



Oral evidence: [The UK's relations with Hong Kong: 30 years after the Joint Declaration](#), HC 649

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Members present: Sir Richard Ottaway (Chair); Mr John Baron; Sir Menzies Campbell; Ann Clwyd; Mike Gapes; Sandra Osborne; Mr Frank Roy; Nadhim Zahawi

Questions 1-49

Witness: **Lord Patten of Barnes CH**, former British Governor of Hong Kong, gave evidence.

Chair: May I welcome members of the public to this sitting of the Foreign Affairs Committee? It is the first evidence session of our inquiry on “The UK’s relations with Hong Kong: 30 years after the Joint Declaration”. It follows a one-off session held in July with Hong Kong pro-democracy campaigners Martin Lee and Anson Chan. It is with great pleasure that we welcome Lord Patten, who was the last British Governor of Hong Kong, serving from 1992 until the 1997 transfer of sovereignty over the territory from Britain to China. Lord Patten, thank you for finding the time to come. Would you like to make an opening statement? The first questions are fairly general.

Lord Patten: I am happy to start with questions.

Q1 Chair: Let me open the batting. At the time of Hong Kong’s return to China in 1997, what were your expectations of Hong Kong’s political, social and economic future?

Lord Patten: There was a wonderful, now late, political scientist at Oxford, an American called Sammy Finer. He wrote a three-volume history of the institutions of government. He had one chapter on the only society he could think of that was liberal but not democratic; that was how he described Hong Kong. It had all the normal software and hardware of a plural society—rule of law, and freedom of speech, assembly and worship and so on—but did not elect its own Government.

When I left Hong Kong, we had just started—undoubtedly too late—to do something about the democratic deficit in that balance. What I hoped was that Hong Kong would remain a free, plural society under the rule of law; that all the freedoms set out in the Joint Declaration would be honoured; and that Hong Kong would embark on a continuing process of democratisation.

I may not have been as optimistic as Margaret Thatcher, who in 1992 made a speech in the House of Lords that was very supportive of me, which was not always the case. She was very supportive of what I was trying to do in Hong Kong. She said that she expected that,

if things went well, there would be universal suffrage by 2007. I do not imagine that was a speech written by Charles Powell; it was very much her view.

I hoped that Hong Kong would remain free and steadily become democratic. I also hoped that the process would be strengthened by the fact that there is a real sense of citizenship in Hong Kong, which we see manifested in the streets today. Those were my hopes. I did not fear that the People's Liberation Army would come with tanks into Hong Kong. There were people who wrote those sorts of reports, which I thought were absurd. I did think that probably the worst that could happen to Hong Kong would be that it became the richest city in China. In fact, it is that, but a lot more as well.

Q2 Chair: You spoke about Margaret Thatcher maybe not being on the same line and same page as you. Were these views shared by the Foreign Office and the Government as a whole at the time?

Lord Patten: Well, some. Both the Foreign Secretaries when I was Governor of Hong Kong were strongly supportive, though not uncritically so. If you look at back at the history of the 30 years from 1984, the leitmotif in all the debates in the House of Commons is that it would all be underpinned by a steady process of democratisation. That is what everybody said. That is why in 1987 we had a consultation exercise in Hong Kong about whether they wanted to go faster towards direct elections. Miraculously, even though three times as many people said they did want to go faster, we discovered that they did not want to go faster towards direct elections.

That argument about greater democracy, while not specifically addressed in the Joint Declaration, was the selling point. When the Joint Declaration was debated in the House of Commons in 1984, Ted Heath said that his main criticism of Ministers was that they were not going fast enough in democratisation. He changed his mind by 1997, fairly spectacularly, but that was the sort of thing that people were saying. Come 1997, you could not have found any Foreign Office officials, former diplomats or former Ministers who were saying, "Don't kid yourselves, Hong Kong; 17 years after the handover, you won't have free elections. You won't have a completely elected legislature." All the implication was that things would move in that direction. I find some of what has been said and done subsequently rather counter-intuitive.

Q3 Chair: The Joint Declaration said that the Chinese Government would try to preserve Hong Kong's way of life for 50 years. What do you think they meant by that?

Lord Patten: I hope what they meant was what the Joint Declaration actually does. It spells out in one paragraph what I was referring to just now—both the hardware and the software of a free society. It does so pretty explicitly. The Joint Declaration is an international treaty, as you know. I am not a lawyer, but I think the legal expression is *pacta sunt servanda*—agreements are made to be kept. The Joint Declaration is lodged at the United Nations and its beneficiaries are the people of Hong Kong. The obligations are from China to the UK and from the UK to China. We completed our obligations with the end of the Joint Liaison Group in 2000. The Chinese still have obligations to us, and I am amazed that the Foreign Office never tut-tuts when Chinese officials say that what is happening in Hong Kong has nothing to do with us. It has everything, or a lot, to do with us, because it is the Sino-British Joint Declaration, not the Chinese declaration.

Back in 2000, your predecessor Committee did an extremely interesting report on Hong Kong at the end of the period of the Joint Liaison Group's work. They said that, by and large, they were happy—I think that is fair—that the Joint Declaration was being honoured, and that Hong Kong's independent judiciary, freedom of speech, freedom of association and so on were not being undermined; but they raised an eyebrow at what was happening to democratic institutions, and they raised concerns about freedom of speech. In the margins, you could also see concerns about whether the Chinese liaison office was getting too involved in what was happening in Hong Kong. Nowadays, I think you would add concerns about United Front tactics in Hong Kong.

Q4 Chair: Lord Howell has brought that report to my attention, and we are going through it line by line.

Lord Patten: It is a very good report.

Q5 Chair: Yes. You spoke about the terms of the Joint Declaration being undertaken from Britain to China, and from China to Britain. Do you think that the Chinese Government are upholding their undertakings under the Joint Declaration?

Lord Patten: The late Sir Percy Cradock used to have a wonderful phrase. He used to talk about something perhaps being a “colourable” case. You could make a colourable case that China is not keeping its obligations. Even though the Joint Declaration does not specify how elections should take place, you could argue that what is now proposed robs elections of any meaning. You could argue as well, I guess, that the Chinese are not keeping to the international covenant on civil and political rights—the UN covenant—but I think that would be pretty heavy duty and pretty unfair, since we negotiated that the international covenant should not apply to elections in Hong Kong. Mind you, there were not many elections then and there are now elections, so perhaps you could apply it. You could make a case about all that. I would not; I would make a case that was not particularly based on the Joint Declaration but on the Basic Law, which I think China is in breach of.

Q6 Chair: Do you think the Basic Law constituted an undertaking from China to Britain?

Lord Patten: The Basic Law is an attempt to put into a mini-constitution for Hong Kong the undertakings given in the Joint Declaration. When the Basic Law was produced, the British Government said that, in their view, it was in line with the Joint Declaration. The Chinese would say, “This is our business, the Basic Law.” They might, if put on the spot, accept that the Joint Declaration was for both of us, but they would certainly argue that the Basic Law was for them.

