

FUTURE OF HONG KONG - ADVANCE COPIES

16

42A

PS (6)  
PS/PUS  
PS/MR LUCE  
MR WILSON  
HD/HKD  
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COPIES TO:  
MR COLES, NO. 10 DOWNING ST  
MR ROBERTS, NEWS DEPT  
SIR PERCY CRADOCK

RESIDENT CLERK

IMMEDIATE

SECRET

DESKBY FCO 100930Z  
DESKBY HONG KONG 100430Z  
FM PEKING 100330Z MAR 84  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 402 OF 10 MARCH  
INFO IMMEDIATE HONG KONG

ADVANCE COPY

MT

FUTURE OF HONG KONG: DINNER WITH ZHOU NAN.

1. GALSORTHY AND I SPENT FOUR AND A HALF HOURS WITH ZHOU, WHO WAS ONLY ACCOMPANIED BY AN INTERPRETER AND A NOTETAKER. WE TALKED SHOP ALMOST THROUGHOUT.
2. ZHOU REACTED ENCOURAGINGLY TO YOUR PROPOSAL TO VISIT CHINA. HE LISTENED VERY CAREFULLY TO WHAT I HAD TO SAY ABOUT THE TIMETABLE. HIS QUESTIONING THEN FOCUSED, AS I HAD EXPECTED, ON WHY IT WOULD NOT BE POSSIBLE TO COMPLETE WORK ON A DRAFT AGREEMENT, AND TO GIVE PARLIAMENT ENOUGH TIME TO CONSIDER THE DRAFT, BEFORE JULY AND WHY THE INTERVAL BETWEEN SIGNATURE AND RATIFICATION WOULD NEED TO BE SO LONG. AS WE LEFT, HE SAID THAT OUR TIMETABLE WAS NOT CONSISTENT WITH WHAT THE CHINESE HAD SAID ABOUT THEIR SEPTEMBER DEADLINE. WE SHALL NEED TO WORK HARD TO GET THE CHINESE TO UNDERSTAND, AND ACCEPT, THE CONSTRAINTS WHICH GOVERN OUR TIMETABLE.
3. ZHOU'S OWN PRINCIPAL PURPOSE WAS TO DEMONSTRATE THAT THE CHINESE ARE STILL ON THE WARPATH ABOUT MR LOBO'S MOTION. HE RETURNED TO THE SUBJECT AGAIN AND AGAIN DURING THE EVENING. HE CLEARLY THREATENED A STRONG CHINESE REACTION IF THE MOTION WERE DEBATED AND CARRIED. WHAT THE CHINESE SEEM TO SEE BEHIND THE MOTION IS SOME KIND OF CONSPIRACY TO ESTABLISH A VETO IN HONG KONG OVER THE OUTCOME OF THE TALKS, ITSELF INSPIRED BY A DESIRE TO SLOW DOWN THE NEGOTIATION AND PERHAPS EVEN TO PREVENT A SUCCESSFUL OUTCOME.
4. AFTER MUCH DISCUSSION, WE ENDED WITH A STAND-OFF ABOUT THE COMPOSITION OF OUR DELEGATION. WE ARE NOT OUT OF THE WOOD OVER THIS EITHER.
5. SEE MY FIVE IFTS.

EVANS



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MY SECOND IPT: FUTURE OF HONG KONG: DINNER WITH ZHOU NAN:  
LEGCO MOTION

