The Exploration of the Scientific Connotation of the "One Country, Two Systems" Principle

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As a basic national policy, the "One Country, Two Systems" policy is the fundamental strategy that the Communist Party of China (CPC) and the Chinese Government put forward in accordance with the international situation and the Chinese domestic situation, starting from reality and on the basis of respecting history and reality for the solutions of the Questions of Taiwan, Hong Kong and Macao and for the realization of the peaceful reunification. The understanding of the scientific connotation of the "One Country, Two Systems" principle by the Central Government and authoritative theorists is not static. The Work Report to the 18th National Congress of the CPC emphasized: "Freeing up the mind, seeking truth from facts, keeping up with the times and being realistic and pragmatic – these are the salient features of the Scientific Outlook on Development. There is no end to practice, to seeking truth, or to making theoretical innovations." With the handovers of Hong Kong and Macao to the motherland in succession and with the successful practice of the "One Country, Two Systems" policy and the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter as "the Hong Kong Basic Law") and the Basic Law of the Macao Special Administrative Region of the People's Republic of China (hereinafter as "the Macao Basic Law") in particular, the Work Report to the 18th National Congress of the CPC has further elaborated the scientific connotation of the "One Country, Two Systems" principle on the basis of summarizing the practical experience. This has reflected the deepening understanding by the Central Government of the practice of the "One Country, Two Systems" policy and its practical law. It is an enrichment and development of the "One Country, Two Systems" theory.

I. Past Presentation of the Connotation of the "One Country, Two Systems" Principle Focused on Political Science Area

What is the scientific connotation of the "One Country, Two Systems" principle? The most authoritative interpretation is Deng Xiaoping's separate talks he made in June 1984 with members of a Hong Kong industrial and commercial delegation to Beijing and with Sze-yuen Chung and other prominent Hong Kong figures: "The policy we are pursuing is 'One Country, Two Systems', specifically, in the People's Republic of China, the Mainland with one billion people will maintain the socialist system whereas Hong Kong and Taiwan will maintain the capitalist system." Six

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years later, Xiao Weiyun, law professor, said further: "The so-called 'One Country, Two Systems' policy, according to the summary of Comrade Deng Xiaoping, is the implementation of the 'One Country, Two Systems' principle. Specifically, it is the maintenance of the socialist system in the mainland of the People's Republic of China with a population of 1.1 billion and the maintenance of the capitalist system in Hong Kong, Macao and Taiwan." "This scientific concept is a significant development of Marxism, which has enriched the new content for building socialism with Chinese characteristics and laid an ideological and theoretical foundation for the peaceful reunification of the motherland and the rejuvenation of China. It is of important guiding significance to China's socialist legal system."

Another law veteran Wang Shuwen said: "Deng Xiaoping highly and scientifically summarized the connotation of the 'One Country, Two Systems' policy. His talks in June 1984 pointed out the following three basic points: First, the 'One Country, Two Systems' policy must adhere to one China, i.e., the People's Republic of China and uphold the basic principles of sovereignty, unity and territorial integrity. Second, the main part of China must be socialism and the 1.1 billion of the population in the mainland of China must adhere to the socialist system. Third, the system of capitalism shall still be practiced in the special administrative region. The current social and economic system there remains unchanged and the way of life remains unchanged."

On 12th September 1997, Jiang Zemin, former CPC General Secretary pointed out in the Work Report to the 15th National Congress of the CPC: "The concept of 'One Country, Two Systems' is an important component of Deng Xiaoping Theory. The basic idea is that on the premise of national reunification, the main part of China will stick to the socialist system while Taiwan, Hong Kong and Macao will retain the current capitalist system and way of life for a long time to come."

Even in May 2011, the relevant entry in the *Encyclopedia of "One Country, Two Systems"* chief-edited by Professor Ieong Wan Chong of the One Country Two Systems Research Center of Macao Polytechnic Institute has a similar argument: "As a basic state policy of a country, 'One Country, Two Systems' has its own specific meaning. It refers to the fact that in the People's Republic of China, a unified socialist country, the mainland will maintain the socialist system for a considerable period of time and at the same time, such three regions as Taiwan, Hong Kong and Macao are permitted to maintain their original capitalist system."