I have just one other point about the Joint Declaration, and I repeat what I said earlier. It is certainly, in a sense, to spit in the face of the Joint Declaration to say that it is nothing to do with us, which is what Chinese officials regularly do. I think it is amazing that, when they say that sort of thing, the Foreign Office does not make a fuss, because the Joint Declaration provides obligations on China to us for 50 years.

Chair: I will leave it to Ming Campbell to press you further on the Joint Declaration, but before he does, I call John Baron.

Q7 Mr Baron: Lord Patten, I think I am right in saying that you said in your book “East and West” that you thought—one is conscious that you were not involved in the negotiations—that the Joint Declaration was the first formal commitment, or acceptance, by both the UK and China that Hong Kong should become democratic over time. You also referred to the fact that the lack of an arbitration clause meant that we had no recourse back to Beijing if it was found that they were not living up to their commitments. Why, then, were so many people, perhaps including yourself, so confident that the Joint Declaration would eventually lead to a democratic Hong Kong?

Lord Patten: Among other things, because the Chinese made it clear, not in relation to the Chief Executive but in relation to the Legislative Council, that the development of democracy was within the remit of the Government and legislature of Hong Kong. My opposite number, Director Lu Ping, an admirable man in many respects, although he called me some pretty rude things, made that explicitly clear in the *People’s Daily*. That is one of the points that they brought out in the FAC’s report in 2000. They had that commitment in the Joint Liaison Group, and they had that commitment from the Chinese Foreign Ministry. In other words, although there may be doubt about how exactly the elections for a Chief Executive should be carried out, there is no doubt at all that the pace of democracy for introducing a completely directly elected legislature is in the hands of the Chief Executive and the Government of Hong Kong, who are not obliged to get the permission of the Chinese authorities; they only have to report what they are proposing to the National People’s Congress.

There was at least that assurance, but at the time we were particularly focused on the legislature, rather than on what might happen in the future to a Chief Executive. Beyond that, I hope it was not a triumph of hope over experience, but it always seemed to me that the longer the Chinese authorities became accustomed to dealing with Hong Kong, the more they would realise that people in Hong Kong are incredibly responsible, are not going to do anything crazy, and would not suddenly assert independence rather than a high degree of autonomy. People in Hong Kong would have handled, and will handle one day, the development of democracy with considerable maturity. I think there is a sense in which the behaviour of the students in the streets today is demonstrating that. To repeat myself, it was partly what had been promised about the legislature and partly hope.

Q8 Mr Baron: Do you think the Joint Declaration was the best deal we could have got under the circumstances? Or was it one of those classic Foreign Office fudges to get round a very difficult situation? Knowing that democracy was probably a hope but no guarantee, one was perhaps relying on the advance of the Basic Law to move Hong Kong gently towards that goal. Which of the two was it? Was it the best deal we could get, or was it that the British felt that it was just too difficult a nut to crack?

Lord Patten: I think it is an extremely good question. The Joint Declaration was, in many respects, extraordinarily skilfully negotiated, but I have this caveat. There are some people who think that, in diplomacy, obfuscation can get you round corners; there are others who think that obfuscation nearly always gets you into difficulty. I think that is the case at the moment when you look at the issue of Israeli settlements in Palestine and look back to what some of the original UN resolutions said, with the use of an indefinite article rather than a definite article at one point, or the other way round.

Dr Kissinger wouldn't agree with this, but I myself think that absolute clarity is, in the medium and long term, much better than getting something agreed, and I think that it's probably the case that we never really shared with China what we meant by democratic elections, or fair elections.

One of my critics said to me on one occasion—I have quoted it, for example, in that book—“It's not that we're against elections. We just want to know the result in advance.” I'm sure that many of us feel that when we look towards next spring. There is a very odd book—not uninteresting—called, “What Does China Think?”, in which Mark Leonard goes round think-tanks in China and explores the different sort of democracy that people are talking about: greater use of the internet, more transparency and so on. But the one thing that nobody signs up to is that in democracies you can get rid of the Government; you can change people.

Maybe we should have been more explicit with the Chinese side, and more explicit in selling the Joint Declaration to the House of Commons and to public opinion, because, as I say, there was always this undercurrent that everything would be all right and that the Joint Declaration would produce democracy in due course, and actually the Joint Declaration doesn't say anything about the methods for election; it just says that elections will happen.

Q9 Sir Menzies Campbell: I recall that the zeitgeist of the time was that optimism should direct interpretation. You have already mentioned Mrs Thatcher and “Nil nisi bonum de mortuis”, but it is well known that when she went to Beijing her attitude was as robust—shall we say?—towards the Chinese Government as it was to the Opposition in the House of Commons, and the consequence of that was that we started rather further back in the negotiation. Therefore, was there not a sense that to have got to the Joint Declaration at all was, of itself, an enormous achievement when you consider how bad relations had been only a short time before?

Lord Patten: Yes. I don't share your criticism of Lady Thatcher on that. I think that she was one of those who thought that the Joint Declaration was going to lead to democracy in Hong Kong. She was fantastically supportive of me the whole time there, partly because of her passionate belief in the relationship between economic and political freedom. She may have been the last Marxist left who actually thought that economic development had political consequences.

Sir Menzies Campbell: I hesitate to suggest that as her epitaph.

Lord Patten: No, absolutely—she wouldn't have cared for that. But even though we had had our disagreements, she was spectacularly loyal to me when I was Governor of Hong Kong and very supportive of what people like Martin Lee and others were trying to do.

Sir Menzies Campbell: I am not for a moment challenging that, but I was just trying to point out—

Lord Patten: There were some very good diplomats involved in that, and there were some who thought—this is something we might come back to—that ultimately you could never really win an argument with China; you had to go along with what China wanted.

Q10 Sir Menzies Campbell: Your life was not made easy by the number of what might be termed old China hands who took a more-than-expected part in some of the background.

Perhaps I could ask you to go on and to look at the question of where you think the United Kingdom's obligations to Hong Kong are now. Are they circumscribed by the Joint Declaration and the Basic Law, or do we have some kind of moral obligation?

Lord Patten: Again, going back to your predecessors, they record the Government as declaring that it has a continuing political and moral obligation to Hong Kong, and I think that that is true. There is a line in Confucius in which the master says, as it were, that worshipping gods that you do not believe in is toadyism. I think that we do believe in liberal values and in the values that we believed we put in concrete in Hong Kong. We should say that pretty clearly.

Q11 Sir Menzies Campbell: Do you think that we are fulfilling these obligations? For example, you will have noticed that certain comment has been made about the reaction of the current Government towards recent events. There are those who argue that the Government should have been more robust in support of those who have decided to take to the street.

Lord Patten: I read the six-monthly report—

Sir Menzies Campbell: I was going to ask you about that. Are they up to snuff, these reports?

Lord Patten: Well, words like “bland” and “anodyne” come to mind, but they probably overdo the excitement and aggressiveness of the reports. On the day that the sans-culottes stormed the Bastille, Louis XVI wrote in his diary, “Rien”, and you get a slight feeling of that when you read these six-monthly reports, which must have been written thousands of miles away from Hong Kong.

