# The National People's Congress in 2017: Security, Ideology, and Experimentation

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A review of the work performed over the past few years by the National People's Congress and its Standing Committee—the body that "turns the party's propositions into the will of the state"—can provide a clear synopsis of the Chinese Communist Party's governance priorities, and confirms the importance of two major Chinese Communist Party objectives: addressing traditional and non-traditional national security challenges as well as boosting citizens' identification of the Chinese Communist Party's ideological narratives. It also reveals the enhanced role of the National People's Congress Standing Committee in the process of authorizing pilot governance reforms.

The Fifth Plenary Session of the 12th National People's Congress (NPC) took place in early March per custom, issuing its annual report using language "dry as toast" to summarize the previous year's work and lay out its plans for the coming year. The annual NPC conclave is often rightly derided as more pomp than substance, as much of the country's legislative work is done outside this roughly 10-day window. The NPC itself is also often described as a "rubber-stamp parliament," as it does not have a particularly strong history of voting down initiatives backed by the Chinese Communist Party (CCP). Indeed, observers noted this year that NPC members' votes dissenting on the work reports of government agencies appeared to decline to historic lows. For the CCP, this is a feature, not a bug, as described in the 2012 18<sup>th</sup> Party Congress Work Report: "We should make good use of legal procedures to turn the party's propositions into the will of the state" (要善于使党的主张通过法定程序成为国家意志).3

This lack of party-state separation, however, does allow us to view the NPC's legislative work as a representation of CCP governance priorities. This is especially true given the party's increased emphasis on making China a "rule of law country" (法治国家)—always, of course, in service of the CCP's continued rule. Whether or not these laws have their intended effects once released into the wilds of local Chinese government, they still serve as useful signals about the focus of the central authorities, and of what messages these authorities hope to convey to their own people.

A review of recent NPC Standing Committee (NPCSC) work reports offers an overview of the CCP and of the government's evolving priorities.<sup>5</sup> (The NPCSC work report, as compared to the full NPC work report, is more focused on specific legislation and implementation. This befits the Standing Committee's role as the primary body

<sup>&</sup>lt;sup>1</sup> The opinions and characterizations in this paper are those of the author, and do not necessarily represent official positions of the United States Government.

reviewing and enacting legislation throughout the year.) Similarly, a review of the 10th, 11th, and 12th NPCs' legislative calendar, including both the laws that passed as well as those that never made it off the docket, is helpful in parsing the PRC's governing strategy and the NPC's role in helping enact it. In particular, we can see certain shifts in emphasis toward national security issues, fields that touch on ideology and national narratives, as well as central-level legal coordination of local pilot reform efforts.<sup>6</sup>

#### Elevated—and Expansive—Security Concerns

For the second year in a row, national security concerns are front and center in the NPCSC work report. This is especially conspicuous in light of the fact that "national security" received almost no attention in the NPCSC work reports prior to 2015. In terms of legislative priorities, national security issues have been markedly elevated in the last few years. This undoubtedly reflects China's larger role on the world stage and its attendant sense of vulnerability to transnational threats.

"National security" in this context encompasses a very broad swath of concerns. Notably, the 2017 NPCSC Work Report lists 2016's Foreign NGO Law—alongside 2014's Counter-Espionage Law, 2015's National Security and Anti-Terrorism Laws, 2016's Cybersecurity and National Defense Transportation Laws—as part of its recent suite of national security legislation. While the Foreign NGO Law might well "protect [NGOs'] legitimate rights and interests and promote exchange and cooperation" (利于保护其合法权益,促进正常交流与合) as stated in the 2017 Work Report, its inclusion in the "national security" section of the report clearly signals the general prism through which foreign NGOs are viewed by Chinese leaders.

**Table 1**Laws and Planned Legislation Related to National Security, 10<sup>th</sup>-12th National People's Congresses

NPC	Title (English)	Title (Chinese)	Status
10	Anti-Secession Law	反分裂国家法	Passed
	National Defense		Not submitted for deliberation
10	Mobilization Law	国防动员法	during the term
	National Defense		
11	Mobilization Law	国防动员法	Passed
	Law on Guarding State		
11	Secrets (Revision)	保守国家秘密法 (修改)	Passed
	National Defense		Not submitted for deliberation
11	Transportation Law	国防交通法	during the term
12	Counter-Espionage Law	反间谍法	Passed 2014/11/1
12	National Security Law	国家安全法	Passed 2015/7/1
	Criminal Law		
12	Amendment IX	刑法修正案 (九)	Passed 2015/8/29
12	Counter-Terrorism Law	反恐怖主义法	Passed 2015/12/27

