

Legal Problems with the Hong Kong Model for Unification of China and Their Implications for Taiwan†

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I. INTRODUCTION

On September 26, 1984, after almost two years of negotiations, the United Kingdom and the People's Republic of China initialed the Joint Declaration on the Question of Hong Kong (Joint Declaration).¹ Under this agreement, the UK will return control of Hong Kong to the PRC on July 1, 1997. The agreement was well received by the United States, Japan, Southeast Asian countries and Western European countries,² all of whom have a stake in the post-1997 continuation of stability and prosperity of Hong Kong, the third largest financial center in the world. While this agreement relates solely to the status of Hong Kong, the PRC undertook negotiations fully aware of their implications for the potential unification of Taiwan with the mainland. From the PRC's point of view, this agreement is an example of the successful implementation of the "one country, two systems" policy advocated by Deng Xiaoping as the basis for incorporating Taiwan into the PRC.³

† This article is based in substantial part on two earlier articles by the author: Chiu, *The 1984 Sino-British Settlement on Hong Kong: Problems and Analysis*, in OCCASIONAL PAPERS/REPRINTS SERIES IN CONTEMPORARY ASIAN STUD. No. 3, at 1 (1985); and Chiu, *The 1984 Sino-British Agreement on Hong Kong and Its Implications on China's Unification*, in OCCASIONAL PAPERS/REPRINTS SERIES IN CONTEMPORARY ASIAN STUD. No. 3, at 71 (1985).

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1. For the text of the agreement and related documents, see Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong Sept. 26, 1984, 23 I.L.M. 1366 [hereinafter Joint Declaration]; THE FUTURE OF HONG KONG: TOWARD 1997 AND BEYOND 181 (H. Chiu, Y.C. Jao & Y. Wu, eds. 1987). The agreement was signed on December 19, 1984, and instruments of ratification were exchanged on May 27, 1985. 45 Facts on File, No. 2323, May 31, 1985, at 412, col. A3.

2. See, e.g., N.Y. Times, Sept. 27, 1984, at A12, col. 5. For a report of the reaction of Japan and Singapore, see Foreign Broadcast Information Service—Daily Report: China [FBIS], Oct. 2, 1984, at G3.

3. Weisskopf, *Peking Eyes Taiwan as Accord is Initialed*, Wash. Post, Sept. 27, 1984, at A21. On November 6, 1984, in his report to the Standing Committee of the National People's Congress, PRC Foreign Minister Wu Xueqian said:

This article will provide a brief legal appraisal of the Joint Declaration as a model for unification with regard to Hong Kong. It will then explore possible applications of this model to Taiwan.

II. THE HONG KONG MODEL FOR UNIFICATION

A. *Essential Components of the Joint Declaration*

The 1984 Joint Declaration spells out in detail the PRC's policy toward Hong Kong, the post-1997 Hong Kong regime and Hong Kong's future international relations. The highlights of the Joint Declaration are as follows:

(1) After 1997, Hong Kong will become a Special Administrative Region (SAR) of the PRC under article 31 of the PRC Constitution. It will enjoy a "high degree of autonomy" except in foreign and defense affairs.⁴

(2) Hong Kong will be vested with executive, legislative and independent judicial power, including that of final adjudication.⁵

(3) Hong Kong's chief executive will be appointed by the PRC after elections or consultation in Hong Kong. The government of Hong Kong will be composed of local people.⁶

(4) Hong Kong shall maintain its capitalist economic and trade systems for fifty years after 1997.⁷

(5) The existing social and economic systems will remain unchanged for fifty years. Freedoms of speech, movement, the press, assembly, religion, the freedom to strike, and other freedoms will be protected by law. Similarly, private property rights will be protected.⁸

(6) Apart from displaying the national flag and national emblem of the PRC, Hong Kong may use a regional flag and emblem of its own.⁹

(7) Hong Kong may participate in relevant international organizations and international trade agreements. It may establish official and semi-official economic and trade missions in foreign countries. It

The nature of the Taiwan question and Hong Kong question is different, but the idea of 'one country, two systems' is equally applicable to the settlement of the Taiwan question. The settlement of the Hong Kong question will produce a far-reaching impact on the Taiwan authorities and the Taiwan people and thus is beneficial to the promotion of the early completion of the unification of the motherland.

