

**Committee:** Security Council

**Issue:** Reviewing the application of the Sino-British Joint Declaration on Hong Kong

**Student Officer:** George Ermis Ioannou Makrynikolas

**Position:** President

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## PERSONAL INTRODUCTION

Dear Delegates,

My name is George Ermis Ioannou Makrynikolas and I am 17 years old. I attend the German School of Athens and this is going to be my fourth and last time chairing. I joined the MUN club during the 9<sup>th</sup> grade and this decision was maybe one of the best and most wise I have ever taken. The MUN cleared the nebulous path towards choosing my professional future. I immediately admired people that stand up for their beliefs, express themselves like real diplomats and represent various countries with contradictory policies.

Thus, I started to practice in order to at least reach the academic level of my ancestors in the school. This constant motivation, enlivenment and galvanization resulted in flawless communication and interaction with the older students of my school that configured a vast part of my personality and of the way I work. Moreover, the passion and appreciation I foster for the rule of law and politics constitute another value that was transfused to me after taking part in the MUN. As a matter of fact, I owe to the community and the club more than the former words can describe.

Due to that fact, I am more than honored to serve as the President of the Security Council for the last time. I am looking forward to cooperating with you and hope that this text will guide you to a satisfactory extent through the research of the topic. Always keep in mind that except for this work, you should also conduct personal research on the issue. In case something occurs during the preparation, please contact me at [ioannoumak@hotmail.com](mailto:ioannoumak@hotmail.com).

I wish you the best for the preparation.

Sincerely ,

George Ermis Ioannou Makrynikolas

TOPIC INTRODUCTION



**Figure 1: Margaret Thatcher and Deng Xiaoping on the day of the ratification of the Sino-British Joint Declaration**

The United Nations Organization that was formed after the Second World War attempted to avoid any further conflicts and to end any violation of human rights, providing people of the member states with their fundamental rights such as the right of self-determination. Therefore, one of the first steps was decolonization. This tore apart the British Empire, leaving behind the most powerful imperialistic past. Britain was present in all continents and had colonized many years ago the region of Hong Kong. Its deliverance would mean the

handing over to communistic China, a fear that the “Iron Lady” needed to face for the sake of the continuation of Hong Kong’s economic power.

For this reason, as it will be thoroughly explained in the section of the “Background Information”, the Sino-British Joint Declaration between the two world superpowers was ratified. The purpose of this Study Guide is to explain the configuration of the Treaty, to analyze the actions of China in accordance with the Convention and last but not least to demystify the violent protests in the last years.

The violation of the Convention and the erosion of the legal system that could easily follow pose an imminent threat to democracy. Hong Kong was an experiment, an unprecedented attempt to create and preserve a self-determined democratic regime in a totalitarian state. The attempt was perilous and not promising. However, the will of the people that resident the Special Administrative Region to continue enjoying their fundamental human rights and freedoms, which should have been guaranteed in every state, transfuse them with the power to stand against the effort of the Government in Hong Kong to allow to intensify the Chinese presence in the region. This topic that is going to be discussed should not be deemed as a cliché one of the United Nation, but as a situation that could define the future of democracy.

## DEFINITION OF KEY TERMS

### Sino-British Joint Declaration

The Sino-British Joint Declaration is the treaty that was ratified by China and the United Kingdom on the 19<sup>th</sup> December of 1984. The Declaration came into force on the 1<sup>st</sup> July of 1997. From that day forth, Hong Kong would be a Special Administrative Region, a self-governed capitalistic region.

### SAR (Special Administrative Region)

A special Administrative Region, legitimized by Article 31 of the Chinese constitution, is an area in Mainland China with an exceptional economic (capitalism) and political system, in which people enjoy the right of self-determination and freedom of speech. A SAR only depends on the government in Peking regarding national security issues and diplomacy.

### Protest

A protest is according to the Cambridge dictionary a “strong complaint expressing disagreement, disapproval, or opposition”<sup>1</sup>.

### Riot

A riot is “an occasion when a large number of people behave in a noisy, violent, and uncontrolled way in public, often as a protest”<sup>2</sup>.

### Suffrage

The suffrage is the right for women to vote, which is not guaranteed in Hong Kong.

