



# ”’Freedom, Democracy and the Rule of Law’: The Debate in Great Britain around the Return of Hong Kong to China, 1992-1997”

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## **PART II**

# **RELATIONS WITH FORMER COLD WAR PLAYERS**

## CHAPTER SIX

# “FREEDOM, DEMOCRACY AND THE RULE OF LAW”: THE DEBATE IN GREAT BRITAIN AROUND THE RETURN OF HONG KONG TO CHINA, 1992-1997

LORI MAGUIRE

On 30 June 1997, Hong Kong, Britain’s last major colony, returned to China, marking the effective end of the long history of the British Empire.<sup>1</sup> But the word “return” tells us a great deal about how Hong Kong’s fate differed from that of other imperial possessions. All the others had become “independent” and U.K. policy had been to ensure that they received preparation and training in establishing a political system that reflected British values—even if that system did not always last long. Chris Patten, the last governor of Hong Kong, described this process in both admiring and ironic tones:

Overall, nevertheless, it is not a bad story: men and women infused with the values of 19<sup>th</sup> century liberalism trying to do their best, installing democracy, training civil servants, policemen and soldiers, establishing independent courts, entrenching civil liberties. In one country after another, the whole constitutional module was wheeled out one sultry southern night, mounted on its launching pad, and, as the midnight hour struck and the brass bands played a baptismal anthem, blasted off into outer space.<sup>2</sup>

But this one-size-fits-all module could not work in the case of Hong Kong for it was being “returned”; there was a “handover” to China—a nation not renowned for its record on human rights. Paradoxically, the civil service, police and independent courts already existed, as did a very real demand for democracy on the part of the population but there were very real fears that these elements would not survive the handover.

Unlike a number of other colonies, Hong Kong had never preoccupied British domestic opinion very much. As John Darwin has noted: “Neither politicians of the day nor historians since have been tempted to argue that possession of Hong Kong was incompatible with Britain’s European

destiny or the achievement of economic and social modernisation at home.”<sup>3</sup> Very little academic work on Hong Kong appeared in the U.K. before the 1980s, and it was largely ignored in the United States and elsewhere.<sup>4</sup> So it only figured significantly in British political discourse at the end of its time as a colony.<sup>5</sup> Debate in Britain about the handover centred on two areas. First, the question of democracy and human rights which preoccupied much of the press and most lawmakers. The other major subject of debate was that of immigration. Because the people of Hong Kong worried about their future under Chinese rule, many of them sought to leave. As the familiar colonial power, Britain was the first choice for many of these and this fact would shape British discourse and policy on the question. Interestingly enough, there was very little difference between the parties on either of these two subjects. With very few dissenting voices, they all agreed on the need to support the reforms of Chris Patten. And, once again with few dissenting voices (but one of these was Michael Howard, Home Secretary from 1993 to 1997) basic agreement existed on immigration policies. Patten summarised the situation in his memoirs:

If Britain was to deny any moral obligation to Hong Kong that raised issues of race (and this was the real purport of its policy on nationality and passports), it clearly recognized its duty to defend Hong Kong's bonds to the economic and political values that had shaped it and that defined its difference from the rest of China. From the outset in 1982 of its negotiations with China on Hong Kong's future, Britain made plain its commitment to the maintenance of capitalism and freedom in the territory.<sup>6</sup>

Although there was a difference in emphasis between the parties, almost everyone agreed that Britain's last major act of decolonization should be conducted with dignity and honour—which meant bequeathing to Hong Kong a legacy of “freedom, democracy and the rule of law”, as Chris Patten put it—whatever China's objections might be.<sup>7</sup>

To begin with, let us briefly examine the history of the return of Hong Kong. Although the United Kingdom had an internationally recognised title to Hong Kong Island and the Kowloon Peninsula, most of the rest of the territory was held under a 99 year lease from China, which expired in 1997. During the premiership of Thatcher, the government realised that they had to tackle the issue of the future of Hong Kong. Given the relative strength of Britain and China at the time, the former had no choice but to negotiate and try to get the best deal possible for its colony. By this time, Deng Xiaoping had embarked on his economic reforms and many people in the West were optimistic about the future of China. They hoped that, as

the economy developed so would political liberty. Indeed, the British were, on the whole, satisfied with the Joint Declaration, signed in 1984, that enshrined the concept of “one country, two systems”—Hong Kong would be part of China but as a special administrative region for fifty years and would enjoy considerable independence. This principle was given shape in the Basic Law, promulgated in 1990, which became the constitutional document of Hong Kong after its transfer.

In June 1989 the Chinese government violently repressed pro-democracy demonstrators at Tiananmen Square. The event traumatised much of the population of Hong Kong who, quite understandably, worried about their own future. Numerous protests took place there and strong calls for democracy developed in the colony. Indeed, London had been singularly lax in introducing self-government into Hong Kong: few people possessed the right to vote and all of the colony’s governors had been civil servants appointed by London without local consultation. Of course, the British could justify this democratic deficit: chiefly because of their fear of how the Chinese government would react. Still, the British government had declared in 1984 that they would “build up a firmly-based, democratic administration in Hong Kong in the years between now and 1997” but in reality did little about this.<sup>8</sup> Added to this, as we shall see, a major reform of British citizenship in 1981 had deprived most people in the colony of full British nationality and thus the right of abode in the United Kingdom. By the late 1980s, this, plus the governmental reluctance to put into effect democratic reforms, had caused many people in Hong Kong to lose confidence in London. In such circumstances, most British leaders felt they had to make an attempt to remedy these deficiencies and try to provide some form of future protection to Hong Kong. John Major, recently appointed Foreign Secretary and soon-to-be Prime Minister, described the situation as follows:

Before Tiananmen Square it was possible to be optimistic. After it, trust was shattered. A mood of near despair gripped the territory. Its stock exchange fell 30%, and business investment was held back.<sup>9</sup>

For this reason, Major decided to keep a previously scheduled meeting with Qian Qichen, the Chinese Foreign Minister, a few weeks after the massacre, as he felt that cancelling it would only hurt Hong Kong. He received criticism in the British press for this which, like most of the western media, became more hostile to China after Tiananmen Square.