1. ZHOU NAN RAISED THE SUBJECT OF THE LOBO MOTION IN LEGCO AT THE OUTSET AND KEPT RETURNING TO IT THROUGHOUT DINNER. HE SPOKE WITH SOME HEAT.
2. ZHOU SAID THAT HE HAD ALREADY SPOKEN TO ME FORMALLY ABOUT THE LOBO MOTION. WHAT WERE THE PROSPECTS AND HOW DID THE BRITISH SIDE PROPOSE TO HANDLE THIS PROBLEM? I CONFIRMED THAT I HAD REPORTED WHAT HE HAD SAID TO ME ON 1 MARCH AND SAID THAT I HAD RECEIVED NO FURTHER INSTRUCTIONS ON THE MATTER. I COULD, HOWEVER, REASSURE HIM THAT THERE WOULD BE NO BREACH OF THE PRINCIPLE OF CONFIDENTIALITY.
2. ZHOU SAID THAT THE TWO SIDES SHOULD BE PARTNERS NOT OPPONENTS. THE CHINESE SIDE COULD NOT UNDERSTAND WHY THIS MOTION SHOULD SUDDENLY APPEAR OUT OF THE BLUE. HE DID NOT THINK IT COULD BE AN ACCIDENT. IF MR LOBO HAD NOT HAD THE SUPPORT OF POWERFUL PEOPLE HE WOULD NOT HAVE RAISED THE MATTER. HE WONDERED WHAT HIS REAL PURPOSE WAS IN SO DOING. IF THE MOTION WERE APPROVED IN ITS PRESENT FORM, IT WOULD INEVITABLY INTERFERE WITH THE SMOOTH PROGRESS OF THE TALKS AND ADVERSELY AFFECT THE STABILITY AND PROSPERITY OF HONG KONG. FURTHERMORE IT WOULD INEVITABLY BREACH CONFIDENTIALITY AND DE FACTO LEAD TO THE CREATION OF THE THREE LEGGED STOOL. THIS WAS UNACCEPTABLE TO CHINA.
3. ZHOU WENT ON TO SAY THAT HE WAS PARTICULARLY CONCERNED ABOUT THE OFFICIAL ATTITUDE OF THE BRITISH SIDE. MR LOBO APPEARED TO HAVE HAD THE SUPPORT OF THE BRITISH HONG KONG AUTHORITIES. MR LUCE ALSO APPEARED TO HAVE WELCOMED THE MOTION. THERE WERE A NUMBER OF REMARKS MADE BY MR LUCE IN HONG KONG WHICH THE CHINESE GOVERNMENT COULD NOT AGREE, FURTHERMORE, MR MCLAREN WAS REPORTED AS HAVING SAID ON 6 MARCH THAT THE LOBO MOTION WOULD CERTAINLY BE SUPPORTED BY LEGCO. THERE WERE ALSO CERTAIN PEOPLE WHO WERE URGING VARIOUS ORGANISATIONS TO CONTACT LEGCO MEMBERS AND TO PERSUADE THEM TO CALL FOR THE PUBLICATION OF THE CONTENTS OF THE TALKS.

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THE CHINESE SIDE WAS COMPLETELY IN THE DARK AS TO THE PURPORT OF ALL THIS. BUT IT WAS CLEARLY NOT GOING TO BE CONDUCTIVE TO



~~OF ALL THIS. BUT IT WAS CLEARLY NOT GOING TO BE CONDUCTIVE TO~~  
THE TALKS. WAS IT THE BRITISH HONG KONG AUTHORITIES OR THE  
AUTHORITIES IN LONDON OR BOTH WHO HAD SET THIS IN MOTION?

5. I SAID THAT THE MOTION HAD BEEN GENERATED AMONG THE UNOFFICIAL  
MEMBERS OF LEGCO. THEY HAD THEIR OWN VIEWS TO WHICH I WAS NOT  
PRIVY AND I COULD NOT INTERPRET THEIR ACTIONS. THE BRITISH  
AUTHORITIES IN HONG KONG OPERATED UNDER THE CONSTITUTIONAL  
ARRANGEMENTS OF HONG KONG. ANY UNOFFICIAL MEMBER OF LEGCO COULD  
PUT DOWN A MOTION ON ANY SUBJECT. I ASSUMED THAT THE GOVERNOR'S  
VIEW HAD BEEN THAT TO TRY TO BLOCK THE TABLING OF SUCH A MOTION  
WOULD HAVE BEEN TOTALLY COUNTER-PRODUCTIVE IN TERMS OF THE  
STABILITY AND PROSPERITY OF HONG KONG. THERE MUST BE SOME  
WAY FOR PEOPLE TO EXPRESS THEIR VIEWS, AND TO ATTEMPT TO SUPPRESS  
THE MOTION WOULD HAVE CREATED GREAT EMOTION. THE PRESENT MOTION  
WAS PROCEDURAL, NOT SUBSTANTIVE. I ASKED ZHOU TO CONSIDER WHAT  
THE CONSEQUENCES FOR THE TALKS MIGHT HAVE BEEN IF THE GOVERNOR  
HAD ATTEMPTED TO LEAN ON UNOFFICIAL MEMBERS OF LEGCO IN ORDER  
TO PREVENT THEM PUTTING FORWARD THEIR MOTION. I ADDED THAT THE  
MOTION LOOKED FORWARD TO A TIME WHEN THE TALKS BETWEEN DELEGATIONS  
IN PEKING ON A DRAFT AGREEMENT WOULD BE COMPLETE AND THE RESULTS  
OF THOSE TALKS PUBLISHED.

