

Hong Kong Protests Highlight Failings of UK-China Agreement 35 Years In

September 26 marks the 35th anniversary of the draft agreement of the [Sino-British Joint Declaration](#). This agreement allowed China to regain control of Hong Kong following 150 years of British rule.

Signed in 1984, the treaty saw mainland China make several promises regarding the status of Hong Kong. These promises were to be kept until at least 50 years after the 1997 transition was completed.

If the recent protests in Hong Kong are any indication, that's not happening.

This year's protests began after the introduction of [a bill](#) to amend Hong Kong's Fugitive Offenders Ordinance. This bill sought to make it easier for the Hong Kong government to extradite their citizens to face charges in foreign countries, including mainland China. This is unacceptable to many in Hong Kong, as the Sino-British Joint Declaration specifically left out extradition, since, according to former U.K. [Foreign Secretary Malcolm Rifkind](#), "The integrity of Hong Kong's legal system continues to require a firewall."

The difference between the courts of Communist China and capitalist Hong Kong has been a longstanding issue yet to be resolved. This difference was decisively marked in the handover treaty:

After the establishment of the Hong Kong Special Administrative Region, the judicial system previously practiced in Hong Kong shall be maintained.... Judicial power in the Hong Kong Special Administrative Region shall be

vested in the courts of the Hong Kong Special Administrative Region. The courts shall exercise judicial power independently and free from any interference.

Making Hong Kong citizens vulnerable to extradition to Chinese courts would fly in the face of these protections. China, meanwhile, has been attempting to exert undue influence over the protests, also violating the Sino-British Joint Declaration:

The maintenance of public order in the Hong Kong Special Administrative Region shall be the responsibility of the Hong Kong Special Administrative Region Government. Military forces sent by the Central People's Government to be stationed in the Hong Kong Special Administrative Region for the purpose of defence shall not interfere in the internal affairs of the Hong Kong Special Administrative Region.

China's army [released a video](#) in July showing "anti-riot" exercises, which has been interpreted as a threat of military intervention to end the protests in Hong Kong. When asked directly about the video, the Chinese foreign ministry dodged the question, deferring to the army.

Hong Kong has been a special administrative region of China for 22 years now. The Sino-British Joint Declaration declared that the policies of the treaty would "remain unchanged for 50 years."

However, mainland China is seeking to reinterpret that provision. Current U.K. Foreign Secretary Jeremy Hunt [told the BBC](#) in July that China could face "serious consequences" over its treatment of protestors in Hong Kong.

China's response?

"Now that Hong Kong has returned to the motherland for 20 years the Sino-British Joint Declaration, as a historical

document, no longer has any realistic meaning,” Chinese Foreign Ministry Spokesman Lu Kang [said in June](#). “It also does not have any binding power on how the Chinese central government administers Hong Kong. Britain has no sovereignty, no governing power and no supervising power over Hong Kong.”

Thirty-five years from its signing, the Sino-British Joint Declaration is on shaky footing. Three governments are now attempting, in various levels of good faith, to stabilize a region with a nearly [two million person protest](#). Whether that can be accomplished remains to be seen, and the fate of “[one country, two systems](#)” is under direct threat as a result.

—

[Photo Credit: Flickr-Studio Incendo, [CC BY 2.0](#)]