



Tenth Report  
from the  
**Foreign Affairs Committee**

Session 1999–2000

**China**

Response of the Secretary of State for  
Foreign and Commonwealth Affairs

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
February 2001*

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# TENTH REPORT FROM THE FOREIGN AFFAIRS COMMITTEE

## SESSION 1999-2000

### CHINA

#### RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

##### *Introduction*

1. The Government welcomes this examination of its policy towards China. It also welcomes the Committee's endorsement of the FCO's objective of working to draw China more closely into the international system (paragraph 12). This objective, and the Government's other principal objectives in relation to China, as set out in the report (paragraph 9), are based on the recognition of China's substantial and growing international political and economic weight; and of the UK's very real interest in seeking to influence China's political, economic and social development in a positive way.

2. The Committee's report focuses particular attention on two aspects of Government policy: human rights and the promotion of British commercial interests. The Government has made clear the concerns it has about China's human rights record. China is not an exception to the Government's placing of human rights at the core of its foreign policy. We also have significant trade and investment interests to pursue in China.

3. However, our contacts in these two areas are part of a far wider range of contacts and cooperation in support of the objectives outlined above. We have worked to strengthen our political relationship with China, including at the most senior level, enabling us to bring effective influence to bear on matters of concern including in relation to our responsibilities to Hong Kong. We have developed a dialogue on global and regional issues: China has an increasingly important role in areas such as global climate change, nuclear non-proliferation and regional security. We have established a financial dialogue covering both domestic and international economic and financial issues. We have programmes of practical cooperation in, for example, science and technology, education and the development of the rule of law. We have a substantial and growing development assistance programme focused on eradicating poverty and supporting economic reform. And we are increasing our deployment of people and funding for work in and on China.

4. The Government does not agree with the implication in parts of the report that there is a trade-off between the pursuit of our commercial interests and a forceful approach to human rights. We agree with the Committee (paragraph 10) that, taken against the total human rights picture in China, British activity in this field can have only a marginal effect. But we believe we should seek to use what influence we have. We consider that the integration of China into the world community in general, including China's accession to the World Trade Organisation (WTO), is the most powerful external factor likely to strengthen the rule of law and lead to an improvement in the human rights situation in China. Closer integration in commerce is part of this wider picture, and we consider that Government policy in all these areas is complementary.

5. The Government's responses to the specific conclusions and recommendations of the Committee's report are set out below.

##### *Human Rights*

**(2) We conclude that the way we were prevented from meeting human rights activists during our visit was a graphic illustration for us personally of the absence of human rights in China (Paragraph 23).**

The Government agrees that the Chinese Government's refusal to allow members of the Foreign Affairs Committee to meet with human rights activists in China was out of keeping with freedom of expression and opinion provisions in the International Covenant on Civil and Political Rights which China signed in October 1998. Her Majesty's Ambassador in Beijing strongly defended the right of Committee members to meet such activists, pointing out that to his knowledge no law existed in China preventing such a meeting from taking place.

**(3) We conclude that Chinese actions against democracy activists are entirely out of keeping with the International Covenant on Civil and Political Rights, with its guarantees of freedom of opinion and expression, and of the right to take part in public affairs through free elections (Paragraph 25).**

*and*

**(4) We conclude that the Chinese suppression of worker's rights is not in keeping with the rights under Article 22 of the International Covenant on Civil and Political Rights to freedom of association and to form and join trade unions (Paragraph 27).**

*and*

**(5) We conclude that Chinese practices in respect of national minorities are not fully in keeping with the spirit of Article 27 of the International Covenant on Civil and Political Rights under which persons belonging to national minorities "shall not be denied the right... to enjoy their own culture, to profess and practise their own religion or to use their own language" (Paragraph 33).**

*and*

**(6) We conclude that Chinese practices in relation to religions and belief systems are not in keeping with Article 18 of the International Covenant on Civil and Political Rights, which guarantees the rights to hold any religion or belief and to manifest it (Paragraph 36).**

*and*

**(7) We conclude that the system of criminal justice in China is not in keeping with Articles 9 or 14 of the International Covenant on Civil and Political Rights, with their guarantees against arbitrary arrest or detention, and their guarantee of fair trials (Paragraph 37).**

*and*

**(8) We conclude that there is *prima facie* evidence that China has not complied with the provisions of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, notwithstanding the fact that China has both signed and ratified this Convention (Paragraph 39).**

*and*

**(9) We conclude that the restrictions on reproductive rights in China are not in keeping with Article 23 of the International Covenant on Civil and Political Rights, which give men and women the right to found a family (Paragraph 41).**

*and*

**(10) We conclude that restrictions on the media (including the electronic media) are not in keeping with Article 19 of the International Covenant on Civil and Political Rights, with its guarantees of free expression and of the right to seek, receive and impart ideas of all kinds regardless of frontiers and through any medium (Paragraph 42).**

*and*

**(11) By the international standards which China has itself accepted, we must conclude that China is guilty of persistent and major abuse of human rights (Paragraph 45).**

The Government agrees that in many areas, including those mentioned by the Committee, China's actions are not in compliance with the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention Against Torture and other international human rights treaties.

Through our policy of critical dialogue we continue to press the Chinese authorities to ratify the Covenant on Civil and Political Rights, and to implement it and the Convention Against Torture. Through dialogue China has accepted that torture does take place, for instance during the interrogation process. They have sought our assistance, through exchange of ideas and experts, in tackling and eradicating its use.