ZHONGHUA RENMIN GONGHEGUO QUANGUO RENMIN DAIBIAO DAHUI CHANGWU WEIYUANHUI GONGBAO 10 (1984).

4. Joint Declaration, *supra* note 1, para. 3(1)-(2).

5. *Id.* para. 3(3).

6. *Id.* para. 3(4).

7. *Id.* para. 3(12); Annex I, art. VI.

8. *Id.* para. 3(5), (12).

9. *Id.* Annex I, art. I.

will use the name "Hong Kong, China" to maintain and develop relations and to conclude and implement agreements with states, regions and relevant international organizations in appropriate fields.¹⁰

(8) The PRC defense force stationed in Hong Kong shall not interfere in the internal affairs of Hong Kong, and the expenditures for these military forces shall be borne by the Central People's Government of the PRC.¹¹

B. Legal Appraisal

Both Great Britain and the PRC recognize that, as an international agreement, the Joint Declaration is binding on both parties. At first glance, it appears that Hong Kong will enjoy a "high degree of autonomy." However, a closer analysis of the Joint Declaration and the PRC's 1982 Constitution casts serious doubt, at least from a legal standpoint, on how durable and credible such autonomy would be. Five important areas in the Joint Declaration raise such doubts.

First, under article 1 of Annex I of the Joint Declaration, the National People's Congress (NPC), which alone can exercise such legislative powers, will enact a Basic Law for the Hong Kong SAR (Basic Law).¹² This law is supposed to guarantee the continuation of Hong Kong's capitalist system and life style for fifty years as well as provide for other aspects of the Joint Declaration. Under current PRC law, Hong Kong may elect roughly forty delegates to the NPC,¹³ but the practical utility and political strength of forty Hong Kong delegates among the roughly 3,000 total¹⁴ in the NPC's decision-making process would be insignificant. Moreover, article 67, paragraph 4, of the 1982 Constitution¹⁵ provides that the Standing Committee of the NPC shall have the power "to interpret statutes." Thus the drafting, enactment and future interpretation of the Basic Law all will be in the hands of the NPC. Under such circumstances, the durability of the "high degree of autonomy" will be subject to the discretion of the NPC.

Second, according to article 1, paragraph 1 of Annex I of the

10. *Id.* para. 3(10).

11. *Id.* Annex I, art. XII.

12. *Id.* Annex I, art. I.

13. According to PRC law, city residents can elect one delegate for every 130,000 persons, while rural residents can elect one delegate for every 1,040,000 persons. *See* 1983 ZHONGGUO BAIKE NIANJIAN (1983 YEARBOOK OF THE ENCYCLOPEDIA OF CHINA) 226. Assuming all Hong Kong residents are considered city residents, Hong Kong's 5,147,900 population can elect roughly forty delegates.

14. *Id.* at 227.

15. For the English translation of this Constitution, see THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA (1983) [hereinafter PRC CONST.].

Joint Declaration, in which the PRC states its policies towards Hong Kong, "after the establishment of the Hong Kong SAR, the laws previously in force in Hong Kong . . . shall be maintained, save for any that contravene the Basic Law" ¹⁶ As stated above, the power of the Standing Committee of the NPC to "interpret statutes," i.e., the Basic Law, will enable it to annul those local Hong Kong laws of which it disapproves on the ground that they contravene the Basic Law.

Third, article 2, paragraph 2, of Annex I of the Joint Declaration provides that the Hong Kong legislature "may on its own authority enact laws in accordance with the provisions of the Basic Law and legal procedures." ¹⁷ However, article 67, paragraph 8, of the PRC Constitution provides that the Standing Committee of the NPC has the power "to annul those local regulations or decisions of the organs of state power of provinces, autonomous regions and municipalities directly under the Central Government that contravene the Constitution, the statutes or the administrative rules and regulations." ¹⁸ By analogy, this clause might be applied to the Hong Kong SAR, thus placing a potentially severe restraint on the power of the Hong Kong legislature.

Fourth, although the Joint Declaration provides that Hong Kong will be vested with its own executive power, the PRC Constitution empowers the State Council "to alter or annul inappropriate decisions and orders issued by local organs of state administration at different levels." ¹⁹ Therefore, the PRC State Council can legally interfere with the future Hong Kong administration at anytime it deems appropriate.