In September 1991, Major, now Prime Minister, became the first important Western leader to visit Beijing since the massacre. He did so to discuss the construction of a new airport in Hong Kong which the Chinese

had been blocking. The visit also received much criticism in the British media and its only tangible result was a “Memorandum of Understanding” on the new airport which, it was hoped, would clear Chinese obstacles to its construction.<sup>10</sup> Furthermore, at around the same time, on 17 September, Legislative Council elections were held in Hong Kong and the democrats got 16 of 18 seats while no pro-China candidate won. However, Governor Wilson failed to appoint any of the victorious democrats to the Executive Council, which functioned as his cabinet. Although only 39.2% of voters actually cast their ballots, the result showed much support for democracy and the governor looked out of touch.<sup>11</sup> These factors all seem to have weighed on Major who decided, with the accord of Douglas Hurd, the Foreign Secretary, to replace the current governor with a heavyweight politician. He made the announcement that this change would occur after the next election. Furthermore, Sir Percy Cradock, the government’s major adviser on Hong Kong, was pensioned off. London had clearly signalled a significant change in the direction of its policy.

Many in the press saw this as a direct result of Major’s visit: he had gained little from the Chinese and only embarrassed himself, and had come to the conclusion that there was little to be gained from attempting to placate China. Hurd, however, has downplayed the importance of the visit in the policy change. As we have already seen, many other factors weighed in the decision. Indeed, it reflects ideas that Hurd already held. In his book, *The Arrow War: An Anglo-Chinese Confusion, 1856 to 1860*, written in 1967, he described the Chinese as possessing an “assumption of superiority”. In the nineteenth century, Western nations had dealt with this by obliging the Chinese, sometimes through the use of force, to treat them as equals.<sup>12</sup> He does not seem to have found any advantage in following Cradock’s belief in placating China. Hurd felt that Great Britain’s honour was at stake. In December 1989 the Foreign Secretary announced that:

This is just about the last chapter in the story of this country’s empire. I am rather keen... that the last chapter should not end in a shabby way.<sup>13</sup>

Previously, the strong concentration on seeking accommodation with the Chinese government had meant that the aspirations to self-government of Hong Kong’s population had been neglected. This had not caused instability in earlier years when the colony had been poor and most residents had focused on improving their economic position. But with wealth and education they desired some say in their own government. Most British people felt that, as a democratic country, they had to make an effort to show respect for what were their own fundamental values. They had failed earlier to introduce democracy and self-government into Hong

Kong but in their last hours of governance—and especially after the shock of Tiananmen Square—they felt it necessary to push through reforms and to be seen as responsive to the local inhabitants. As Major said:

It was right that as Hong Kong changed, its constitution should change too. Throughout the 1960s and 1970s the colony had a low-cost manufacturing base, with no demand for political reform. By the 1990s it was a prosperous, educated financial centre of global importance, and expectations were far greater. The citizens of Hong Kong were now eager for political reform, and it would have been wrong to deny it, although the changes we implemented had to be within the terms of the Joint Declaration.<sup>14</sup>

In this policy the British government had the full support of the other parties. So the discourse on Hong Kong during this period is remarkably one-sided.

After the Conservative victory in the 1992 elections, Major and Hurd chose to appoint Chris Patten as the last governor of Hong Kong. Patten, a former cabinet minister, rising star in the Conservative party and close personal friend of the prime minister, had lost his seat in the 1992 election. He was, thus, a governor with considerable political weight and one with strong ideas about his job. Patten was given the mission of reassuring the populace of Hong Kong about the handover as well as increasing democracy there. Hurd informed Parliament in May 1992:

The new governor will find the political development of Hong Kong high on his list of priorities. With his advice, we shall need soon to start putting in place arrangements for the 1995 elections to the Legislative Council. As the House knows, we will raise with the Chinese the need for a faster pace of democratisation... We want—this is familiar ground to the House—to promote the political development of Hong Kong in a way that is capable of enduring beyond 1997—a through train. Reconciling these two requirements will be one of the main tasks in Hong Kong over the next year or so.<sup>15</sup>

Hurd had no illusions about the difficulty involved. When asked earlier about the impediments to introducing universal suffrage in Hong Kong, he had replied simply: “That it will come to an abrupt end in 1997.”<sup>16</sup>

Patten became a governor unlike any previous one. He refused the governor’s formal dress (which he described as making one look like “a recently deceased hen”) and went around in a plain suit.<sup>17</sup> Being a politician, he also worked the crowds and made a point of leaving Government House to meet ordinary people and see conditions in Hong

Kong for himself. By autumn 1992 he had prepared his proposals to extend democracy and gave them the maximum of publicity in the world press. He clearly wished to draw the eyes of the world on Hong Kong. China was furious. In the past, agreements had been worked out quietly, behind the scenes, between the two governments. Although China had been given advance notice, they had not been consulted and so immediately rejected the changes.

Patten's proposals were modest enough and probably did not violate either the Joint Declaration or the Basic Law but he pushed both as far as he could. Furthermore, Patten clothed his proposals in the rhetoric of democracy and did his best to attract the attention of the world's press—especially that of the United States—to Hong Kong. Jonathan Dimbleby stated that: "Patten's goal, commonplace in Western democracies, but hitherto untested in Hong Kong, was to charm the media into unwitting complicity with his efforts to woo public opinion, and thereby protect his flank from potential critics within the foreign-policy establishment in Britain and the business community in Hong Kong."<sup>18</sup> Patten clearly realized the key economic role played by the colony which enjoyed significant business and investment interests, not only from Great Britain and China, but from the United States, Canada, Australia, Japan and the European Union. Furthermore, because of recent large-scale emigration, there were large numbers of its citizens in the first three of these countries where they could exercise pressure in domestic politics.<sup>19</sup> Patten certainly succeeded in getting international attention and received near universal praise in the western media for his proposals. The American press in particular flocked to the colony. Larry King actually broadcast a special edition of his CNN show from there with Patten present. *Newsweek* published an article on Patten entitled "The 'God of Democracy'".<sup>20</sup> *Time*, *Business Week*, *U.S. News and World Report*, *The New Yorker* and major newspapers all featured articles on the subject. Patten also made numerous trips abroad to explain his position. At around the same time as he was presenting his proposals, the United States Congress also decided to act and voted the United States-Hong Kong Policy Act. Among other things, it outlined how the U.S. would relate to Hong Kong after the handover: Hong Kong would be treated as a distinct entity on its own and all previous agreements would continue. The law also expressed backing for democracy and human rights and required the Secretary of State to report regularly on conditions in Hong Kong relating to U.S. interests. These later reports generally espoused the process of democratisation.