Ratification and implementation of the International Covenant on Civil and Political Rights, which also contains provisions relating to the use of torture, will be one of the most important steps China can take towards establishing a society based on the rule of law and in freely cooperating with international human rights mechanisms. In February 2000, the British and Chinese Governments agreed to establish a joint expert working group to examine and promote the ratification of the Covenants. The working group will identify obstacles to ratification or implementation, as well as areas where the UK can cooperate with China to improve standards.

Its work will be supplemented by the comprehensive programme of technical assistance projects funded through the FCO's Human Rights Project Fund. In the last year this has included projects relating to the drafting of evidence legislation, the right to information, awareness training for criminal defence lawyers, a study on alternatives to custody, the development of freedom of expression and mass communication laws, and an internet based legal rights consulting service. The Memorandum of Understanding signed by the Chinese Government and Mrs Mary Robinson, UN High Commissioner for Human Rights, on 20 November 2000 in Beijing, also provides for cooperation towards ratification of the Covenants.

We believe it is important that China works towards early ratification. We will continue to press them to do so and to provide assistance where necessary to help ensure that provisions are implemented.

**(12) We conclude that the Government should always welcome progress in China on human rights, while making it clear that much more needs to be done for China to meet its legal and moral obligations in relation to international instruments it has ratified or signed (Paragraph 55).**

The Government agrees with the Committee. We welcome the fact that China has signed, and in many cases ratified, most of the international human rights treaties, and agree that it is incumbent upon the Chinese authorities to abide by the obligations these impose. During the last round of the UK/China human rights dialogue, for example, we pressed the Chinese side to ratify the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights as soon as possible, and to abide by the obligations of the Convention on the Elimination of all forms of Racial Discrimination, and the Convention Against Torture.

**(13) We recommend that the Government continue strongly to endorse the principle of the universality of human rights, regardless of the political, economic and cultural systems of individual states, as reaffirmed in Article V of the Vienna Declaration of 1993 (Paragraph 61).**

This has long been the position of the Government. The critical dialogue process with China upholds this position.

**(14) We conclude that a programme of legal co-operation is a sensible way for the United Kingdom to advance the human rights agenda in China. We must make clear that legal co-operation in the sphere of commerce must not eclipse the human rights aspect of legal co-operation. We therefore recommend that the Government commit itself to a long-term co-ordinated programme of legal co-operation in the interests of human rights in China (Paragraph 71).**

The Government very much agrees with the Committee's recommendation. This is not just a matter of reform of laws, but more importantly of the justice system. This is true whichever aspect of law is being addressed. The principles of justice are the same. The Government agrees with the Committee that cooperation in the legal field is a priority area for addressing human rights concerns in China. UK cooperation with China covers a wide range of legal issues, of which reform of commercial law is a small part.

**(15) We recommend that, so long as the dialogue process continues, the Government should set out in each year's Human Rights Report its objectives in relation to China for the year to come and its achievements over the past year. Both objectives and achievements should be expressed in as explicit and measurable a form as possible (Paragraph 74).**

The Government has identified a set of working objectives towards which we expect the dialogue process to work. They cover issues relating to the rule of law, engagement with UN mechanisms, political and religious rights, economic and social rights and the situation in Tibet. These, together with achievements from the dialogue process over the preceding year, will be set out in the FCO Annual Human Rights Report.

**(16) We recommend that the Government does all that it can to involve human rights organisations in the dialogue process (Paragraph 75).**

The Government is committed to involving Non-Governmental Organisations (NGOs) in the dialogue process. This includes full consultation before each round of the bilateral human rights dialogue and de-briefings afterwards. The views of NGOs are also sought on the cases of individual dissidents submitted to the Chinese side. The Government will also continue to consult NGOs on strengthening the critical dialogue through the setting of objectives towards which the process should work.

**(17) We recommend that the Government publish the forward work plan of the joint working group on the ratification of the core UN human rights conventions (Paragraph 84).**

This is a joint working group, and the action recommended could not be taken unilaterally. The Government will however report on its aims, objectives and achievements for this group, as it will for other aspects of the dialogue.

**(18) We recommend that the Government work with other Governments to press the Chinese to ratify the core UN human rights conventions at the earliest possible date (Paragraph 85).**

This is already the Government's policy. With EU partners we address the ratification of the Covenants at the twice yearly EU/China human rights dialogues and at expert seminars. At the last seminar in Paris between 18-19 December provisions relating to workers' rights were addressed. We welcome recent indications from the Chinese Government that ratification of the International Covenant on Economic, Social and Cultural Rights may be completed by the National People's Congress in March 2001.

**(19) We recommend that the Government seek to act in concert with its EU and other partners to bring pressure upon China to ratify the ILO Conventions 29, 87, 98 and 105 on Forced Labour, Freedom of Association and Right to Organise (Paragraph 86).**

The Government will seek to ensure that the subject of these International Labour Organisation (ILO) Conventions is on the agenda for the next round of the EU/China human rights dialogue expected to take place in Sweden on 22/23 February 2001.