Finally, article 1, paragraph 3, of Annex I of the Joint Declaration provides that the "chief executive of the Hong Kong [SAR] shall be selected by election or through consultation held locally and [then] be appointed by the Central People's Government." ²⁰ Since the PRC Central Government apparently will have the final say on the appointment of the Hong Kong chief executive, the extent to which the Hong Kong people will be free to choose their own leader is open to doubt.

In view of the above analysis, it seems clear that the "high degree of autonomy" for Hong Kong does not provide any guarantee against the PRC Central Government's legal intervention with the legislative

16. Joint Declaration, *supra* note 1, Annex I, art. II.

17. *Id.* Annex I, art. II.

18. PRC CONST., *supra* note 15, art. 67.

19. *Id.* art. 89, para. 14.

20. Joint Declaration, *supra* note 1, Annex I, art. I.

and administrative operation of the Hong Kong SAR. Shortly after the initialing of the Joint Declaration, a lengthy article published in the authoritative *People's Daily* reinforced this conclusion about the actual legal autonomy of the future Hong Kong SAR:

First of all, to safeguard China's sovereignty, unity and territorial integrity is a basic principle we should adhere to in establishing special administrative regions. Our country should be a unified country. There is only one China in the world, and that is the People's Republic of China. It exercises sovereignty over its special administrative regions. Ours is a socialist country with a unitary system. It is not a federal country. The NPC is the supreme power organ of the state and its permanent body is the NPC Standing Committee. Both exercise the legislative power of the state. The State Council, that is, the Central People's Government, is the executive body of the supreme power organ of the state and the highest organ of state administration. The special administrative regions are local administrative regions under the unified central leadership. They are not member states. The relationship between the special administrative regions and the central authorities is one between localities and central authorities. They must exercise their powers within the limits of their authority as prescribed by the laws enacted by the NPC.²¹

This statement suggests that the status of the Hong Kong SAR and the commitment to a "high degree of autonomy" are special entitlements granted by the PRC Central Government and that there is no legal guarantee that changes will not be made at an "appropriate time." Any move by the Central Government to change the status of the Hong Kong SAR, according to the PRC position, would be an internal Chinese affair.

Furthermore, a review of the PRC's tumultuous constitutional history casts additional doubt on whether Hong Kong will enjoy a "high degree of autonomy." The Constitution has been officially revised four times, and there is no assurance that the current policy will endure.

The first PRC Provisional Constitution, adopted in 1949 under the title "Common Program of the Chinese People's Political Consultative Conference," was replaced in 1954 by a formal constitution.

21. *Renmin Ribao on Special Administrative Regions*, trans. in FBIS, Oct. 2, 1984, at K19.

The 1954 Constitution was disregarded when the Great Proletariat Cultural Revolution broke out but was not legally supplanted until the 1975 Constitution.²² This version was later referred to as the "Gang of Four" Constitution, and after the "Gang of Four" fell into disfavor in 1976, the document was largely ignored and was ultimately superseded by the 1978 Constitution. Several articles of the 1978 Constitution were amended before it was succeeded in its entirety by the present constitution, promulgated in December of 1982. The constant revisions of the PRC Constitution arguably reflect the likelihood that the PRC will not remain committed to any single policy for more than a limited period of time.

C. *The Basic Law Drafting Process*

The process of drafting the Basic Law casts further doubt on the principle of a "high degree of autonomy" for Hong Kong. First, the members of the Basic Law Drafting Committee were all designated by the PRC and were not elected by the people of Hong Kong. Second, less than half of the members were selected from Hong Kong.²³ Third, representatives of the PRC government have stated that certain unspecified national laws, to be determined by the PRC at a later date, shall apply to Hong Kong in the post-1997 period.²⁴ Fourth, the PRC has opposed any British measure to democratize the Hong Kong system before 1990, when the Basic Law will go into effect, including the direct election of members of the Hong Kong Legislative Council.²⁵ Fifth, Chinese leader Deng Xiaoping has established the principle of "benevolent intervention" in Hong Kong affairs by the PRC Central Government. On April 16, 1987, Deng told members of the Basic Law Drafting Committee that after July 1, 1997, the Central Government would interfere with Hong Kong's "high degree of autonomy" if such intervention were in the best interest of the Hong Kong people:

Don't think everything will be just fine once all Hong Kong affairs are administered by the Hong Kong people, and the

22. Although the Constitution was not legally replaced until 1975, there was an unofficial draft circulated nationwide for discussion in the late 1960s and early 1970s. It was supported by Lin Biao, then Defense Minister and Vice-Chairman of the Party, and was recalled after the failure of his alleged coup against Mao Zedong in 1971. See Chiu, *The 1982 Chinese Constitution and the Rule of Law*, 11 REV. OF SOCIALIST L. 144-45 (1985).