Admittedly, this report came out slightly before these events, but we have lived through a summer in which there has been a bigger row among lawyers in Hong Kong about the rule of law than ever and in which there have been hundreds of thousands of people in the streets talking about democracy, and yet you would not get the flavour of any of that happening, or being about to happen, in the six-monthly report. When there was a Central Office of Information, do you remember those frightful pamphlets that it used to produce on the British fishing industry or tourism in the national parks? The report is written in that sort of tone—

Sir Menzies Campbell: May I take that as a criticism?

Lord Patten: Yes, you can. There is a wonderful phrase that *The Economist* used a while ago. It described the quaint notion that the only way in which you could deal with China was never to have a disagreement with China. I think that that is still a sentiment that is as alive and well in parts of this country as it is in others, and it is just wrong. It actually encourages worse behaviour by the Chinese. You cannot blame them if, whenever they try to bully anyone, the other party backs off.

Q12 Mr Roy: Welcome, Lord Patten. I think it is fair to say that you would not share my criticism of Lady Thatcher's time in office on any particular day.

In relation to universal suffrage, are you confident that Hong Kong is moving in the right direction?

Lord Patten: Well, it is moving in the right direction at a glacial pace, particularly in the Legislative Council, given the amount of elbow room that a Chief Executive and Government have.

On the election of a Chief Executive, I talked earlier about not signing up to the argument that there might be a colourable case for saying that the Chinese were in breach of the Joint Declaration. There is certainly more than a colourable case that they are in breach of article 45 of the Basic Law in the proposals for the election of a Chief Executive. I have only commented on what's happening democratically or legally or in other ways in Hong Kong since last summer with the Chinese Government's White Paper.

I think what is happening in Hong Kong at the moment is an extraordinary lack of leadership, because there are things that the Chief Executive and the Government could do in a statesmanlike way to try to persuade the pro-democracy demonstrators to get into serious negotiation and to call off this stage of their campaign—not for ever, but to go back to work and university and so on. They have been extraordinary, not least in the restraint and decency with which they have behaved.

No one can want this to go on for ever, and what is happening at the moment is that the Hong Kong police, who have a really good record—I don't want to talk about anything that has happened in policing these demonstrations—and over the years have regularly been regarded as one of the best forces in the world. They are in the position of being a substitute for a policy. This will not be decided by batons, pepper sprays or tear gas, and I am delighted that they have stopped using them. It will be decided by politics.

What has happened at the moment is that the word has come down from Beijing that there should be no violence—excellent—no blood on the streets and no compromise. I hope no violence and no blood on the streets continues after the APEC meeting next week in Beijing, but I also hope that someone will recognise that there are all sorts of things that the Chief Executive and the Government can do that are within the Basic Law and would show a willingness to try to reach a political settlement that may not be perfect for everyone, but would prevent the continuation of a situation in which, sooner or later, someone will be hurt and Hong Kong will get hurt.

Q13 Mr Roy: What do you say to people who say that there has been more democratic reform than there was under UK rule?

Lord Patten: There are two or three things I'd say. First, our record on the introduction of democracy in Hong Kong is, to be polite, not a good one. One reason why we did not do more in Hong Kong, as demonstrated by Foreign Office and other papers that have recently been seen, is because Chinese leaders made it absolutely clear that the last thing they wanted was for us to introduce democracy in Hong Kong. Their argument was that if you start giving Hong Kong people the right to elect their leaders, they will think you are going to

give them independence, and that you will do in Hong Kong what you have done in Singapore and other British colonies. There was opposition even from people like Chou en-Lai to any idea of introducing democracy in Hong Kong.

Secondly, given my experience, I find it quite extraordinary to hear now that the Chinese wanted more democracy. What did I do for five years? Without breaching the Basic Law, I tried to make the system as fair and open as possible and got branded as a sinner condemned for 1,000 generations for my pains. I was ludicrously lionised for doing very little and ludicrously made into a devil or a villain for what we did. For the Chinese to say now or for some commentators to say now that they are doing more than we did, how come the arguments from 1992 to 1997?

Q14 Mr Roy: So to those who say that democracy should be orderly and gradual, what do you think they really mean?

Lord Patten: I think orderly and gradual is absolutely fine, but we are now 17 years after 1997 and with the election of the Chief Executive, things seem to be going backwards rather than forwards so that it is even more difficult to see a pro-democracy candidate even faintly tainted with democratic sympathies being allowed to run. That does not strike me as being orderly and gradual progress.

I am sure you have article 45 available to you. It says that the arrangements should take account of the state of society and what is happening in Hong Kong, so the process should be evidence-based. It says there should be “gradual and orderly progress” and that the Election Committee should be “broadly representative” of the community. The Election Committee, which allows two or three candidates to go to universal suffrage, is hand-picked. It represents about 7.5% of the electorate. The whole process is even more tightly controlled than it was last time. Last time there was one democratic candidate who was allowed to stand in the Election Committee, which I think was then 800-strong. He got 7% of the vote. In every Legislative Council and other election since 1997—certainly every Legislative Council election—the pro-democrat candidates have got between 55% and 61%. The one thing you cannot say is that the Election Committee is broadly representative.

What could you do now in order to move things on? First of all, you could move the Legislative Council more rapidly in the direction of direct elections. You could broaden the basis for functional constituencies. With the Election Committee for the Chief Executive in 2017 you could certainly broaden the functional constituencies that elect members. You could also, without any great difficulty, do something about civic nomination of candidates. After all, in law civic nomination exists in the Chinese system—you need three legislators and 100 ordinary citizens to put somebody forward.

There are things that are available now. You could certainly commit the Hong Kong Government to the introduction of a completely directly elected legislature not the next time but the time after that.

Q15 Chair: The actual words of article 45—I will read the sentence—are: “The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.” To

summarise what you have been saying for the past 20 minutes, are you saying that it is arguable that that is not consistent with the Joint Declaration, but that it is not conclusive?

Lord Patten: No, I am really saying that the way that that is defined now in the ruling of August 2014—this August—starts to rob the word “election” of any meaning. I am not taking my stand on that. What I would take my stand on is the fact that it is a breach of the Basic Law itself. I will read the whole thing: “The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region”—well, what is the actual situation today?—“and in accordance with the principle of gradual and orderly progress.” Well, we are now 17 years after 1997. As you said, it goes on: “The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.” Well, the democratic procedures mean that you have to get 50% or 51% of a hand-picked Election Committee in order to go forward to the vote by universal suffrage. There are umpteen civil society organisations, umpteen political parties and umpteen think-tanks in Hong Kong that have put forward alternatives that are in line with the Basic Law but would make the system more open and more transparent.

Q16 Ann Clwyd: Welcome. Could you give us some assessment of the protests, the protesters’ aims and how realistic they are? You have touched on those in all your answers. Could you give us a comprehensive view on that?

Lord Patten: I do not think that the protesters—the demonstrators—are, to borrow a phrase, a tightly knit group of politically motivated men and women. I think they are a generation that feels they are having their future stolen. Joshua Wong, who is 17 and one of the leaders of the students, first came to public notice when he was 14 or 15 and led the campaign to stop the rewriting of school textbooks to add more alleged Chinese patriotism. Aged 17, he is now part of this protest. The other day in an interview, somebody asked him, “why on earth are you doing this, you are not going to win, are you?” He said, “I am doing it so that my son doesn’t have to do this in 30 years’ time”. That seemed to me to be an admirable thing to say.