**(20) We recommend an early co-ordination of policy between EU states towards a draft resolution on human rights in China to be tabled at the UN Human Rights Commission in 2001, and a concerted attempt to lobby support in Geneva for the EU stance (Paragraph 91).**

*and*

**(21) We recommend that the Government should publicly state its willingness to support EU sponsorship of a motion which draws attention to continuing human rights abuses in China (Paragraph 93).**

The Government attaches high priority to achieving and maintaining EU unity on policy towards China so as to maximise the effectiveness of our collective action on the human rights situation. In the coming months we will be working for a united EU approach to the forthcoming session of the Human Rights Commission in Geneva, including on the question of possible EU co-sponsorship of a motion on China. The Government will take account of the Committee's recommendations in the course of this process.

**(22) We recommend that the British and other EU Governments should make it plain that the human rights record of a country is a factor which must be considered if it wishes to host the Olympic Games. At this time we believe that it would be inappropriate for China to host the Games (Paragraph 94).**

The choice of which city or country hosts the Olympic Games is a matter for the International Olympic Committee, which comprises individual independent members, not Government representatives. Neither the Government nor the European Union take a position on who should host an Olympic Games, or the criteria for doing so.

**(23) We recommend that the British Government consider, in conjunction with other like-minded governments, how to exploit information age opportunities for the benefit of human rights in China, and in other countries where there are deficiencies in their observance (Paragraph 96).**

The Government is committed to using modern information technology means to promote human rights observance in China and elsewhere. Through the FCO Human Rights Project Fund the British Embassy in Beijing in collaboration with the China Law Society has established a website containing information on Chinese laws, international human rights standards, as well as a legal aid service. We and EU partners have also expressed concern to the Chinese authorities at restrictions on access to, and use of, the internet in China.

**(24) We recommend that the Government continue to press the Chinese Government to give Tibet real control over its own affairs, and to enter proper dialogue with the Dalai Lama (Paragraph 97).**

The Government agrees with the Committee's recommendation, which forms an important element of our dialogue with the Chinese authorities on the human rights situation in Tibet. We regularly press the Chinese authorities, at ministerial and official level, to enter into a meaningful and constructive dialogue with the Dalai Lama towards a long-term political and peaceful solution in Tibet. We welcome recent indications that informal contacts between representatives of the Dalai Lama and the Chinese authorities have resumed. We believe it is important that Tibetans should be involved in a dialogue on the future of Tibet.

**(25) We welcome the Foreign Secretary's commitment to seek to obtain photographs of the Panchen Lama, and we recommend that the British Government continue strongly to press the Chinese authorities to assure the world of the health and freedom of the Panchen Lama (Paragraph 98).**

Following the Foreign Secretary's evidence session before the Committee on 25 October, instructions were immediately issued to the British Embassy in Peking to seek copies of the two photographs of Gedhun Choekyi Nyima, the Dalai Lama's choice of Panchen Lama. The Chinese responded on 27 October that such a request was "unreasonable"; that the photographs had been shown to the British side to demonstrate that the boy was alive and well; and that the boy's parents did not want the photographs to be widely available. Mr John Battle MP, FCO Minister of State, expressed concern at the Chinese Government's response during a call by Chinese Ambassador Mr Ma Zhengang on 29 November. We will raise this issue again at the next round of the UK/China human rights dialogue to be held on 12-14 February.

**(26) We recommend that the Government assess carefully the implications for the Tibetan people of any project in Tibet which involves British Government support either bilaterally or multilaterally (Paragraph 99).**

We agree. The Department for International Development assesses carefully the implications for indigenous peoples of any activity they fund, in Tibet or elsewhere in China. This applies equally to bilateral or multilateral programmes.

**(27) We recommend that the FCO and BTI take steps positively to encourage British businesses operating in China (including those operating through intermediaries, for example in Hong Kong) to adopt practices which fully respect international human rights standards (Paragraph 101).**

The Government accepts that it has a role to play in encouraging British firms operating overseas to adopt a responsible approach on human rights, for example on labour issues. Mr Kim Howells MP, as Minister for Corporate Social Responsibility (CSR), is examining areas where Trade Partners UK can help to promote the CSR business case. Important work is already going on in this area. For example, the Prince of Wales' Business Leaders Forum has embarked on a three year programme in China, Vietnam and Indonesia to build local business skills and good governance through forging links between multinational companies and local small and medium enterprises.

The Government will continue to look at ways in which we and business can work together to promote human rights in China, for instance through co-sponsorship of specific human rights based projects.

**(28) We welcome – and endorse – the strong language which the Government uses to condemn human rights abuses in China, and we recommend that it continue to do so in all appropriate circumstances (Paragraph 103).**

*and*

**(29) We recommend that Ministers and officials should use the same strong language of condemnation of human rights abuses to all audiences, whether in the United Kingdom or in China, and whether in public or private (Paragraph 105).**

The Committee's report recognises the dangers of 'megaphone diplomacy' and 'grand gestures' (paragraph 76). Ministers and officials continue to speak plainly about human rights abuses, in China as elsewhere, and will use the language which they judge most likely to achieve results in any particular circumstances. Critical dialogue by definition includes criticism. This includes meetings in China, the UK or elsewhere, with Chinese ministers and officials to address our concerns about particular human rights issues in China. (The Foreign Secretary did so with Chinese Foreign Minister, Tang Jiaxuan, in New York on 12 September.)