After the Chinese had expressed their hostility, they turned to trying to hurt Hong Kong economically in order to show their own power. For the



first month or so, Chinese threats had little impact on investor confidence but in mid November the Hong Kong stock market began to decline and this trend continued. As *The Economist* explained: “The market has fallen by 23% in less than three weeks.... falling markets—property is likely to go down next—step up the pressure on Mr. Patten and undercut his support in the colony.”<sup>21</sup> A number of Hong Kong businessmen certainly urged the governor to give in but, on the whole, public opinion in both the colony and Britain remained firm. *The Financial Times* succinctly explained why:

Worrying as its threats may be, however, they do not constitute an argument for changing course. For one thing, they are still largely rhetorical. In saying that it will, after the handover, reverse reforms and refuse to honour contracts, Beijing is underlining that, notwithstanding the Sino-British deal on Hong Kong’s future, it will be in charge and will do as it pleases. The hope must be that in practice its policies will be shaped by an economic self-interest based on the status quo in Hong Kong. For another thing, Mr Patten’s ideas for improving democratic accountability still enjoy - so far as can be gauged—overwhelming support from the Hong Kong people. His proclaimed object is to ensure that they have a say in their destiny. So long as they, and their representatives in the colony’s Legislative Council, continue to express the wish for greater political freedom, that is what he should be striving to provide, even if the price is friction with China and instability.

Nothing in recent events has undermined Mr Patten’s judgment that trying “in a modest way” to accommodate the Hong Kong people’s aspirations is the best way to promote political stability.<sup>22</sup>

Many felt that, by attracting the eyes of the world on Hong Kong, Patten had made it more difficult for the Chinese to destroy its freedoms. As Malcolm Rifkind, who later replaced Hurd as Foreign Secretary, put it: “There will be great global interest in what happens and the Chinese government will need to reassure the entire international community that the welfare of Hong Kong will be properly safeguarded.”<sup>23</sup> Of course, the British insisted on placing the onus for the failure to reach an agreement on the Chinese. Patten publicly called on China to make its own proposals and, when they failed to do so, complained about the difficulty of playing tennis “unless the ball comes back over the net”.<sup>24</sup> Hurd also stressed this:

The Governor’s proposals represent our judgment of the right way forward for Hong Kong, but we have said from the start that we are open to alternative ideas, from the people of Hong Kong or from the Chinese side. We have had a wide range of suggestions from people in Hong Kong. The Chinese side have opposed the proposals without offering anything in their place. Since last October, we and the Governor have been urging the

Chinese side to discuss those electoral issues with us in order to reach an understanding. We are ready to enter such discussion without preconditions. We want to see as much continuity as possible in Hong Kong's electoral arrangements before and after 1997... We cannot and do not accept what some Chinese officials have said in the past few days—that the role of people from Hong Kong in discussions about Hong Kong's future should be downgraded.<sup>25</sup>

Hurd was clear: the blame lay squarely with the Chinese. The British were simply standing up for the rights of the people of Hong Kong and trying to ensure that they had a role in determining their own future.

A number of MPs, especially in the Conservative party, saw policy on Hong Kong in almost mystical terms and they frequently used words like “mission”. The Conservative MP, Timothy Renton, chairman of the all-party Hong Kong parliamentary group, described his view of Patten's role: “The mission was to leave a legacy of a very well-founded democracy in Hong Kong from 1 July 1997 onwards.” Note also his use of the word “legacy” another important term which focuses on Britain and on Britain's involvement. The stress is clearly on Britain's honour—in her own eyes and in that of the world's—and on the survival of its values and this became an important theme, primarily of the Conservatives. David Howell, chairman of the Select Committee on Foreign Affairs insisted that: “The issue at the forefront of our relations with China, and which has understandably been the subject of most comments today because it blocks our longer-term vision, is Hong Kong and how we can do the right thing and fulfil our duty from Hong Kong's point of view.”<sup>26</sup> For Nigel Waterson: “The only realistic bulwark in favour of Hong Kong, to protect it after 1997, is the rule of law. That is the lasting legacy of this country in Hong Kong.”<sup>27</sup> The former journalist, Lady Olga Maitland concluded that when 1997 comes: “We should feel proud that we have more than honoured our obligations. We shall have strived to the end... We shall leave Hong Kong with pride and honour.”<sup>28</sup> This line of reasoning, though, was not limited to the Conservatives. The Labour peer Lord Dubs talked of Britain's “enormous responsibility to do the right thing by the people of Hong Kong”.<sup>29</sup> And no less a figure than Robin Cook insisted that: “It is important to show that we have discharged our obligation to the people of Hong Kong that we will surrender sovereignty of the territory of Hong Kong without surrendering the liberty of the people of Hong Kong.”<sup>30</sup>

Certainly one must see much of this rhetoric in the context of a long history of British discourse on Empire. By the late eighteenth century, many had come to see imperialism in a paternalist light; not only should the Mother Country benefit from her colonies but the colonies should

themselves gain from the system. William Pitt the Younger told Parliament in 1784 that there was a need “to render that connection a blessing to the native Indians”. This theme grew in the nineteenth century and many argued that what Britain offered its colonies was a superior economic and political system. This idea was perhaps most famously expressed by the writer Rudyard Kipling who contended that western nations had a duty to bring their superior civilization to less-developed countries. He called this “the White Man’s Burden”. Imperial masters had to improve the life of colonial inhabitants; they had “To seek another’s profit/And work another’s gain”. They had to “Fill full the mouths of Famine/And bid the sickness cease”. The debate on Hong Kong follows this tradition but generally avoids taking a patronising tone towards the people of the colony, who are widely recognised as sophisticated and educated. It also helped that a genuine demand for democracy existed there. Therefore, Britain was honour-bound to do its best to give them her traditions. Since the UK was not granting independence to Hong Kong but returning it to a nation known for its political repression, they also had a duty to ensure that the colony would have some protection in the future—a protection that they could not guarantee themselves—and, therefore, the need for international recognition of the importance of the question. Certainly there is a self-congratulatory air to much of the discourse. Pride in the imperial past had not totally died, at least among the Conservatives, as can be seen from Edward Leigh, scion of a gentry family and descendant of Henry VII:

This may be an historic occasion—the last occasion on which the House debates the future of a major British colony. This is the last of the debates—conducted over perhaps half a millennium—that have affected the fate of millions of people around the world. Before he [Malcolm Rifkind] finishes his speech and hauls down the flag of empire, will he pay tribute to the many men and women who created something that was special, not only in its extent, but as a great example in world history of good government and justice?<sup>31</sup>

Rifkind, now Foreign Secretary, was happy to do so, talking about the “historic achievement” of the Empire, “the provision of the rule of law and democratic government, and a massive increase in prosperity for all territories”.<sup>32</sup> John Redwood, the Eurosceptic who challenged Major for the party leadership in 1995, went even further, suggesting that the government should levy a “success fee” on the colony so that China would not benefit so much from Britain’s good work.<sup>33</sup> Many Conservatives seem to have felt that the “White Man’s Burden” had been fulfilled and

that democracy was virtually a British invention. Of course, the Labour Party showed markedly less enthusiasm for imperial praise. Robin Cook even suggested that the main reason for Patten's popularity was his social policy: "The programme that he has pursued in Hong Kong could be written as an illustration in a textbook of social democracy."<sup>34</sup>

Many people argued that Hong Kong must retain freedom and the rule of law in order to keep its economic prosperity and that, in fact, the Chinese would only hurt themselves by curtailing its liberty. Baroness Dunn, who was of Chinese origin herself and had been one of the most senior politicians in the colony, serving on both the Executive and the Legislative Councils, stated that: "One of Hong Kong's main attractions to investors is its reputation as a free, fair and clean place to do business."<sup>35</sup> The Liberal Democrat peer, Lord Thomson of Monifieth, former Commonwealth secretary, went even further:

The inter-dependence in Hong Kong of its various facets—the integrity of the Civil Service, the inviolability of the commercial law system, the academic freedom of the universities, its citizens' right to travel—all hang together. They form a seamless web essential to the continuation of Hong Kong's economic success. As Hong Kong's seven million people generate a GDP nearly a quarter of that generated by China's one billion plus population, any damage to Hong Kong's economy as a world trading city will do massive damage to the whole Chinese economy. That is by far the best argument to Chinese self-interest in living up to its commitment to "one country, two systems", under the Joint Declaration.<sup>36</sup>

The warning—echoed by many others—was clear: China should tread softly in Hong Kong or risk destroying both the goose and its golden egg. The press also echoed this argument. *The Times*, for example, in an article entitled "Bone-Headed China" wrote that: "Businessmen will not wait until June 30, 1997 to decide whether they are confident that the rule of law will continue to be impartially upheld. Some are already moving the legal domicile of their companies elsewhere."<sup>37</sup> As *The Economist* put it: "China's economic ambitions depend on a prospering Hong Kong."<sup>38</sup> Chris Patten followed this line of reasoning. He later explained in an interview with the Institute of International Studies at Berkeley that:

I thought British interests were pretty clear. Britain had to be seen to withdraw honourably from its last colonial responsibility, even though what it was obliged to do, by history, would appear to a lot of people to be dishonourable... the handing over of a free society to a society which was not free. I always reckoned that honor and short-term interest and longer-term interest, in every sense, went hand-in-hand. If we weren't to behave

honourably, for example, it would help to produce political instability, which would be extremely bad for the economy in Hong Kong. Britain had a large stake in that economy; a lot of firms on the Hong Kong Stock market, a lot of British firms, and big investments of three billion also. Huge commercial stake in Hong Kong's continuing success. So I never saw what some [of] my business critics argued—a distinction between trying to do what was right and what was, in every sense, in Britain's interest—its commercial interest and its political interest as well.<sup>39</sup>

So Britain's economic interests and her sense of honour led her in the same direction.

The term “one country, two systems” had obvious implications for Taiwan and many believed that China needed to show it could respect freedom if it wanted to have any chance of getting back this even greater prize. The independence of Taiwan, although not internationally recognized, was, and is, protected by American military strength. If China wished to avoid World War III, it would have to convince the Taiwanese to join them voluntarily. As Patten noted in his memoirs: “Taiwan will watch closely what happens further down the coast: can “one country, two systems” work in the former colony, and if it cannot do so there, the Taiwanese will ask, how could it possibly work for them?”<sup>40</sup> So, once again, it was in China's own long-term, and particularly economic, interest to keep freedom and the rule of law in Hong Kong.

Very few dissented from Patten's policy and he enjoyed the support of all the major parties. Many Labour M.P.s took a keen interest in the fate of Chinese dissidents and frequently asked questions about them. People like Jeremy Bray of the Labour Party, who had been born in Hong Kong, confessed that:

A question faced the Opposition when the Chris Patten whom we knew so well appeared as a somewhat belated knight in shining armour in Hong Kong, seeking ingeniously to squeeze the last ounce of democracy out of the arrangements that he found had already been made there, even at the risk of upsetting Chinese friends in Beijing. I was in Shanghai at the time, and I must confess my reaction was to cheer.<sup>41</sup>

He expressed quite clearly here his support for government policy and admiration for Patten. In April 1995, Robin Cook, Shadow Foreign Secretary, stressed the cross party nature of the policy:

We do not approach the debate in a party political spirit. I hope that I do not disappoint the House when I say that I do not intend to make this a partisan occasion. It is a subject that we should try to pursue with the least

party political disagreement between us, and with the fullest unity on a national basis.<sup>42</sup>

He went on to underline the human dimension of the question and the anxiety felt in Hong Kong over the handover. Tiananmen, he argued perceptively, had pushed China and Hong Kong in different directions:

The events of Tiananmen square had a profound effect on the views of people resident in Hong Kong, and appear to have had a profound effect on the rulers of China as well. One of the issues with which we must now grapple is that those events appear to have left the rulers of China perhaps more hostile to democratic reform and more nervous about the impact on the rest of China of the political processes in Hong Kong.... There is a paradox in the fact that the events of five years ago have made progress towards democratic rights in Hong Kong more pressing, but have also made it more difficult to obtain the agreement of the Government of China.

In November 1996, Cook told Parliament that, if a Labour government came to power in May 1997, there would be no change on policy towards Hong Kong.<sup>43</sup> As we shall see, Cook would follow a more moderate line towards China after becoming Foreign Secretary but, while the colony remained British, he and the Labour Party resolutely supported the Conservative government's policies, as did the Liberal Democrats.

