

1997.  
UK prospects.

J.C.M.P.

25 April 1983

# 1997: Can history help?

By TIM HAMLETT

Past experience suggests that Hongkong civil servants will be catered for if the settlement of the 1997 issue involves a change in the system of government here, according to a local academic.

But a widely-travelled colonial civil servant warned that Hongkong's was an unusual case, and presented difficulties which Britain had not encountered before.

The decolonisation model operated in other territories assumed that power would be handed over to a new independent state.

Hongkong's problem is that there is a large neighbour with a claim to the territory.

This is not a unique difficulty — similar considerations have delayed the independence of the Falklands and Gibraltar — but because of the terminal date built into the 1997 lease Hongkong will have to tackle it first.

In the traditional arrangement the question of civil servants or local leaders leaving for the UK did not arise.

A Hongkong civil servant who held a senior position in pre-independence Fiji explains: "It was very different from here, because there was no other local Government claiming to take over.

"The whole aim of the exercise was to prepare local leaders and civil servants to take over.

"We had been preparing for 10 years, and stopped recruitment overseas on pensionable terms well before.

"By 1970 there were just 250-odd overseas civil servants, of whom only 100 or so were on pensionable terms.

"We had recruited local people whenever possible, and if we recruited overseas they were on very specific contracts."

Under these circumstances the question was not what became of the local civil servants, but what became of the overseas ones.

Some stayed to work for the new Government, some took early retirement, and

## Past approaches to the civil servant question

some were transferred to other colonies.

Local civil servants stayed where they were to run the new state.

This was in accordance with Britain's blueprint for decolonisation, which was presented to the United Nations in 1962.

Colonies approaching independence were to be provided with:

- Representative government.
- A professional civil service.
- An independent judicial system.
- Their own local security forces.
- An education system up to university level.
- Economic aid after independence.
- National unity — each colony would be succeeded by a single state with the same boundaries.

This last provision implied that parts of colonies would not be hived off to adjacent states, and where there were claims to all or part of a colony — as in Belize — independence was postponed in the hope that these could be resolved first.

The blueprint clearly envisaged that local policemen and civil servants would stay on as part of the colonial legacy, and most of them did so even in colonies with a turbulent pre-independence period like Kenya and Malaysia.

But Hongkong University lecturer Dr Norman Miners, who was in Nigeria when that state achieved independence, recalled that provision was made for local civil servants who did not wish to continue under the independent government.

"Overseas civil servants had the option of staying on or leaving with a lump sum payment to compensate for 'loss of career'," he said.

"Any local civil servant

was not binding on future Home Secretaries, who would make a personal decision in the light of the political situation at the time.

But, he said, it was a "very correct" description of the way in which the Home Office had been exercising its discretion in these matters, with the UK making "very firm attempts to use any means to stop people."

Britain's defences against former colonial subjects coming home to roost have been breached by only one substantial group — Asian residents of East Africa.

In 1968 Kenyan Asians started moving to Britain in large numbers. In spite of the passage of a new Commonwealth Immigration Act most of them succeeded in getting in — after, in some cases, spending days in aircraft flying between Kenya, India and the UK, being refused admission by all three.

In 1972 Uganda's then president Idi Amin expelled all foreign passport holders, including some 50,000 Asians with UK passports.

Britain reluctantly accepted most of them (some preferred to go to India) on the grounds that the passports had been offered and issued as an assurance of "escape" if necessary.

A legal expert quoted in the China Mail at the time said that these passports were "very like" Hongkong British ones.

But he added that the UK had only admitted their holders by "bending the law."

who thought he was liable to retaliation by the new government could resign and claim compensation in a similar way."

The question of passports did not arise because the UK had not yet taken steps to limit immigration from the Commonwealth.

Dr Miners, a senior lecturer in political science, observed that the worries expressed by local civil servants in Hongkong raised three separate issues:

- Guarantees for civil servants' pension rights under a changed form of government.

- The conditions under which civil servants who did not wish, or were not needed, to work under the new regime might leave the service.

- The right to move to the UK.

The first two, he said, were "the sort of thing which would be a matter for negotiation if the UK was not going to be the responsible power."

But he was not optimistic about the possibilities of the "escape-clause" in the British Nationality Act, under which the British Home Secretary has the discretion to allow residence to former Crown servants.

Dr Miners agreed that the UK Government's statement that this discretion would be exercised "very sparingly"