**(30) While we appreciate that business people will not want to expose themselves to possible extra risk, we conclude that the risk posed by a tougher stance [on human rights], especially one taken by all EU states, may have been overstated (Paragraph 107).**

We believe that the critical dialogue, which includes criticism, where appropriate, of the Chinese Government, is compatible with a strong bilateral and commercial relationship with China. The exact risks to commercial interests posed by any particular action on human rights are impossible to quantify, but as the Committee point out there is no doubt that in the past the Chinese Government has on occasion retaliated against commercial interests: such action would not usually be compatible with the obligations of WTO membership.

**(31) We conclude that the Government has been supportive of a number of positive developments for human rights in China, but that it now needs, in concert with our EU partners, to toughen its stance in response to the deterioration in human rights standards which have occurred in China over the past two years (Paragraph 108).**

The Government has made clear in its evidence submitted to the Committee that it harbours serious concerns about the human rights situation in China and particularly over the developments of the last two years. The policy of critical dialogue is not a static one. It is continually reviewed in the light of developments in China. The Government has responded to recent developments in China by making its concerns known to the Chinese through a wide variety of channels, both public and private. We and our EU partners have made it clear to the Chinese authorities that we expect the dialogue process to achieve real progress in the respect for human rights in China.

*Advancing British commercial interests*

**(32) We conclude that China is a significant market – but not an enormous one (Paragraph 114).**

We agree that China is a significant market. UK direct exports to China in 1999 were £1.2 billion, with a further estimated £635 million exported via Hong Kong.

**(33) We recommend that the FCO publish a cost-benefit analysis of the post in Chongqing, and consider the possibility of opening other similar commercial posts in cities of economic importance (Paragraph 131).**

We welcome the Committee's commendation of the new Consulate General in Chongqing. The post opened in March 2000: attempting a definitive cost benefit analysis would be premature; but it is already clear that the post is making a significant impact.

The China Britain Business Council's (CBBC) China office network cost-effectively complements the commercial operations of our diplomatic posts. Trade Partners UK, in consultation with the CBBC, will be considering the scope for opening additional offices in key business centres.

The Government continues to consider the case for a further expansion of diplomatic representation within China. The Committee is aware of the impact other FCO-funded activity has in the regions of China, particularly through the British Council and BBC World Service (see Recommendations 50–58, below).

**(34) We recommend that it should be a priority for the Government to lobby the Chinese government to allow the establishment of official Chambers of Commerce outside Beijing (Paragraph 134).**

The Government has supported the efforts of the British Chamber of Commerce in China to secure recognition of official Chambers in addition to the Chamber based in Beijing. It agrees that there should be further lobbying of the Chinese Government to ensure an early and positive resolution of this issue.

**(35) We recommend that the BTI's long-term trade and investment strategy for China take account of the potential overlaps between the CBBC, the diplomatic posts' commercial work, and the Chambers of Commerce in China, and should aim to eliminate duplication (Paragraph 138).**

The Government agrees with the Committee. One of the key objectives of the trade and investment strategy is to provide a more effective and efficient service to business. Elimination of overlap is an essential element. A team from Trade Partners UK reviewed the official and CBBC operations in China and the UK in November/December 2000 specifically with this objective and will be making recommendations for improvements.

**(36) We recommend that the British Government support a tough EU line on monitoring and enforcing Chinese compliance with WTO obligations (Paragraph 141).**

The UK Government has always supported Chinese accession to the WTO on the right terms. WTO membership involves obligations as well as rights. We therefore attach priority to supporting the EU and the WTO in monitoring and enforcing China's application of its WTO obligations once it becomes a member. One way in which we are doing this is by seeking to establish, as part of China's WTO accession package, a Transitional Review Mechanism which would be tasked with assessing China's compliance with its WTO commitments.

#### *Hong Kong*

6. We have noted the Committee's comments on the situation in Hong Kong and welcome Parliament's continuing interest in developments there. Since the publication of the Committee's report, Mrs Anson Chan, Chief Secretary for Administration in the Hong Kong Special Administrative Region Government, has announced her intention to retire with effect from 30 April 2001. The Foreign Secretary issued a statement on 12 January which paid tribute to Mrs Chan and to the central role that she played in Hong Kong's smooth return to Chinese sovereignty in 1997 and in the successful implementation of the principles of the Sino-British Joint Declaration.

7. The Government welcomes the Committee's recognition of the strong continuing links between the United Kingdom and Hong Kong. We believe that the Chinese and Hong Kong governments show commitment to safeguarding Hong Kong's systems and way of life under the principle of "One Country, Two Systems", as we made clear in our latest six monthly report on Hong Kong to Parliament (covering the first half of 2000). Our assessment is that Hong Kong's essential freedoms remain intact. There have been some controversies since the handover and the Government has commented publicly on individual issues where we have seen a need to do so. But overall we continue to believe that the Joint Declaration and its values have been upheld by the Chinese and the Hong Kong Governments.

8. Against that background, the Government gives below its responses to the Committee's specific conclusions and recommendations.

**(37) Despite the ending of the work of the Sino-British Joint Liaison Group, the Government should continue to maintain its focus on events in Hong Kong. We welcome the Government's decision to continue presenting six-monthly reports to Parliament. We recommend that the Government should continue to comment, publicly and forthrightly, on the implementation of the Joint Declaration in Hong Kong (Paragraph 143).**

The Government accepts this recommendation. We have said that we will continue to take a close interest in developments in Hong Kong and to report regularly to Parliament on the implementation of the Joint Declaration (see, for example, Mr John Battle MP's Written Answer on 14 December 1999; vol 341, col 110W). The Foreign Secretary's next report will cover developments during July-December 2000. We will also continue to comment, publicly and forthrightly, on any significant events in relation to implementation of the Joint Declaration as they occur.

