9)

5. The Chinese attitude explained. Political and emotional factors paramount. Ignorance, suspicion and impatience. The Taiwan factor. (Paras 11 and 12)

6. Chinese leaks. Strength of Chinese position. Value of British cards. (Paras 13 and 14)

7. Present position. Possible assurances. Value of self rule. (Paras 15-17)

8. Prospects. Likelihood of agreement that may not be acceptable to Hong Kong opinion or attractive to British opinion. Steady degradation of the choice. (Paras 18 and 19)

9. Problems arising from planned Chinese announcement in September 1984. (Para 20)

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10. Three ultimate courses. Cooperation likely to be the least bad. (Paras 21-23)

11. Conclusion. A bleak prospect but still much to play for. No alternative policy would have brought a substantially different situation. (Para 24)

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BRITISH EMBASSY,
PEKING.

12 December 1983

The Rt Hon Sir Geoffrey Howe QC MP
etc etc etc
Foreign and Commonwealth Office
LONDON SW1

Sir

THE HONG KONG NEGOTIATIONS

1. I shall be leaving Peking later this month and handing over my task as leader of the British delegation to the Sino-British talks on the future of Hong Kong to the next Ambassador. In this despatch I review the negotiations to date and assess their prospects.

Retrospect

2. Although there was a long prelude, from 1979-1982, in which our concern over Hong Kong's future grew and from time to time we broached the issue with the Chinese, agreement for talks was not reached until the Prime Minister's visit to Peking in September 1982. She and Deng Xiaoping then approved a joint statement to the effect that the two sides would hold talks through diplomatic channels with the common aim of maintaining the stability and prosperity of Hong Kong. In one form or another the talks have now lasted well over a year. They have proved very difficult, which is not surprising, given the historical background, the differing political systems represented by the two sides and, over this issue at least, their great disparity in strength. But a further and major complicating factor has been the difference in approach. Broadly, we have sought detailed discussion without

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preconditions, with the hope of educating the Chinese on the complexity of Hong Kong and bringing them to realise the necessity for a strong British administrative element and reliable political insulation from the mainland if the essential features of Hong Kong are to be preserved after the expiration of the New Territories Lease in 1997. For us, means of assuring continued prosperity has been the objective; if an agreement could be reached to ensure this, transfer of sovereignty would be the corollary. For the Chinese the political objective of resuming sovereignty including the right of administration has been paramount. They have consistently erected premises or preconditions of political principle which have to be met before detailed discussion can be permitted; and even where considerable progress on our part has been made towards meeting these preconditions, they have tended to be elusive on practical detail. In one sense the history of the negotiations to date has been one of an attempt to communicate. And even now, after some 14 months, this communication is still fragmentary.

3. During their discussions with Mrs Thatcher in September 1982 the Chinese leaders made it clear that they sought the recovery of sovereignty and administration over all Hong Kong after 1997. Indeed, Deng Xiaoping indicated that he saw this as the premise for negotiation. From the first contacts on the subject in October 1982 the Chinese Foreign Ministry pressed for British acceptance of this premise before formal talks could begin. The opening British position, as expressed by Mrs Thatcher in

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September, was that we were prepared to consider making recommendations to Parliament on the transfer of sovereignty if satisfactory administrative arrangements could be made. But that was not enough for the Chinese. After a long and sterile period of wrangling, extended as a result of personnel changes in the Foreign Ministry, the first move towards bridging the gap was made in the Prime Minister's letter of 10 March to Premier Zhao Ziyang. This letter, slightly strengthening the original statement of September 1982, said that provided agreement could be reached between the British and Chinese Governments on administrative arrangements for Hong Kong which would guarantee the future prosperity and stability of Hong Kong, and would be acceptable to the British Parliament and to the people of Hong Kong as well as to the Chinese Government, the Prime Minister would be prepared to recommend to Parliament that sovereignty over the whole of Hong Kong would revert to China. This letter did not commit us to any transfer of sovereignty: it made transfer contingent on satisfactory administrative arrangements being achieved; as we saw it, it was a means of finessing the Chinese precondition without making irrecoverable concessions.