6. ZHOU SAID THAT HE FOUND IT DIFFICULT TO BELIEVE THAT THE BRITISH  
GOVERNMENT WAS A NON-ACTOR IN ALL OF THIS. THE GOVERNOR OF HONG  
KONG PRESIDED OVER BOTH LEGCO AND EXCO AND HAD THE POWER TO  
PREVENT ANY MOTION FROM BEING ADOPTED, OR TO AMEND IT. HOW  
COULD THE BRITISH AUTHORITIES FACILITATE DISCUSSION IN LEGCO  
WITHOUT REVEALING THE CONTENTS OF THE TALKS?

7. I REPLIED THAT THERE WAS A DISTINCTION BETWEEN THE CONTENTS  
OF THE TALKS AND THE RESULTS.

8. ZHOU SAID THAT CHINA WAS TOTALLY OPPOSED TO THE CONCEPT  
OF THE THREE LEGGED STOOL, OR TO ALLOWING ANY IMPRESSION OF  
A THREE LEGGED STOOL TO BE CREATED. THE TALKS WERE BETWEEN THE  
CHINESE AND BRITISH GOVERNMENTS AND NO THIRD PARTY COULD INTERVENE.  
THIS PRINCIPLE WAS AS IMPORTANT AS THE PRINCIPLES OF SOVEREIGNTY  
AND ADMINISTRATION. WE SHOULD UNDERSTAND THE LIMITS AND SHOULD  
NOT GO BEYOND THEM. HE HOPED THE BRITISH GOVERNMENT WOULD TAKE  
WHAT HE HAD SAID SERIOUSLY AND HANDLE THE MATTER PRUDENTLY.  
OTHERWISE THERE WOULD BE INTERFERENCE WITH THE SMOOTH PROGRESS  
OF THE TALKS. THE CHINESE SIDE WOULD BE FORCED TO REACT.  
IT WOULD NOT BE THE CHINESE SIDE WHICH HAD CREATED OR PROVOKED  
THIS. ZHOU REPEATED AT A LATER STAGE IN THE EVENING WITH SOME  
FORCE THE THREAT THAT THE CHINESE SIDE WOULD BE OBLIGED TO REACT.  
HE ALSO SAID THAT CERTAIN PEOPLE MIGHT TRY TO TAKE ADVANTAGE OF  
THE LOBO MOTION TO TRY TO DRAG OUT THE TALKS.

9. I REPEATED THAT IT WOULD NOT HAVE BEEN POSSIBLE FOR THE  
BRITISH AUTHORITIES TO SUPPRESS DEBATE ON THIS MATTER IN HONG KONG  
AND THAT THERE WAS NO DANGER THAT THE DEBATE ON 14 MARCH WOULD  
LEAD TO A REVELATION OF THE CONTENTS OF THE TALKS.

EVANS



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MY THIRD IPT: FUTURE OF HONG KONG: DINNER WITH ZHOU NAN:  
COMPOSITION OF DELEGATION

