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DD 132330Z PEKING

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DESKBY 132330Z

FM FCO 131650Z SEP 84

TO IMMEDIATE PEKING

TELEGRAM NUMBER 1193 OF 13 SEPTEMBER

INFO IMMEDIATE HONG KONG DESKBY 132330Z

MIPT: MESSAGE FROM CHINESE FOREIGN MINISTER

1. FOLLOWING IS TEXT OF MESSAGE FROM THE SECRETARY OF STATE TO THE CHINESE FOREIGN MINISTER.

2. BEGINS. I WAS VERY GRATEFUL FOR THE REPLY TO MY MESSAGE, WHICH HAS BEEN CONVEYED BY SIR RICHARD EVANS. I MUCH APPRECIATE ITS POSITIVE SPIRIT AND THE EFFORTS WHICH THE CHINESE LEADERS HAVE CLEARLY MADE TO MEET SOME OF OUR CONCERNS.

3. I AM GLAD THAT WE HAVE REACHED AGREEMENT BETWEEN US ON THE FINAL DATE WHICH WE PROPOSED FOR THE EXCHANGE OF INSTRUMENTS OF RATIFICATION. I THINK THAT OUR NEGOTIATORS SHOULD NOW BE ABLE QUICKLY TO AGREE A TEXT ON CONSTITUTIONAL ARRANGEMENTS.

4. ON CIVIL AVIATION WE HAVE MOVED A LONG WAY TO MEET YOUR CONCERNS. THE GAP BETWEEN OUR TWO SIDES IS NARROW, BUT THE REMAINING POINTS AT ISSUE ARE ONES OF REAL IMPORTANCE IF WE ARE TO MEET OUR COMMON AIM, WHICH IS TO ENSURE, WITH FULL RESPECT FOR CHINESE SOVEREIGNTY, THAT THE FUTURE SPECIAL ADMINISTRATIVE REGION HAS SUFFICIENT AUTONOMY IN THIS FIELD TO ENSURE THE CONTINUED SUCCESSFUL OPERATION OF HONG KONG'S OWN AIRLINE. THE TEXT MUST BE CLEAR ENOUGH TO ENSURE THIS.

I AM ANXIOUS THAT DISCUSSION ON THIS QUESTION SHOULD BE COMPLETED AS SOON AS POSSIBLE AND I HOPE THAT YOUR NEGOTIATORS WILL BE GIVEN THE NECESSARY FLEXIBILITY.

5. THE OTHER DIFFICULT REMAINING PROBLEM IS THAT CONCERNING THE CONTINUED USE OF BRITISH PASSPORTS AFTER 1997 BY THOSE PEOPLE IN HONG KONG WHO HAVE HAD THE RIGHT TO USE THEM BEFORE 1997. YOU HAVE CONFIRMED THAT THE CHINESE SIDE COULD AGREE TO THE BRITISH GOVERNMENT ISSUING A FORM OF BRITISH TRAVEL DOCUMENT TO THOSE WHO ARE NOW CALLED BDTCS, AND THAT HOLDERS OF THESE DOCUMENTS COULD

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TRAVEL ABROAD ON THEM AFTER 1997. YOU HAVE ALSO AGREED THAT THESE DOCUMENTS SHOULD BE PASSPORTS AND SHOULD BE REFERRED TO AS PASSPORTS IN THE UK MEMORANDUM. YOUR NEGOTIATORS HAVE TOLD US THAT THE CHINESE SIDE COULD ALSO AGREE TO THESE PASSPORTS BEING RENEWED OR REPLACED AFTER 1997 AS NECESSARY, AND TO APPROPRIATE ARRANGEMENTS BEING MADE FOR CERTAIN CATEGORIES OF CHILDREN BORN BEFORE 30 JUNE 1997, WHICH WE CAN DISCUSS IN DETAIL IN THE WORKING GROUP. IT WOULD BE ESSENTIAL FOR THE UK MEMORANDUM TO SPECIFY THAT EXISTING PASSPORTS COULD BE RENEWED OR REPLACED AFTER 1997, AND THAT PASSPORTS WOULD BE ISSUED AFTER THAT DATE TO ELIGIBLE CHILDREN BORN BEFORE 30 JUNE 1997 WHEN THEY BECAME TOO OLD TO TRAVEL ON THEIR PARENTS' PASSPORTS. IN VIEW OF WHAT YOUR NEGOTIATORS HAVE TOLD US I DO NOT THINK THAT THESE POINTS ARE LIKELY TO CAUSE YOU DIFFICULTY.