4. This letter was sufficient to bring the Chinese to agree to the opening of formal talks and, after some delicate manoeuvring, to agree to an agenda. But it rapidly became apparent that we had not gone far enough. We argued the need for continuing British administration if confidence in Hong Kong was to be preserved; and we invited the Chinese to join us in a study of present arrangements

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in Hong Kong in order to convince them of the force of this proposition. The Chinese flatly rejected these persuasions and re-emphasised the need for agreement to a transfer not just of titular sovereignty but also of all associated administrative rights. Argument on this basis continued from July to September 1983 and brought the talks near to breakdown.

5. Throughout this period, and indeed from early 1982 onwards, the Chinese, through remarks to eminent visitors, or to journalists, or in meetings with delegations of Hong Kong Chinese, were gradually making their plan for Hong Kong after 1997 known. In its latest most authoritative form this was to become known as the 12-point plan. In essence the Chinese envisaged a Special Administrative Region under Article 31 of their Constitution. Over wide areas the Hong Kong way of life and administrative systems would remain unchanged or little changed. The Special Administrative Region would enjoy a high degree of autonomy, though it was far from clear how the confidence critical to prosperity was to be preserved under the new dispensation. The region was to be governed by Hong Kong Chinese, though foreigners might also be employed. The prescription was vague and superficially attractive.

6. In October, with breakdown threatening and Chinese hostile propaganda intensifying, discussion was held in London with the Governor of Hong Kong and unofficial members of EXCO, and as a result we carried out what might be called the second finesse. A message from the Prime Minister, delivered on 14 October, recalled

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her letter of 10 March and offered to build on the Chinese proposals to see whether on that foundation arrangements of lasting value for the people of Hong Kong could be built. If the result was satisfactory, the Prime Minister was ready to recommend a bilateral agreement enshrining these results to Parliament for their approval. The message picked out certain features of the Chinese proposals that seemed to us encouraging, eg references to autonomy for the Hong Kong people, to a continuing important British role in Hong Kong after 1997, and a guarantee that the special post-1997 arrangements could be maintained for 50 years. It made clear that this exploration of the Chinese proposals was without prejudice to any final agreement, and, like the letter of 10 March, preserved the ultimate right to withdraw if the results of the exploration proved unsatisfactory. But it indicated a willingness if our conditions were met to recommend a transfer of the right of administration as well as sovereignty. In subsequent explanations we made clear that for the purposes of discussion we were no longer insisting on British administration as a prerequisite and pointed out that since on their own admission the Chinese proposals were indissolubly linked to their premise, we were going as close as we could to meeting the Chinese demand of explicit affirmation of the premise.

7. This message, more grudgingly received by the Chinese than it deserved, did permit us to begin some slightly more detailed examination of the proposed arrangements for Hong Kong after 1997; but it was clear that considerable suspicion of our intentions

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lingered: were, for instance, our references to a considerable British role or strong British link with Hong Kong after 1997 meant to disguise some continuing tie of authority? Moreover, on various pretexts, the Chinese still shrank from clarifying their own plans over large areas and seemed to hanker for a bilateral Sino-British agreement only in broad principle.

8. It was in answer to these continuing doubts and reservations that we formally told the Chinese on 28 November that, in pursuing the discussions proposed in the Prime Minister's message of 14 October, we envisaged no link of authority or accountability between Britain and Hong Kong after 1997; we would make no proposal conflicting with the reservation of sovereignty and the right of administration to China; we saw our role as one of assistance, not authority. Any overseas officers who continued to serve in Hong Kong as government officials would be in the employment of the Hong Kong Special Administrative Region and owe their loyalty to it. They would not be appointed by the British Government or responsible to London.

