

**Committee:** International Court of Justice (ICJ)

**Chair:** Constanza Garibay, Valeria Origel, Juan José Tagle

**Topic:** Sino-British Joint Declaration (United Kingdom vs China)



## **I. INTRODUCTION**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). The seat of the court is located at the Peace Palace in the Netherlands and its official languages are English and French, and it was created for the pacific settlement of international disputes. It was established in June of 1945 by the Charter of the United Nations, and started working in April 1946. The methods for this pacific settlements according to the Article 33 of the United Nations Charter are: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional agencies or arrangements.

The International Court of Justice is in charge of solving (contentious cases) and advising (advisory proceedings), in accordance with the law, legal disputes between states. The Court is competent to entertain a dispute only if the States concerned have accepted its jurisdiction; while the advisory proceedings are only open to five organs of the United Nations and 16 specialized agencies of the United Nations family or affiliated organizations.

The Sino-British Joint Declaration conflict revolves around the agreement reached between China and the United Kingdom regarding the transfer of sovereignty over Hong Kong. The Joint Declaration, signed in 1984, outlined the terms under which Hong Kong would be returned to Chinese rule in 1997, after over 150 years of British colonial rule. However, in recent years the treaty has turned into a conflict since China has not been protecting Hong Kong citizens rights. It stipulated that Hong Kong would maintain its existing legal, economic, and social systems for 50 years, as per the principle of the “One country, two systems” and The Basic Law.

## **II. HISTORY OF THE CONFLICT**

### ***a. Key Actors:***

- **Vienna Convention on the Law of Treaties:** It is of importance since it provides a complete framework of international treaties according to the establishment, maintenance and diplomatic relations.

## **Judges**

- **Joan E. Donoghue (United States), born December 12, 1957:**  
He is an American lawyer, international legal scholar, former U.S. State Department official, and the current president of the International Court of Justice (ICJ).
- **Vice-President Kirill Gevorgian (Russian Federation) born 8 April 1953:**  
He is a Russian jurist and diplomat. From 2003 to 2009, he served as Russia's ambassador to the Netherlands. In 2014, he was elected to the International Court of Justice for a term beginning the following year.
- **Peter Tomka (Slovakia) born June 1, 1956:**  
Member of the Court since 6 February 2003; re-elected as from 6 February 2012 and as from 6 February 2021; President of the Court from 6 February 2012 to 6 February 2015.
- **Ronny Abraham (France) born September 5, 1951:**  
Practitioner in the field of public international law who was elected to the International Court of Justice, to fill the vacancy created by the resignation of judge and former President Gilbert Guillaume. He served the remainder of Guillaume's term which ended on 5 February 2009, and was reelected for a term extending to 2018.
- **Mohamed Bennouna (Morocco) born 29 April 1943:**  
He is a Moroccan diplomat and jurist. He worked as a professor at the Mohammed V University, as a permanent representative of his native country at the United Nations from 1998 to 2001, and as a Judge of the International Criminal Tribunal for the former Yugoslavia. Since 2006, he has been a judge of the International Court of Justice.
- **Abdulqawi Ahmed Yusuf (Somalia) born September 12, 1948:**

Member of the Court since 6 February 2009. Re-elected as from 6 February 2018. Vice-President from 6 February 2015 to 5 February 2018. President from 6 February 2018 to 5 February 2021.

- Other relevant judges are— Xue Hanqin (China), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), Nawaf Salam (Lebanon), Iwasawa Yuji (Japan), Georg Nolte (Germany), and Hilary Charlesworth (Australia).

### **Witnesses and Important Figures**

- **King Charles III - United Kingdom's King and Witness for the UK:**

As the main head of the country, it is important to know his opinion regarding the topic, as the country wants to help Hong Kong citizens rights.

- **Albert Ho - Witness for the UK:**

Important activist of Hong Kong which looks for the application of human rights as key since he was arrested for being part of an assembly.

- **Rishi Sunak - Witness for China:**

U.K. prime minister who looks for an alliance with China.

- **John Lee Ka-chiu - Hong Kong's Representative and Witness China:**

Important opinion regarding the relations between both countries and the current situations experienced in Hong Kong.

- **Tsai Ing-wen - Republic of China's President and Witness for China:**

Important representative of China whose opinion leads China's intentions with Hong Kong.

#### ***b. History of conflict:***

**1842:** Hong Kong was a British colony for 150 years since 1842 when the first Opium War ended.

**1898:** The New territories of Hong Kong, which included the mainlands of the region, were ceded to the United Kingdom.

**1900s:** The lease of the New Territories was set to expire in 1997, which led to negotiations between the two countries.

**1984:** The People's Republic of China and The United Kingdom decided to establish the Sino-British Joint Declaration in 1984.

### **III. CURRENT HAPPENINGS**

The Sino-British Joint Declaration was meant to outline the terms in which Hong Kong will be returned to The People's Republic of China by the year of 1997 and declared the "One country, two systems".