23. See Chung Pao (New York), June 9, 1987, at 5, col. 1.

24. See *Basic Law Body Agrees on Application of PRC Laws*, trans. in FBIS, June 9, 1987, at W1.

25. See *PRC Official Rules Out Changes Before 1990*, trans. in FBIS, June 10, 1987, at W1; and *PRC Official 'Opposed' to 1989 Elections*, trans. in FBIS, June 15, 1987, at W1.

central authorities will have nothing to look after. Such an idea is unrealistic. It is true that the central authorities will not interfere in the special administrative region's specific work. The central authorities need not interfere. However, if in Hong Kong something to the detriment of the country's fundamental interests or harmful to Hong Kong's own fundamental interests happens, can Beijing then refrain from interfering? If the central authorities gave up all rights, chaos might occur, which would harm Hong Kong's interests. Therefore, to retain some powers of the central authorities will be beneficial rather than harmful in Hong Kong.²⁶

Thus, the PRC Central Government does not intend to "refrain" from interfering if it determines that the issue involves potential harm to "fundamental" national interests or to "Hong Kong's own fundamental interests." Of course, the power of interpreting what a "fundamental interest" is, and of deciding when such a situation exists, resides solely in the hands of the PRC Central Government.

III. THE HONG KONG MODEL AS VIEWED FROM TAIWAN

On September 27, 1984, a day after the announcement of the Joint Declaration, an editorial in the *People's Daily* stated that the Declaration will "expedite the return of Taiwan to the motherland" and noted that the same formula could be applied to Taiwan.²⁷ The government of the Republic of China (ROC) in Taiwan immediately rejected this suggestion. On October 4, 1984, Chu Fu-sung, the ROC Foreign Minister, categorically rejected the "one country, two systems" concept as a model for the unification of Taiwan with mainland China.²⁸ The reason for this rejection is simple. By agreeing to become a "special administrative region" of the PRC, the ROC would, in effect, be agreeing to give up its international personality and political sovereignty. Without this status, there would be no international legal restraints to prevent the PRC from later taking away from Taiwan what it promises at the time of unification.²⁹

26. Deng Xiaoping Discusses "One Country, Two Systems," trans. in FBIS, Apr. 17, 1987, at W3.

27. *An Important Event of Historic Significance*, Renmin Ribao, Sept. 27, 1984, at 1, 4, trans. in FBIS, Sept. 27, 1984, at G14.

28. Chu told the Foreign Affairs Committee of the ROC Legislative Yuan (legislature) that "the so-called theory of 'one country, two systems' [was] nothing but [a deception] to confuse foreign nations as Peiping pursues their political plots." *Foreign Minister Rejects Hong Kong Solution*, trans. in FBIS, Oct. 5, 1984, at V1.

29. See Vienna Convention on the Law of Treaties, May 23, 1969 (in force Jan. 27, 1980), art. 2(1)(1) U.N. Doc. A/Conf. 39/27, reprinted in 8 I.L.M. 679, which defines a

A. *Extent of Self-administration and International Guarantees*

PRC leaders have stated that no military or administrative personnel would be sent to Taiwan after unification. Based on the Hong Kong model, however, it is unlikely that there would be any legal guarantee to prevent the PRC from doing so. During the Hong Kong negotiations, PRC leaders at first announced that no troops would be sent to Hong Kong after 1997, but they have since altered their position.³⁰ Comments by high government leaders in Taiwan after the announcement of the Joint Declaration reveal a continuing deep mistrust of the PRC government.³¹ Moreover, while in the case of Hong Kong, the PRC promise to maintain the status quo is incorporated in an international agreement and, therefore, is a source of legal restraint on the PRC, this would not be true for Taiwan. Both the PRC and the ROC have insisted on negotiations between the Chinese Communist Party (CCP) and the Chinese Nationalist Party (KMT), the ruling party in Taiwan. Even if the two political parties reached an agreement, such an agreement would not be an international agreement and would not, therefore, be covered by international law. Both the CCP and KMT agree that the province of Taiwan is a part of China and that any resolution of its status is an internal Chinese affair. Thus, after unification, Taiwan would have even less protec-

