

# Firm foundations for the future

By **RT HON LORD HOWE OF ABERAVON CH QC**

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**LORD HOWE** served as Chancellor of the Exchequer (1979-83), as Foreign and Commonwealth Secretary (1983-89), and finally as Deputy Prime Minister and leader of the House of Commons (1989-90). He entered the House of Lords in July 1992. Educated at Winchester and Cambridge, he served as Chairman of the International Monetary Fund Interim Committee (1982-83) and attended eleven World Economic Summits (1979-89). He is president of the Great Britain-China Centre and sits on the FIRST Award judging panel.

I can vividly recall the day in 1973, when I first looked across the frontier with Governor Murray MacLehose, first of the four distinguished, distinctly diverse, holders of that office with whom I had the privilege to work. I remember how, on that distant day, Governor MacLehose and I peered — through binoculars, and through barbed wire — at ever watchful Chinese soldiers, in what then looked like a forbidding wilderness — which today we know as the City of Shenzhen.

Could anyone in those days even have dared to dream of the huge, indeed almost comprehensive, changes which have since taken place — far more on the other side of the frontier than in Hong Kong?

Well, mercifully — indeed almost miraculously, there was one great Chinese leader, who was doing just that. I have in mind, of course, none other than Deng Xiaoping, who was able to encapsulate his insight into the four little words, which were to set the scene for at least the next quarter of a century ‘One Country, Two Systems.’

And it is surely right, that we should continue to pay tribute, not just to Deng himself but also to those of his countrymen (not to mention our own), whose understanding, cooperation and indeed hard bargaining, transformed those four words into the 8,000 word Joint Declaration, which continues to shape Hong Kong’s destiny even today.

Of the many, who helped to shape that crucially balanced text — and all that has followed — I have, in mind, perhaps above all, my opposite number at the time, Foreign Minister Wu Xueqian. We were fortunate too that Wu’s successor, Qian Qichen, was equally committed to Hong Kong’s continuing success.

So too were two other important figures, whom we should certainly not forget — the two Prime Ministers, who came together in Beijing on December 19th 1984, to sign the Joint Declaration: Zhao Ziyang, whose wisdom had been steadily influential; and, of course, our own Margaret Thatcher — equally closely (and firmly) engaged in managing the negotiations. And, finally, the three shrewd leaders of Hong Kong opinion, with whom we consulted closely throughout the negotiations. I have in mind, in particular — alongside the then Governor, the late Sir Edward Youde — two leading members of EXCO: Baroness Dunn and Sir SY Cheung. I shall never forget their courageously expressed collective advice, that the Joint Declaration was an agreement that,

in their words, ‘you can commend to the people of Hong Kong in good conscience.’

And so, if I may say so without immodesty, it proved to be. But I do know — as well as anyone, I think — that there were indeed deeply anxious moments along the way, both before and after the hand-back date of 1st July 1997. The first, of course, was just three weeks before my last visit to Hong Kong as Foreign Secretary, in July 1989: the tragedy of Tiananmen Square. It was, the equivalent of a gathering at which I was shouted down — and, (understandably enough), made myself to feel as though I was a human lightning conductor for protestors’ dismay.

The Joint Declaration, I tried then to explain, was “designed for the bad times as well as for the good.” And even in those distressing times the Agreement came, gradually and already, as I believe, to be perceived as safe a foundation for Hong Kong’s future as could have been designed.

So too during the sequence of very different trials, which followed the hand-back date itself — the first all too swiftly, the Asian economic crisis (which no-one had predicted). That proved to be a real challenge to the credibility and effectiveness of Hong Kong’s economic autonomy. I had the privilege, not long after that crisis broke, of sitting in on a discussion between Chief Executive, Tung Chee Hwa, and the then Chairman of HSBC, Sir William Purves, and I was hugely re-assured by the fact that the SAR’s future was in such competent hands, as well as by the economic recovery and strength, which was to follow.

In much the same way, I think one can safely say, the former Territory found itself as well-managed as anyone could expect — autonomously, of course — through the epidemic and similar crises, which were to break in subsequent years. So much then for autonomy.