It can thus be seen that in almost 30 years since June 1984 when Deng Xiaoping defined the scientific connotation of the "One Country, Two Systems" principle, although state leaders and senior legal scholars stated the connotation of the "One Country, Two Systems" principle in slightly different wordings, their spiritual essence is in the same strain as that of Deng Xiaoping (remaining consistent). However, with the gradual deepening and continuous development of the academic research on the practice, the "One Country, Two Systems" policy as a basic state policy of a country, must have a legal representation and even requires political and legal interpretations, which was pointed out several years ago by Professor Jiang Xiaowei of Law School of Tongji University in an article entitled "Re-understanding the Essence and Basic Meaning of 'One Country, Two Systems'". However we had neither legal representation nor political and legal interpretations in the past. Our past presentation of the essence and basic meaning of the "One Country, Two Systems" policy was too much in terms of social status and value and was in lack of politics and rule of law. As a result, when we practice the "One Country, Two Systems" policy, our direction appears unknown. Our route is unclear. We may even encounter controversial issues. However, the Work Report to the 18th National Congress of the CPC has made a breakthrough on this important issue. The presentation is

appropriate and is worth studying.

II. The Connotation of the "One Country, Two Systems" Principle Used in the Work Report to the 18th National Congress of the CPC

Zhang Xiaoming, former Deputy Director of the Hong Kong and Macao Affairs Office of the State Council, comprehensively and accurately talked about his experience on how he accurately grasped the scientific connotation of the "One Country, Two Systems" principle in his article entitled "Enrich the Practice of 'One Country, Two Systems", which he wrote for the book *Tutoring Reader for the Work Report to the 18th National Congress of the CPC*.

Zhang Xiaoming's article points straight to the point: "The Work Report to the 18th National Congress of the CPC further expounds the scientific connotation of the 'One Country, Two Systems' policy in the following two aspects". One is a complete summary of the core requirements and the underlying goal of the "One Country, Two Systems" principle. The underlying goal of the principles and policies adopted by the Central Government concerning Hong Kong and Macao put forward in the Work Report to the 18th National Congress of the CPC is to uphold China's sovereignty, security and development interests and maintain the long-term prosperity and stability of Hong Kong and Macao. The other aspect points out emphatically: In the practice of the "One Country, Two Systems" policy, we must handle the three pairs of relationships well, which is stated in the Work Report to the 18th National Congress of the CPC: i.e., "We must combine adhering to the one-China principle with respecting the differences of the two systems, combine upholding the power of the Central Government with ensuring a high degree of autonomy in the Special Administrative Regions, and combine giving play to the role of the mainland as the staunch supporter of Hong Kong and Macao with increasing their competitiveness. At no time should we focus only on one side to the neglect of the other." This author holds that the new presentation of the scientific content of the "One Country, Two Systems" policy in the Work Report to the 18th National Congress of the CPC goes across the category of political science and law. It is a great leap forward in understanding the "One Country, Two Systems" principle. It is not only one of the highlights of the Work Report but also the essence of Zhang Xiaoming's article.

2.1 The underlying goal of the principles and policies adopted by the Central Government concerning Hong Kong and Macao

Although the Work Reports to the 16th and 17th National Congresses of the CPC both emphasized the "One Country, Two Systems" principles and policies, there were no such presentation as "underlying goal" or similar presentation in them. However, the Work Report to the 18th National Congress of the CPC expressly put forward the "underlying goal" for the first time. It has multiple significances:

2.1.1 It has a major realistic significance of clarifying confusion and bringing things back to order, and clarifying matters and going to the bottom of things