1. ZHOU HIMSELF RAISED THE SUBJECT. HE SAID THAT IT WAS VERY NATURAL THAT CHINA SHOULD LINK OUR PROPOSAL TO BRING THE ATTORNEY GENERAL OR SECRETARY (GENERAL DUTIES) TO PEKING IN THE DELEGATION WITH THE LOBO MOTION. HE THOUGHT THAT ANY IMPARTIAL BYSTANDER WOULD HAVE DONE THE SAME. ALTHOUGH THE BRITISH GOVERNMENT MIGHT NOT HAVE SEEN IT IN THAT LIGHT IT WAS BOUND TO HAVE BEEN SO SEEN.
2. I ASSURED ZHOU THAT THERE WAS NO SUCH LINK. WE HAD MERELY CONSIDERED THAT IT WOULD BE USEFUL FOR THESE PEOPLE TO BE PRESENT IN THE NEGOTIATIONS. I SAID HOWEVER THAT I UNDERSTOOD THAT THE CHINESE GOVERNMENT MIGHT BE ANXIOUS THAT THE DELEGATION SHOULD NOT SEEM TO BE TOO WEIGHTED IN FAVOUR OF OFFICIALS FROM HONG KONG. IN THE CIRCUMSTANCES, WOULD IT BE HELPFUL IF WE WERE TO LEAVE OUT MCLAREN FOR THE 11TH ROUND AND PUT IN EITHER THE ATTORNEY GENERAL OR THE SECRETARY (GENERAL DUTIES) IN HIS PLACE.
3. ZHOU INDICATED THAT THIS WOULD NOT MEET CHINESE CONCERNS. HE SUGGESTED THAT THERE WAS A QUALITATIVE DIFFERENCE BETWEEN THE GOVERNOR AND THE POLITICAL ADVISER AND THE OTHER OFFICIALS MENTIONED, USING THE SAME ARGUMENTS AS THOSE USED EARLIER BY LUO JIAHUAN (MY TELNO 397). WITH ALL THE EXCITEMENT OVER THE LOBO MOTION, THERE WAS NO QUESTION THAT MR LOBO AND HIS SUPPORTERS WOULD SEE THE INCLUSION OF SENIOR OFFICIALS FROM THE HONG KONG GOVERNMENT IN THE DELEGATION TEAM AS GIVING LEGITIMACY TO THEIR THESIS OF A THREE LEGGED STOOL.
4. ON THE OTHER HAND, THE CHINESE SIDE UNDERSTOOD THAT THE BRITISH SIDE MIGHT NEED A LEGAL EXPERT, THOUGH THEY WERE PUZZLED WHY WE APPARENTLY THOUGHT THAT NOT ONLY THE ATTORNEY GENERAL, BUT THE SECRETARY (GENERAL DUTIES) COULD FULFIL THIS ROLE. THE LATTER WAS NOT A LAWYER. HOWEVER THE CHINESE SIDE THOUGHT THAT IT WOULD BE BEST FOR THE BRITISH SIDE TO SEND AN EXPERT



~~THAT IT WOULD BE BEST FOR THE BRITISH SIDE TO SEND AN EXPERT FROM LONDON.~~

5. I SAID THAT IT WAS CERTAINLY NOT OUR INTENTION TO PROVOKE A ROW WITH THE CHINESE. THE FACT WAS THAT WE NEEDED ADDITIONAL EXPERTISE IN THE DELEGATION SEMICOLON ALTHOUGH ONE ASPECT ON WHICH EXPERTISE WAS LIKELY TO BE NEEDED WAS LEGAL IT WAS NOT THE ONLY ASPECT. MORE IMPORTANT, THERE WAS A POINT OF PRINCIPLE AT STAKE: IN DELEGATIONS FROM SOVERIGN STATES EACH SIDE SHOULD ~~HAVE FREEDOM~~

~~STAKE. IN DELEGATIONS FROM SOVERIGN STATES EACH SIDE SHOULD~~ HAVE FREEDOM TO CHOOSE THE MEMBERSHIP OF ITS DELEGATION. THIS PROBLEM COULD NOT POSSIBLY HAVE ARISEN IF THE TALKS HAD BEEN IN A NEUTRAL PLACE, OR INDEED IN LONDON, SINCE WE CERTAINLY WOULD NOT HAVE IMPEDED THE CHINESE FROM BRINGING WHO THEY WISHED.