There are other factors, apart from concerns about the process of democratisation, which have helped to fuel this. There are concerns about growing social inequity, about the difficulties of the housing market for young people and other concerns as well which are feeding this. The aims of the demonstrators should be to get a serious dialogue with the Government, but things may have gone past that now.

I think this could all have been prevented last summer if the Government had shown a bit more leadership and been a bit more flexible in the way they behaved. The worry now is that it has become increasingly difficult for anybody to climb down. In order to help the students to climb down, the Government should be offering them more than they are. I very much hope that, if the Government behave in a statesmanlike way, the students and demonstrators, who have, after all, pretty well occupied the moral high ground, would feel that they could move as well, without in any sense abandoning their ultimate objective, which is a democratic Hong Kong.

Q17 Ann Clwyd: To what extent do you think the UK Government are responsible for raising expectations which couldn't possibly be achieved?

Lord Patten: As I say, going back to the 1980s and 1990s, we certainly raised the expectation that our objective was ultimately—and “ultimately” didn't mean 30 years after the Joint Declaration—that there would be clean and fair elections in Hong Kong. I don't think in the last few years we could be accused of raising any expectations, since we have hardly said anything. We have kept shtoom as much as we could in the, I think, bizarre anticipation that that would be the best way of developing our relationship with China.

There is, in all these arguments, a concern about trade, which I have considerable doubts about. In the seven years before I was Governor, when we had an allegedly golden period in our relationship with China, British exports to China fell. In the years when I was Governor—and this is not post hoc, ergo propter hoc—despite me, British exports to China doubled. So I am not one of those who thinks the only way you can do business with China is by doing whatever they want politically—by not seeing the Dalai Lama, although there is, perhaps a short-term Dalai Lama effect, or by never saying anything which is out of place with China. I just don't believe that. I think the Chinese are more sophisticated than that.

Why does Germany export more to China than we do? Because Germany has more things that China wants to buy. It is not because Mrs Merkel is nicer to the Chinese leaders.

Ann Clwyd: Thank you.

Q18 Mr Baron: Lord Patten, can I bring us back to Britain's reaction to the crisis and what many of us perceive to be a lack of willingness to stand up and speak out on Hong Kong? We have talked about bland six-monthly reports and universal suffrage, but, on the reaction since the summer's demonstrations, there has been no shortage of third parties willing to criticise the Government. We had Hong Kong 2020 saying that the Government are sleeping on watch and we had Human Rights Watch calling the Government's response shamefully weak and accusing them of having forgotten the Joint Declaration altogether. There has been no shortage of criticism. The FCO issued a statement on 14 October, and even then it refrained from criticising the proposed 2017 electoral package. Isn't it obvious that there is an element of dishonour here? I know “honour” is an old-fashioned word, but it is still important. We should be doing more to speak up for the protesters in Hong Kong.

Lord Patten: “Honour” is an old-fashioned word, but it is rather important. Honour does come into it. I also think sovereignty comes into it. We spend endless amounts of time debating sovereignty, but if you don't have any sovereignty, if you can't do what you think is right when a big, rich goose is hissing at you, it doesn't seem to me that sovereignty is worth all that much. As I said at the outset, when China asserts that what is happening in Hong Kong is nothing to do with them, we should make it absolutely clear, publicly and privately, that that is not the case.

One of the things that started me talking about Hong Kong again—I have been mercifully quiet about it for most of the time since I left—is this. This summer we had the Hong Kong Bar Association making a fuss about the Chinese White Paper that suggested that judges need to be patriotic. There are interpretations about what the Chinese mean by “patriotism”. We had the law society of Hong Kong passing a motion of no confidence in its

chairman because he supported the Chinese White Paper, so he had to resign. We had the former Chief Justice, Andrew Li, who is an outstanding jurist and is as responsible as anybody for the integrity and independence of the judicial system in Hong Kong, saying that we have to be vigilant about what is happening. You probably saw the statement he made in the middle of August about the importance of standing up for the independence of judges. All those things happened. We had 17,000 lawyers—lawyers, for heaven’s sake!—demonstrating in front of the Court of Final Appeal in Hong Kong, and what did the Foreign Office say? What did anybody say? It was extraordinary.

Although I think he wrote these words beforehand, the then Foreign Secretary said in the introduction to the six-monthly report that the Chinese Authority have assured us that there is no change in policy. You would think that, without throwing verbal hand grenades, we could have made it plain that we thought what was happening in Hong Kong was, to put it blandly, extremely unwise and not in line with what is meant by the rule of law.

There are differences. Malcolm Rifkind tells a story about talking to his opposite number about the rule of law. His opposite number said, “Yes, we are very strongly in favour of people keeping the law,” and Malcolm said, “Not rule by law, but rule of law.” That is a point that we should be asserting regularly. I don’t think that because you asserted that you would suddenly lose £1 billion of export orders.

Maybe Ministers are saying it in private. We are assured that the Prime Minister raised the importance of the Joint Declaration when he saw Li Keqiang, and we are assured that he raised some of these issues when he saw Vice Premier Ma. Well, I am glad to hear that, but I am not quite sure I understand why we have never said anything publicly.

Mr Baron: Or does it—

Lord Patten: If I can just add one point, we should be aware that these young and not-so-young people who are so concerned about what is happening are the people who will be running Hong Kong in a few years’ time. They will look back and wonder how much Britain actually cared about them when it really counted.

Q19 Mr Baron: Being devil’s advocate, does it actually reflect an earlier conversation or line of questioning and a realisation that, at the very beginning, we were not actually going to go down this line of actively promoting democracy? How telling is the lack of an arbitration clause within the Joint Declaration? Or is one looking too much into the tea leaves there with regards to intent?

Lord Patten: I think some of those who were perhaps most central to the negotiations of the Joint Declaration did not perhaps feel as strongly about democracy as parliamentarians would—to put it very gently. When I was reading into the job and when I saw words like “election” and “democracy”, I understood them to mean what you and I understand them to mean. I did not seek to hollow them out or give them a suitable diplomatic meaning.

Q20 Mr Baron: Finally and briefly, on the implications for Britain with regards to this stance that we are adopting at the moment—we are coming on to trade separately so I will not encroach on that line of questioning—in our wider standing in the world it is quite

obvious that we are perhaps standing to one side while this is going on. Can you give us your assessment of the harm or otherwise that that may be doing us on the international stage?

Lord Patten: We have and are proud of having—I am using an overworked phrase—a lot more soft power than hard power these days. I think that this is bad for our reputation and our image. It is interesting that the two most international and widely read British journals, the *Financial Times* and *The Economist*, have been so critical. You read the American press and you see similar criticisms. I guess a lot of Europeans would just regard it as another example of perfidious Albion. So I do not think that it is very good for our reputation or image.

While this is all going on, despite an unfortunate “Newsnight” the other day, the BBC, which God preserve, is doing some fantastic reporting with Carrie Gracie and Juliana Liu and others on what is happening. It is very good, honest broadcasting, which is of course never shown in mainland China.