9. This final assurance seemed to do the trick and at the Seventh Round on 7 and 8 December the Chinese for the first time began serious detailed comment on the implications of their 12-point plan for Hong Kong, answering questions we had raised in a series of working papers, beginning with that on the legal system. This comment confirmed that some essential aspects of the Hong Kong systems would remain unchanged after 1997 under the Chinese plan; at the same time there were, inevitably, some

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unwelcome clarifications, eg that judges should be elected by the legislature and the apparent Chinese intention to station some troops in Hong Kong. The Chinese promised similar further detailed discussion to cover the whole area of the 12-point plan.

The Chinese Attitude

10. The above is a very condensed summary of many months of delicate and painful manoeuvres. The key to them is the Chinese attitude and an understanding of it is crucial not only to analysis of the past but also of any provision for the future. The Chinese approach to the issue is essentially political and emotional. They wish to recover national territory. They wish to expunge the humiliations of the Opium Wars. They recall these as not only bad in themselves, but bad as the prelude to a whole series of depredations and humiliations inflicted by foreigners on China under the Qing dynasty. These emotions are deep and real and it would be fatal to underestimate them. Deng Xiaoping, who is the principal author of Chinese policy on this question, has repeatedly said he will not go down in history as another Li Hong Zhang (the eminent Qing statesman who signed the lease of the New Territories). The Chinese leaders are well aware of the economic benefits flowing to them from Hong Kong at present and naturally would like to secure them for the future; but they have made it clear that, faced with a choice between prosperity and national reunification, they will go for the latter. Moreover, the choice appears less sharp to them than for us. They have announced a plan for Hong Kong which, coming from them, is

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surprisingly liberal, in essence the concept of a capitalist system surviving in Hong Kong as an enclave in a surrounding socialist economy. They do not recognise the vital defects of their plan: that it lacks real guarantees or adequate detail; and they are reluctant to admit that the history of China over the last 30 years is bound to arouse deep suspicion of the durability of any Peking assurances on the part of the inhabitants of Hong Kong. They are convinced that their plan for Hong Kong will be sufficient to preserve its prosperity, whatever the British may say. At the decision-making levels they remain also deeply ignorant of Hong Kong and suspicious of our motives: they continue to believe that we extract revenue from Hong Kong; and that we recently manipulated the fall in the Hong Kong dollar as a means of bringing pressure on Peking. They find our declarations of our moral responsibility to the people of Hong Kong baffling and hypocritical; and they continue to think that in the end it is British economic interests we are concerned about and that we can be satisfied with some suitable commercial or financial quid pro quo

11. Deng himself is not only suspicious and ill-informed but impatient. At 80 he realises he has little time left. He would like to accomplish something Mao could not, the recovery of some lost Chinese territory. Taiwan is for the present unattainable, but Hong Kong is within reach; and particularly at the present time when he faces internal opposition over Party rectification, he needs tangible successes. We must accept that he will insist on some announcement by the Chinese side in September 1984.

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12. The Chinese wish to recover Taiwan, more important to them even than Hong Kong, is often adduced as a factor in our favour. To some extent it is: if Chinese recovery of Hong Kong provoked economic failure there it would be a public fiasco which would dispel any remaining illusions in Taiwan about reunification with the motherland. But for reasons given above, the Chinese leaders do not believe Hong Kong will go wrong or that confidence will disappear; and any doubts they may feel on this score are probably outweighed by what they see as the political benefits of a public demonstration of national will and ability to lay hands on some piece of terra irredenta.

13. One other aspect of Chinese policy calls for comment: their habit of speaking publicly in the course of a negotiation that, by agreement, is secret. There are, I think, two broad explanations First, they assert a right to communicate directly with their compatriots in Hong Kong and no doubt see this as a mean of bringing pressure on them and outflanking the British position. They have also encouraged a series of deputations from Hong Kong who, overawed by their surroundings or out of a desire to please, have rarely said anything out of line with what their hosts wanted to hear. The second reason, I think, is that the Chinese do not regard Hong Kong as a proper subject for negotiation with a foreign power. The land, as they see it, is theirs and it remains only for them to make their decisions known. Public statements by them in the course of the negotiations demonstrate this view and also, no doubt, strike Chinese leaders like Deng as a kind of poetic justice for the dictation their ancestors had to submit to from the British in the 19th century.