"treaty" as "an international agreement concluded between states in written form and governed by international law" Although the ROC was a signatory of the Convention (Apr. 27, 1970), the PRC has yet to accede as the Chinese signatory. The Convention is regarded, in large part, however, as declaratory of existing law. L. HENKIN, R. PUGH, O. SCHACHTER & H. SMIT, *INTERNATIONAL LAW* 387 (2d ed. 1987). Similarly, the PRC views the Convention as a "codification of existing international customary rules." Chiu, *Chinese Attitudes Toward International Law In Post-Mao Era*, 21 *INT'L LAW* 1127, 1158-59 (1987).

30. *China Plans to Put Troops in Hong Kong*, N.Y. Times, May 26, 1984, at 3, col. 2.

31. For example, commenting on the credibility of the Chinese Communists, ROC Premier Yu Kuo-hwa made the following statement on September 26, 1984:

To achieve their purpose of swallowing Hongkong, the Chinese Communists—fearful of resistance from the Chinese in Hongkong and Kowloon, who demand freedom and democracy—went out of their way to embellish an illusion of 'one country, two systems.' They 'promised' that the present Hongkong system would remain unchanged for 50 years, in order to confuse the world and to bilk the people of Hongkong and Kowloon.

It is no secret that throughout the history of the Communists, there has never been any record established of their good faith nor any 'agreement' that was not later trashed. No matter what the illusion the Chinese Communists attempt to create today, the basic policy identified in their 'four principles' (socialist road, people's democratic dictatorship, the leadership of the Communist Party and Marxism-Leninism-Mao Zedong thought) is a sharp illustration of the fact that Communism's totalitarian nature will never change.

REPUBLIC OF CHINA, A REFERENCE BOOK 469, 469 (L. Ho ed. 1986). See also Shaw Yu-ming, An ROC View of the Hong Kong Issue (paper presented at international symposium entitled "Hong Kong: A Chinese and International Concern," Mar. 3-8, 1986, Taipei).

tion than Hong Kong against intervention by the Central Government in Beijing. Furthermore, assuming that the Hong Kong model is used for the unification of Taiwan with the PRC, such an agreement would only remain valid for a set number of years. After the expiration of the stipulated time period, the Central Government would be legally justified in sending troops to take over Taiwan and forcibly changing Taiwan's political, social and economic system. That the people in Taiwan would be willing to take such risks, even 50 or more years from now, is questionable, to say the least.

B. PRC Negotiating Strategy

The recent memory of financial tremors set off during the PRC-UK negotiations might further discourage Taiwan from initiating negotiations with the PRC on the basis of the "one country, two systems" formula. For almost two years during the negotiations, the local Hong Kong financial market was in disarray, real estate transactions were at a virtual standstill, and the population transferred a large amount of capital abroad.³² If Taiwan begins negotiations on a Hong Kong-type of unification, a similar economic reaction might incite serious political instability.

PRC negotiating tactics during negotiations with the UK on Hong Kong are also discouraging from an ROC perspective. A familiar negotiating technique used by the PRC is to put pressure on the opposing side to agree first on a principle. Once the other side agrees to the principle, the PRC presents a posture of flexibility and generosity in negotiating concrete arrangements to implement the principle. By adopting this approach, the PRC can rescind any part of the concrete arrangements, if necessary, by invoking the agreed upon principle in the future. Moreover, even within the individual substantive provisions, which are usually spelled out in great detail to show the "sincerity" of the PRC, a provision is always included reserving the PRC's right to cancel all or part of the arrangements.

When the negotiations on Hong Kong began, the PRC insisted on the principle of establishing sovereignty in 1997 over both the leased territory and those parts (Hong Kong Island and the Kowloon Peninsula) ceded to the UK under two 19th-century Sino-British treaties.³³ The negotiations were deadlocked over this issue for some time until the UK finally conceded the principle. Then, both sides began

32. See THE FUTURE OF HONG KONG: TOWARD 1997 AND BEYOND, *supra* note 1, at 57-62; Keatly, *Hong Kong Suffering Crisis of Confidence*, *Asian Wall St. J.*, Aug. 30, 1982, at 10, col. 1 (weekly ed.); Holbrooke, *Hong Kong's Crisis of Confidence*, *Asian Wall St. J.*, Nov. 15, 1982, at 14, col. 1.