In view of the various kinds of distortions and incessant attacks by Hong Kong opposition to the "One Country, Two Systems" principle and the vague or fuzzy understanding of the principle by some Hong Kong people, especially since June 2004 when some people jointly signed and publicized a statement entitled "Maintenance of Hong Kong Core Values" (including freedom,

democracy, human rights, rule of law, equality, justice, peace, benevolence, etc.), some Hong Kong people, the Hong Kong opposition politicians in particular, often put the so-called core values of Hong Kong above the sovereignty, security and development interests of the country. The Work Report to the 18th National Congress of the CPC has made a profound summary of the practice of the "One Country, Two Systems" principle since the handovers of Hong Kong and Macao, and put forward a new presentation of the underlying goal concerning the work of Hong Kong and Macao, which is fully constitutionally based. The Hong Kong Basic Law clearly points out in its preamble: "Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region will be established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, and that under the principle of 'one country, two systems', the socialist system and policies will not be practiced in Hong Kong." The Macao Basic Law has made similar provisions in its preamble. The two paragraphs of similar preambles fully show that the "One Country, Two Systems" principle is an integral concept. "One Country" is the premise. Without "One Country", "Two Systems" have lost foundation while the premise and foundation of the "One Country, Two Systems" concept are "to uphold the national unity and territorial integrity"". Only when this premise and foundation are ensured and strengthened, "can the prosperity and stability of Hong Kong be maintained" and "can it be conducive to social stability and economic development of Macao".

2.1.2 It has enriched the theoretical innovative significance of the "One Country, Two Systems" theory.

The Work Report to the 18th National Congress of the CPC has articulated "upholding the national unity and territorial integrity" in the preamble of the Hong Kong Basic Law more completely as "upholding the national sovereignty, security and development interests", which has greatly enriched the theory and practice of "One Country, Two Systems" and will play an important guiding role to the development of Hong Kong.⁶

The new presentation of the underlying goal is deepening or sublimation of the understanding of the "One Country, Two Systems" principle: (1) Zhang Xiaoming points out: "Since the handovers of Hong Kong and Macao, the historical mission to resume the exercise of sovereignty over Hong Kong and Macao has been completed. However, it is an eternal theme and a long-term task to uphold the national sovereignty, security and development interests and to maintain the long-term prosperity and stability of Hong Kong and Macao." (2) The presentation illustrates that the relationship between "One Country" and "Two Systems" is a dialectical unity. They complement and promote each other. But they are not an equal relationship. What is more important is that they are not a relationship to place the "Two Systems" above the "One Country". But they are a relationship of "the One Country being the root whereas the Two Systems being the fruit". They are the precedence relationship with "One Country" coming first whereas "Two Systems" coming later. (3) The presentation reflects that Hong Kong, Macao and the country are a community of destiny that share weal and woe. Only when the national sovereignty, security and development interests are upheld, can the long-term prosperity and stability of Hong Kong and Macao be maintained while the prosperity and stability of Hong Kong and Macao will in turn promote the country to develop better and faster and realize building a moderately prosperous society sooner. (4) The current in-depth study and implementation of the underlying goal of the Central Government work concerning Hong Kong and Macao put forward by the 18th National Congress of the CPC is conducive to the establishment of the new values of loving both the motherland and Hong Kong and the "One Country, Two Systems" policy and conducive to clearly seeing the one-sidedness of the "core values of Hong Kong" advocated by the Hong Kong opposition politicians and the essence of "anti-China and causing chaos in Hong Kong". It is also conducive to boycotting and criticizing the Movement of "Dechinazation/Desinification" and the Anti Moral and National Education Movement started by Hong Kong opposition recently.

2.1.3 It has the strategic significance of achieving the great rejuvenation of the Chinese nation.

The handover of Hong Kong is the first stop in the journey to achieve the great cause of reunification of the motherland and rejuvenation of the Chinese nation. The successful handover of Macao is another historical monument established on the road to achieve the great cause of reunification of the motherland and reunification of the Chinese nation. Maintaining the long-term prosperity and stability of Hong Kong and Macao is no doubt of important significance to realize "China Dream". The underlying goal of the Central Government work concerning Hong Kong and Macao put forward in the Work Report to the 18th National Congress of the CPC, as Peng Qinghua, the former director of the Liaison Office of the Central People's Government in the Hong Kong SAR pointed out: "contains a profound summary of the Chinese history since 1840 and a strategic thinking to achieve the great rejuvenation of the Chinese nation by the middle of this century and profoundly reveals the organic unity between the fundamental national and state interests and the long-term interests of Hong Kong (Macao) compatriots."