*(continues on following page)* 

Table 1 (continued)

NPC	Title (English)	Title (Chinese)	Status
	Foreign NGO	境外非政府组织境内活动	
12	Management Law	管理法	Passed 2016/4/28
	National Defense		
12	Transportation Law	国防交通法	Passed 2016/9/3
12	Cybersecurity Law	网络安全法	Passed 2016/11/7
12	National Intelligence Law	国家情报法	Submitted for deliberation
	Civil Air Defense		
12	Law (Revision)	人民防空法 (修改)	

NOTE: The 10<sup>th</sup> NPC ran from March 2003 to March 2008, the 11<sup>th</sup> from March 2008 to March 2013, and the 12<sup>th</sup> began in March 2013 and will run until March 2018. Source: This chart draws its information from the Chinese- and English-language NPC legislative plans as posted by the *NPC Observer* (https://npcobserver.com/).

#### Shoring Up Educational and Cultural Bulwarks

Recent years have also seen an increase in legislation related to cultural and educational issues. As other observers have pointed out, the 12th NPC has, as compared to the previous five-year session, shifted toward legislation focused on social and cultural issues. Though the NPCSC work reports themselves generally lump these pieces of legislation together under the rubric of "living standards" or "cultural, social, environmental, and other," it is also possible to view them, at least in part, in tandem with the national security legislation discussed above. Indeed, multiple statements by highlevel party and state leaders make it clear that they view some cultural and educational governance efforts as a bulwark against ideological infiltration from the West. Both General Secretary Xi Jinping and Education Minister Chen Baosheng have made statements in recent months about the need to strengthen the role and appeal of ideology in higher education. This follows a high-level party "opinion" in 2015 on strengthening "thought work" in universities and admonishments by the erstwhile education minister to not use teaching materials that "disseminate Western values."

Similarly, strengthening Chinese culture is meant to mitigate foreign cultural influences. Even seemingly unrelated laws, like the new law on traditional Chinese medicine, contain a cultural component, such as boosting China's soft power. In its later years, the previous administration stepped up efforts on this front, exemplified in General Secretary Hu Jintao's 2012 article on resisting Western cultural infiltration by developing a strong socialist culture. The Hu administration also established or renamed two party leading small groups related to culture in 2011 and 2012. Under the current administration, culture had a relatively small but significant role in 2016's 13<sup>th</sup> Five-Year Plan.

Table 2 (below) illustrates the increase in legislation related to cultural and educational issues over the past three National People's Congresses.

**Table 2**Laws and Planned Legislation Related to Culture and Education,  $10^{th}$ –12th National People's Congresses

NDC	Tidle (Exaliale)	Tidle (Chinese)	Canalina
NPC	Title (English)	Title (Chinese)	Status
1.0	Compulsory Education	い ね か オンナ (ね) テ)	D 1
10	Law (Revision)	义务教育法 (修订)	Passed
4.0	Cultural Relics Protection	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
10	Law (Revision)	文物保护法 (修订)	Passed
11	Copyright Law (Revision)	著作权法 (修改)	Passed
	Intangible Cultural		
11	Heritage Law	非物质文化遗产法	Passed
	Chinese (Traditional)		Not submitted for deliberation
11	Medicine Law	中 (传统) 医药法	during the term
			Not submitted for deliberation
11	Libraries Law	图书馆法	during the term
			Not submitted for deliberation
11	Philanthropy Law	慈善事业法	during the term
	Private Education		
	Promotion Law		
12	(Revision)	民办教育促进法 (修改)	Passed (1st revision) 2013/6/29
	Cultural Relics Protection		
12	Law (Revision)	文物保护法 (修改)	Passed (1st revision) 2015/4/24
12	Education Law (Revision)	教育法 (修改)	Passed 2015/12/27
	Higher Education Law		
12	(Revision)	高等教育法 (修改)	Passed 2015/12/27
	Film Industry Promotion		
12	Law	电影产业促进法	Passed 2016/11/7
12	Chinese Medicine Law	中医药法	Passed 2016/12/25
	Law on Ensuring Public		
12	Cultural Services	公共文化服务保障法	Passed 2016/12/25
12	Teachers Law (Revision)	教师法 (修改)	Comments solicited 2013/9/5
	Cultural Relics Protection		Comments solicited (2nd
12	Law (Revision)	文物保护法 (修改)	revision) 2015/12/28
12	Copyright Law (Revision)	著作权法 (修改)	Comments solicited 2014/6/6
12	Public Libraries Law	公共图书馆法	Comments solicited 2015/12/9
	Cultural Industry		
12	Promotion Law	文化产业促进法	
	Vocational Education		
12	Law (Revision)	职业教育法 (修改)	
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NOTE: The 10<sup>th</sup> NPC ran from March 2003 to March 2008, the 11<sup>th</sup> from March 2008 to March 2013, and the 12<sup>th</sup> began in March 2013 and will run until March 2018. SOURCE: This chart draws its information from the Chinese- and English-language NPC legislative plans as posted by the *NPC Observer* (https://npcobserver.com/).