### Extradition

The extradition of criminals from one country to another is the physical and legal transportation of an incarcerated person. He or she can be tried by the regime, which he or she was extradited to and be punished in accordance with the local legislation.

### The Extradition Bill

A modification of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation proposed by the Hong Kong government would enable the extradition of criminals in Hong Kong to Mainland China and Taiwan, posing an imminent threat of legal erosion to the Special Administrative Region.

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<sup>1</sup> <https://dictionary.cambridge.org/dictionary/english/protest>

<sup>2</sup> <https://dictionary.cambridge.org/dictionary/english/riot>

## BACKGROUND INFORMATION

### England colonizes Hong Kong

The importance of history hides in two very profound and sometimes banal explanations. History leads us to the complete understanding of our orientation in the world and of the one of our ancestors. Moreover, it is worth analyzing since it repeats itself. The last two years, the humanity witnessed the so-called Trade War between China and the United States of America. The endless tariffs and limitations influenced and scared the whole world.



**Figure 2: The map of China. Hong Kong is marked with the red dot**

However, the conflict between the two trade superpowers is not new. Almost 200 years ago, England and China involved themselves in a war, because of illicit smuggling of goods, from which the name of the conflict derives: opium. The opium has been illegally imported to China from India by the United Kingdom. Therefore, after 20 years of social and economic problems in China, as a result of the English actions,

the government devastated the imported goods. Moreover, some English sailors murdered a villager and things escalated. The hostilities that followed culminated in the first Opium War (1839-1842).

The skirmishes ended with a number of treaties that were favoring many countries that were involved in the opium trade. In 1850 the Qing dynasty (China) could not accept an expansion of the conventions and a second Opium war broke out. The English and French forces triumphed again and one of the terms of the new treaties was the colonization of the Kowloon Peninsula, including Hong Kong. Finally, the Convention for the Extension of Hong Kong territory was signed in 1898 and declared the British rule over the area for 99 years.

### England and China ratify and Sino-British Joint Declaration

In 1949, following the Chinese revolution by Mao Zedong against the ruling dynasties, communism was established in Mainland China. This regime change

induced the creation of the Taiwan government and other geopolitical shifts and influences in the world.

29 years later, as the expiration day was approaching a solution has been sought by all involved governments. On the one hand, the continuation of the British rule was impossible due to the right of self-determination that the United Nations supported and promoted. Moreover, the decolonization committee and various efforts of the Organization in conjunction with the attempts of the Trusteeship Council also prohibited this form of constant colonization. On the other hand, the simple “handing over” of the region to communist China would disrupt the economy and seize any western influence on the area.

For all those above-mentioned reasons, the Chinese government led by Deng Xiaoping proposed in 1978 the following solution: “One state, two systems”. However, as it will be analyzed later, western countries tend to emphasize on the “two systems” term, whereas China on the “one state”.

After years of negotiations, on the 19<sup>th</sup> December of 1984, the Sino-British Joint Declaration was ratified by Margaret Thatcher and the “paramount leader”<sup>3</sup> of the communist regime. This treaty between the two superpowers would free Hong Kong both by shackles of the United Kingdom and of the Asian country. It would reserve a capitalistic economic system and have a parliament, which nevertheless is not directly voted by the residents but by specific 1,500 representatives. Furthermore, the so-called Special Administrative Region (SAR) would only depend on China when it comes to military and diplomatic issues. A constitution and legal system were also prerequisites after the ratification Declaration.

Finally, on 1<sup>st</sup> July of 1997, exactly 99 years after the ratification of the Convention for the Extension of Hong Kong, Hong Kong became an independent region. This agreement would remain in power until 2047. Nonetheless, the feared interference conducted by the Chinese state, which undermined the treaty, rapidly began being grasped by the people of Hong Kong culminating in the events after 2014 that will be explained in the next section.

### **The violation of the Declaration and the motives of the protests**

Hong Kong shifted to the center of political attention in 2014. The government in Beijing provided a list of candidates for the elections in Hong Kong, which was accepted. This means that the communistic regime directly interfered into the SAR’s sworn freedom of politics. The reaction was, however, nothing remarkable.

