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TO IMMEDIATE FCO

TELEGRAM NUMBER 865 OF 30 MARCH

INFO IMMEDIATE PEKING

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PEKING TELNO 589: FUTURE OF HONG KONG: NATIONALITY

1. THE APPROACH WHICH HMG WILL NOW ADOPT TO THE QUESTION OF NATIONALITY IN THE LIGHT OF THE CHINESE REACTION, WILL BE SEEN HERE (AND NOT ONLY BY EXCO) AS A TOUCH-STONE OF HMG'S DETERMINATION TO CARRY OUT THEIR OBLIGATIONS TO THE PEOPLE OF HONG KONG. AT YESTERDAY'S EXCO MEETING MEMBERS REFERRED TO THE ISSUE IN THE CONTEXT OF THE 'MORAL COMMITMENT' MADE BY THE P.M. DURING HER VISIT IN SEPTEMBER 1982. THEY SEE A SATISFACTORY RESOLUTION OF THIS ISSUE AS CRUCIAL TO THE ACCEPTABILITY IN HONG KONG OF THE WIDER ARRANGEMENTS ON THE FUTURE: AND BELIEVE THAT IF THERE IS ANY SIGN OF HMG ALLOWING AN EROSION OF THE RIGHTS ACCORDED TO HONG KONG'S BDTCS IN THE BNA THERE WILL BE A STRONG ANTI-BRITISH REACTION IN HONG KONG GENERALLY.

2. THE QUESTION THEREFORE FALLS INTO TWO PARTS:

(A) WHAT HMG PROPOSE TO DO: AND

(B) WHAT THE CHINESE CAN BE BROUGHT TO ACCEPT.

3. WHEN THE EXCO UNOFFICIALS VISIT LONDON NEXT WEEK THERE WILL CERTAINLY BE NO DISPOSITION TO AGREE THAT HMG SHOULD SIMPLY READJUST THEIR POSITION TO MEET WHAT THE CHINESE HAVE SAID. UNOFFICIALS WILL BE LOOKING FOR AN ASSURANCE THAT HMG WILL NOT AGREE TO ANY EROSION OF BDTCS RIGHTS AND THAT THE DELEGATION, AND IF NECESSARY THE S OF S, WILL CONTINUE TO URGE THE CHINESE TO THINK AGAIN. THIS WOULD MEAN INSISTING THAT THE CHINESE GIVE GREATER RECOGNITION TO THE 'HISTORICAL CIRCUMSTANCES' TO WHICH THE CHINESE THEMSELVES HAVE REFERRED, AND UNDER WHICH HONG KONG HAS BEEN A BRITISH TERRITORY FOR 150 YEARS: AND GETTING THEM TO RECOGNISE THAT AN UNDERSTANDING OF THE STRONG FEELINGS OF MANY PEOPLE IN HONG KONG ON THIS ISSUE WILL PAY CONSIDERABLE DIVIDENDS IN MAKING THE TRANSITION IN 1997 MORE PALATABLE TO SUCH PEOPLE.

4. THIS MEANS THAT FOR ITS PART HMG WILL NEED TO STAND BY ITS INTENTION TO PRESERVE THE STATUS AND RIGHTS OF BDTCS UNDER A NEW CATEGORY OF CITIZENSHIP WITHIN BRITISH NATIONALITY: AND ISSUE THEM WITH PASSPORTS APPROPRIATE TO THEIR STATUS.

5. IT WILL ALSO MEAN EXAMINING WHETHER THE CATEGORY OF BRITISH NATIONAL: HONG KONG CITIZEN COULD BE CREATED WITHIN BRITISH LAW IRRESPECTIVE OF WHETHER SUCH CITIZENSHIP IS CREATED IN CHINESE LAW. (THE CHINESE APPARENTLY INTEND TO CREATE IT IN ALL BUT NAME). IF IT IS CREATED BEFORE 1997 AS THE CHINESE SEEM TO SUGGEST SHOULD BE DONE THERE WOULD BE NO NEED TO ADD THE WORDS 'CHINA' AFTER HONG KONG.

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6. IT WILL ALSO INVOLVE CONTINUING TO ARGUE WITH THE CHINESE THAT THEY SHOULD NOT CONTEST THE ISSUE OF SUCH PASSPORTS IN HONG KONG AFTER 1997: AND SHOULD ALLOW THE USE OF THE NEW PASSPORTS FOR TRAVEL INTO AND OUT OF HONG KONG, IF NECESSARY IN CONJUNCTION WITH AN IDENTITY CARD, BOTH TO THE GENERATION ENTITLED TO THEM IN 1997 AND THE FIRST SUCCEEDING GENERATION.

7. THIS MAY SEEM A TALL ORDER, BUT I CANNOT EMPHASISE TOO STRONGLY THE EMOTIONAL ATTACHMENT OF THOSE CONCERNED TO THEIR BRITISH NATIONALITY AND CITIZENSHIP, AND TO THEIR LINK WITH BRITAIN: AND THEIR FEAR OF BEING LEFT TO THE CHINESE. NOR CAN THERE BE ANY DOUBT ABOUT THE SEVERITY OF THE REACTION HERE IF THERE IS ANY SUGGESTION THAT HMG WILL NOT FIGHT TO THE LAST WITH THE CHINESE TO PRESERVE THAT LINK FOR THEM.

8. THE SECRETARY OF STATE WILL CERTAINLY BE QUESTIONED ON THE ISSUE DURING HIS PRESS CONFERENCE HERE.

YOUDE

FUTURE OF HONG KONG

DEL/MBD

ED/EKD

ED/YED

ED/PLANNING STAFF

ED/PUSD

D/ED/PUSD

RES.B. (MR WALKER)

LEGAL ADVISER (SIR IAN SINCLAIR)

PS

PS/LADY YOUNG

PS/MR LUCE

PS/PUS

SIR J BULLARD

SIR W HADDING

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