33. Sino-British Treaty of Nanking, Aug. 29, 1842, China-Great Britain, 93 Parry's T.S.

to negotiate seriously on the details of the post-1997 Hong Kong regime and sociopolitical system. However, the PRC continued to put pressure on the UK. The PRC side announced that unless an agreement was reached by September 1984, it would unilaterally announce its own program for governing post-1997 Hong Kong.³⁴ These and other factors finally yielded an agreement. Across the South China Sea in Taiwan, ROC government officials saw the agreement as a British capitulation, a discouraging model for any future negotiations over the unification of Taiwan with mainland China.³⁵

IV. CONCLUSION

As a legal instrument, the Hong Kong Basic Law will likely confront problems resulting from the implicit contradictions in the "one country, two systems" model. The model promises the Hong Kong community legal guarantees for the protection of existing rights and institutions, as well as for a "high degree of autonomy" in policy-making. From the Hong Kong perspective, however, these legal guarantees are insufficient due to the high degree of discretion for interpretation and implementation, which the model reserves for the PRC Central Government. The Basic Law itself will be interpreted by Beijing. Beijing also will be the final legal authority on and interpreter of existing and future Hong Kong SAR legislation. Despite the "high degree of autonomy" promised for Hong Kong by the Joint Declaration, the PRC still will retain ultimate legal authority to interfere as it sees fit.

It is clear that where "national interests," as defined by the PRC Central Government, conflict with local Hong Kong interests, the former will prevail. Deng Xiaoping has stated that the PRC may be obliged to interfere in the administration of the Hong Kong SAR in order to protect what it perceives to be Hong Kong's fundamental interests.

Thus, the Basic Law, by itself, will provide few actual guarantees for the people of Hong Kong. A prognosis for the future success or failure of Hong Kong, therefore, cannot rest solely upon the proposed legal model. To a large extent, the future of Hong Kong will depend

467; Convention of Friendship between China and Great Britain, Oct. 24, 1860, China-Great Britain, 123 Parry's T.S. 73.

34. See F. CHING, *HONG KONG AND CHINA, FOR BETTER OR FOR WORSE* 22 (1985).

35. Commenting on the history of the Hong Kong negotiations, ROC Foreign Minister Chu Fu-sung said: "During the process of negotiations, the British Government was in a posture of concession, retreat and abandonment. It accepted all demands set down by the Chinese Communists, and disregarded the wishes of the Hong Kong residents." See *Foreign Minister Rejects Hong Kong Solution*, *supra* note 28, at B1.

upon the political, economic and social imperatives and options that will be available to the PRC Central Government, as well as upon the degree of rationality and fairness with which PRC leaders exercise the high degree of discretion that is, at least implicitly, granted to them by the "one country, two systems" model. Thus, predictions on the future of Hong Kong must derive not only from law and social science, but from an act of faith as well.

For Taiwan, the Hong Kong model highlights legal problems that it would similarly face in any attempt at reunification with the mainland. In addition, political, economic, social and strategic issues in Taiwan, which differ in many respects from those in Hong Kong, require alternative solutions. Finally, recent public statements made by ROC leaders in response to the Hong Kong model³⁶ suggest that they have little faith in a legal structure that is highly dependent upon the discretion of the PRC. From the perspective of the ROC leadership, it would be unwise to exchange the sovereignty and independence that they now enjoy for a political future of subordination that would be contingent on their trust of the PRC Central Government.

Whether or not such mistrust will prove to be well-justified in the long run will only be known many years after the Hong Kong Basic Law goes into effect.

36. As one ROC commentator observed:

What deserves special notice is this: the 'special administrative districts' are to be established 'when necessary' and when the necessity is no longer operative, they may be abolished. The entire system to be practiced there will be 'stipulated by law' by the Chinese Communists. In due course it may be revised or eliminated 'by law.' The strategy employed here is one of absolutely gradual, step-by-step encroachment.

Some Key Points in the New Constitution, INSIDE CHINA MAINLAND 2 (Supp. Jan. 1983).