This, of course, did not mean that there was no opposition in Britain to Patten's policies, only that this disagreement did not follow party lines. Many businessmen who had investments in the colony voiced their hostility. Obviously, most of those who had constructed the earlier policy, and in particular the Joint Declaration resented the change and predicted dire consequences. The strongest critic of the government's policy was undoubtedly Sir Percy Cradock who had been one of the major architects of the handover. He wrote a number of articles in the press that scathingly attacked Patten's policy. In his memoirs he went as far as to suggest it had an irrational and even racist base:

The episode [the Patten governorship] might be seen as an irruption of irrational forces, a reminder of the still unexhausted reserves of prejudice and emotion on both sides arising from a long, painful and too often uncomprehending relationship. It is also possible to see British policy as an example of nostalgia in action, an attempted reversion to times when Britain was in a position to impose solutions. Others may see the failure to read Chinese intentions as only another example of that chronic inability to put ourselves in the shoes of the other side which has manifested itself in our European as much as our Far Eastern dilemma.<sup>44</sup>

There is an element of truth here for, as we have seen, many of the comments on Hong Kong resembled earlier imperial discourse. But there is also something spiteful about many of Cradock's comments. Others insisted that Patten's policies were aimed more at pleasing the U.S. and the British press than at ensuring the future of Hong Kong.<sup>45</sup>

Within Parliament, the main dissident was the former Conservative Prime Minister, Edward Heath who took an extremely pragmatic view of the question, notably stressing the importance of cultivating and increasing British economic interests with China:

I take the example of China, which has a rapid rate of expansion of between 8.5 per cent and 12.5 per cent. We are not establishing ourselves in those markets as we should be. When the Governor of Hong Kong said that when Hong Kong returns to China on 1 July next year, we shall still have responsibility for looking after Hong Kong, he could not have chosen a better way of upsetting Beijing and affecting the Chinese Government's future attitude towards Hong Kong and towards us. That undoubtedly affects our trading arrangements with Hong Kong. As I know from my discussions with officials in Beijing and elsewhere in China, such comments affect where they place their orders.<sup>46</sup>

His main argument was simple: China was potentially a massive market so do not upset the Chinese government or there will be little or no economic profit for Britain. He also insisted on the limits of British power, which were very real. As he put it: "They [the Chinese] know the power they have, and what they can bring about."<sup>47</sup> Heath also stressed that Britain had been in Hong Kong for a long time and asked the difficult question, why now?

We have had Hong Kong for nearly 150 years, and what did we do about all those issues? We did nothing. Only when the time came to hand it back did we say that they all should be addressed immediately and in exactly the way we wanted. The House and the Government cannot get away with that. We must be realistic.<sup>48</sup>

And so realism and the economic importance of China were the cornerstones of those who opposed the government's Hong Kong policy. But, as we have already seen, those who supported the policy felt that this was an exaggeration or, indeed, wrong and that Britain's, as well as China's, economic interest lay in supporting Patten's proposals.

Let us now turn to the other major subject of debate—immigration and nationality. Much of this discourse had been settled before this period. The

British Nationality Act of 1981 created a British Dependent Territories citizenship for residents of those regions which took away the right of abode in the United Kingdom. Its principal target was obviously Hong Kong. Thatcher justified this by insisting that there was a real danger “that financial confidence would evaporate and that money and in due course key personnel would flee the Colony, impoverishing and destabilizing it well before the lease of the New Territories came to an end.”<sup>49</sup> There was some truth in her assertion. About one per cent of the population emigrated in 1990 and this figure actually increased in 1992. *U.S. News and World Report* even ran a cover story asking, “Will the last one to leave please turn out the lights?”<sup>50</sup> This mass emigration was certainly something that the Chinese government did not want either.

Further complicating the situation was the plight of the Vietnamese boat people. After the Vietnam War ended in 1975 with the reunification of the country under a communist government, hundreds of thousands of people decided to leave. Over the next two decades nearly 200,000 took refuge in Hong Kong and most of them spent years in refugee camps there.<sup>51</sup> Dealing with these refugees placed a considerable strain on the colony’s resources. In 1988, the Hong Kong government announced a plan to screen the arrivals to see if they were genuine refugees or simply looking for economic improvement. Those deemed to fall in the latter category would be repatriated. There was much criticism of this plan in the British press as well as in the American press and government. Douglas Hurd justified his decision in his memoirs:

The Americans, whose hostile policy towards Vietnam was one reason for the country’s poverty and the outflow of boat people, began to object on humanitarian grounds to what we intended. Despite this, I decided in December 1989 that we must begin to fly even unwilling Vietnamese home from Hong Kong. There were by then 57,000 boat people in Hong Kong. This seemed the only way of deterring larger numbers from risking the voyage. We also needed to put paid to the stories current in Vietnam that once in Hong Kong the boat people would be generously treated and perhaps offered a golden life across the Pacific in California.<sup>52</sup>

Britain took about 15,000 of these immigrants but there was hostility among many people to taking more.

Policy towards immigration from Hong Kong changed slightly after the Tiananmen massacre and Thatcher herself insisted on legislation in 1990 to give 50,000 key civil servants and business people and their families British passports. The expressed hope was that this would reassure them and that they would therefore stay in Hong Kong. Although



Patten, in October 1995, publicly called for the government to grant full British nationality to all Hong Kong citizens, a general consensus prevailed among the parties against such a policy. Immigration discourse, then, tended to focus on certain small groups who were perceived as being especially deserving or as facing particular difficulties. One of these was the wives and widows of British servicemen who had fought to defend Hong Kong during the Second World War. According to Major there were only about 29 of these and it struck many as particularly ungenerous of the Home Office to block such a small number from receiving full citizenship. The Labour peer, Lord Dubs called it “a disgrace to us as a country”.<sup>53</sup> The Prime Minister finally made the announcement granting this during his visit to Hong Kong in 1996. Many, though, criticized the fact that—instead of making this a government bill—it was only a Private Member’s bill. On the 8<sup>th</sup> of May 1996, V-E Day, the Conservative Tim Renton, with bipartisan support, introduced the bill to grant these women full British citizenship which quickly passed both houses of Parliament and received the Royal Assent. The question was resolved but it left a bitter taste for some. Sir Peter Lloyd, a former Conservative minister of state at the Home Office, summed up the feelings of many: “Although the substance was conceded, with an undertaking that they could come to the UK whenever they wanted, the desire for citizenship was insensitively and pointlessly denied for years.”<sup>54</sup>

Another group on which there was a near consensus was that of the non-Chinese ethnic minorities who numbered around 7000 people. Primarily of Asian descent, they had often been settled in Hong Kong for several generations and most of them worked for the British military forces. As such, they had earlier signed a document renouncing any earlier nationality they might have possessed. They had British National (Overseas) citizenship which meant that, once Hong Kong returned to China, they would have no right of abode anywhere in the world. Nor could they receive Chinese nationality like the other inhabitants of Hong Kong since Chinese citizenship was based on ethnicity.

