

(Translation)

“One Country, Two Systems”—the Road to Peaceful Reunification

**Speech by the Hon Elsie Leung, Secretary for Justice, HKSAR
at the Congress on the Promotion of Peaceful Reunification of China
by the Chinese People Worldwide in Moscow on 10 September 2003**

The Honourable President, Ambassador Zhang, Chairman Luo, President Liang,
Distinguished guests, Ladies and Gentlemen,

I am greatly honoured to be attending once again the Congress on the Promotion of Peaceful Reunification of China by the Chinese People Worldwide. I would like to thank the Moscow Organizing Committee for hosting the Congress in this charming city and for the Committee’s hospitality. I am greatly delighted to have the opportunity to discuss with old and new friends here how we can devote ourselves to the promotion of the peaceful reunification of China.

Peaceful Reunification

China is a nation with a civilization of more than five thousand years. 56 Chinese ethnic groups have flourished for generations on this vast territory. Geographically, China is the second largest country in the world, covering one-fourth of the Asian land and one-twelfth of the global land surface. National divisions and unifications are not uncommon in the history of China but, on the whole, the nation has been unified most of the time. Due to the collapse of the feudal political system, parts of China were ceded to foreign powers in the 19th Century. Taiwan was ceded to Japan in 1845 under the unequal Treaty of Maguan. Years after the birth of New China, the international community has recognised that Taiwan is an integral part of China. But the legacy remains unresolved: Taiwan and the Mainland are still separated from each other.

The Chinese leaders have reiterated time and again the nation’s unswerving policy towards Taiwan, i.e. resolving the Taiwan issue through “peaceful reunification” with the “One country, Two systems” model. Drawing on the experience of Hong Kong, I would like to demonstrate that

“One country, Two systems” is the way to peaceful reunification. And I would further emphasize that this is the only way beneficial to all Chinese people.

Experience since the Reunification

Last year, I talked about the successful experience of Hong Kong in implementing “One country, Two systems”, when addressing the World Congress on the Peaceful Reunification of China and World Peace in Sydney. The issues I touched on included the establishment of a new constitutional order by the Hong Kong Special Administrative Region (HKSAR), developing and enriching the jurisprudence of the *Basic Law* through constitutional litigation, the way in which the National People’s Congress exercised its supreme power without detriment to the high degree of autonomy in the HKSAR, as well as Hong Kong’s participation in international affairs and activities, and the signing of international agreements in the name of the HKSAR. I will not go into detail here. You may request a copy of that speech from the Congress. I would like to talk today about the recent developments in Hong Kong so that you can be presented with a clearer picture of how the “One country, Two systems” model matures as time goes by.

CEPA Favorable both to Mainland and HKSAR

The signing of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) on 29 June 2003 brings new opportunities and fresh impetus to the recovery of Hong Kong’s economy. Some people may query the legality of CEPA. But there is a legal basis for this arrangement. It lies in Article XXIV of the *General Agreement on Tariffs and Trade* (GATT) and Article V of the *General Agreement on Trade in Services* (GATS). According to these provisions, Hong Kong and the Mainland may accord preferential treatment to each other as regional economies, for examples, on zero tariffs on goods and liberalization of trade in service, so long as the treatment is not detrimental to other WTO Members and those areas that are excluded from the undertaking of China upon its entry in WTO. Before China is fully opened to the outside world, the trading experience between the two places will have long term benefits at the macro level for it helps them to adjust to the impact of globalization, raise the standard of trading and services to the international level, and develop the talents of two places. It is only within one country that the two territories could enjoy such a close relationship and share

in the prosperity without any boundary between them. Only under two systems could two WTO Members within the same country make a CEPA arrangement.

Legislation on National Security

Lastly, I would like to speak on the topic of the implementation of Article 23 of the *Basic Law*. Upholding national security is the civic duty of every member of the community. The majority of the people of Hong Kong support the implementation of Article 23 of the *Basic Law*. National security legislation is usually enacted by a nation's central government. Given the differences in the two legal systems, the social development and the ways of life of the Mainland and Hong Kong, it was decided at the time when the *Basic Law* was adopted, that the HKSAR Government should enact laws on its own to prohibit any act of treason, subversion, secession, sedition or theft of state secrets, and to prohibit foreign political bodies from conducting or establishing ties with local political bodies to conduct any acts that endanger national security. Mainland criminal law would not be introduced in Hong Kong. This arrangement indeed took into account the special circumstances of Hong Kong. For example, Hong Kong has an obligation to fulfill the provisions of the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights* signed in 1976. Any legal provision which is inconsistent with the provisions of the *Basic Law* in protecting human rights and freedoms shall be invalid. For this reason, the bill provided that only the actual use of force or violence or serious criminal means, or disorder endangering national stability could constitute an offence in respect of treason, subversion, secession and sedition. Mere utterances and thoughts would not constitute an offence. The right balance has been struck between upholding national security and protecting human rights.

Extensive consultation had been carried out during the legislative process. In drafting the bill, the Government had not only listened to the views of expert scholars, political parties and various sectors of the community, but had also proposed 50-odd amendments after the bill had been submitted. The Bills Committee of the Legislative Council had spent more than one hundred hours in examining the bill. Yet the issue still aroused much controversy. Several hundred thousands of people even took to the street and staged a peaceful demonstration. In response, the HKSAR Government decided to defer the resumption of the Second Reading of the Bill pending a new round of

public consultation. The background to the incident is certainly complicated. But it also fully demonstrated the extent of human rights and freedoms enjoyed by Hong Kong people and their rationality in exercising such rights, the extent to which surpassed those in many western societies. The Central Government has stated unequivocally that the content and timetable for legislation are totally in the hands of the HKSAR. The HKSAR Government has diligently reviewed the whole issue and would try to improve the channels, manner and strategy for communication with the public. It will also enhance its efforts to promote the concept of nationalism among our citizens, so that they could understand that national security is not just the concern of six million-odd people in Hong Kong, but those of 1.3 billion people in China. I believe that the future legislative exercise will gain the support of the general public. The fact that the Central Government has the confidence in entrusting the HKSAR to enact a national security law is a testament to the mutual respect of the two systems.

Conclusion

Ladies and gentlemen, I could cite many other examples to illustrate how faithfully the Central Government and the HKSAR Government have uphold the principle of “One country, Two systems”. A nation can only be prosperous and powerful when its citizens are united through thick and thin, sharing the same beliefs and ideals. The peaceful co-existence of 56 ethnic groups within our country demonstrates a strong sense of solidarity. For this, we are proud to be Chinese. China has always been a country that seeks peace. We hope that Taiwan will be reunited with our motherland through peaceful negotiations without resorting to armed conflicts. The road to reunification for Hong Kong has never been smooth. Before and after 1997, we have encountered many difficulties. This is not because of any fault found in the “One country, Two systems” concept, but because time is needed for the growth and maturity of any dynamic substance. With the support of the Central Government, we are confident that the problems could be resolved, and the concept of “One country, Two systems” will be strengthened through this process. Our compatriots in Taiwan could learn from the experience of Hong Kong that there will be much flexibility for Taiwan to develop under its existing system in accordance with the “one China” principle. It can also be seen that peaceful reunification is the best and the only way to solve the Taiwan issue. As we celebrate this year’s Mid-Autumn Festival in Moscow, I invite you all to

join me in wishing an early and peaceful reunion of Taiwan with our motherland.

Thank you.