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<sup>3</sup> <http://www.mjilonline.org/china-uk-and-their-sino-british-joint-declaration/>



Three years later, in 2017 while Britain was politically supporting Hong Kong, the spokesman of the Chinese government publically discredited the treaty by claiming that it is a historical document without actual legal basis. This marked the first time that China officially undermined the Sino-British Joint Declaration and publically disclosed its intentions.

All these events culminated in the modification of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation that was proposed by the Hong Kong government in 2019. Carrie Lam, the head of government, was fundamentally promoting the legal erosion of the judicative system of the Special Administrative region offering to Mainland China and Taiwan a flawless opportunity to invade into Hong Kong and to proceed with what was heavily opposed during the negotiations about the future of the SAR.

A huge number of citizens moved directly to the streets protesting against this political decision. At first, the demonstrations seemed to end peacefully. Nevertheless, the government did not satisfy any of the demands, which led to hostilities with the police. Things escalated quickly with the peak of a dead demonstrator because of unjustified use of force by the police. Mass incarcerations, squatting large buildings and other brutal actions continued for many months.

The government could not handle the pressure and therefore decided to withdraw the Extradition Bill permanently on the 4<sup>th</sup> September of 2019. However, the demonstrators would not end their efforts for a more democratic region. They demanded universal suffrage, amnesty for the ones captured during the protests, an independent investigation into police brutality in the past months and also called for the “protests” to be renounced as “riots”. Nonetheless, these requests were absolutely ignored, and the government passed a law on the 4<sup>th</sup> October of 2019, banning all masks in public places (something impossibly ironic taking into consideration the current situation).



**Figure 3: Hong Kong protests because of the proposal of the Extradition Bill**

After months of peace in the streets of Hong Kong, riots broke out again on May 28<sup>th</sup>. The national congress of China approved a law which will allow to the Intelligence Agency and secrete police to intervene into the events in Hong Kong, in order to prevent sedition and other forms of allegedly possible national security threats. Furthermore, the government of Hong Kong proposed a new legislation, which will criminalize the ones that offend the Chinese national anthem. Nevertheless, the politicians reassured that none of these proposals would affect the normal citizens of Hong Kong, a statement that spread anxiety and fear among legal experts.

The “riots” did not stop until the coronavirus forced them to. Judges and people from the judicial scene in Hong Kong are still trying to stop the coming erosion and to prevent further hostilities. The issue needs to be tackled, seeing that democracy is generally under threat in the last years and the main goal of the UN is peace and stability.

### MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

#### United Kingdom

As mentioned before, England colonized the region of Hong Kong after the opium war. For many years during its extremely powerful imperialistic past, the area served as an economic “bulwark”. The capitalistic system, in conjunction with the strong relations between the empire and the former colony, needed to be upheld. Therefore, the British government negotiated hard for the declaration that set Hong Kong free. Furthermore, it has left its mark in the educational system and the language. Many citizens also possess dual citizenship. In 2017 the foreign minister, Boris Johnson publicly supported and defended Hong Kong. People in the UK, together with many other countries, also demonstrated showing empathy for Hong Kong.

#### United States of America

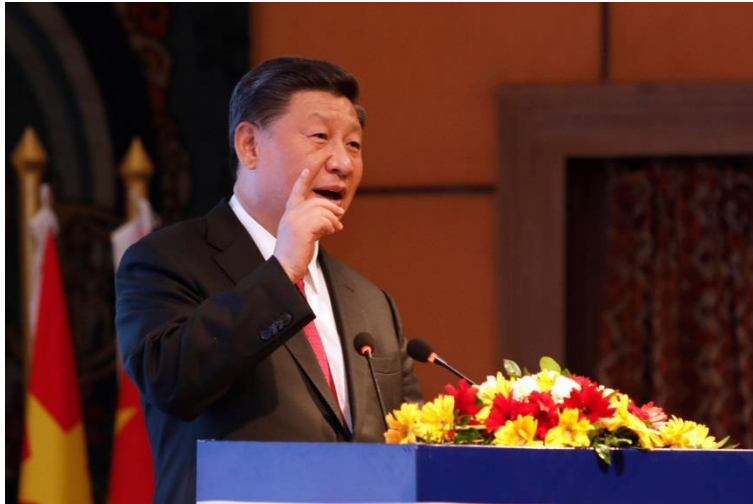
The United States of America, as a clear financial foe of China after the efforts of the Trump administration to nationalize the economy starting the Trade War, seized the opportunity to stand with the international community against the repressive country. President Donald Trump signed a bill of the Human Rights and Democracy Act, which is responsible for the supervision of possible violations in Hong Kong’s autonomy. So, the US officially backed up the demonstrators in the area. Moreover, another fact plays a cardinal role through the assessment of the US’ policy on the region. None of the economic tariffs imposed on China affect the region of Hong Kong. Its relations with the biggest military power in the world

