



May 2020

## China has breached the Sino-British Joint Declaration

MPs and Peers should ask that the Foreign Secretary declares this breach urgently.

There is little doubt that the freedoms and rights promised to Hongkongers by the [Sino-British Joint Declaration](#)



are being breached by the People's Republic of China.

Declaring such a breach is a vital first step to bringing the abusers to justice and protecting

the rights of British nationals in Hong Kong.

China is currently moving to impose draconian [new national security laws](#) on the people of Hong Kong by circumventing Hong Kong's legislature. What is happening in Hong Kong is a stark and chilling reminder that, unless the international community stands firm, China will disregard international norms and human rights standards will eventually be completely eroded.

Britain must lead on the international response on Hong Kong given its unique legal right and historical responsibility. While the Foreign Secretary's efforts to work with Australia, Canada and the US is encouraging, a sustained, concrete response from Britain's allies is the only way to secure an impactful outcome. Far from being a formality, Britain's declaration of a breach will crystallise the severity of China's transgression. It clearly signals to the world that China does not respect the rules-based international order. It will also corroborate the US Secretary of State's certification that Hong Kong is no longer sufficiently autonomous from China to warrant differential treatment under the [1992 United State-Hong Kong Policy Act](#). Such coordinated

diplomatic pressure may have real and beneficial consequences for some of the individuals affected and encourage other states to take supportive action.

### The Sino-British Joint Declaration

The ongoing and highly visible repression of pro-democracy activists in Hong Kong is only the latest example of China's denial of basic freedoms and human rights, which were guaranteed to the people of Hong Kong by the Sino-British Joint Declaration. That treaty was signed by the United Kingdom and China in 1984 and registered with the United Nations, setting the stage for the transfer of sovereignty in 1997, ending over 150 years of British rule. Importantly, Hongkongers were not given a seat at the negotiations table: their fates were sealed by politicians beyond their reach.

The treaty stipulated that "Hong Kong's previous capitalist system and life-style shall remain unchanged for 50 years" and that existing laws and the common law system would maintain:

*"freedom of the person, of speech, of the press, of assembly, of association, to form and join trade unions, of correspondence, of travel, of movement, of strike, of demonstration, of choice of occupation, of academic research, of belief, inviolability of the home, the freedom to marry and the right to raise a family freely."*

These freedoms are being brutally denied almost daily since June 2019. Live images of state repression are being broadcast globally on television and social media, along with reports of pro-Beijing companies dismissing their employees simply because they have spoken out about the protests, dissidents being 'disappeared' and tortured, and journalists being targeted and threatened. This cannot continue.



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As the only other signatory to the Sino-British Joint Declaration, it is Britain's responsibility to hold China to account over its violations of international law and human rights in Hong Kong.

### **Recent events**

On the 24<sup>th</sup> May 2020, China ordered that Hong Kong must adopt Chinese criminal law on national security without any participation by elected legislators in Hong Kong. In response, the Foreign Ministers of the UK, Canada and Australia jointly [stated](#):

*"Making such a law on Hong Kong's behalf without the direct participation of its people, legislature or judiciary would clearly undermine the principle of 'One Country, Two Systems', under which Hong Kong is guaranteed a high degree of autonomy."*

This was further supported by a [joint statement](#) from the UK, Canada, Australia and the US on the 28<sup>th</sup> May.

An attempt to introduce a similar law in 2003 was dropped after [half a million](#) Hongkongers took to the streets.

Meanwhile, Hong Kong's pro-Beijing administration continues to try and introduce a criminal offence of "insulting" the Chinese national anthem by whatever means necessary, including [breaking rules on Legislative Council procedures](#).

### **China: breaking and abandoning the treaty**

Despite the repeated reiteration of the legality of the treaty by various British Ministers, China has disavowed the document blatantly by repeating its claim that the document is "null and void", with Lu Kang, a spokesperson for the Chinese Foreign Ministry, saying on [30th June 2017](#):

*"Hong Kong is a special administrative region of China and Hong Kong's affair is China's internal affairs... Now that Hong Kong has returned to its motherland for 20 years, the Sino-British Joint Declaration, as a historical document, no longer has any practical significance, and does not have any binding effect on the Chinese central government's management of Hong Kong. The British side has no sovereignty over*

*Hong Kong after the handover, nor power to rule or power to supervise."*

This position ignores the fact that the treaty is registered with the UN, remains in force, and obliges both signatories to adhere to the terms agreed. The Chinese government's failure to meet the terms of the treaty is a blatant repudiation of the rules-based international order.

In another episode of rewriting history, in April 2020, the Chinese government office in Hong Kong claimed that it was not governed by the Basic Law (Hong Kong's mini-constitution). Disturbingly, the Hong Kong administration retracted a statement that [contradicted](#) this view only a day later. All this took place in parallel with the [unprovoked arrest](#) of 14 high-profile peaceful pro-democracy activists, including legal experts who helped draft the Basic Law.

### **Previous declaration**

In the Six-month Report on [Hong Kong: July to December 2015](#), Britain declared a breach of the Sino-British Joint Declaration for the very first time, in the case of the Causeway Bay dissident booksellers who 'disappeared' from Hong Kong and reappeared in show trials in China on trumped-up charges. This intervention saw at least one of the men in question, Mr Lee Po, returned to his home and showed that such declarations have real consequences.

### **A British responsibility**

Given Britain's role in negotiating the Sino-British Joint Declaration, it is unthinkable that the British Government can repeat the mantra that the treaty is legally enforceable while taking no concrete action when it is being flagrantly breached. It is incumbent on Britain to act, given that Hongkongers were not given a say in the negotiations before the Handover.

**The British Government must take concrete and urgent actions to protect the rights and freedoms of Hongkongers. The first step is acknowledging that breach.**

Britain's unique historical relationship with Hong Kong creates a cross-party responsibility on the country to hold China to account for what was agreed in the Joint Declaration. It is also in Britain's long-term national interests to maintain the rules-



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based international order by supporting the universal values of democracy and human rights.

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**“Fight for Freedom. Stand with Hong Kong.”**

We are a completely independent, grassroots, crowdfund-initiated group of individuals who have come together to fight for freedom and democracy for Hong Kong. Our members come from all walks of life and are united with a shared vision.

In the past 22 years, we have witnessed China's erosion of Hongkongers' fundamental freedoms, human rights, and rule of law. China's conduct has been in breach of the 1984 Sino-British Joint Declaration—a legally binding treaty—which also forms the basis of the 1992 US Hong Kong Policy Act. Shocked and heartbroken at the recent events in Hong Kong and our government's intransigence, we seek to mobilise the international community to stand with us in our fight for freedom.

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