2.2 To implement the "One Country, Two Systems" policy, it is necessary to adhere to the three organic combinations.

The Work Report to the 18th National Congress of the CPC pointed out for the first time: "Fully and faithfully implementing the principle of 'One Country, Two Systems', under which the Hong Kong people rule Hong Kong and Macao people rule Macao and both regions enjoy a high degree of autonomy, must be organically combined with the following three "boths": both adhering to the one-China principle and respecting the differences of the two systems, both upholding the power of the Central Government and ensuring a high degree of autonomy in the SARs and both giving play to the role of the Mainland as the staunch supporter of Hong Kong and Macao and increasing their competitiveness. At no time should we focus only on one side to the neglect of the other." Zhang Xiaoming interpreted this brilliant exposition as three pairs of relationships that, he emphasized, must be handled well in the practice process of the "One Country, Two Systems" policy. And he pointed out that viewed from the situation after the handovers of Hong Kong and Macao, emphasis on the good handling of the three pairs of relationships is of utmost importance. They are not only easy to understand but also close to the realities of Hong Kong and Macao. What follows is an analysis of the three relationships one by one:

2.2.1 Adhere to the "One Country" principle and respect the differences between the "Two Systems"

Grasping and handling this pair of relationship is the core content and fundamental political premise for the practice of the "One Country, Two Systems" policy. Zhang Xiaoming emphasized: "One Country, Two Systems' is a complete concept. 'One Country' is the premise and foundation. 'Two Systems' is subordinate to and derived from 'One Country' and is unified into the 'One

Country". "We should both adhere to the 'One Country' principle and respect the differences of the 'Two Systems'. We should not separate 'One Country' from 'Two Systems', nor oppose one with the other mutually." In order to "adhere to the 'One Country' principle, the most fundamental matter is to uphold the national sovereignty, security and development interests instead of undermining them." The Hong Kong SAR Government, social organizations and all walks of life should fulfill their constitutional duties and "timely complete this legislation", i.e., the legislation of Article 23 of the Hong Kong Basic Law.

Here, Zhang Xiaoming released a piece of important yet sensitive information. That is, it is necessary to "timely" complete the legislation of Article 23 of the Hong Kong Basic Law, which has immediately aroused widespread concern and heated discussion from Hong Kong society. Many people believe that the core content of the legislation for Article 23 of the Hong Kong Basic Law is to uphold national security and prevent foreign forces from interfering in Hong Kong affairs, is to adhere to the "One Country" principle requirement, and is also to perform the constitutional obligations. The whole society should attach great importance to the legislation of this article. However, some of the Hong Kong opposition people believe that it is not urgent to enact Article 23 of the Hong Kong Basic Law at present. However, they are worried that one of the missions of Zhang Xiaoming when he assumes office in Hong Kong is to complete the legislation of Article 23 of the Hong Kong Basic Law. This author believes that the so-called "timely" legislation does not mean that it is not urgent to enact it though the time is not yet set definitely. Hong Kong should learn from and make reference to the experience of Macao in enacting the Lei Relative à Defesa da Segurança do Estado (Macao National Security Law), reflect on the past profound defeat lessons in enacting Article 23 of the Hong Kong Basic Law, actively create conditions, look for and find the balance point between safeguarding national security and guaranteeing freedom for Hong Kong people and realize early legislation. This may be difficult but you should grasp the nettle.

Zhang Xiaoming also pointed out: "The community should also be on high alert about preaching the 'referendum' and 'city-state autonomy movement' in the Special Administrative Regions which are contrary to the 'One Country' principle." This reflects that Zhang Xiaoming is very familiar with the situation in Hong Kong, has a good sense of proportion in writing this article and writes it as it is without the slightest exaggeration. The four words of "be on high alert" are just like evening drums and morning bells, calling on the Hong Kong people to be vigilant that speeches contrary to the "One Country" principle should not be underestimated nor downplayed in any way. He also emphasized at the same time: "Respecting the differences of the 'Two Systems' means the Central Government and the Mainland people and the two SAR Governments and all SAR walks of life should mutually respect the social systems of each other, including certain differences in ideological fields." He also further points out: "We figuratively talk about 'wells not invading rivers or mind one's own business', which means the emphasis on this mutual respect for each other, seeking the common consensus of 'One Country' and depositing the great differences of 'Two Systems'. This is also the way that the mainland and the SARs get along with each other in harmony and for a long time to come." This, he said, is the very key for the two sides to get along well with each other.