6. ZHOU SAID THAT THE CHINESE WOULD NOT HAVE RAISED ANY OBJECTIONS TO OFFICIALS FROM THE EMBASSY OR FROM THE UNITED KINGDOM. HOWEVER AT THE OUTSET SIR PERCY CRADOCK HAD ASKED THE CHINESE SIDE IF THEY WOULD AGREE TO THE GOVERNOR AND POLITICAL ADVISER ATTENDING AND THEY HAD AGREED. THE CONSIDERATION HAD BEEN THAT THE GOVERNOR WAS THE QUEEN'S REPRESENTATIVE AND THE POLITICAL ADVISER WAS FROM THE FOREIGN AND COMMONWEALTH OFFICE. THE SAME FACTORS DID NOT APPLY TO THE OTHER OFFICIALS NAMED. THE CHINESE SIDE ALSO DID NOT WANT A ROW OVER THIS: BOTH SIDES HAD A COMMON LONG TERM INTEREST IN THE SUCCESSFUL CONCLUSION OF THE TALKS.

7. I REINTERATED THAT IT WOULD BE VERY DIFFICULT FOR BRITISH MINISTERS TO ACCEPT THAT THERE SHOULD BE THIS KIND OF LIMITATION ON THEIR FREEDOM TO CHOOSE THEIR DELEGATION. THIS WAS A POINT OF PRINCIPLE: AND IT MIGHT BE SAID TO BE A COROLLARY OF A CHINESE POINT OF PRINCIPLE SEMICOLON THAT THE NEGOTIATION WAS BETWEEN TWO SOVEREIGN STATES.

8. ZHOU REITERATED THAT THIS WAS A SPECIAL SITUATION. CHINA HAD TO TAKE ACCOUNT OF THE BRITISH ADVOCACY OF THE THREE LEGGED STOOL AND THE SUPPORT THAT OUR PROPOSAL WOULD GIVE TO THE IDEA OF THE THREE LEGGED STOOL. HE ARGUED AT LENGTH THAT THE INCLUSION OF THE GOVERNOR AND POLITICAL ADVISER GAVE SUFFICIENT PURELY HONG KONG EXPERTISE: LEGAL EXPERTISE COULD SURELY COME FROM ELSEWHERE.

9. FINALLY ZHOU AGREED THAT HE WOULD REFLECT FURTHER. HE ALSO ASKED US TO REFLECT FURTHER ON WHAT HE HAD SAID.

EVANS

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 FM PEKING 100330Z MAR 84  
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 IMMEDIATE

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MY FOURTH IPT: FUTURE OF HONG KONG; DINNER WITH ZHOU NAN;  
 STRATEGY AND TIMETABLE