How about some of the other important criteria of success: respect for the Rule of Law and human rights, freedom for the media and, last but far from least, progress towards real democracy? I shall not attempt to review the state of play on each of those topics within Hong Kong itself. Instead, I shall focus for a line or two on what happened within the People’s Republic itself.

I start with the law and human rights — a topic, which I pursued tenaciously during my first visit to China itself, as long ago as 1978. As a result, we were unable ever to see a law court; and the only lawyers

we could meet were two or three elders, struggling to reconstruct a law faculty at Beijing University. Fourteen years later, I led a mission to China (appointed by John Major) specifically to discuss “matters of common interest, including human rights.” Four years later the NPC enacted a Criminal Procedure Act, which implemented three of our recommendations (I make no claim to credit for causation!): asserting the presumption of innocence, taking first steps towards a probation system and the availability of legal aid for (some at least of) those awaiting trial.

And during more recent years the Great Britain China Centre (of which I am the President) has been working closely with China on programmes to develop the rule of law, in particular in training young Chinese judges and on further reforms to criminal procedure, where greater balance and independence is beginning to be established. None of this, of course, can be attributed to the Joint Declaration. Nor can any of it be seen as establishing anything like perfection in the Chinese legal system.

But when considered alongside the degree of confidence (which already existed) in Hong Kong’s rule of law, it can certainly be seen as enhancing that reputation. For in Hong Kong itself the independent judiciary does indeed safeguard the rights and freedoms of the individual, which do lie at the heart of Hong Kong’s autonomous system. And the Territory’s Court of Final Appeal (which includes non-permanent judges from other common law jurisdictions) is internationally renowned.

Much the same can be said about media (and other) freedom of expression. As my successor as Foreign Secretary, Margaret Beckett, said in Beijing a few years later, “few would disagree that any healthy economy needs journalists and individuals who are free to point out problems without fear of reprisal.” China certainly has even now not yet achieved anything like the highest standards in that respect. But here too we may take comfort, even in Hong Kong itself, from the fact that media studies have been a regular subject for active discussion between our two countries.

Indeed, the Thomson Foundation, whose purpose is to promote and give training in journalistic freedom — and of which, I was Chairman until quite recently — has been conducting courses in partnership with Xinhua for many years. I cite this too not for one moment to suggest that perfection has been reached. It will take many years for Chinese political leaders (or even our own, I must acknowledge) to absorb the important advice, given years ago by a distinguished French politician, “the most important qualification for statesmanship is indifference to newspapers.” But the seed of such tolerance has been planted. And in Hong Kong itself, as I believe, this is still a vigorous plant.

And so, finally, to the topic of democratic government

— of universal suffrage indeed. This, I know, is the basis not just of the Joint Declaration but also of the Basic Law (itself the subject of intense consultation at the time), which sought to embody the Joint Declaration into Chinese law.

I drew real satisfaction at the time — and still do so today — from several important features of those two documents. First that Hong Kong’s Special Administrative Region should “enjoy a high degree of autonomy” and that “the Executive Authorities” of the Region should “be accountable to the legislature,” which should “be constituted by elections.” Clearest of all is the provision in the Basic Law that “the ultimate aim is the election of all the members of the Legislative Council by universal suffrage,” an objective to be achieved “in accordance with the principle of gradual and orderly progress.”

So it is encouraging to note that Hong Kong’s Legislative Council last year supported the Government’s proposed changes to existing electoral arrangements for next year. These will involve enlargement in 2012 not only of the Legislative Council itself but also of the Chief Executive Election Committee. The additional “functional members” are to be elected by the general public.

And even more interesting has been an important, and quite recent, statement by Hong Kong’s present, long-serving and respected Chief Executive, The Hon. Donald Tsang GBM. In his Address last Autumn (13 October 2010) he expressed his own hope that Hong Kong will now be “preparing the way for universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020.”

Let us all join in wishing him well for the fulfilment of his hope.

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Leaders of China and Britain stand to attention following the hoisting of the Chinese flags at the handover ceremony in 1997