**(38) We agree with the Government that the United Kingdom has a continuing moral and political obligation to ensure that China respects its obligations under the**

**Sino-British Joint Declaration. We also note that the Government has a legal obligation to uphold the Joint Declaration, as this document has the force of an international treaty (Paragraph 144).**

As the Committee has recognised, we fully accept that the Joint Declaration created rights and obligations for China and the United Kingdom. Following the handover, the principal obligations under the Joint Declaration fall primarily to the Chinese side. The British Government retains the right, as a co-signatory to the Joint Declaration, to raise any matters relating to its implementation by the Chinese and Hong Kong Special Administrative Region (SAR) Governments.

**(39) The Foreign Secretary argues that nothing should be done to disturb the Basic Law and the Joint Declaration, implying that preserving them is more important than accelerating the introduction of democracy. We find this line unconvincing. We find nothing incompatible with an acceleration in the Joint Declaration, and there is an established procedure for amending the Basic Law. In any event, democracy is both a basic human right for the people of Hong Kong and the strongest defence against unwelcome intervention by the mainland. We repeat our recommendation that universal suffrage for all seats in the LegCo should be adopted as soon as possible, by passing an amendment to the Basic Law. We also believe that Hong Kong should move towards election of the Chief Executive by universal suffrage by the next election in 2002 (Paragraph 160).**

The Joint Declaration and Basic Law remain the foundation for Hong Kong's autonomy. While there is no established procedure for amending the Joint Declaration, there is a procedure for amending the Basic Law. It would be open to the Hong Kong SAR Government to invoke this procedure.

In its 1998 report, the Committee said that it hoped that the SAR Government would bring forward an amendment to the Basic Law to provide for the election of the Legislative Council (LegCo) by universal suffrage as soon as possible, and that such an amendment would find favour with the National People's Congress. In his response (Cm 4331), the Foreign Secretary said that the question of tabling such an amendment was a matter for the SAR Government. This remains our position. Contrary to the implication in the Committee's latest report, the British Government is not opposed to the acceleration of progress towards democracy in Hong Kong. We have stated clearly on a number of occasions that we hope that the SAR Government will work towards the realisation of the Basic Law's goals of a fully directly elected LegCo and a democratically elected Chief Executive, at a pace in step with the wishes of the local community.

**(40) While we accept that the reinterpretation of the Basic Law was a necessary measure, we agree with the FCO that reinterpretation should be sought only in limited and exceptional cases (Paragraph 164).**

We welcome the Committee's endorsement of the FCO's position.

**(41) We conclude that it is important that British National (Overseas) passport holders are given the same consular protection as British Citizens, and that this is widely seen to be the case. We recommend that the Government continue to pursue the case of the BN(O) passport holder Wu Man with the Chinese authorities (Paragraph 167).**

The Committee's report refers to the consular case involving Wu Man and says that the Thai authorities should have notified the United Kingdom that Mr Wu had been arrested (paragraphs 166 and 167). In cases such as this, where a national of one country is arrested in another country, there is no requirement under the Vienna Convention on Consular Relations (1963) for the arrest to be notified to the country of the arrested person's nationality unless the person specifically requests that this be done. We have been unable to establish whether Wu Man requested such notification. However, we expressed

to the Thai authorities our concern about the manner of Wu Man's detention and removal from Thailand. As a result, the Thai authorities have agreed to notify us whenever any British national is detained in future.

We have raised Wu Man's case with the Chinese authorities on three occasions and requested access to him. The Chinese authorities have refused these requests on the grounds that Mr Wu is a Chinese national detained in China and the United Kingdom therefore has no locus to intervene on his behalf. We have monitored Mr Wu's case closely throughout and will continue to do so. If he or his family requests further assistance we will certainly seek to give it within the limits of practical possibility.

British National (Overseas) (BN(O)) passport holders are eligible for the same level of consular protection as all other British nationals, including British citizens. We regularly remind all our overseas posts of their responsibilities towards BN(O) passport holders, and posts around the world regularly afford them consular protection. However, the great majority of BN(O) passport holders also hold Chinese nationality. Given the position in international law on dual nationality, we have no formal locus to intervene on their behalf in mainland China, Hong Kong and Macau. We do, however, treat each case on its merits and will do all we can informally to provide assistance if the circumstances warrant it.

The Committee's report also refers (in paragraph 165) to a European Commission proposal for a Council Regulation which would introduce visa-free access for Hong Kong SAR passport holders across the European Union. This proposal was adopted at the European Union Justice and Home Affairs Council on 1 December 2000. The result will be a new EU Common Visa List and Regulation which will give holders of the Hong Kong SAR passport unconditional visa-free access to 13 Member States. The United Kingdom and Ireland are not party to the Common Visa List but already grant visa-free access to Hong Kong SAR passport holders. The Government pressed hard for this outcome.

**(42) We recommend that the FCO should take a keen interest in the rendition agreement, and should encourage both sides to ensure that any agreement has proper safeguards to prevent human rights abuses (Paragraph 170).**

The Government will continue to take a close interest in this issue, which we have raised with the SAR Government and the Chinese Government. We agree that any rendition agreement should have proper safeguards to prevent human rights abuses. The SAR Government has publicly committed itself to ensuring that any agreement is acceptable to the people of Hong Kong and to LegCo (which will need to pass legislation before any agreement is implemented). We welcome this.