Both Patten and the Legislative Council of Hong Kong called on the government to grant them British nationality. To illustrate the widespread support for such a measure, the ultra-conservative Sir Teddy Taylor, member of the anti-immigration Monday Club, raised the question in the House of Commons in July 1993 and called on the government to grant citizenship to these people. He stated that:

My real interest stems from my belief that Britain is in danger of flouting its inescapable duty to a group of citizens whose rights are being ignored and whose future will be unstable and constitutionally deprived unless we

do something. It would be terrible if we told these 5000 people that they belong nowhere—that they are nationals of nowhere—especially as they have served Britain so well in the past.<sup>55</sup>

In 1993 Lord Bonham-Carter, publisher and first chairman of the Race Relations Board, introduced a bill into the House of Lords to grant this nationality but this was defeated in the House of Commons because of government opposition. But numerous people continued to lobby the government. This resulted in John Major stating on 4 March 1996 that: “Her Majesty’s Government will guarantee admission and settlement should they come under pressure to leave Hong Kong”.<sup>56</sup> This did not, however, solve the problem and lobbying continued. In December 1996, with the return of Hong Kong a little over six months away, the Eurosceptic 21<sup>st</sup> Baron Willoughby de Broke, Conservative peer, introduced another bill. In his speech he criticized the government guarantee:

That statement implicitly recognises that that group is a special case, but I fear that the guarantee is seen in Hong Kong as having little value. For what is that pressure? Who is to decide it? Will that be decided in Hong Kong or in the remote comfort of a Whitehall office? This looks like an administrative and moral swamp, employing objective criteria that the Government refuse to define, leaving 5000 individuals uncertain of their eligibility. But, what is most important, that policy will result in the need for each person to put his or her case individually, exposing himself or herself to further discrimination if their specific circumstances do not fall into the, as yet, undetermined definition of “under pressure”.

In addition, that policy completely misses the point. That community does not want to rush into the UK. All it is asking for is a full British passport so that its status in Hong Kong will not be an anomaly that exposes it to discrimination and a subjective interpretation of their status. Ministerial assurances, however well-intentioned, are in this case just not good enough.<sup>57</sup>

For Willoughby de Broke, it came down, once again, to a question of honour: “Therefore, if only for political reasons, let us resolve this issue which could blight our record and reputation in Hong Kong and tarnish our colonial legacy.”<sup>58</sup> Another Conservative, David Howell, told the House of Commons that the government’s failure to grant citizenship to this group left “an overall feeling—an aroma—of meanness”.<sup>59</sup> Sir Patrick Cormack, also a Conservative, used the term “moral obligation” to describe the situation and told the House of Commons that: “Moral obligations are real. What is morally wrong is never politically right. I

think that we made a mistake in not granting passports.”<sup>60</sup> The distinguished barrister, Sir Ivan Lawrence, yet another Conservative, could not understand “Why the United Kingdom Government are deliberately making it appear that they do not want to be seen to be magnanimous.”<sup>61</sup> The question of honour was developed in more detail by the Conservative businesswoman, Baroness O’Cathain who spoke of Britain’s “responsibility”:

We are talking about non-ethnic Chinese living in Hong Kong whose ancestors, let us recall, were taken to Hong Kong by the British founding fathers of the colony in the 1840s. About 2,000 Indian troops were there when the British flag was first raised in Hong Kong. They did not choose to go there; they were taken there by us. Since that time many of them have suffered as a result of their “British” nationality. They are regarded by the ethnic Chinese as British. During the Second World War some were taken to Japanese prisoner of war camps because they were perceived to be British. This House has great knowledge of the deprivation and the sheer horrors that occurred in those prisoner of war camps. We should remember that. They suffered alongside British prisoners. Their loyalty to the Crown was never in question. More of them served in the British Armed Forces. Again, their loyalty was never in question. And more of them gave sterling service to this country in the voluntary support services... Surely we in turn should show loyalty to them.<sup>62</sup>

Clearly, many right-wing Conservatives were still using an imperial discourse and the issue for them was one of *noblesse oblige*. Their vocabulary reflects this belief, for they talk of “duty” and “loyalty”. The British government has a duty to recognise and reward the past loyalty of the ethnic minorities. Major later said that there were many people in his own party who supported the government position but there is no sign of this in the records of parliamentary debate.<sup>63</sup> The other parties supported Willoughby de Broke’s bill and, indeed, there is not an enormous difference in their arguments. Paddy Ashdown of the Liberal Democrats, for example, called the government’s treatment of the non-ethnic minorities “disgraceful”.<sup>64</sup>

The Labour peer and celebrity lawyer, Lord Mishcon asserted that: “We shall lower the Union Jack on 30<sup>th</sup> June; please may it be done with honour.”<sup>65</sup> In the previous month, Robin Cook, Shadow Foreign Secretary, announced his own and his party’s support for granting them full citizenship. The arguments he used differed little from those put forward by the Conservative peers, although his language was less emotional:

The Labour party has written to the Prime Minister urging him to extend British citizenship now to that small group of people. Such a step would honour our obligation to them, because of their past contribution to our colony, and remove any uncertainty about their rights in future. I assured the Government that Labour would co-operate in facilitating the passage of such legislation. I repeat that offer.

He went on to say that “if a general election produces a Labour Government, we will be prepared to legislate to extend citizenship to the small Asian community of Hong Kong.”<sup>66</sup> Cook recognized that this would be difficult in the short time between 1 May and the handover unless the Conservatives cooperated with him.

Amazingly enough, the only participant in the House of Lords debate to speak against granting nationality was the government spokesperson and her only argument was to say that the government did not think such a bill necessary. The only real opposition, in fact, appears to have come from Michael Howard, the Home Secretary. Baroness Dunn attacked him directly:

On 15<sup>th</sup> July 1993, by a vote of 60 to 48, this House called upon the Government to give them full British citizenship. Those who supported the Motion spoke from all sides of the House and included two previous Governors of Hong Kong and a former Minister responsible for Hong Kong.