remain impeccable. Last but not least, the foreign minister Mike Pompeo showed empathy for the protestors in Hong Kong in a statement following the latest events.

### People's Republic of China (PRC)

China is the country defeated in the opium war in 1842. Therefore, it was forced to hand over the region of Hong Kong. After 99 years of British presence, the SAR should have been passed to Mainland China. However, the United Kingdom and the PRC ratified the Sino-British Joint Declaration and directly solved the problem.

Nevertheless, China attempted to intervene illicitly into the legal and political system of Hong Kong long before the agreement was meant to expire (2047). The government attacked the many supporters of Hong Kong verbally, warning that, should any foreign state provide help to the Special Administrative Region, this will end to "bodies smashed, and bones smashed to powder"<sup>4</sup>. It officially discredits the treaty calling it a "historical document" "without legal basis".



*Figure 4: Xi Jinping the head of State warning about any foreign interference*

### Hong Kong

According to Article 13, a Special Administrative Region in China enjoys restricted democratic rights and a capitalistic system. It only depends on Beijing when it comes to diplomatic or military issues. The legal and political erosion attempt that was embodied by the proposal of the modification of the Extradition Bill brokered many protests that ended up to hostile and brutal skirmishes between demonstrators and police forces. The four demands of the enraged and furious population were not satisfied by the local government.

### United Nations (UN)

The United Nations organization has condemned the use of force during the hostilities and thus called for the seizure of the violence in Hong Kong streets. However, the Security Council has not passed any resolution on the issue declaring

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<sup>4</sup> <https://www.bbc.com/news/world-asia-china-50035229>



specific measures that should be followed by both the government of Hong Kong and China. Moreover, the UN Human Rights Office has also urged for the brutalities to stop between the state police and the demonstrators to end.

**Group of Seven (G7)**

The Group of Seven has expressed its support for the independence of Hong Kong. They supported the Sino-British Joint Declaration with the latest resolution, as it will be seen in the next section of this Study Guide. Due to that fact, the Group shifted to the scope of China, which accused it of intervening into Chinese matters.

**TIMELINE OF EVENTS**

Date	Description of event
1839-1842	First Opium War
1856-1860	Second Opium War
1898	Convention for the Extension of Hong Kong.
1949	Mao Zedong establishes a communistic regime.
1978	First negotiations between the United Kingdom and China.
19 <sup>th</sup> December 1984	Ratification of the Sino-British Joint Declaration.
1 <sup>st</sup> July of 1997	Hong Kong becomes a Special Administrative Region.
2017	The Chinese government discredits the Declaration calling it a “historical document”.
2019	Hong Kong’s government’s proposal of the modification of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation, which sparks an outcry among huge parts of the population.
4th September 2019	Hong Kong’s government withdraws the Extradition Bill.
1 <sup>st</sup> October 2019	Hong Kong passes a law that bans masks in public places.

## RELEVANT RESOLUTIONS, TREATIES AND EVENTS

### The Sino British Joint Declaration<sup>5</sup>

The Sino-British Joint Declaration was ratified between the United Kingdom and the People's Republic of China on December 19<sup>th</sup>, 1984, in order to agree on a smooth transition of Hong Kong from the British rule to freedom. The Special Administrative Region in the territory of Mainland China was declared autonomous. "One country, two systems" was the motto.

### G7 Leader's Declaration in Biarritz<sup>6</sup>

The heads of the seven states expressed themselves to the situation in Hong Kong on August 26<sup>th</sup>, 2019, during the 45<sup>th</sup> G7 summit in Biarritz. They all accepted and respected the Sino-British Joint Declaration, calling for a seizure of the brutalities between the police and the demonstrators.