**(43) Recent interventions in Hong Kong by mainland officials are unwelcome and appear to betray a misunderstanding both of Hong Kong's autonomy and of what it means to live in a free society. As well as acting as a guarantor of Hong Kong's freedoms, a free press remains vital to Hong Kong's future as an international business centre. We recommend that the UK Government frequently reinforces this point to the Hong Kong administration and to Beijing (Paragraph 174).**

We have frequently asserted the importance of a free press in Hong Kong, and have made our views known to Beijing as well as the SAR Government. Our current assessment is that freedom of the press remains substantially intact in Hong Kong. But we will continue to speak in its defence as and when required.

*Taiwan*

**(44) We recommend that, if the Chinese government issues further threats to Taiwan, the United Kingdom should make clear to the Chinese government the political and economic costs of military action, in a public statement, preferably but not necessarily in concert with our European partners (Paragraph 187).**

The Government has made clear to both the Chinese and the Taiwan authorities that we are firmly opposed to the use of force to settle the Taiwan question. Hostilities across the Taiwan Straits would be destabilising for the whole of the region and beyond. We would view with extreme concern any recourse to military action. We believe that the future of Taiwan is a matter for the Chinese people on both sides of the Taiwan Straits to decide and that the proper way forward is through peaceful dialogue.

**(45) We recommend that the United Kingdom should take account of the remarkable development of Taiwanese democracy by incrementally strengthening relations. This should include enhancing the status of Taiwanese inward visits and the level of outgoing ministerial visits to Taiwan, but not recognition of Taiwan as a state (Paragraph 191).**

We welcome Taiwan's achievements in building a democratic society, and particularly welcome the fact that the people of Taiwan were able to elect a new administration in fair, free and peaceful elections in March 2000.

It is already the Government's policy to develop relations with Taiwan in areas such as commerce, education, science and culture, where those relations will not prejudice our formal position on Taiwan. We do not recognise Taiwan as a state and we agree with the Committee's recommendation that we should continue to hold this position. To accept formal official visits from Taiwanese ministers and government officials would be inconsistent with that position. We do however agree to unofficial visits by Taiwanese ministers who are coming here in the furtherance of normal commercial, educational, scientific, cultural and other such activities. We also encourage visits on similar terms by British Government ministers pursuing similar objectives. In the last year the Minister for E-Commerce, Ms Patricia Hewitt MP, the Minister for Trade, Mr Richard Caborn MP, and the Lord Mayor of London have all visited Taiwan. We shall continue to look for further opportunities to develop this informal relationship, within the constraints imposed by our policy on the status of Taiwan.

#### *United Kingdom representation in China*

**(46) We recommend that the FCO consider the possibility world-wide of opening more mini-posts in regional cities of political, economic or commercial importance (Paragraph 196).**

The Government welcomes the Committee's favourable comments (paragraph 196) on the quality of the staff of our diplomatic posts in China, and, in particular, Chongqing.

We share the Committee's view that posts in regional cities can make an effective contribution to our political, economic and commercial aims. Of the 30 new posts opened worldwide in the last 5 years, 20 have been in such locations.

**(47) We recommend that the FCO consider innovative methods of recruiting China experts in mid career both on term and permanent contracts (Paragraph 197).**

The FCO has always thought it right to maintain a cadre of specialists with expertise on China, its political systems, economy and languages. The standard of this cadre remains very high. But the expansion of our representation in China has led to an increasing demand for officers fluent in Chinese. As part of our overall recruitment strategy we are in touch with universities where Chinese is taught, and we have already recruited officers with Chinese language skills. We shall hold an open competition in early 2001 to recruit 10-15 direct entrants at Band D6 (First Secretary level): applicants with foreign language skills, including in Chinese, will be encouraged to apply.

**(48) We recommend that senior management attention in Beijing, including the personal attention of the Ambassador, should be directed towards building upon the improvements already achieved in the visa issuing service (Paragraph 201).**

We strongly support the recommendation that both senior management generally and the Ambassador in particular should continue to maintain an active interest in the operation of the entry clearance service in our posts in China. The Ambassador and Minister (Deputy Head of Mission) have both been very closely engaged in this work over past months and will remain so. The Government is pleased to report that there has been a further substantial improvement in the visa service offered in Beijing since June. With new resources in place, customer service has been given high priority. Queuing has largely been eliminated, with the introduction of a telephone appointment booking system. Private applicants are now interviewed on the day of application, and a fast-track service is offered to most business applicants. An effective telephone enquiry service is in place. Student visa applications have been encouraged through media publicity, visa information stands at education exhibitions etc, and in recent months (July-November) there has been a 77% issue rate. Improvements in Shanghai and Guangzhou have also continued. In all posts demand has continued to grow fast, and we are working for further improvements to the service we provide.

**(49) We recommend that pressure continues to be put upon the Chinese authorities to provide documentation to their citizens who arrive illegally in the United Kingdom (Paragraph 202).**

The Government is working closely with the Chinese authorities in seeking to ensure the timely issue of documentation to facilitate repatriation. In addition to close contacts with the Embassy in London, officials have recently visited Beijing and Fuzhou for discussions with the authorities there.

