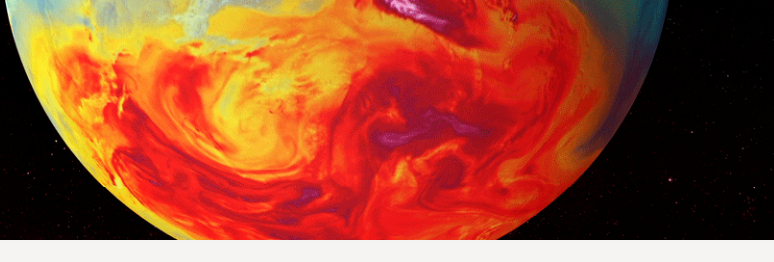


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ARGUMENT

# Britain Must Step Up to the Global Stage to Protect Hong Kong

China's disregard for international law under Xi presents a shared challenge.

BY DAVID OWEN | JUNE 23, 2020, 4:30 PM



An activist waves a British Union Jack flag during a protest in Hong Kong on April 28, 2019, against a controversial move by the government to allow extraditions to the Chinese mainland. ANTHONY WALLACE/AFP VIA GETTY IMAGES

The 1984 Sino-British Joint Declaration was the brainchild of two formidable political leaders, China's Deng Xiaoping and British Prime Minister Margaret Thatcher.

Since the handover of Hong Kong in 1997, the international treaty has generally worked well for China, Hong Kong, and the rest of the world. But from the beginning, Hong Kong's Basic Law—the city's de facto constitution—presented a serious conflict between the demands of Article 39, which entrenched the International Covenant on Civil and Political Rights into local law, and the requirement under Article 23 that introduced such charges as “subversion,” “secession,” and “collusion with foreign political powers” into local legislation. This was the catalyst for major protests in 2003 and has made national security legislation a hot-button issue ever since.

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The impasse in Hong Kong is a geopolitical watershed. Alongside unrest over the extradition bill, China has moved to unilaterally enact national security legislation, a course of action that the British government and many of its international counterparts consider to be in direct conflict with Hong Kong's Basic Law and the original treaty. Hong Kong, once a bridge between East and West, could become a fresh fault line.

Given the speed at which the Chinese Communist Party is attempting to pass the law—no doubt in anticipation of another victory for pro-democracy candidates in Hong Kong's Legislative Council elections in September—diplomatic avenues must be prioritized, as escalation is in no one's interests.

The United Nations would be the obvious arena. In the current session of the U.N. Human Rights Council, a new mandate should be created for a U.N. special rapporteur for human rights in Hong Kong. The creation of a U.N. special envoy for Hong Kong appointed by the secretary-general would also be a step forward, although it would need agreement from all sides on who that person is—realistically speaking, an unlikely prospect. Before escalating actions, or considering sanctions over Hong Kong, the issue must be brought to the U.N. Security Council. Many countries with an interest in security issues related to Hong Kong are among the 10 nations—apart from the permanent five—that make up the 15 members of the council. They include Vietnam, Indonesia, Estonia, and South Africa, as well as Germany and Belgium. Of course, China has a veto, and that is why the diplomatic case for finding a more informal forum is probably still preferable. But the U.N. charter is clear over the role of the Security Council in the search for peaceful resolutions.

Negotiations held in private are already happening, but a formal international contact group has yet to be instituted. That contact group formula was used to bring Namibia to independence as well as achieve the Dayton Accords over Bosnia-Herzegovina. I was among **seven former U.K. foreign secretaries** who recently argued that it would be appropriate in this context. U.S. President Donald Trump has already invited India, South Korea, and Australia to Camp David, coinciding with the G-7 summit in Washington, during which Japan has agreed to take the lead on Hong Kong. This could provide the basis for the establishment of such a contact group.

If Chinese President Xi Jinping continues to refuse any dialogue or negotiation designed to preserve the integrity of the joint declaration, he will set in motion a process going far beyond Hong Kong.

There appears to be a bipartisan consensus in the United States to take economic action over Hong Kong. Whether it be through Trump or a future President Joe Biden, senators and congressmen from both parties, the Pentagon or the United States in NATO, or the U.S. State Department, there is a readiness to act.

**If Chinese President Xi Jinping continues to refuse any dialogue or negotiation designed to preserve the integrity of the joint declaration, he will set in motion a process going far beyond Hong Kong.**

The world has become alarmed by Xi's apparent disregard for international agreements, whether those be around **maritime law, fishing rights, patents**, privacy, or business conventions. These mounting concerns have largely been kept private, but the **joint statement** by the G-7 foreign ministers last week shows that Hong Kong has brought all of these issues to a head.

Containment will now be the order of the day, but it can take many forms. This is not the same situation that faced the democracies in 1946. When compared with the Soviet Union then, China is far more developed and better equipped technologically, and their military strength continues to grow. Prudence warns us that dangerous battles in the region, not at the negotiating table, may lie ahead in and around the South China Sea.

In this geopolitical context, the British government must continue to play a principal role in ensuring “one country, two systems” is upheld—not remotely connected to an old colonial role but to its commitments under the international treaty lodged at the United Nations. This should not be an adversarial role. The U.K. has commercial interests and friendships with China, as well as with many countries around the South China Sea and in the Pacific, but it also has obligations under international law and moral commitments to the people of Hong Kong. The issue for Xi is an old one posed by Winston Churchill at a White House lunch in June 1954. There are many versions of the quote, but I prefer the tougher one, which might appeal to Xi: “It is better to talk jaw-to-jaw than to have war.”

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David Owen has served as the UK's Navy Minister, Health Minister and Foreign Secretary.

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