#### Heroes, Holidays, and the Constitution

Hand in hand with resisting baneful foreign ideological influences go the PRC's efforts to construct its own positive and appealing national narrative. This often features China's past as a downtrodden nation subject to high-handed foreign bullying—and the CCP's central and irreplaceable role in restoring China's rightful place as a powerful international player. The urgent need for these national narratives underpins a much-discussed provision in the Civil Code (民法总则, sometimes translated as the General Provisions of Civil Law or the General Rules of Civil Law) passed at the March NPC meeting, that prohibits defaming the country's past "heroes and martyrs." 14

This provision also fits in with other recent NPC actions reaffirming the importance of such national narratives. In 2014, the NPCSC issued a spate of decisions marking new national days of remembrance. September 3 is now the "Victory Day in the Chinese People's War of Resistance against Japanese Aggression" (中国人民抗日战争胜利纪念日), September 30 "Martyrs' Day" (烈士纪念日), and December 13 the "National Memorial Day for Nanjing Massacre Victims" (南京大屠杀死难者国家公祭日). About the latter, the 2015 NPCSC Work Report noted that "the solemn commemoration of such events through memorial activities has greatly promoted patriotism and core socialist values."

Atop a foundation of historical narratives, the PRC is hoping to construct modern ones extolling the fairness of the current governance system. In 2014, the NPCSC established "Constitution Day" (国家宪法日), and in 2015 issued its decision on "implementing the system for institutionalizing pledges of allegiance to the constitution" (实行宪法宣誓制度). In its 2016 work report the NPCSC wrote, "the words of the pledge embody the sense of loyalty, responsibility, and commitment that public servants are expected to have toward their country and people . . . [and will urge] public servants to remain loyal to, comply with, and safeguard the Constitution." This effort almost certainly has another function, and that is to put on public display the CCP's commitment to continuing to mold China into a "rule of law country."

### The NPCSC Weighs In on Pilot Reforms

Over the past few years, the NPCSC appears to have taken on a more active role in the authorization of pilot reform projects (试点). Local policy experimentation in China is nothing new, of course, but historically much of it occurred in advance of legislative review or involvement.<sup>17</sup> It remains unclear exactly how the NPCSC decides which projects require its authorization, but the projects as listed in recent years' work reports appear to involve either the Supreme People's Court and Supreme People's Procuratorate (over which the NPC has direct oversight) or prominent trials that might violate or be excessively constrained by existing laws. As explained in the 2016 NPCSC Work Report, "For proposed reforms that come into conflict with existing laws, and for which the conditions for revising the relevant laws do not exist and trials are required first, the Standing Committee may act in accordance with the prescribed legal procedures to grant authorization for preliminary reform trials to be conducted, thereby providing the necessary legal basis and support for trial reforms in certain regions or particular sectors."

Repeated reference to NPCSC involvement in pilot reform projects first cropped up in the 2015 NPCSC Work Report, which reviewed the work of the previous year. Yet this effort seems to flow from more general goals laid out in the CCP's 18<sup>th</sup> Party Congress Work Report in 2012: "We should support people's congresses and their standing committees in fully playing their role as organs of state power, in exercising legislative, oversight, policymaking, and personnel appointment and dismissal powers in accordance with the law, in strengthening organization and coordination of legislative work, in stepping up their oversight of people's governments, courts, and procuratorates, and in tightening examination and oversight of all government budgets and final accounts." The CCP had called for a more active NPCSC as far back as 2005, when the Central Committee approved and recirculated the NPCSC Party Leadership Groups' "decision on giving further play to the role of National People's representatives and strengthening the construction of the National People's Congress Standing Committee system" (中共全国人大常委会党组关于进一步发挥全国人大代表作用加强全国人大常委会制度建设的若干意见). 19