But as a matter of fact, "wells" invade "rivers" not infrequently since the handover of Hong Kong: some individual organization always shouts such slogans as "End the CPC one party dictatorship" every year when they organize meetings and processions. The first Hong Kong SAR Chief Secretary for Administration often emphasized the importance of "Two Systems" but rarely

talked about the importance of the "One Country" principle during her term of office and often made irresponsible remarks about the Central Government after her retirement. A few people have attacked the Liaison Office of the Central People's Government in the Hong Kong SAR with ulterior motives. They have been trying to discredit the "One Country" principle. Those problems should also arouse the same high vigilance from all walks of life in Hong Kong.

2.2.2 Uphold the power of the Central Government and ensure a high degree of autonomy in the Special Administrative Regions

This pair of relationship is another important relationship derived from the overall relationship of "One Country, Two Systems". It is mainly a problem on the legal aspect. Grasping and handling well this pair of relationship is an important condition and legal protection to achieve the good governance of Hong Kong and Macao affairs by the Central Government.

Zhang Xiaoming points out: "In accordance with the provisions of the Basic Law, the Central Power of the state is not merely limited to the often-emphasized foreign affairs and defense. It also includes the power: to appoint the Chief Executive and the principal officials of the executive authorities of the Hong Kong SAR; to review the SAR enacted laws and return those inappropriate ones; to determine some of the national laws to be applicable to SAR; the ultimate power to determine the method and its amendment for the Selection of the Chief Executive of the Hong Kong SAR; to decide that the Region is in a state of emergency; to interpret the Basic Law; to revise and amend the Basic Law, etc." The nine powers, Zhang Xiaoming talked about here, that the Central Government enjoys is more or less the same as the seven powers that Xiao Weiyun has emphasized in his book entitled *Lectures on Hong Kong Basic Law*, but Zhang's language is more concise and easy to remember.

Deng Xiaoping once said: "Retaining some central powers is beneficial rather than detrimental to Hong Kong. We may think calmly: Are there sometimes occasions when Hong Kong cannot deal with a problem by itself without the help of Beijing?... The Basic Law should take this into account."8 However, just as what Zhang Xiaoming pointed out: "Some people take the pretext that under the common law system, it is the court that is empowered to interpret the laws to exclude the power of the Standing Committee of the National People's Congress for the interpretation of the Basic Law. Too alarmist, they even attack that the legal interpretation by the Standing Committee of the National People's Congress is detrimental to Hong Kong judicial independence. They are still claiming today that the SAR court is empowered to judge the relevant interpretations and decisions by the Standing Committee of the National People's Congress. This is the very demonstration that they have disregarded the provisions of the Basic Law and failed to respect the Central powers enjoyed according to law." For example, the Department of Justice recommended at the end of 2012 that the Court of Final Appeal should refer to the Standing Committee of the NPC for interpretation on the issue of the right of abode. However, the opposition claimed that this would "do great damage to the Hong Kong rule of law", saying it is "power above the law or power overwhelms the law." It is "not respecting the rules and procedures" and so on and so forth.

On the other hand, under the arrangement of the "One Country, Two Systems" policy, the SAR enjoys a high degree of autonomy, including the executive, legislative and independent judicial power, including that of final adjudication. The SAR enjoys many special powers, such as the power of final adjudication, the power to formulate its own monetary and financial policies on its own, etc, which even the states of a federal nation do not have. Zhang Xiaoming points out: "Since the handovers of Hong Kong and Macao, the Central Government has repeatedly emphasized that it

will not interfere in the SAR internal affairs. The actual implementation is obvious. However a high degree of autonomy does not equal complete autonomy. And the SAR power for a high degree of autonomy is not inherent but is authorized by the Central Government." The latter part of Zhang Xiaoming's sentence is very important. It should be noted that China is a unitary state. The two SARs are two inseparable parts of China and are administrative regions directly under the Central Government. This determines that the autonomy of the two SARs can only be granted by the NPC and the Central Government. All the SAR high degree of autonomy should not and cannot exceed the powers of the Central Government.