14. The Chinese position is both tough and rigid. They are aware of its underlying strength. They know that they have only to wait until 1997, at which time 92 percent of Hong Kong passes to them without effort and the remaining 8 percent is unviable on its own. They also know that Hong Kong, even at present, is indefensible against China, though of course they are unwilling to move at once unless they have the excuse of clearly deteriorating public order in the territory. They also have the advantage of putting forward a plan (Hong Kong people governing Hong Kong) which is irreproachable in international terms and of dealing in Hong Kong with a population of their own race whom they can hope either to intimidate or seduce. Our cards, on the other hand, are the present demonstrable success of Hong Kong in our hands and the fact that the Chinese would like to maintain prosperity if they can do so without upsetting their nationalist aims. For that they need British cooperation both in the period before 1997 and in the international negotiations that will be necessary in order to secure for the new government adequate access to international markets. These cards have their value, though we should be unwise to set that value too high.

Present Position

15. The present position is that we seem to have done enough in the way of meeting the Chinese preconditions to permit us to embark at last on detailed discussion of the Chinese plan and its implications. We have so far obtained affirmation of continuity in a number of aspects of the existing Hong Kong systems:

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but we are uncertain how far the Chinese are prepared to modify their plans in answer to our suggestions and criticisms. They earlier asserted that the arrangements for Hong Kong after 1997 were largely a matter for China alone to decide; that they were prepared to listen to our suggestions but would make up their own minds. Only over a narrow area, affecting British economic interests, were they prepared to undertake genuine negotiation. It is not certain how rigidly they will maintain this distinction; and some of their most recent remarks suggest that there is some room for persuasion; but we cannot yet assess how much. Our detailed discussions have so far been mainly confined to the easier areas, ie the legal and financial systems and external economic relations. We have not yet tackled the difficult central questions, eg constitutional issues, the administration and the civil service, defence and internal security, nationality. There is also uncertainty over the precise effect of our discussions on the Basic Law which the Chinese will eventually pass to form the constitution of the new Special Administrative Region of Hong Kong. We hope we are providing the fine print for this law, but shall need a Chinese assurance that the result of our discussions will indeed be recommended to the National People's Congress as the Basic Law.

16. It is clearly in our interests to push ahead in the new more cooperative atmosphere, give as much clarity and precision as we can to the vaguely enunciated principles of the Chinese 12-point plan, and see what is the best structure we can build on this

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foundation. We are, in fact, committed to such a course by the Prime Minister's message of 14 October. But in so doing we need harbour no illusions of what we are likely to achieve. We cannot expect to move the Chinese on their main principles. The most we can hope for is some filling out of detail in a practical and helpful way, some bending of their less important points in our direction and the construction of a certain degree of assurance that the post-1997 regime for Hong Kong will have a chance of enduring: for example, the enshrining of the result of our negotiations in a formal bilateral agreement; the insertion in that agreement of the Chinese assurance that the new arrangements will last 50 years; if possible, the continuation in office of a good number of British officials after 1997 (though this will probably be very difficult to achieve); and the setting up of independent supervisory commissions to oversee such fields as finance and law. It may also be possible to enlist the support of major trading partners, in particular the United States and the European Community, by provisions that the access of the new Hong Kong to their markets will continue only so long as there is no violation of the bilateral Sino-British agreement.

Development of Self Rule

17. There is also one feature of Chinese policy that could be helpful. This is that they seem to envisage a development of self rule in Hong Kong in the period between now and 1997, perhaps based on elections. Hitherto, we have avoided this, the normal development in dependent territories, because of a well-based

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belief that the Chinese would think we were guiding Hong Kong towards independence and a fear that there would be a clash between KNT and Communist supporters. Although the Chinese are, no doubt, thinking only in terms of a situation where the ultimate fate of Hong Kong as a Special Administrative Region is settled, there are advantages in this for us. The more Hong Kong has representative institutions, the more these institutions can share the burden of representing the wishes of the people of Hong Kong to Peking; and the more difficult it will be for Peking to represent any failure of policy there as being a deliberate plot by HMG.