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The Hong Kong crisis is a very complex one because the sake of the region relies on the interpretation of the Sino-British Declaration and of the Chinese government's will to withstand a capitalistic and independent legal system within its borders. Since the Special Administrative Region does not possess the right to represent itself diplomatically or to defend itself militarily, China abuses this incapability in order to isolate the area from the outside world. Any interference of a third country or organization is not just verbally condemned. As previously mentioned, the international community has been threatened by the head of state, should any attempt occur. Nonetheless, the world could not remain uninvolved and watch the violations of fundamental rights and the endangerment of democracy's future.

Therefore, residents of many countries in Europe, like France and the UK, or in North America, Canada, organized peaceful pro-democracy demonstrations expressing their understanding and support towards the people of Hong Kong. This shows the power of the international community and specifically of the people's need to external their sympathy and hopes for the heroes in the middle of China fighting for the preservation of their rights.

Furthermore, in 2017 after the controversial election-system of Hong Kong the British foreign minister, Boris Johnson, clarified to the world that the government of the United Kingdom totally underpins the freedoms of the Hong Kong residents and also conveyed its administration's respect for the Sino-British Joint

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<sup>5</sup> <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1071&context=ilr>

<sup>6</sup> <https://www.consilium.europa.eu/en/meetings/international-summit/2019/08/24-26/>

Declaration. This statement provoked the Chinese government discouraging any foreign interference in their affairs.

Moreover, the Group of Seven (G7) renewed its will to back up the Special Administrative Region in Mainland China, focusing on the legality of the Declaration as a response to the undermining policy followed by the communistic regime.

Last but not least, the withdrawal of the Extradition Bill proposed by Carrie Lam aimed at easing the situation on the streets of Hong Kong, although all the other demands were ignored. This does not only count as an attempt to solve the issue but also an example of success of the demonstrator's pressure on the government.

Unfortunately, the lack of jurisdiction of any other state except China and the absence of sovereignty from the side of Hong Kong has prohibited any more drastic measures. Nevertheless, since the situation escalates rapidly, encouraging and condemning actions will not play a cardinal role in the near future, if a line has to be drawn between a small region and a superpower.

## **POSSIBLE SOLUTIONS**

The coronavirus pandemic and the measures that governments drastically took in order to battle it have left much time for thinking and room for improvement in the Hong Kong crisis. The demonstrations and the constant brutality on the streets have stopped. This constitutes the perfect opportunity for all parties involved to work out a peaceful solution. However, if impossible, more efficacious steps could also be taken.

First and foremost, the government of Hong Kong, China and the UK could negotiate on the further proceeding. The United Kingdom preserves its signature in the Sino-British Joint Declaration, which is being violated, and therefore undoubtedly possesses the right for a seat at the table. Except for the two legal belligerents, an organizer of the riots could also represent the demonstrators and present the people's demands. The repressive and communistic system of China has no right to intervene negatively in the relations between the government of Hong Kong and its residents, who supposedly enjoy more freedoms.

Furthermore, the problem should be examined from its roots. The Extradition Bill was just the tip of the iceberg. The citizens are asking for a more democratic regime with equality among all people and no brutality. According to the Sino British Joint Declaration, these should have already been provided.

Moreover, the United Nations Organization could directly intervene in the humanitarian crisis. Since urging and encouraging has not contributed to the long

and difficult search for a solution, the Security Council or the Secretary General should address both governments after violating many human rights and a treaty.

Another neutral way to battle the issue would be the formation of an independent group of legal experts supervised by the UN, who will assess the situation and give a clear answer to the allegations of China concerning the status of the treaty. It should be taken into consideration as meaningless historic documents and only international law can now clarify and enlighten the situation.

Lastly, as a worst-case scenario, the UK could resort to the International Court of Justice regarding the violated treaty. At this point, it is essential to mention two factors: China has to accept the invitation to the ICJ and also through the trial the Sino British Joint Declaration will be considered as not legally binding treaty. The communistic government could exploit that fact and the consequences would be dramatic.

To conclude, these are just a recommendation for possible ways to battle the issue. Delegates should also bear in mind that China possesses in the Security Council a veto power so more aggressive actions will directly be shut down.

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