6. YOU HAVE HOWEVER ALSO TOLD ME THAT IT IS NOT POSSIBLE FOR THE CHINESE GOVERNMENT TO ACCEPT THAT ANY CHINESE NATIONALS IN HONG KONG SHOULD APPLY TO THE BRITISH AUTHORITIES FOR THE ISSUE OF A PASSPORT AFTER 1997. I AM DISAPPOINTED THAT YOU DO NOT FEEL ABLE TO MEET US ON THIS POINT, BUT IN THE INTERESTS OF REACHING AGREEMENT I AM PREPARED TO PUT YOUR POINT OF PRINCIPLE, PROVIDED THAT WE CAN TOGETHER FIND A WAY OF DEALING WITH THE PRACTICAL PROBLEMS WHICH WILL ARISE FROM IT.

7. I HAVE EXPLAINED THAT THE REQUIREMENT THAT PEOPLE SHOULD OBTAIN BRITISH PASSPORTS BEFORE 1997 IF THEY ARE TO CONTINUE TO USE THEM AFTERWARDS WILL CERTAINLY STIMULATE A FLOOD OF APPLICATIONS FOR PASSPORTS. IN PRACTICE, IT IS INEVITABLE THAT THERE WILL BE A PARTICULARLY HEAVY STREAM OF APPLICATIONS IN THE PERIOD IMMEDIATELY BEFORE 1997, AND I CONSIDER IT LIKELY THAT IT WILL BE PHYSICALLY IMPOSSIBLE FOR US TO PROCESS ALL THESE APPLICATIONS BEFORE 30 JUNE 1997. THIS WOULD BE A VERY UNSETTLING FACTOR AT THE TIME OF TRANSITION. I SHOULD THEREFORE LIKE TO PROPOSE AS A PRACTICAL MEANS OF COPING WITH THIS PROBLEM THAT THE UK SHOULD CONTINUE TO ACCEPT APPLICATIONS FOR NEW PASSPORTS FROM BDTCS UNTIL 30 JUNE 1997, BUT SHOULD CEASE TO DO SO ON THAT DATE. ANY APPLICATIONS WHICH HAD BEEN RECEIVED BUT NOT PROCESSED BY THEN SHOULD BE DEALT WITH THEREAFTER AS QUICKLY

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AS POSSIBLE. SPECIAL ARRANGEMENTS WOULD ALSO HAVE TO BE MADE FOR CHILDREN BORN IMMEDIATELY BEFORE 1 JULY 1997, SINCE THERE WOULD NOT BE TIME FOR SUCH CHILDREN TO BE ENTERED IN THEIR PARENTS' PASSPORTS BEFORE THE DUE DATE.

8. THESE ARE THE MINIMUM REQUIREMENTS OF THE BRITISH SIDE, AND I MUST EMPHASISE THAT THEY ARE NECESSARY FOR PRACTICAL PURPOSES IF WE ARE TO ACCEPT THE POSITION OF THE CHINESE SIDE IN PRINCIPLE. I SHOULD LIKE TO ADD AN ASSURANCE THAT THERE WOULD BE NO QUESTION OF CHINESE NATIONALS IN HONG KONG CONTINUING TO USE BDTC PASSPORTS AFTER 30 JUNE 1997.

9. I AM AFRAID THAT SINCE MY LAST MESSAGE THERE HAS BEEN ONE FURTHER DEVELOPMENT WHICH CAUSES ME GREAT CONCERN, NAMELY THE CHINESE SIDE'S PROPOSAL OF EXTENSIVE REVISION, INVOLVING CHANGES BOTH OF LANGUAGE AND SUBSTANCE, OF THE WHOLE OF ANNEX I. THIS SUDDEN ALTERATION OF TEXTS CAREFULLY AGREED OVER MANY MONTHS IS A SERIOUS SETBACK TO OUR JOINT WORK AND THREATENS THE WHOLE TIMETABLE. WE DO NOT EXCLUDE CONSIDERATION OF CHANGES OF GRAMMAR OR PUNCTUATION, BUT I MUST TELL YOU THAT WE CANNOT REOPEN ISSUES OF SUBSTANCE WHERE AFTER PROLONGED EFFORT WE HAVE REACHED AGREEMENT. I HOPE YOU CAN REASSURE ME THAT THE CHINESE SIDE HAS NO SUCH INTENTION. I HAVE ASKED THE AMBASSADOR TO EXPRESS MY CONCERN TO ZHOU NAN, BUT BECAUSE OF THE SERIOUS IMPLICATIONS OF THIS NEW DEVELOPMENT I FELT I MUST RAISE IT WITH YOU PERSONALLY.

10. WE HAVE COME A LONG WAY TOGETHER, AND I THINK THAT WE ARE ON THE VERGE OF AN AGREEMENT WHICH WILL MAKE HISTORY. I HOPE VERY MUCH THAT YOU WILL BE ABLE TO GIVE ME A POSITIVE REPLY. I ALSO LOOK FORWARD VERY MUCH TO MEETING YOU IN NEW YORK, PERHAPS ON THE DAY ON WHICH THE INITIALLING TAKES PLACE IN PEKING.

HOWE

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