Prospects

18. If all goes well, we have therefore the chance of constructing a tolerable edifice on the basis of the Chinese plan. But when that has been said we must face the possibility that the best we can do will remain unacceptable to Hong Kong opinion and unattractive to British opinion, particularly if that opinion is unaware of the realistic alternative against which any final package is to be judged. We have been compelled progressively to lower our sights. We are already prepared to contemplate abandoning any British link of authority with Hong Kong, seeking only the best degree of autonomy for the territory we can achieve. We must recognise, however, that this degree of autonomy may look inadequate to us. We may not achieve all the assurances mentioned in para 16 above. The Chinese may insist on definitions too restrictive to meet our and Hong Kong's requirements, eg the

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possible stipulation that any British who remain in official posts after 1997 may do so only as advisers. On the other hand, they may refuse to provide detail we regard as essential. Whatever progress we make, there is likely in the end to be a dangerous imprecision over many areas of the post-1997 arrangements.

19. This steady degradation of the choice will impose great strains in EXCO and also present us with very unpalatable decisions. We shall retain the right to reject the Chinese terms and, in effect, choose confrontation. But the alternative to confrontation could now well prove to be cooperation in carrying out a Chinese plan in which we lack real confidence.

20. It would be profitless to try to forecast the precise course of negotiations. But we are likely to be increasingly affected in coming months by the Chinese intention to announce their plan in September 1984, by which time any agreement is extremely unlikely. This will make it necessary to concentrate detailed discussion on the key central issues, so that we can make the maximum impact on the 12-point plan and add as much helpful detail as possible before the announcement. It will also make it necessary to consider some parallel announcement on our own side at the same time. This would presumably indicate that we were exploring the Chinese plan, had found many areas with which we could agree, but that there remained other areas requiring further discussion. If these remaining questions could be satisfactorily resolved, we would be prepared to extend our cooperation. Such an announcement would mitigate the effect of the Chinese

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announcement and keep the door open for further work. There would be a good chance the Chinese would not break off talks in such a situation.

21. Looking further down the road, there would seem to be three possible courses. In the first place, and assuming the final package, whether it was the 12-point plan or something more detailed, was unsatisfactory, we could assert the right we have reserved to ourselves throughout and simply reject it. We should, however, be clear about the likely consequences of this. Rejection and the ensuing confrontation would not cause the Chinese to back down. Concessions by them on the main points of principle would be suicidal for their leaders. On the contrary, confrontation would provoke a stiffening in the Chinese position and perhaps even, if there were to be unrest in Hong Kong, intervention on their part earlier than 1997. In any event, confrontation would not prevent us having to return 92 percent of the territory in 1997 under a treaty which we have throughout maintained to be valid. It would not win us international support. It would prevent us from doing anything to ameliorate the lot of the Hong Kong inhabitants after 1997 and, more immediately, it would make Hong Kong very difficult to govern in the period running up to 1997. It would be likely to provoke a considerable outflow of Hong Kong inhabitants, with resultant immigration problems for the UK and it would inflict lasting damage on Sino-British relations. It may exert a superficial attraction, given Chinese intransigence, but there is no future for Hong Kong in it.