#### *BBC Services in China*

**(50) We conclude that the World Service's strategy of developing its internet services for China while continuing to provide short wave radio service is a sound one. We recommend that there should be no reduction in the current level of radio service (Paragraph 204).**

The Government notes the BBC World Service's continuing commitment to its Chinese audiences. The World Service is constantly seeking opportunities to expand its radio audience in China.

**(51) We recommend that the British Government strongly press the Chinese authorities to ensure that the jamming of the BBC World Service cease forthwith (Paragraph 205).**

Jamming of the BBC World Service continues to affect its Chinese language radio and internet services. It does not affect the World Service's English service, and is not constant or on all frequencies used by the Chinese service. The World Service's internet site is now subject to further blocking, preventing access for ordinary users. Ms Patricia Hewitt, the Minister for Small Business and E-Commerce, raised the blocking of the BBC website with the Chinese Minister for Information Industry in January 2001. We will continue to take up both this and the jamming of the BBC World Service with the Chinese Government.

**(52) We recommend that the BBC World Service regard provision of its services in Cantonese in Hong Kong (and in South China) as a matter of high priority (Paragraph 206).**

Wide online access in Cantonese-speaking areas and the fact that the Chinese script is comprehensible to both Mandarin and Cantonese speakers has enabled the World Service to move many of its resources for Cantonese into online activity. The online audio programme attracts 100,000 page impressions weekly. Online services in Cantonese are available both live and on demand. Cantonese is still available in Hong Kong on radio through the World Service's partner station RTHK.

**(53) We recommend that the British Government make it plain to the Chinese Government that there should be no inhibition on the free availability in China of BBC World transmissions (Paragraph 207).**

We shall continue to raise with the Chinese Government examples of obstacles faced by BBC World in China. FCO support contributed to the success of BBC World's recent application for a hotel and foreign apartment licence.

**(54) As far as the World Service is concerned, we recommend that an assurance is given to the House that the close relationship developed by them with the Chinese authorities has not prevented critical reporting of China on the service (Paragraph 208).**

Mr Mark Byford, Director of the BBC World Service, has written to the Chairman of the Committee about the specific concerns raised in the report and providing the assurance the Committee sought.

*British Council*

**(55) We recommend that the British Council and the FCO maintain a high quality service for Chevening scholars when they are in the United Kingdom, and seek to retain positive contact with them when they return home (Paragraph 214).**

We welcome the Committee's positive comments about the Chevening Scholarship programme. With the British Council, we are constantly improving the standard of care which we provide for all scholars, from both China and elsewhere, while they are in the UK. Each year we ask departing scholars how they rate the service they have received. In 1999/2000 99.5% of scholars rated their experience in the UK as at least "satisfactory", of which 94% rated it as "good" or "excellent". We share the Committee's view that it is vital to maintain contact with scholars on their return home. We now have well over 50 Chevening alumni associations world-wide. In China, the British Council publish a comprehensive, publicly available, directory of all former UK scholars as a way of maintaining contact. Numbers of Chevening scholars from China are rising: it is our intention that they should rise still further.

**(56) We recommend that the British Government again approach the Chinese for permission for the British Council to become directly involved in English language teaching in China (Paragraph 218).**

Current Chinese regulations governing commercial English teaching operations require that a foreign enterprise establish a joint venture with a Chinese partner, but do not permit profit to be made by educational enterprises. The British Council engaged in lengthy discussions with the Chinese government between 1996 and 1998 to seek a mutually acceptable way of establishing a teaching centre within this framework, but concluded that it was not an economically viable prospect.

The British Council has since then developed other ideas for promoting English language teaching, as described in the report. Our current priority is to assist the Council to ensure that these projects are successfully established.

**(57) We recommend that funding should be provided for a British Council presence in any new Consulate General established in China (Paragraph 219).**

The Council has confirmed that part of the increased grant-in-aid which it received from the 2000 Spending Review will be used to fund an expansion of its operations in China so as to ensure a more effective presence in the regions. The Council is working on a tiered approach, to offer a broad range of activity in five cities, an education-focused strategy in a further eight, and largely responsive education-focused activity in a further ten. The

Council does not consider that fixed premises in these cities are essential for the success of this strategy. We and the Council will, however, actively consider the possibility of including a British Council element in any new Consulate General which might be established in China.

**(58) We recommend that the British Council establish a clear, targeted strategy designed to win friends for the United Kingdom among residents of the Hong Kong SAR aged under 30 (Paragraph 221).**

The British Council recognises the importance of developing a strategy designed to win friends among young people in the Hong Kong SAR. To this end, it targets its education services to young people to provide opportunities for them to improve their English language skills and obtain educational or professional qualifications. The Council also plans to extend its distance learning study centre and offer information services to deliver the opportunity of a life time learning partnership.

**(59) The introduction to our Report identified that the Government had adopted a new China policy in the wake of the successful hand over of Hong Kong. The Prime Minister and Ministers have chosen to describe it as “a new chapter in our relations with China.”**

This report analyses the first few pages of that chapter. We have identified and concentrated upon certain key aspects of the new policy; particularly the increase in trade and commercial effort backed by a huge increase in UK-based staff; and a radical new approach to human rights based upon what Ministers claim is a unique bilateral dialogue. Because of this claim and clearly from the evidence of Ministerial concerns that the new process of dialogue should not be jeopardised, this Report has inevitably and rightly concentrated upon the human rights relationship with China.

