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**Improving socialist legal system
with Chinese characteristics
on a new starting point**

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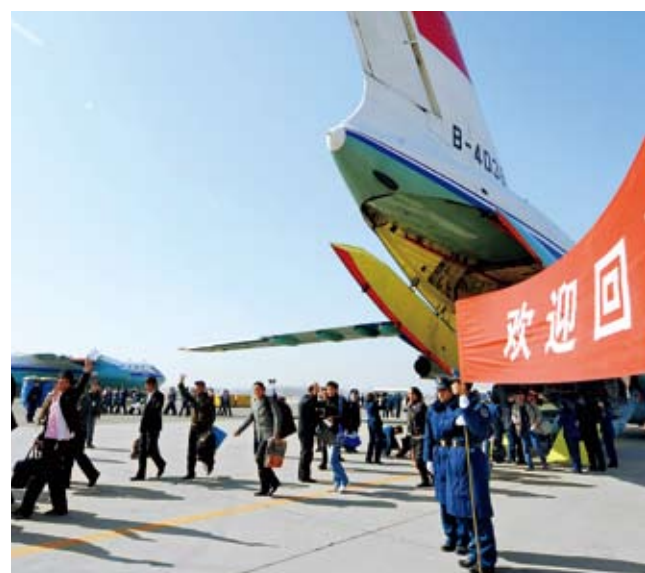


形成中国特色社会主义法律体系座谈会



Themed on the establishment of socialist system of laws with Chinese characteristics, a seminar was held at the Great Hall of the People on January 24, 2011. Ma Zengke

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Cover: Compiled by the Legal Affairs Commission of the NPC Standing Committee, the book entitled the Laws of the People's Republic of China (2011) includes all the laws, judicial interpretations and decisions on laws that have been adopted by the NPC and NPC Standing Committee by the end of February, 2011. *Zhang Baoshan*



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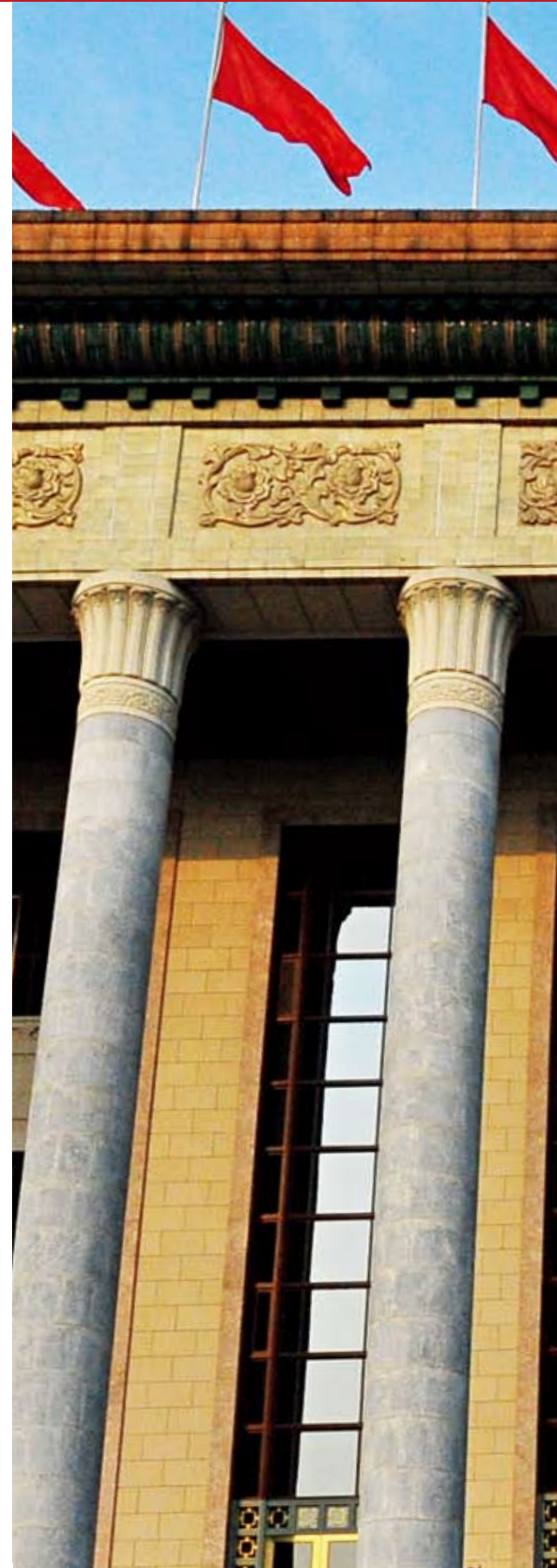
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Improving socialist legal system with Chinese characteristics on a new starting point