None of this has moved the Home Secretary. He has argued against granting full British citizenship on three main grounds: first, that this is not a special case; secondly, that giving them full citizenship would require legislation which is would be difficult to get through Parliament; and, thirdly, that existing arrangements give them sufficient protection.

None of these objections stands up to scrutiny.<sup>67</sup>

Lord Dubs, went even further:

My understanding is that the Bill is widely supported in this House and in the other place; it is supported by the present governor of Hong Kong and two previous governors; it is supported by the Chinese Government, LegCo and the bulk of public opinion itself. Who is against it? I know that the Government of this country speak with one voice. But if one looks behind that voice, there is reason to believe that there are many voices in government who would urge that this Bill be supported. I know the Minister cannot comment on that, but my understanding for some time has been that the only thing that stands in the way of the passage of this Bill is the Home Office... I suppose there is one other argument—let us be frank—

an election is coming. Is the Home Secretary nervous lest he be accused of being soft on immigration?<sup>68</sup>

It became clear that the bill was likely to pass in the House of Commons in spite of government opposition. Howard finally decided to give in and on 4 February 1997 announced that non-ethnic minorities would be given full British citizenship. The Home Office then almost completely rewrote Willoughby de Broke's bill, introducing requirements like the need for residence in Hong Kong before the date of his announcement and making it obligatory to register to become British subjects instead of having an automatic process. Willoughby de Broke accepted the changes graciously and with good humour:

One of the favourite expressions of the late Deng Xiaoping was, "It matters not what colour your cat is as long as it catches mice." So although the amendment before your lordships will substantially alter the original Bill, I am satisfied that even though the cat is a different sort of cat—a blow-dried, shampooed-and-set cat—it will still do its job and catch mice.<sup>69</sup>

At midnight on 30 June 1997, amidst the pouring rain, Hong Kong became a special administrative region of China. The event received massive coverage in the world press. After the handover, British policy became much more conciliatory towards China. In May 1995 Robin Cook made his first visit to Beijing. According to John Kampfner, he decided then that Labour's approach to China would differ from Chris Patten's.<sup>70</sup> Indeed, as Foreign Secretary, Cook would establish a policy of constructive engagement with China. As such, Britain did not back the annual resolution at the United Nations Commission on Human Rights which criticized China. During a 1999 visit to the U.K. by the Chinese president, the Labour government was criticised for using strong arm tactics to hide protesters. Cook also announced in January 1998 that he was "too busy" to meet a leading Chinese dissident, now resident in the United States, Wei Jingsheng. When Wei returned on a second visit, Cook felt obligated to meet him but, due to an apparent mix-up, the press arrived too late and no photos were taken.<sup>71</sup> Essentially Cook followed the E.U. line on China—to such an extent that it was often difficult to distinguish a separate British policy.<sup>72</sup>

Let us try now to evaluate the success or not of British policy. Major later wrote that Patten's actions eventually had the result of making the Chinese more amenable—notably on finally reaching an agreement on the new airport.<sup>73</sup> Major also insisted that the dispute had little or no effect on trade with China for exports to there doubled during Patten's term of

office. Still, China refused to accept the Patten reforms of 1992. As they had promised, they dissolved the elected Legislative Council and replaced it with a hand-picked Provisional Legislative Council. The Shanghai-born millionaire businessman, Tung Chee-hwa became Hong Kong's Chief executive. He also had been chosen by Beijing and possessed almost no political experience. In 2001 the popular Deputy Chief Executive Anson Chan, who had earlier assisted Patten, resigned under pressure from Beijing. The following year the Hong Kong administration tried to introduce an anti-subversion law, called Article 23. After widespread protests, the bill was withdrawn and, eventually, in 2005, Tung himself resigned. At the time of writing, the press remains free and the judiciary largely independent. Although democracy has not been achieved, civil liberties continue and the people of Hong Kong seem determined to defend them, frequently protesting in the streets. So perhaps Patten's gamble paid off. Britain did leave its last colony with a sense of honour and the colony has retained most of its old freedom (although it might have done so anyway). Let us, therefore, give the last word to Patten:

Was the consequence fatal for Hong Kong?... The condition of Hong Kong in 1997 answered that question better than I could ever have done. We had stood up for Hong Kong, belatedly honouring the promises made to it about freedom, democracy and the rule of law. Where were the fatalities? Had the roof fallen in on us?... Here was Hong Kong in the summer of 1997, richer than we could ever have believed possible, with a good government guaranteed its passage through the transition, with an independent judiciary enjoying the same guarantee, with a rich fabric of civil society, and with no disorder on the streets. The demonstrations, when they occurred, were politely directed against China, not Britain.<sup>74</sup>

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## Notes

<sup>1</sup> I would like to thank Barbara Cartwright and my husband, Henri Zuber, for his help with this article.

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<sup>2</sup> Chris Patten, *East and West* (London: Macmillan, 1998) 12.

<sup>3</sup> John Darwin, "Hong Kong in British Decolonisation" in *Hong Kong's Transitions, 1842-1997*, ed. Judith Brown and Rosemary Foot (Basingstoke: Macmillan, 1997) 117

<sup>4</sup> Robert Ash, et. al., eds., *Hong Kong in Transition: The Handover Years* (London: Macmillan, 2000) 188

<sup>5</sup> And even then in only a limited way. A relatively small number of MPs attended the major parliamentary debates on Hong Kong.

<sup>6</sup> Patten, 29

<sup>7</sup> *Ibid.*, 82

<sup>8</sup> Richard Luce, House of Commons Debates, 5/12/1984, 6th Series, vol. 69, col. 471

<sup>9</sup> John Major, *John Major: The Autobiography* (London: Harper Collins, 2<sup>nd</sup> edition, 2000) 119-20

<sup>10</sup> Although the Chinese continued for years to debate the terms of the Memorandum and delayed support for the project.

<sup>11</sup> David Chang and Richard Chuang, *The Politics of Hong Kong's Reversion to China* (Basingstoke: Macmillan, 1998) xvi. They ascribe the lack of voter participation either to apathy or to a belief that the election would have no effect on Hong Kong's future government.

<sup>12</sup> Mark Stuart, *Douglas Hurd: The Public Servant* (Edinburgh: Mainstream Publishing, 1998) 345-6.