The following describes the pilot reform projects or adjustments to law for which the NPCSC has issued authorizing decisions, as enumerated in the 2015, 2016, and 2017 NPCSC Work Reports:

- Supreme People's Court and Supreme People's Procuratorate pilot of a criminal sentence bargaining system in 18 cities (最高人民法院、最高人民检察院在部分地区开展刑事案件认罪认罚从宽制度试点工作) (2016)
- Provisional adjustments to laws that affect the public servant salary system pilot reform (在部分地区和部分在京中央机关暂时调整适用《中华人民共和国公务员法》有关规定) (2016)
- Provisional adjustments to laws that affect maternity insurance pilot reform (在河北省邯郸市等 12 个试点城市行政区域暂时调整适用《中华人民共和国社会保险法》有关规定) (2016)
- Provisional adjustments to laws that affect the military officers system pilot reform (军官制度改革期间暂时调整适用相关法律规定) (2016)
- Trial reform of the people's assessors system (在部分地区开展人民陪审员制度改革试 点工作) (2015)
- Trials for filing public interest litigation (最高人民检察院在部分地区开展公益诉讼试 点工作) (2015)
- Pilot program of a marketing authorization holder system for drugs and relevant issues (在部分地方开展药品上市许可持有人制度试点和有关问题) (2015)
- Trials to allow the mortgaging of contracted rural land-use rights and farmers' home property rights (在部分行政区域分别暂时调整实施有关法律规定) (2015)
- Adjustment to the applicability of certain stipulations in the Securities Law in order to implement reforms related to a new initial public offering registration system (在实施股票发行注册制改革中调整适用证券法有关规定) (2015)
- Provisional adjustments to items requiring government review for the three new pilot free-trade zones in Guangdong, Tianjin, and Fujian, as well as for the extended areas of the China (Shanghai) Pilot Free-Trade Zone (在中国 [广东]、中国 [天津]、中国 [福建] 自由贸易试验区以及中国 [上海] 自由贸易试验区扩展区域暂时调整有关法律规定的行政审批) (2014)

- Provisional adjustments to the enforcement of certain laws in 33 pilot counties, county-level cities, and districts including Daxing District of Beijing (在北京市大兴区等三十三个试点县 [市、区] 行政区域暂时调整实施有关法律规定) (2015)
- Supreme People's Court and Supreme People's Procuratorate pilot of accelerated procedures for certain criminal cases in some localities (最高法、最高检在部分地区开展刑事案件速裁程序试点工作) (2014)

The NPCSC is also involved in a major pilot project of its own. Following CCP Central Committee guidance issued in November, the NPCSC issued a decision in December declaring that local people's congresses will carry out pilot reforms in Beijing, Shanxi Province, and Zhejiang Province. The pilot reforms entail local people's congresses in pilot areas establishing "supervisory committees" (监察委员会) to oversee government employees' exercise of public power. As others have noted, this appears to be the first step in combining the authorities of multiple anti-corruption organs, including the Central Commission for Discipline Inspection, which will then be subject to NPC oversight. <sup>21</sup>

#### Looking forward to the Final Year of the 12th NPC

The 2017 Work Report lays out what the NPCSC plans to accomplish in its final year, before the 13th NPC is inaugurated next spring. (It is worth noting that the CCP's 19th Party Congress, which could feature either a significant personnel reshuffle or herald a fundamental change in the informal leadership selection system, will occur this fall and could affect the NPC legislative calendar in unexpected ways.)

It lists four major legislative priorities, one of which is to continue authorizing pilot reforms. Thus, we should expect continued NPC involvement in certain pilot projects for at least this year, if not longer, as suggested by the 18<sup>th</sup> Party Congress Work Report. As a separate line item, the NPCSC plans to continue its work on the supervisory system pilot reform, including revising the Administration Supervision Law (行政监察法).

Under the rubric of "social, cultural, ecological, and other" issues, the NPCSC pledges further work on cultural issues in the form of the Public Libraries Law, which appears to have been largely stalled after comments were solicited at the end of 2015. And significantly, though left unaddressed in this article, the NPCSC will compile the individual books of the civil code as a follow-on to the passing of the General Provisions of Civil Law this year.