Q21 Sandra Osborne: Absolutely. Thank God for the BBC.

You have suggested that you do not think that trade with China would necessarily be adversely affected if Britain stood up more in relation to the current political and constitutional developments. Some commentators have suggested that the British Government are careful because their policy is “more China trade”. Do you agree with that? Given that we are now trading much more with China than in the past, why do you think the situation would not be affected if the UK Government were more robust in criticising China?

Lord Patten: I think there has always been quite a strong group in Government and the business community that believes that you can only do business with China if you carefully avoid in all circumstances treading on China’s toes or saying anything that the Chinese disagree with. As I said earlier, I do not believe that that is true. It may be true in the short term, but I do not think that it is true in the medium and long term. The reason why we do not sell more to China at the moment, though the figures are getting better, is that we do not manufacture as many things that the Chinese want to buy as the Germans or even the French. I hope that, as the Chinese economy becomes more sophisticated, the position will improve because of our export of services as well as manufactured goods. I very much hope that that will happen, but I also hope that we will not forget in all this—not least given what I just said about the people who will be running Hong Kong in future—the fact that Hong Kong is a hugely important export market to us. It is responsible for 40% of all British investment in Asia, so we should not forget about the impact on Hong Kong.

I am not one of those who thinks that every time we lose an export order in China it is because of something a Minister or politician has said. I do not think that your inquiry is going to mean that our export trade with China is suddenly devastated. I do think that we do not help ourselves in Europe, because the Chinese, like the Russians, pick off EU member states and have discouraged us from working together. If you talk to the European chamber of commerce in Beijing, for example, they always have a list of things as long as your arm that they would like European Ministers from whatever country to take up with China, but that is never really done because we do not run our relationship with China or other BRICs as Europe, which is stupid of us, because individually we do not have as much clout as we

would have together. I do not buy the argument that you can do business with China only if you agree with China. By going on doing that we encourage China to behave badly.

Q22 Nadhim Zahawi: Lord Patten, I want to take you on to the perceived strain on “one country, two systems”. Do you think it can last until 2047?

Lord Patten: Sure. There were people who denied that it would last even as well as it has for this long—for example, Milton Friedman thought that it was impossible—but I do not think that it has done too badly so far. In many respects, Hong Kong is still a more liberal society than many in other parts of Asia that are allegedly democratic. To the extent that that has happened while China has been sovereign, China should get some credit.

Q23 Nadhim Zahawi: Clearly you do not think that this will happen, but if it were to collapse, what could the UK do to preserve it?

Lord Patten: Very little. China is not signed up to the ICJ. In those circumstances, China would be breaching a treaty and treaty obligations with us, and I am sure—I hope—that we would make that clear politically and in the international community. It would be very bad for China’s image around the world to be seen to be breaching a solemn treaty obligation—a treaty lodged at the UN and so on—but I do not think that there is any very obvious legal remedy opening to us, and certainly nothing beyond table-banging diplomacy, which may or may not have its limits. I do not think that China wants to be seen to be breaching a solemn obligation. I have negotiated as both a British colonial oppressor and a European Commissioner with both China and Russia. In my experience, even though they are difficult to negotiate with, the Chinese are much more likely to keep their word than the Russians.

Q24 Nadhim Zahawi: A quick supplementary question. Domestically, the other major issue with which China is having to grapple is Islamic fundamentalism. Do you think that that has any effect on their behaviour over Hong Kong?

Lord Patten: I think there are three objectives of Chinese foreign policy: one is securing the resources for development, one is keeping the Communist party in power and the third is, as it were, history—it is the integrity of China, and that affects Chinese policy on Tibet, on Xinjiang, on Taiwan and on Hong Kong. One of the bizarre things about the way that China is allowing itself to be seen to behave in Hong Kong—and I speak as somebody who has said and written over and over again that I think China doing well is far more important than anything else, than China doing badly. China doing badly would be a disaster for all of us. I do not feel threatened by China doing well, but one of the curiosities about the way that China is handling Hong Kong is that the “one country, two systems” policy was designed for Taiwan. It was designed to try to secure a rapprochement with Taiwan. You will have seen, in the last few weeks, the President of Taiwan, President Ma, making it absolutely clear whose side he is on in Hong Kong—the democratic demonstrators. So it is an odd way for China to behave.

I have a maybe idiosyncratic view that it is not particularly because China is worried about democracy seeping over the border from Hong Kong into China—after all, people in China can see that Taiwan, another Confucian society, is democratic. I think it is much more to do with a reluctance on the part of some at the top of the Communist party to see a

leadership in Hong Kong that has the increased authority which direct elections would give it, and which is more prepared in those circumstances to stand up for the autonomy of Hong Kong. What Hong Kong has suffered from is too many of its leaders who have gone up to China and told the leadership what they think the leadership wants to hear. I have always thought that the leadership was much more sophisticated than that and deserved to be told the truth. The worst thing that can happen to a leader is to have advisers who give him bad advice, just because they think that is what he wants to get.

Q25 Mr Baron: Lord Patten, I think we have concluded from our questions and answers that there is an element of dishonour in the way that the UK Government are not speaking out on the issue of Hong Kong, but it is easy to criticise. What should we be doing as a Government with regards to this issue, given where we are on the Joint Declaration and the lack of arbitration laws, etc.? What can we be doing, apart from, no doubt diplomatically, banging the table and saying, “This is wrong and is not in the spirit of the agreement.”?

Lord Patten: First, the Government and the Foreign Office should not have left it to the Foreign Affairs Committee to make the case that you are doubtless going to consider. I do not know what your recommendations will be, but the debate about what should be a really important issue, touching on British sovereignty, British honour and other things, has been conducted here.

Secondly, the British Government could have said in July helpful things to the Chinese about ways that they could get out of the bind that everybody is in at the moment. Maybe they were saying that. Maybe they were saying it behind their hands and behind closed doors, but I am not one of those who think that it is ever as helpful to say that sort of thing privately. It is like when people used to say that if you mentioned the case of dissidents publicly, it was a bad thing and it was to their disadvantage. If you ever talked to a dissident afterwards, who had been let out of prison, sure as hell, it helped when you made the point publicly rather than when you did it quietly and pretended that you hadn’t really mentioned it. So I think we could have said things in July about the White Paper on the legal system that would not have been provocative, but would have given people in Hong Kong something to hold on to. I think we could now be offering—sensibly—suggestions as to how the Government in Hong Kong and in China could get out of the corner that they are painting themselves into. I really think there is a lot more elbow room than we think in all this. It may be that it is going to be more difficult for the demonstrators to step back—to get out of their corner—because of a feeling that nobody outside is giving them the support that they think they deserve. I think, in some ways, we may have made it more difficult to resolve rather than the reverse.

Q26 Sir Menzies Campbell: Would you allow me a hypothetical question? Supposing China had been subject to the jurisdiction of the ICJ, or there had been an arbitration clause in the agreement, do you think things would have been any different?