This principle is a way of governance that, according to the declaration, Hong Kong was going to follow. Which indicates that the socialist system of China's mainland and the capitalist system of Hong Kong can coexist within a single country. This means that The People's Republic of China treats Hong Kong and Macau as Special Administrative Regions (SARs), which includes: A high degree of autonomy, separate legal systems, separate currencies and separate economies. "One country, two systems" is seen to maintain the quality of life in Hong Kong while also preserving China's integrity.

However, in recent years there has been a concern that the People's Republic of China has not been maintaining the "One country, two systems", particularly in relation to civil liberties and political autonomy. Some examples of this actions are:

- Disqualification of pro-democracy politicians from running in Hong Kong elections or holding public office. Which may lead to the conclusion that this move was politically aimed at suppressing opposition voices.
- Activists and media who criticize the form of China's government are being persecuted, and some media outlets have been forced to close or have their license revoked.

- The Extradition Law that was set in 2019 allows the government to send Hong Kongers's people to take trials in China's mainland, which affects citizens of Hong Kong political system by exposing them to a different political system in China's mainland.

Among other ones, The United Kingdom has expressed its concern about these actions. Applying immigration policies and other sanctions and has criticized the People's Republic of China reminding the principles of The Sino-British Joint Declaration. But some politicians and activists had called on The United Kingdom to take actions in this manner, stating that the People's Republic of China has not fully fulfilled the Sino-British Joint Declaration principles.

First on June 26th 2020, the UN made an alarm regarding the repression of fundamental freedoms in China. On January 31st 2021 UK opened its British National (overseas), this route represented their commitment to the people in Hong Kong. On April 8, of the same year, the UK announced its welcome for Hong Kongers supporting £43 million families settled in the UK. On March 30th 2021 China's National People's Congress Standing Committee made extensive changes to Hong Kong's electoral system.

Since January 12th 2023, freedom has been systematically eroded by Beijing on multiple fronts, tightening the restrictions on the lives of ordinary Hong Kongers; on the same day, the Hong Kong authorities continue to arrest and prosecute those who dissent, including high-profile figures, pro-democracy activists and politicians. On January 13rd 2023, the UK accused Beijing of eroding the territory's rights and freedoms, and on June 6th 2023, the UK ordered China to close 'secret police stations' on British soil.

#### **IV. KEY POINTS**

- **Principles about the Sino-British Joint Declaration and its application**

Depth explanation of the principles of the treaty, how they are being applied in the context and what importance does it have to the 3 main involved countries.

- **Social consequences to Hong Kong's citizens**

Discussion focussed on the social consequences to the citizens of Hong Kong, mainly in their standard of living and the applications of their rights due to the benefits or disadvantages, as the democratization of Hong Kong.

- **Possible consequences of the violation of the treaty**

Discuss the possible consequences in a social, economic, politic and cultural way if the treaty's principles are not applied.

- **Discussion of the Sino-British Joint Declaration maturity**

It is important to establish if the Sino-British Joint Declaration has actual maturity to apply the principles it establishes for the future of Hong Kong as an individual country or part of China.

- **Future of the Sino-british Joint Declaration**

The discussion of the modifications or same principles that will be applied or denied according to the preestablished ones.

## **V. SUBSEQUENT ACTIONS**

The Sino-British Joint Declaration is an agreement signed between the People's Republic of China and the United Kingdom on December 19, 1984, which outlined the terms for the transfer of sovereignty of Hong Kong from British to Chinese rule in 1997. The Joint Declaration was registered with the United Nations on June 12, 1985, under the provisions of "Article 102 of the UN Charter", which requires the registration of international agreements that affect the status of territories under the administration of non-self-governing territories.

The registration of the Joint Declaration with the UN reflected the international significance of the agreement and the commitment of both parties to uphold the principles of the UN Charter, including respect for the sovereignty, territorial integrity, and political independence of states. The UN also played a role in facilitating the implementation of the Joint Declaration through the appointment of a Secretary-General's Representative for Hong Kong Affairs, who monitored the situation in Hong Kong after the transfer of sovereignty. Taking everything into account, the Sino-British Joint Declaration is significant for its relationship with the United Nations as it demonstrates the importance of international

cooperation and adherence to the principles of the UN Charter in resolving complex international issues such as the transfer of sovereignty of a territory.

Moreover, it is important to say that the registration of the Joint Declaration with the UN under Article 102 of the Charter acknowledges its international significance and the commitment of both parties to uphold the principles of the Charter. The Charter emphasizes the importance of respect for sovereignty, territorial integrity, and political independence of states, which are principles that were also reflected in the Joint Declaration. Additionally, the UN played a role in facilitating the implementation of the Joint Declaration through the appointment of a Secretary-General's Representative for Hong Kong Affairs, which further reflects the UN's commitment to promoting peace and stability in the region.

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