1. I SPOKE TO ZHOU NAN AS INSTRUCTED IN YOUR TELNOS 191 AND 198. ON RATIFICATION, I SAID THAT IT WOULD BE NECESSARY TO COMPLETE THE NECESSARY LEGISLATION IN BOTH COUNTRIES BEFORE INSTRUMENTS OF RATIFICATION COULD BE EXCHANGED, AND THAT THE DURATION OF THIS STAGE WOULD DEPEND ON THE LENGTH OF TIME REQUIRED FOR THESE PROCEDURES. I SAID SPECIFICALLY THAT THE NECESSARY PROCEDURES ON THE CHINESE SIDE WOULD PRESUMABLY INCLUDE THE PASSING OF THE BASIC LAW.
2. ZHOU ARGUED BOTH ABOUT THE TIMING OF SIGNATURE AND THE TIMING OF RATIFICATION.
3. ON SIGNATURE, HE SAID THAT IT SHOULD BE POSSIBLE TO PRODUCE A DRAFT OF A FINAL AGREEMENT BY JUNE, SO THAT IT COULD BE PUBLISHED AND DEBATED BY THE BRITISH PARLIAMENT BEFORE THE RECESS. THIS WOULD ALLOW SIGNATURE TO TAKE PLACE IN SEPTEMBER, AS THE CHINESE SIDE HAD ENVISAGED. THE CHINESE SIDE HAD SAID IN PUBLIC THAT THEY WANTED SIGNATURE OF AN AGREEMENT BEFORE SEPTEMBER. THERE WAS THEREFORE A QUESTION OF CREDIBILITY. THE CHINESE SIDE HAD ALSO SAID THAT IT DID NOT WISH TO SEE A UNILATERAL STATEMENT OR ANNOUNCEMENT. HE DID NOT THINK THAT DISCUSSION OF ITEMS TWO AND THREE OF THE AGENDA WOULD TAKE TOO LONG. AT SOME STAGE DURING THE PROCESS OF THIS DISCUSSION, WE WOULD LET THE CHINESE HAVE OUR IDEAS ON A DRAFT AGREEMENT AND THEY WOULD LET US HAVE THEIRS.
4. I SAID THAT I THOUGHT IT RATHER UNLIKELY THAT WE WOULD BE ABLE TO COMPLETE WORK ON A DRAFT TEXT BY JUNE. BUT EVEN IF WE COULD, IT WOULD BE ESSENTIAL TO AVOID GIVING THE APPEARANCE OF RUSHING PARLIAMENT. THIS MEANT THAT THERE MUST BE A REASONABLE INTERVAL BETWEEN PUBLICATION OF A DRAFT TEXT AND DEBATE. WE DID NOT THINK THIS WOULD BE POSSIBLE BEFORE THE PARLIAMENTARY RECESS. IN PARTICULAR, THE FIRST QUESTION WHICH ANYONE IN PARLIAMENT WOULD ASK WOULD BE ABOUT THE REACTION IN HONG KONG. THERE MUST THEREFORE BE TIME FOR THE PEOPLE IN HONG KONG TO STUDY A DRAFT AGREEMENT AND REACT TO IT. WE KNEW CHINESE VIEWS ON WHAT THEY CALLED THE THREE LEGGED STOOL, BUT IT WAS A POLITICAL REALITY THAT THE REACTION OF PEOPLE IN HONG KONG WOULD MATTER, PARTICULARLY TO PARLIAMENT. I PERSONALLY THOUGHT THAT IF AN AGREEMENT APPEARED ACCEPTABLE IN HONG KONG, IT WAS UNLIKELY THAT THE BRITISH PARLIAMENT WOULD OBJECT TO IT. HOWEVER, UNFAVOURABLE REACTION IN HONG KONG COULD PRODUCE QUITE A DIFFERENT OUTCOME.
5. PREDICTABLY, ZHOU SAID THAT HE COULD NOT AGREE THAT PEOPLE IN HONG KONG SHOULD HAVE A SAY IN THE CONCLUSION OF AN AGREEMENT BETWEEN THE TWO COUNTRIES. HE NOTED THAT MR LUCE HAD MENTIONED THE IDEA OF A REFERENDUM. HE WISHED TO SAY THAT SUCH AN IDEA WAS TOTALLY OUT OF THE QUESTION. I SAID THAT I DID NOT THINK THE



~~TOTALLY OUT OF THE QUESTION. I SAID THAT I DID NOT THINK THE~~  
BRITISH GOVERNMENT WAS COMMITTED TO HAVING A REFERENDUM. HOWEVER,  
IT WAS A FACT THAT PARLIAMENT WOULD NEED TO KNOW THE REACTION  
IN HONG KONG BEFORE COMMITTING ITSELF.

6. ZHOU KEPT REPEATING THAT A PARLIAMENTARY DEBATE BEFORE THE  
RECESS SHOULD BE POSSIBLE. IF WE WERE SAYING THAT IT WAS NOT  
POSSIBLE, IT LOOKED AS THOUGH WE WERE DETERMINED TO DRAG OUR FEET.  
WE STRONGLY DENIED THAT THIS WAS THE CASE AND ASKED HIM WHAT  
ADVANTAGE HE THOUGHT WE COULD POSSIBLY GAIN FROM PROLONGING  
MATTERS BY SOME TWO TO THREE MONTHS, WHICH WAS ALL THAT WAS  
PROPOSED. THIS POINT SEEMED TO MAKE SOME IMPRESSION.