Lord Patten: Yes, I think they probably would have been, because I do not think that the Chinese like to be seen to be breaching agreements. I also think it might have been different if there had not been a certain amount of dubiety about the extent to which the ICCPR applies to Hong Kong still, given the change in sovereignty. The issue, as you know, is whether the derogation that we applied to elections in Hong Kong when there weren’t any can still be used by China when there are elections. I think it would have been helpful if we

had made our own position more manifestly in line with the international covenant before 1997. I slightly kick myself that we did not do that in the Bill of Rights for Hong Kong.

I think it would make a difference, because I repeat that I do not think that the Chinese want to be seen to be in breach of international agreements and obligations.

Q27 Chair: The Chinese Government, the Hong Kong Government and the Foreign Affairs Committee of the People's Congress have all conveyed to us their opinion that we are meddling in the internal affairs of another country and we should stop this inquiry. Does that surprise you?

Lord Patten: What surprises me is that the Foreign Office has not hauled in the Chinese ambassador and told him that this is the Joint Declaration, not the Chinese declaration.

Chair: That was our reply, actually.

Lord Patten: A very good reply. I hope that the Foreign Secretary and others have made that point clear, too. I am not saying that they should necessarily welcome your interest, but they certainly should not deny that you have a legitimate interest in this. I repeat that under the Joint Declaration, the beneficiaries are the people of Hong Kong and the obligations are now from China to the UK. Before 1997, there were obligations on us, which we had to discuss ad nauseam in the joint liaison group but which we stuck to.

Chair: Thank you very much indeed for your evidence this afternoon. It has been invaluable to us, and it is very much appreciated that you found the time.

Lord Patten: Thank you very much. I think there are a lot of people in Hong Kong who will feel that the fact that you are taking this issue so seriously demonstrates that the United Kingdom still has a rock-firm commitment to liberal pluralism and democracy. Some of them will have started to worry about that.

Chair: Thank you. The sitting will be suspended while we change the witnesses.

Examination of Witnesses

Witnesses: **Professor Niv Horesh**, Professor of the Modern History of China and Director of the China Policy Institute at the University of Nottingham, and **Dr Malte Kaeding**, Lecturer in International Relations, University of Surrey, gave evidence.

Q28 Chair: May I welcome the next two witnesses, Professor Niv Horesh, professor of the modern history of China and director of the China Policy Institute at the University of Nottingham; and Dr Malte Kaeding, lecturer in international relations at the University of Surrey? A warm welcome to you both; thank you very much for coming along today.

Before I start the session, I will say to members of the public that taking photographs in here using your phone is not allowed, so I would be grateful if anyone doing that desists from doing so.

Dr Kaeding, I understand that you would like to make a general statement to start with. Please do.

Dr Kaeding: Thank you, Chairman. This is of course an important inquiry and I believe that something like what we are seeing in Hong Kong with the Umbrella Movement could have been expected if we had paid closer attention to the political developments in Hong Kong.

Lord Pattern has mentioned already some of these key issues over the past years in Hong Kong, such as: the rise of youth movements; the high level of dissatisfaction with the Government in Hong Kong and Beijing's role in Hong Kong, as public opinion constantly shows; the rising inequalities; identity issues; problems of mainlandisation; and also structural problems of democratic progress. That is my observation and I think we will catch up on these issues later.

Q29 Chair: Thank you very much indeed. A question to you both. You will have read the six-monthly reports that the Foreign Office publishes, summarising its views on what is going on in Hong Kong. Do you think that those reports are an accurate representation?

Professor Horesh: If I may, I would suggest that a lot of what the report has raised in fact reflects concerns that are shared by many in Hong Kong. It is to my mind, and to that of those that I have consulted in preparation for this evidence, a well balanced statement that draws on both sides of politics in Hong Kong. I note in particular reference to concerns about: freedom of assembly; freedom of the press; and recent events that have occurred in Hong Kong. So, all in all, I would suggest that the report is quite well balanced.

Dr Kaeding: I think they provide a good overview, but there is very little analysis. There are no linkages between individual cases and overall democratic progress, no context is provided and I think there are several examples, as I think Lord Pattern mentioned already, that have been omitted, which I think is highly problematic.

For example, in 2010, when we talk about the constitutional reform debate and all of those issues linked to it, why did the public react so negatively to the proposal put forward by the Government? Because basically it was a repackaging of a proposal of 2005 which was rejected by the LegCo. If this is not mentioned in the reports, how can we understand the reaction of pan-democratic parties, for example?

Another example is that they did not even mention the anti high-speed rail link protests, which were the beginning of all these youth movements, linking social and political issues. It is problematic that some of these issues were not picked up. After 2012 the reports get much more comprehensive and last year and this year are quite good.

Q30 Chair: Professor Horesh, how does Beijing see the UK-Hong Kong relationship? What is their view of it?

Professor Horesh: It is fair to say that they are hypersensitive, in view of the fact that the UK used to run the former colony. Beijing at the moment, for example, is preoccupied with what they see as foreign black hands agitating and promoting the protest. There is some

controversy as to how authentic the sentiments are, whether they reflect a genuine mindset, or it is simply a ploy.

With that in mind, they observe things like British Council activities. We understand that there is great sensitivity about what the British Council might do or not do in the colony, because we know that the US agency, the National Endowment for Democracy, is on their radar screen and they often accuse it of manipulating students and public opinion.

In view of the historical linkages between Hong Kong and the UK, through Beijing's eyes, the UK cannot be considered as just another country commenting on the situation. It is extremely sensitive in particular to what is said about Hong Kong in this country.

Q31 Chair: Looking at it from the other side of the coin, how does China see its relationship with Hong Kong and what sovereignty do you think it has over Hong Kong?

Professor Horesh: It is difficult to psychoanalyse what goes through the minds of the leaders in Zhongnanhai. By and large many at the helm in the top echelons in Beijing see themselves as mission bound to assert Chinese sovereignty over Hong Kong. Formally that is the case. Any development that might in their view suggest an erosion of Chinese sovereignty over Hong Kong will be seen as a great threat.

One also needs to consider the historical baggage. The Chinese Communist party does not see itself purely as an embodiment of Marxist ideology. We know that China has drifted a long way away from Marxism. It is perhaps even more an embodiment of Chinese national aspirations. In that sense, reuniting with Taiwan, asserting sovereignty over all parts of China is very much on the minds of the leadership all the time.

Q32 Chair: Do you think that has implications for us in the UK?

Professor Horesh: As Hong Kong's former colonial administrator, the UK does need to be aware of these sensitivities. Whether those are legitimised or not is a different question. Nevertheless I think that a lot of these sentiments are genuine. Of course they will often be manipulated. Using this country's past as an oppressor, which Lord Patten pointed to, can be foregrounded in all sorts of ways, often manipulatively and not as matter of fact. Underlying all of that there is a certain historical mission that leaders feel and that translates into great sensitivity about what the UK says. In the realm of diplomacy that should be taken into consideration.

Q33 Sandra Osborne: How and why has Beijing's attitude to the development in Hong Kong of political and constitutional rights changed since the Joint Declaration was signed?