<sup>13</sup> House of Commons Debates, 20/12/1989, 6<sup>th</sup> Series, vol. 164, col. 368

<sup>14</sup> Major, 506. Steve Tsang has shown how the colonial government of Hong Kong, by the 1980s, came closer than any purely Chinese government ever had to fulfilling Confucian ideals. Paradoxically, by this time it was not enough and as Major said, a real demand for democracy had arisen. See Steve Tsang, "Government and Politics in Hong Kong: A Colonial Paradox" in Brown and Foot.

<sup>15</sup> House of Commons Debates, 8/5/1992, 6<sup>th</sup> Series, vol. 207, col. 285

<sup>16</sup> *Ibid.*, 5/2/1992, 6<sup>th</sup> Series, vol. 203, col 283

<sup>17</sup> Patten, 52

<sup>18</sup> Jonathan Dimbleby, *The Last Governor: Chris Patten and the Handover of Hong Kong* (London: Little, Brown & Co., 1997) 90

<sup>19</sup> For more on this see Brian Hook, "National and International Interests in the Decolonisation of Hong Kong, 1946-97" in Brown and Foot.

<sup>20</sup> S. Strasser, *Newsweek*, November 23, 1992, 42-3

<sup>21</sup> "Patten's Chinese Torture", *The Economist*, December 5, 1992, 63

<sup>22</sup> "Dragon's Wrath", *The Financial Times*, December 2, 1992

<sup>23</sup> House of Commons Debates, 12/6/1996, vol. 279, col. 294

<sup>24</sup> "Beijing vs. Patten", *The Economist*, October 31, 1992, 15

<sup>25</sup> House of Commons Debates, 15/3/1993, vol. 220, col. 21

<sup>26</sup> *Ibid.*, 27/4/1995, vol. 258, col. 1028

<sup>27</sup> *Ibid.*, 27/4/1995, vol. 258, col. 1060

<sup>28</sup> *Ibid.*, 27/4/1995, vol. 258, col. 1066

<sup>29</sup> House of Lords Debates, 27/4/1996, vol. 571, col. 1198



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- <sup>30</sup> House of Commons Debates, 14/11/1996, vol. 285, col. 538
- <sup>31</sup> *Ibid.*, 14/11/1996, vol. 285, col. 527
- <sup>32</sup> *Ibid.*, 14/11/1996, vol. 285, col. 527
- <sup>33</sup> *Ibid.*, 12/3/1997, vol. 292, col. 341
- <sup>34</sup> *Ibid.*, 14/11/1996, vol. 285, col. 530
- <sup>35</sup> House of Lords Debates, 24/4/1996, vol. 571, col. 1208
- <sup>36</sup> *Ibid.*, 24/4/1996, vol. 571, col. 1215
- <sup>37</sup> *The Times*, December 28, 1995, 15
- <sup>38</sup> “Beijing vs. Patten”, *The Economist*, October 31, 1992, 15
- <sup>39</sup> Conversation with Christopher Patten 8 April 1999, Conversations with History, Institute of International Studies, University of California at Berkeley, <http://globetrotter.berkeley.edu/conversations/Patten/patten99-con3.html>
- <sup>40</sup> Patten, 92
- <sup>41</sup> House of Commons Debates, 27/4/95, vol. 258, col. 1024
- <sup>42</sup> *Ibid.*, 27/4/95, vol. 258, col. 1002
- <sup>43</sup> *Ibid.*, 14/11/96, vol. 285, cols. 533-4
- <sup>44</sup> Percy Cradock, *Experiences of China* (London: John Murray, new edition, 1999) 297-8
- <sup>45</sup> See “Sheriff Patten Comes to Town”, *The Economist*, November 14, 1992, 63
- <sup>46</sup> House of Commons Debates, 30/10/96, vol. 284, col 686
- <sup>47</sup> *Ibid.*, 27/4/95, vol. 258, col. 1009
- <sup>48</sup> *Ibid.*, 27/4/95, vol. 258, col 1012
- <sup>49</sup> Margaret Thatcher. *The Downing Street Years* (London: Harper Collins, 1993) 260
- <sup>50</sup> E. MacFarquahar, *U.S. News and World Report*, August 21, 1989, 36-7
- <sup>51</sup> Alastair Goodlad, House of Commons Debates, 18/10/1993, vol. 230, col. 125
- <sup>52</sup> Douglas Hurd, *Memoirs* (London: Little Brown, 2003) 478
- <sup>53</sup> House of Lords Debates, 24/4/1996, vol. 571, col. 1197
- <sup>54</sup> House of Commons Debates, 28/10/1996, vol. 284, col. 364
- <sup>55</sup> *Ibid.*, 9/7/1993, vol. 228, col. 647
- <sup>56</sup> House of Lords Debates, 12/12/96, vol. 576, col. 1212
- <sup>57</sup> *Ibid.*, col 1212
- <sup>58</sup> *Ibid.*, col. 1214
- <sup>59</sup> House of Commons Debates, 14/11/96, vol. 285, col. 519
- <sup>60</sup> *Ibid.*, 14/11/96, vol. 285, col. 551
- <sup>61</sup> *Ibid.*, 14/11/96, vol. 285, col. 560
- <sup>62</sup> House of Lords’ Debates, 12/12/96, vol. 576, col. 1220-1221
- <sup>63</sup> Major, 507
- <sup>64</sup> House of Commons Debates, 15/11/95, vol. 267, col. 40
- <sup>65</sup> House of Lords Debates, 12/12/96, vol. 576, col. 1218
- <sup>66</sup> House of Commons Debates, 14/11/96, vol. 285, col. 537
- <sup>67</sup> House of Lords Debates, 12/12/96, vol. 576, col. 1222
- <sup>68</sup> *Ibid.*, 12/12/96, vol. 576 cols. 1227-8
- <sup>69</sup> *Ibid.*, 13/3/97, vol. 579,, col. 495
- <sup>70</sup> John Kampfnier, *Robin Cook* (London: Phoenix, 1998) 218

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<sup>71</sup> For more on this see Kampfner.

<sup>72</sup> For more on this see Angela Bourne and Michelle Cini “Exporting the Third Way in Foreign Policy: New Lab, the EU and Human Rights Policy” in *New Labour’s Foreign Policy: A New Moral Crusade*, ed. Richard Little and Mark Wickham-Jones (Manchester: Manchester University Press, 2000)

<sup>73</sup> Major, 506

<sup>74</sup> Patten, 82