7. ZHOU ALSO SHOWED SOME PERPLEXITY AT THE IDEA OF PUBLISHING  
AN UNSIGNED DRAFT TEXT. HE SAID THAT THE LEGAL STATUS OF SUCH A  
DOCUMENT WOULD BE QUITE UNCLEAR. I SAID THAT ON THE CONTRARY  
IT WOULD BE CLEAR: IT WOULD BE A DRAFT AGREEMENT. IT WAS NOT  
POSSIBLE TO HAVE A DEBATE IN PARLIAMENT UNLESS A DOCUMENT WAS  
FIRST PUBLISHED, AND IT WAS IMPOSSIBLE TO SIGN SUCH A DOCUMENT  
WITHOUT A DEBATE IN PARLIAMENT.

8. ON RATIFICATION, ZHOU REACTED STRONGLY TO THE IDEA THAT  
RATIFICATION SHOULD NOT TAKE PLACE UNTIL THE BASIC LAW HAD BEEN  
FORMULATED. THIS MIGHT TAKE YEARS. SURELY THE PARLIAMENTARY  
DEBATE WHICH WE WERE PROPOSING TO HOLD WOULD GIVE AUTHORITY  
TO THE GOVERNMENT TO COMPLETE THE AGREEMENT. WE EXPLAINED AT  
LENGTH THAT NORMAL PRACTICE IN INTERNATIONAL AGREEMENTS WAS NOT  
TO EXCHANGE INSTRUMENTS OF RATIFICATION UNTIL ALL THE NECESSARY  
LEGISLATIVE PROCEDURES HAD BEEN COMPLETED IN BOTH COUNTRIES.

9. ZHOU SAID THAT HE COULD NOT UNDERSTAND WHY WE WISHED  
TO WAIT SO LONG. WAS IT BY ANY CHANCE THAT WE DID NOT  
TRUST CHINA TO PRODUCE A BASIC LAW IN ACCORDANCE WITH THE  
AGREEMENT. WERE OUR REASONS LEGAL OR POLITICAL? I SAID THAT THEY  
WERE BOTH. HOWEVER, WHAT WE WERE PROPOSING WAS ABSOLUTELY  
NORMAL IN INTERNATIONAL AGREEMENTS. ZHOU SAID THAT IT WAS  
NECESSARY TO HAVE AN AGREEMENT IN PLACE BEFORE THE BASIC LAW  
COULD BE DRAFTED. THE AGREEMENT WOULD ALSO HAVE TO DEAL WITH THE  
TRANSFER OF SOVEREIGNTY. AN AGREEMENT WHICH DID NOT INCLUDE  
THIS WAS INCONCEIVABLE. WE SAID THE AGREEMENT WOULD BE IN PLACE.  
IT WOULD MERELY NOT HAVE BEEN RATIFIED.

10. ZHOU SAID THAT WE SHOULD NOT THINK THAT THERE WOULD BE A  
PROBLEM INCLUDING IN THE BASIC LAW MATTERS THAT HAD BEEN AGREED  
IN THE BILATERAL AGREEMENT. IN FACT, THE CHINESE WERE THINKING  
OF INCLUDING IN THE BILATERAL AGREEMENT A PHRASE TO THE EFFECT  
THAT THE BASIC LAW WOULD NOT AND SHOULD NOT CONFLICT WITH THE  
BILATERAL AGREEMENT.

11. THIS ARGUMENT WAS PURSUED FOR ABOUT AN HOUR, BUT THE  
ABOVE WERE THE ESSENTIAL POINTS THAT WERE MADE. AT THE CONCLUSION,  
ZHOU SAID THAT HE WAS VERY GRATEFUL THAT WE HAD PUT OUR IDEAS  
ON THE TIMETABLE FRANKLY TO THE CHINESE SIDE. HE WOULD THINK  
ABOUT THEM VERY CAREFULLY. HOWEVER, WE SHOULD BE IN NO DOUBT  
THAT WHAT WE WERE PROPOSING CONFLICTED WITH THE CHINESE VIEW  
THAT AN AGREEMENT SHOULD BE COMPLETED BY SEPTEMBER. I POINTED  
OUT THAT THEY WERE BEING OFFERED A JOINT ANNOUNCEMENT IN  
SEPTEMBER WITH THE PUBLICATION OF A DRAFT AGREEMENT. HE SAID THAT  
THIS WAS NOT WHAT THEY HAD HAD IN MIND.

EVANS

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