Professor Horesh: To say that it has changed is open to debate, I might suggest. At the moment what is alarming Beijing is what they see as attempts to assert—not just to call for—a greater degree of democracy, of popular representation. Many among the leadership—perhaps not all—including some who are intimately in contact with Hong Kong or who are policy makers in that regard, see some elements within the student movement as trying to assert an identity that is separate from so-called Mother China. That is what they are concerned about. When this perception takes root, there is a real risk that they might overreact.

So can we say that their attitude has changed over time? I might suggest that, had we had this discussion round about 1995, if we had attempted back then to predict the spirit of the nascent declaration—what at the time had not yet been signed—and what sort of issues might crop up later down the track, I think if we then had known the issues that we are dealing with now, we might have been pleasantly surprised. In about 1995, stalwarts like HSBC relocated their headquarters here because of great anxiety about the future of Hong Kong.

We know how much fear there was at the time. If we look back at the headlines and the press reports, and the messages that went through diplomatic channels, I think that by and large, even though of course there is still great concern about Hong Kong's future, the Joint Declaration has lived up to its purpose.

Q34 Sandra Osborne: Do you think that Beijing just thought they would continue on, as has been happening with the constitutional arrangements, and that they were not aware they would be challenged at some point along the line?

Professor Horesh: I think it is widely recognised that the Joint Declaration had been phrased in a way that was purposefully amorphous and vague, so as to allow Beijing to sign and give the much needed peace of mind to Hong Kong at a time when anxiety was going through the roof, and at times there was grave concern about the viability of Hong Kong as a financial hub. Considering the amorphous nature of the declaration, much has been achieved since, even though we would all of course like to see Beijing making more concessions. But in an atmosphere and a climate where Beijing might somehow get the impression that what is at stake is not the technicalities of universal suffrage, but a separate identity that may be budding in Hong Kong, then I think we would all have problems expecting concessions.

Q35 Sandra Osborne: In relation to the increased economic power of China over recent years, how has that affected the UK's relationship with Hong Kong?

Professor Horesh: I think we need to bear in mind the relative significance of Hong Kong back in 1997 and the role that Hong Kong plays in Greater China's economy at the moment. Much has changed since. I think policy makers in Beijing know that and try to make the most of it. I think policy makers in the west are aware of it, quite naturally. Back in 1997, Hong Kong was absolutely indispensable. I might even say that it was the lifeblood of China's reform effort. That is no longer the case. There is a growing sense in Beijing—perhaps it is justified, if we look at the figures—that if push came to shove, the Chinese economy could continue to grow, perhaps not at breakneck pace, and China's reform thrust might well continue, even in the absence of consensus in Hong Kong and even if there were many more divisions in the former colony. I think that the setting has changed to a great extent.

Q36 Chair: Dr Kaeding, did you want to comment on any of those points?

Dr Kaeding: I think I agree with Professor Horesh, largely on the Chinese perspective. I think, however, that we have to highlight that, when we talk about China's role in Hong Kong after 1997, there are structural issues with the democratisation process. What we can see is a move towards more power or more importance being given, for example, to district councils through the democratisation process. That looks like the Chinese trying for

some kind of Chinese-style democracy. What we can see is not only that democratisation is slow at best, but that it is somehow derailed and getting further and further from what we would consider fair and just elections. As you know, district councils are depoliticised bodies in Hong Kong. They have been given a stronger role after the 2010 constitutional reform package. We have to bear that in mind.

Q37 Mr Roy: Dr Kaeding, do the majority of Hong Kong citizens support the protesters, or do many think that political reform is going ahead at the right pace?

Dr Kaeding: When we looked at this before the protest—we do not have any current public opinion polls, because of the ongoing protest—after the NPC decision of 31 August and before the student strike, we had a large majority of citizens asking the legislators to reject the reform proposal given by China. We see 80% to 90% of people wanting genuine universal suffrage and wanting to get rid of the functional constituencies, as Lord Patten said. In early October, at the beginning of the demonstration, 59% of people supported the students in rejecting the Government proposals. There is a clear majority for the protests.

Q38 Mr Roy: Could you comment on the students or the protesters themselves? In what way are they different from the old guard—the pan-democrats of the past? What difference does that make for the future of the pro-democracy movement?

Dr Kaeding: What we can see, especially now with the so-called Umbrella Movement, is that although the Hong Kong Federation of Students and Scholarism are very much involved in this, we can see a lot of self-organisation on the ground. Groups such as the Civil Human Rights Front, which organises the 1 July rallies every year, are active there. The pan-democratic parties, as you know, have been largely sidelined by this protest, so that they are not involved or only a little involved.

On tactics and aims, you are right. It is quite different from what we have known. That is why I mentioned the anti high-speed rail link protest. At that time, frustration over slow democratic progress—every year people just coming out to march and nothing really happening—led to more confrontational tactics by some parts of the pan-democrats, but also the student movement, especially the group Scholarism, which said, “We can’t continue like this.” For example, sit-ins—just staying in a venue after a march—were one of the tactics adopted. So we can see a shift in tactics, but also in aims. The youth movements have a more purist—I do not want to use the term radical—version of democracy in mind, and reject the moderate views, especially those of the Democratic party in 2010, that small incremental steps would be the way to go. They see what is happening on the ground: that on the grassroots level things are dominated by pro-establishment parties, because of their superior financial means.

Q39 Mr Roy: There is a separation from the pan-democrats. I understand that they stand back, but when they stand back do they encourage, discourage, or remain totally neutral?

Dr Kaeding: I think they encourage and try to get involved, but at the moment they cannot steer the agenda. It is firmly with the students.

Q40 Sir Menzies Campbell: Is the unpopularity of the Hong Kong Government related to constitutional issues or perceived and, indeed, actual economic inequality?

Dr Kaeding: I think both. First, you are right that constitutional arrangements are highly problematic. Even if we had a National Legislative Council fully, getting rid of all the functional constituencies, the role of Chief Executive would still be very odd. There are constraints, some of which are self-made: for example, the so-called accountability system introduced in 2002. Then there are rising inequalities and the demise of the Hong Kong dream—you work hard and then you can move up—which has died down with rising housing prices. But I would be very careful about saying that people are taking a stand just because of economic reasons. That is the discourse from China.

Sir Menzies Campbell: It is a combination of both.

Dr Kaeding: Yes. It is all the frustration over such a long time and all these promises, as Lord Patten said, over many years—now it is universal suffrage, then another reinterpretation, and then another recycled proposal.

Q41 Sir Menzies Campbell: Professor Horesh, do you agree?

Professor Horesh: To a large extent I do. I am not that intimately tied up or engaged with the activists, but as an observer, somebody who reads the data very carefully, and as an analyst, I think that there is probably a small gap in the press coverage in the West of what is going on. There are two narratives. One is the mainstream press narrative in the West that portrays this as a democracy versus Beijing kind of movement, but I think there is a lot more to the story than meets the eye. A lot of the sentiments that we see in Hong Kong are Russell Brand kind of sentiments, which have a lot more to do with issues that young people struggle with in different parts of the world, not necessary just in Greater China. The Chief Executives—all of them since the handover—are seen as political insiders who have cosy links with big business. That is where the youth animosity derives from to a great extent. It is not just universal suffrage per se.