2.2.3 Give play to the role of the Mainland as the staunch supporter of Hong Kong and Macao and increase the competitiveness of Hong Kong and Macao.

This pair of relationship is another important relationship derived from the overall relationship of "One Country, Two Systems". It is mainly a problem on the economic aspect. Grasping and handling well this pair of relationship is the inevitable road of complementary advantages and the best choice of the broad way that Hong Kong and Macao and the mainland take for common development.

Since their handovers, Hong Kong and Macao have taken the road of complementary advantages and the broad way for common development with the mainland. Zhang Xiaoming used more space to describe it, including a series of policies and measures that the Central Government has adopted in succession to support Hong and Macao and promote the common economic development between the mainland and Hong Kong and Macao and the effects and the results that those policies and measures have produced. Especially, the national "12th Five-Year Plan" has further defined the position of Hong Kong and Macao in the national development strategy. These measures have played important roles in further optimizing the industrial structure of Hong Kong and Macao, expanded the economic development space, increased the capability to resist the external economic risks and enhanced the confidence of the residents there. These policies and measures have made all walk of life of Hong Kong and Macao understand from their personal experience that the great motherland is their staunch supporter in the maintenance of their prosperity and stability. Zhang Xiaoming points out: "Viewed from Hong Kong and Macao itself, in order to be invincible in the ever increasing competitive international environment, what is more important is to be practical and promising in enhancing their own competitiveness", including maintaining and enhancing the original advantages, cultivating new economic growth points, making full and good use of the various policies and measures that the Central Government has adopted in support of the development of Hong Kong and Macao; reducing internal conflicts and maintaining a favorable business environment, etc.

The Central Government has left no stone unturned in the past to support the economic development of Hong Kong and Macao. It is believed that it will adopt correspondent policies and measures in the future in accordance with the requirements to further enhance the exchanges and cooperation between the two sides. However, Hong Kong should not hold the idea of utter reliance on the Central Government and sit back, enjoy and reap the profits. Hong Kong should not ask the Central Government to incorporate the national "12th Five-Year Plan" into its own program on the one hand. Yet on the other hand, it has failed to make study and put forward correspondent proposals for it in time. This failure indeed is the very reason why Hong Kong society has remained stagnant for more than ten years and is the main causes of the difficulties it is meeting now. It is hoped that the new term of the SAR Government can adjust the strategic development guidelines in

accordance with the requirement of the 18th National Congress of the CPC, organically combine giving play to the role of the mainland as the staunch supporter of Hong Kong with increasing the competitiveness of Hong Kong itself so that Hong Kong economy will take off once again. It is more so for the development of Macao economy in the future. Macao cannot simply wait for the "blood transfusion" from the mainland and the Central Government nor can it merely rely on the gambling or casino business. It needs to improve its competitiveness in many ways, cultivate outstanding talents and develop a diversified economy of various types.

In summary, it is necessary to fully and faithfully implement the important policy of "One Country, Two Systems", handle the three pairs of relationships well because they are the core links of the relationships to closely connect the mainland with Hong Kong and Macao. They are also the main channel to give full play to the superiority of the "One Country, Two Systems" principle, to expand more development spaces for the mainland, Hong Kong and Macao, and increasingly enhance the long-term wellbeing and material benefits of the mainlanders and the Hong Kong and Macao compatriots. At the same time, if Hong Kong and Macao can see clearly and recognize the three-pairs of relationships, they will eliminate interference from outside forces more consciously and move forward under the leadership of the SAR Governments.

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Note

Deng Xiaoping (1993). *Deng Xiaoping on the Question of Hong Kong*. Hong Kong: Joint Publishing (HK) Co., Ltd. 5

² Xiao Weiyun (Ed.) (1990). *One Country, Two Systems and Hong Kong's Basic Legal System*. Beijing: Peking University Press. 2.

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⁵ Ieong Wan Chong (Ed.) (2011). *Encyclopedia of "One Country Two Systems"*. Macao: One Country Two Systems Research Center, Macao Polytechnic Institute. 396.

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