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DD PEKING DESKBY 052330Z

GRS 420

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DESKBY 052330Z

FM FCO 051410Z AUGUST 84

TO IMMEDIATE PEKING

TELEGRAM NUMBER 1099 OF 5 SEPTEMBER

INFO IMMEDIATE HONG KONG

YOUR TELNOS 2096, 2098, 2099, 2100 AND 2101: FUTURE OF HONG KONG:  
RATIFICATION.

1. WE ARE NOT SURPRISED BY ZHOU NAN'S STRONG REACTION. NEVERTHELESS WE MUST MAINTAIN OUR PROPOSAL. THE WORRIES EXPRESSED YESTERDAY BY MINISTERS ABOUT THE REAL DIFFICULTIES OF GETTING LEGISLATION THROUGH BY 30 JUNE 1985 MEAN THAT IT WILL BE VERY DIFFICULT TO CONTEMPLATE WITHDRAWING THE PHRASE 'SUBJECT TO THE COMPLETION OF THE NECESSARY PROCEDURES IN NATIONAL LEGISLATURES'. MINISTERIAL DISCUSSION OF THIS MATTER WAS SUBSEQUENT TO OUR TELNO 1080 AND SUPERSEDES IT.
2. IN DISCUSSION OF THIS SUBJECT TOMORROW YOU SHOULD REPEAT TO ZHOU NAN THAT THE PROPOSAL WAS MADE AFTER VERY CAREFUL CONSIDERATION COLLECTIVELY BY MINISTERS. MINISTERS HAD NO WISH TO CREATE OBSTACLES OR TO HOLD UP RATIFICATION OF THE AGREEMENT. HOWEVER THE CHINESE SIDE KNOW VERY WELL THAT AS A MATTER OF CONSTITUTIONAL LAW IN THE U.K. RATIFICATION OF THE AGREEMENT (AND THUS ITS ENTRY INTO FORCE) CAN ONLY TAKE PLACE AFTER THE PASSAGE OF THE NECESSARY DOMESTIC LEGISLATION THROUGH PARLIAMENT.
3. THE DIFFICULTY ARISES FROM THE CHINESE WISH, WHICH WE DO NOT SHARE, TO NAME A SPECIFIC DATE FOR RATIFICATION. WE AGREE THAT YOU SHOULD POINT OUT TO THE CHINESE, AS PROPOSED IN YOUR TELNO 2100, THAT THIS IS MOST UNUSUAL. WE WOULD BE PERFECTLY CONTENT FOR THE AGREEMENT TO SAY THAT INSTRUMENTS OF RATIFICATION WILL BE EXCHANGED AS SOON AS POSSIBLE. HOWEVER WE ARE PREPARED TO MEET THE CHINESE WISH TO PUT A DEFINITE DATE IN. THE COROLLARY IS HOWEVER THAT WE NEED THE EXTRA WORDS PROPOSED. TO ENTER INTO A COMMITMENT IN THE AGREEMENT THAT PARLIAMENT WOULD PASS THE

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LEGISLATION BY A CERTAIN DATE WITHOUT QUALIFICATIONS WOULD BE A MISTAKE. IT WOULD GIVE THE IMPRESSION OF SEEKING TO DICTATE TO PARLIAMENT. IF THEY CHOSE TO TAKE IT WRONGLY, AS THEY WELL MIGHT, THIS COULD LEAD TO LEGISLATION BEING DELAYED, CONTRARY TO OUR WISHES AND THOSE OF THE CHINESE GOVERNMENT. TO SAY THAT DOMESTIC LEGISLATION HAS NO BEARING ON THE TEXT OF THE AGREEMENT IS POINTLESS.

4. YOU MAY REPEAT THAT YOU ARE AUTHORISED TO TELL THE CHINESE GOVERNMENT FORMALLY THAT HMG UNDERTAKES TO MAKE EVERY EFFORT TO ENSURE THAT LEGISLATION IS PASSED IN TIME TO ALLOW RATIFICATION BY 30 JUNE 1985. YOU MAY ADD THAT HMG WOULD EXPECT A PLEDGE OF THIS KIND TO BE TAKEN SERIOUSLY, AND NOT TO BE DISMISSED AS AN EXCUSE TO SEEK DELAYS OF ONE YEAR OR MORE.

5. WE ACCEPT THAT THIS WILL NEED A MENTION IN THE MESSAGE TO WU.

HOWE

FUTURE OF HONG KONG

LIMITED

HD/HKD

HD/FED

HD/PLANNING STAFF

HD/PUSD

DEP HD/PUSD

RESEARCH D (MR WALKER)

LEGAL ADVISERS(SIR J FREELAND)

PS

PS/LADY YOUNG

PS/MR LUCE

PS/PUS

SIR W HARDING

SIR C TICKELL

MR GOODALL

MR DEREK THOMAS

MR. Boyd

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BUCKINGHAM PALACE

PS/LORD PRESIDENT OF THE COUNCIL

PS/HOME SECRETARY

PS/CHANCELLOR OF THE EXCHEQUER

PS/LORD PRIVY SEAL

PS/SECRETARY FOR TRADE & INDUSTRY

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MR ROBERTS NEWS DEPT

MR BURROWS LEGAL ADVISERS

MR FIFOOT LEGAL ADVISERS

MR POWELL NO 10 DOWNING ST.

MR INGHAM NO 10 DOWNING ST.

MR MARTIN ASSESSMENTS STAFF CABINET OFFICE

MR CARTLEDGE CABINET OFFICE

MR COLVIN CABINET OFFICE

PS/S OF S FOR DEFENCE

PS/ATTORNEY GENERAL

SIR P CRADOCK ROOM K195

SIR P CRADOCK NO 10 DOWNING ST.

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