Q42 Sir Menzies Campbell: Again, let me put a hypothetical question to both of you. Suppose the constitutional arrangements were resolved for the purpose of the 2013 election and that concessions were made: would that sweep away the unpopularity, or would it still have its basis in economic inequality? Dr Kaeding, you said that the two together create the present discontent, but if you were to siphon one off, would the discontent remain?

Dr Kaeding: I think—

Chair: Order. I am particularly interested in the answer to that question, but you are witnessing democracy at work—we have to go to vote. The sitting is suspended for 10 minutes or 20 minutes if there are two votes.

Sitting suspended for Divisions in the House.

On resuming—

Chair: Thank you both for your patience. We had two votes.

Q43 Sir Menzies Campbell: If we were in court, I would say that the shorthand writer will read the question to you again, but in these days of technical advance, we do not have shorthand writers.

If a satisfactory or acceptable solution were found in relation to the constitutional issue of 2017, would the existing economic discontent be maintained? Would that, on its own, be a sufficient cause of a lack of settled approach in Hong Kong?

Dr Kaeding: That is a very important question. If we only focus on the 2017 election of the Chief Executive, that will not be enough. As I mentioned before, the key problem is the functional constituencies, where you have this narrow amount of people voting, with 150 voting for one person. Those have been identified for a long time now as the core of the economic system in Hong Kong being skewed towards one side. If that is not reformed, I think that this would continue. This is the core issue. If we resolve the functional constituencies, that will also help with the nomination committee and things like that.

Professor Horesh: I agree that functional constituencies embody a complication that is causing quite a bit of controversy, but I might also suggest that, had a more assertive Chief Executive been appointed—Lord Patten touched on this point—and had a more forceful image emerged, representing the popular voice, which is not yet fully represented given the technicalities of the current system, many in Hong Kong would have been relieved, and perhaps that might have defused student discontent. Whether this can be accommodated by Beijing is a completely different question.

Q44 Sir Menzies Campbell: Do you think Beijing's attitude towards Hong Kong is in any way influenced by recent events in Taiwan and Macau?

Professor Horesh: Absolutely. Anything that might smack of secession or alternative identity—even events unfolding in far-flung corners of the planet, including the Arab spring—are cause of grave concern in China. It is no coincidence that when the Arab spring broke out, there was censorship of events across the Middle East. It was virtually impossible to read about those events on the internet for a long period of time. I would cast the net wider and suggest that, in the PRC mindset, the Beijing mindset, global events that lean towards secession or are seen as some kind of federalism breaking loose, degenerating into independence movements, are almost instinctively seen as a threat. Of course, closer to home in Taiwan, the Sunflower movement, being a vocal movement, is of grave concern.

Q45 Sir Menzies Campbell: May I turn the question around for Dr Kaeding? If instability anywhere in the world causes anxiety in Beijing, they are likely to be caused permanent anxiety because there is hardly ever an occasion when there isn't somewhere in the world a movement for devolution or independence. I do not know whether what happened in Scotland on 18 September was of any significance in Beijing, but that seems to me to be an attitude that is bound to be challenged, albeit perhaps not daily. You certainly cannot rely on global stability.

Dr Kaeding: I agree with you, and I agree with what Professor Horesh said. These concerns about sovereignty are very centrist. Lord Patten also said these things about Chinese identity. The problem is that Beijing's actions in Hong Kong achieve exactly the opposite, so what they achieve now is a model for Macau, which of course is much more constrained, but

students look at Hong Kong very interestedly, learning about tactics and so on. A friend of mine at Macau university who talked to the democratic parties there says, “They said we can learn tactics and strategies from them,” and they are trying to mobilise people there. In Taiwan, of course, the student movements learned from Hong Kong starting from 2012. There are all these exchanges. If the Chinese Government’s idea is that the problem will go away if they just suppress it, it will not. As you can see, it is just getting worse.

Q46 Sir Menzies Campbell: So what happens in Freedom Square thousands of miles away can have an impact on the policy of the Beijing Government?

Professor Horesh: Potentially, yes. In that context, I might add that what happened in Scotland is more of a symbolic event. On the other hand China increasingly relies on oil from the Middle East—oil from the Middle East played a marginal role in their energy mix a decade ago, but not now. China is otherwise much more of a global player nowadays; hence its concerns are global.

Sir Menzies Campbell: I was being a little mischievous by referring to Scotland, but thank you both very much.

Q47 Nadhim Zahawi: How would you assess the UK Government’s response to developments in Hong Kong since the announcement of the decision on the 2017 electoral package?

Dr Kaeding: I largely agree with Lord Patten that it has been very restrained. I can see there are constraints, but on the other hand it is very important for the UK to take a clear stance if the UK wants to continue in its role as a normative power. It is very important, also, for the Hong Kong people, as we talked about before, that they have some recognition that we in the UK care. That was said in the session with Mrs Anson Chan and Mr Martin Lee. In terms of the responsibility of the UK, the core values of Hong Kong—the rule of law, freedom of speech and all these things—were all established under British rule, so if these are now getting people into trouble, it is the responsibility of the UK to come out and support of them.

Professor Horesh: I might argue, in addition, that the challenge is in bringing about a situation where Beijing is encouraged to make concessions. In a setting where the Prime Minister met with the Dalai Lama in 2012 and angered Beijing—one cannot ignore that meeting—and for the Deputy Prime Minister to then suggest that he might be inviting the Chinese ambassador to express dismay at what is happening in Beijing when the Prime Minister has not expressed himself along the same lines is, I would suggest, potentially a very effective way of expressing concern on the one hand, but also avoiding a situation where Beijing might overreact, because of its own sensitivities. Of course, this is quite complicated: how do you get the optimal response from Beijing?

Q48 Nadhim Zahawi: How is the UK perceived by different political and generational groups in Hong Kong? Can you shed some light on that for us?

Dr Kaeding: We have had, so far, a lot of qualitative data. We are trying to do some research on this right now; if the funding goes through, then we might have some more data on this. We can see, especially among young people— youngsters born after 1997—an

imagined, golden colonial era, the Patten era, and a lot of people who identify themselves as a Hong Kong person only, not Chinese. They have a colonial nostalgia; that is a very strong element of this. Among older people, it depends on what side you were on. Of course, we know that leftists suffered to some extent under colonial rule, but especially middle-class people and people of middle age have a very positive view of the UK. Because Hong Kong always sees itself as an international city and an international society, it is always looking at Europe, always looking at the US, and in Europe, of course, the prime point is the UK.

Q49 Nadhim Zahawi: We have touched on this already, but can we have a final word from you on what the UK Government could be doing differently in handling relations with Hong Kong? Are there areas we have not tackled that you think we should be doing differently?

Dr Kaeding: One example would be looking more closely at different actors in Hong Kong. We have the established pro-democracy figures like Anson Chan and Martin Lee; they are very important, but as I said before when Mr Roy asked me about this, you can see that there are a lot of new actors and we have to look at them as well and try to get a broader view of different perspectives on developments in Hong Kong. That would be the one thing. I agree with Professor Horesh that it is very difficult in terms of actual statements in support.

Chair: Thank you very much for your time. That completes our questions. We always appreciate it when people who know what they are talking about come along and talk to us.