We acknowledge the significant advances in the living standards and choices available to the majority of the people of China. We note the Foreign Secretary’s observation that “one should not under-state the fact that there is a degree of support for the regime”.

We also fully understand and appreciate that China is a major international player as a permanent member of the Security Council, and a major military power which seeks to influence not only its own region. We share fully the FCO’s objective “to encourage and support China’s closer integration into the international system”. Membership of the WTO could enhance China as an economic power and as a significant market, though we counsel caution about exaggerating its actual potential.

All these important factors cannot and should not mask one fundamental fact: that, from the evidence gathered, China remains now one of a minority of the world’s nations which institutionalises abuse of human rights and sustains an unacceptable degree of surveillance over and restrictions upon its people in regard to the basic civil and civic freedoms such as those of speech and assembly.

Our Report sadly reveals that there has been a serious deterioration in the human rights situation during the last two years which calls into question the efficacy of the Government’s new approach to human rights through the dialogue. The dialogue has not yet delivered meaningful results.

This should be a matter of great common concern to Ministers and Parliament. The Foreign Secretary confessed that his Department has not analysed when there has been such a deterioration. We believe it imperative that such an analysis be conducted to contribute to the way forward.

**For we would consider it utterly unacceptable if there were to be, in effect, a trade off between improved economic and commercial relations and a less forceful approach to human rights. This Government has placed human rights at the core of its foreign policy. They should make no exceptions in the case of China. They should apply universal human rights standards universally. They must not be transfixed by the commercial opportunities China presents.**

**The list of recommendations relating to human rights in this report probably constitutes an alternative strategy, though it may be possible to accommodate them within the dialogue.**

**However, we remain adamant that effective pressure on human rights issues bilaterally, collectively through the European Union, and internationally through the United Nations, must remain central to our relations with China (Paragraph 222).**

The Government welcomes the Committee's recognition of the significance of China and of the need to integrate China further into the international system. This has been the fundamental aim of the Government's policy towards China.

At the same time, the Government places a high priority on raising its concerns about the human rights situation in China directly and in frank terms with the Chinese authorities, with the aim of achieving real improvements in Chinese practice. We agree with the Committee that, while there have been significant advances in living standards and other economic and social rights, there has been no such improvement in civil and political rights, and in the last two years there has been a deterioration. We monitor these developments closely and regularly evaluate the human rights position.

In the Government's view, significant systemic change is bound to be a long term process in China. The policy of critical dialogue with the Chinese Government was never expected to achieve immediate improvements. We do not however agree with the Committee's conclusion that it has yet to deliver meaningful results. The very fact that a dialogue exists without limitations, and with NGO involvement, is in itself a dramatic departure on the part of the Chinese who had previously refused to go beyond statements that such issues were an "internal" matter. It is also noteworthy that the dialogue has been accompanied by increased cooperation by the Chinese with international human rights mechanisms. We welcome in particular the signature on 20 November with Mrs Mary Robinson of a Memorandum of Understanding (MOU) on the provision of human rights technical assistance, and the submission of reports for Hong Kong in 1998 under the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights. We also welcome the Chinese Government's signature of those Covenants and recent indications that ratification of the Covenant on Economic, Social and Cultural Rights may take place as early as the next session of the National People's Congress in March 2001. Encouraging the Chinese to live up to these obligations will remain a high priority.

Critical dialogue has helped create an environment which facilitates the comprehensive programme of cooperative projects in human rights. Many of these projects tackle important rule of law issues. Between 2000 and 2001 we will be running projects on evidence law legislation, the rights of criminal defence lawyers, legal access development, and freedom of expression/mass communication laws. These and many other projects serve to challenge orthodox thinking and to point up the need for change on key issues. We also run initiatives to influence legislative change, policy and practice and help specific organisations to meet the needs of those suffering abuse, such as through the establishment in December 1999 of the child rights hotline and the China Law Society's legal website and online rights consulting service.

The last round of the dialogue took place in London between 16-18 October and was characterised by increased Chinese openness and frankness. For example, the Chinese side:

- provided information for the first time on 18 individual cases of concern submitted by the Government.

- were more open than before on Tibet-related issues, providing a briefing on resumed approaches to the Dalai Lama, through his elder brother, and showing photographs of Gedhun Choekyi Nyima, the Dalai Lama’s choice as Panchen Lama.
- invited the Foreign Secretary’s Death Penalty Panel and the All Party Parliamentary Group on Tibet to visit China and Tibet respectively next year.
- committed themselves to signing an MOU with Mrs Mary Robinson on the provision of technical assistance, as indeed they did on 20 November.
- stated that they would welcome visits by UN Special Rapporteurs to China.

The Government remains convinced that it should continue to pursue a broad strategy of engagement with China. Human rights will remain a key part of that engagement. In our view, the combination of an increasingly detailed dialogue on human rights issues, in which frank criticism is a key element, together with practical help to assist the reform process in areas relevant to human rights, is the most effective means of encouraging real long-term improvements in human rights.

The Government agrees that it would be unacceptable were there to be a trade-off between improved economic and commercial relations and a less forceful approach to human rights. But there is no question of any such trade-off. Nor is there any question of the Government being “transfixed” by the commercial opportunities. Promotion of our commercial interests is a legitimate and proper function of Government, as the Committee acknowledges. But this is not at the expense of our human rights policy. The Government intends to maintain its critical and progressive policy towards human rights in China, which will remain a central element of our policy towards China.





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