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22. A second, related but milder course, would be not to reject the final package, but to tell the Chinese, and to say publicly if necessary, that we remained anxious to cooperate with China in securing the future of Hong Kong, and were prepared to go on discussing the Chinese proposals in the hope of building a workable and acceptable package, but that hitherto we had been unable to achieve this. We would then maintain this posture of willingness but inability to cooperate in the hope that the Chinese position would change. In the meantime, we should decline to cooperate with the Chinese plan, in effect allowing them to get on with the business of deciding what Hong Kong would be like in 1997, and confining our attention to holding things together as best we could in the remaining 13 years. Such a course might lead to full confrontation if the Chinese chose to play it that way, as they well might. On the other hand, they might stop short of this, and treat us as an unhelpful irrelevance getting in their way in Hong Kong. Either way they would announce their plans unilaterally. Many of the disadvantages of full confrontation would apply in this situation also. Again, we should be unable to do anything to mitigate the lot of Hong Kong inhabitants after the handover. We would face similar immigration and attendant political problems at home. We would usher in a period of prolonged strain in Sino-British relations. By our refusal to be associated with the post-1997 arrangements in any way, we would greatly reduce their attractions and thereby inflict extra economic damage on the territory. I see this course as essentially only a

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variant of full confrontation. Its only attraction would be in a situation in which the Chinese insisted on terms so vague or so unpalatable that we could not accept them or put them to Parliament, but in which we wished to give them the maximum possible opportunity to think again or, after a pause, resume practical cooperation with us. In practice, it would probably merge into full confrontation.

23. The third course, which I recognise will only be possible if the Chinese can be persuaded to take it with us, is that we should do all we can in negotiation and subsequently in cooperation with the Chinese to make their plan as tolerable as possible. By this I mean seek the maximum degree of autonomy, the maximum continuity and the maximum guarantees consistent with cooperation. We should thereby be discharging our responsibility to the inhabitants of Hong Kong as best we could. We should be giving the Special Administrative Region as fair a wind as possible. And we should avoid lasting damage to Sino-British relations. But the disadvantages should not be underestimated. We should be involved in the unpalatable business of pushing through a plan which we knew to be far from ideal. We should certainly be accused of a sell-out. We must expect a rundown in the Hong Kong economy, for which the Chinese would blame us, and we must expect also even in this case some outflow of Chinese inhabitants and attendant immigration problems at home. Hong Kong would become increasingly difficult to administer and, even given our wish to cooperate, the Chinese would be unlikely to prove easy bedfellows.

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It would scarcely be a diplomatic triumph but, to my mind, it is likely to be the least bad of the courses that may eventually confront us.

Conclusion

24. I am conscious that the above is a bleak analysis, but this is a subject on which there are emphatically no easy answers. If it is any comfort, I should add that I do not know of any other strategy, or stratagem, we could have adopted that would have brought us to a substantially different situation. Given the lease and the terminal date of 1997, the Macao option of doing nothing about Hong Kong was never practicable. When we began to broach the issue in 1979, we lost some tricks through failure to open a dialogue with the Chinese at the time when their ideas were taking shape. Later, when negotiations began, our long fight for British administration may well have hardened the Chinese stand over the employment of UK personnel after 1997. But I doubt whether fundamentals have been affected. There was one idea evolved in early 1983, that we should renounce the three treaties, thereby removing the terminus ad quem of the New Territories Lease and depending entirely on Chinese tolerance rather like Macao. It is just possible that had this been tried, not in 1983 but in 1979, it would have produced a different outcome. But one has only to outline such a proposal to recognise its political impracticability: it would have meant abandoning without having tried them a whole series of what at the time seemed defensible positions and flinging ourselves entirely on Chinese mercies. So that there has been a kind of fatality about the negotiations: given the historical

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background and the relative strength of the parties, they were probably bound to reach something like the present situation. But we have kept them going by great exertions and it is in our interest to keep them going as long as we possibly can. We cannot at this stage prejudge the outcome. The question is how far, now that their main nationalist aims are likely to be achieved, the Chinese will go in order to enlist our full cooperation and ensure Hong Kong's prosperity. Perhaps not very far. Our scope for manoeuvre has progressively lessened and in our own terms we have for some time now been engaged on a damage limitation exercise. But it is still an exercise of immense importance with a great deal to play for. It will continue to demand and deserve all our patience, imagination and skill.

25. I am sending a copy of this despatch to the Governor, Hong Kong.

I am, Sir
Yours faithfully

Percy Cradock