In a section about oversight of other government entities, the work report notes that the NPCSC will continue to emphasize enforcement of the constitution. It is unclear what this might mean in terms of concrete, on-the-ground enforcement, as the only concrete events the work report mentions are National Constitution Day and ceremonies for pledging allegiance to the constitution. Regardless, the rhetorical stress placed on the constitution is meaningful and signals that Chinese leaders are still seeking ways to realign local officials' priorities and bolster citizens' sense that they do indeed live in a "rule of law country."

**Notes** <sup>1</sup> "China NPC 2017: The Reports," Wall Street Journal China Real Time Report, March 5, 2017, http://blogs.wsj.com/chinarealtime/2017/03/05/china-npc-2017-the-reports/. <sup>2</sup> "Token Dissent Plummets in China and Comrade Xi's Power Grows," *Bloomberg* News, March 15, 2017, https://www.bloomberg.com/politics/articles/2017-03-15/tokendissent-plummets-in-china-as-comrade-xi-s-power-increases. <sup>3</sup> "Full text of Hu Jintao's report at 18th Party Congress," Xinhua, November 17, 2012, http://news.xinhuanet.com/english/special/18cpcnc/2012-11/17/c 131981259.htm; and "胡锦涛在中国共产党第十八次全国代表大会上的报告," Renminwang (website of People's Daily), November 18, 2017, http://cpc.people.com.cn/n/2012/1118/c64094-19612151-1.html. <sup>4</sup> Xi Jinping 习近平, "习近平: 加快建设社会主义法治国家" (Xi Jinping: Speed up the construction of a socialist rule of law country), Seeking Truth, January 2015, http://www.qstheory.cn/dukan/qs/2015-01/01/c 1113810966.htm. <sup>5</sup> This author consulted both the English and Chinese versions of the NPCSC Work Reports from 2008 to 2017 for this article. When mentioned by name throughout the article, the following citations are the versions consulted. 2017: "全国人民代表大会常务委 员会工作报告(全文)," Sina.com, March 8, 2017, http://news.sina.com.cn/c/nd/2017-03-08/doc-ifycaafm5521938.shtml; and "Full Text: Work report of NPC Standing Committee," Xinhua, March 18, 2017, http://news.xinhuanet.com/english/china/2017-03/18/c 136138841.htm. 2016: "全国人民代表大会常务委员会工作报告," website of the National People's Congress of the People's Republic of China (hereafter shortened to NPC website), March 21, 2016, http://www.npc.gov.cn/npc/dbdhhy/12 4/2016-03/21/content 1985713.htm; and "Full Text: Work report of NPC Standing Committee." Xinhua, March 19, 2016, http://news.xinhuanet.com/english/china/2016-03/19/c 135204257.htm. 2015: "全国人民代表大会常务委员会工作报告," NPC website, March 19, 2015, http://www.npc.gov.cn/npc/dbdhhy/12 3/2015-03/19/content 1930826.htm; and "Full Text: Work report of NPC Standing Committee," Xinhua, March 19, 2015, http://news.xinhuanet.com/english/china/2015-03/19/c 134081116.htm. 2014: "全国人大常委会工作报告 (全文)," Ifeng.com, March 16, 2014, http://news.ifeng.com/mainland/special/2014lianghui/content-3/detail 2014 03/16/34816757 0.shtml; and "Full Text: Work report of NPC Standing Committee," Xinhua, March 16, 2014, http://news.xinhuanet.com/english/special/2014-03/16/c 133189961.htm. 2013: "全国人民代表大会常务委员会工作报告," Xinhua, March 20, 2013, http://news.xinhuanet.com/2013lh/2013-03/20/c 115091312 4.htm; and "Full Text: Work report of NPC Standing Committee," Xinhua, March 20, 2013, http://news.xinhuanet.com/english/china/2013-03/20/c 132248271.htm. 2012: "全国人民 代表大会常务委员会工作报告 (全文)," Sina.com, March 18, 2012, http://news.sina.com.cn/c/2012-03-18/112624133495.shtml; and "Full Text: Work report of NPC Standing Committee," Xinhua, March 18, 2012, http://news.xinhuanet.com/english/china/2012-03/18/c 131474008.htm. 2011: "吴邦国作 全国人大常委会工作报告 (全文)," Sina.com, March 10, 2011, http://news.sina.com.cn/c/2011-03-10/102722087644.shtml; and "Full Text: Work report of NPC Standing Committee," Xinhua, March 18, 2011,

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