Wu Bangguo
(January 24, 2011)

The endeavour to promote socialist democracy and improve socialist legal system is of great strategic significance to the cause of building socialism with Chinese characteristics. Led by the Communist Party of China, the nation has made remarkable legislative progress with worldwide recognition since the founding of the New China thanks to steady efforts of all relevant sides. It is especially true when it comes to the past three decades since the adoption of reform and opening-up policies. China enacted the current Constitution in 1982, which underwent four amendments to suit for the changed situations.





The Great Hall of the People in Beijing Yu Xiangjun



NPC Chairman Wu Bangguo delivers a speech at the seminar on the establishment of socialist system of laws with Chinese characteristics at the Great Hall of the People on January 24, 2011. *Ma Zengke*

Significance of establishing socialist legal system with Chinese characteristics

The endeavour to promote socialist democracy and improve socialist legal system is of great strategic significance to the cause of building socialism with Chinese characteristics. Led by the Communist Party of China, the nation has made remarkable legislative progress with worldwide recognition since the founding of the New China thanks to steady efforts of all relevant sides. It is especially true when it comes to the past three decades since the adoption of reform and opening-up policies. China enacted the current Constitution in 1982, which underwent four amendments to suit for the changed situations. By the end of 2010, China had enacted 236 current effective laws, more than 690 administrative regulations and over 8,600 local

statutes, and carried out a concentrated review of existing laws, administrative regulations and local statutes. China now has a complete set of branches of legislation covering all areas of social relations with fundamental and major laws together in place with comprehensive corresponding administrative regulations and local statutes. Overall, the system of laws is scientific and consistent. China has set up a legal system with Chinese characteristics which is guided by the Constitution. It is composed of various laws and regulations at different levels, including laws, administrative regulations and local statutes, with Constitution-related laws, civil laws, commercial laws and other branches of legislation as its backbone, which is based on China's conditions and realities. The system meets the demands of China's socialism and opening-up and embodies the general will of the Party and Chinese people. The system lays legal foundation for China's economic, political, cultural, social and eco-civilization construction efforts. The establishment of the system serves as

a major milestone in the history of the development of China's socialist democracy and the rule of law and has great practical and far-reaching historical significance.

First, the socialist system of laws with Chinese characteristics is the legal foundation for preserving the inherent qualities of socialism with Chinese characteristics. The Party came to the conclusion based on historic experiences that China must adapt the basic tenets of Marxism to Chinese conditions and explore a new path to build socialism with Chinese characteristics. It is also the only correct road that will lead China to prosperity and progress. The key to uphold socialism with Chinese characteristics is to adhere to the correct political direction in order to stand firm on major issues of principle, such as the basic state system. The political pendulums will not only lead China's pursuit of socialist modernization to nowhere, but ruin the progress China had achieved, or even leave the country in chaos.

The socialist legal system with Chinese characteristics, in constitutional and legal form, defines the basic system and basic tasks of the state, and affirms the leadership status of the communist Party of China (CPC) and the guidance status of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the Important Thought of Three Represents. Meanwhile, it establishes the state system—the people's democratic dictatorship led by the working class and based on the alliance of workers and farmers, the system of State power—the system of people's congresses, the system whereby all State power belongs to the people, and citizens enjoy extensive rights and freedoms in accordance with the law, the system of multi-party cooperation and political consultation under the leadership of the CPC, the system of regional ethnic autonomy and the system of self-management at the grassroots level, the basic economic system that features diversified ownerships with the public ownership dominates the economy, and the distribution system whereby the distribution according to work remains dominant and a variety of modes of distribution coexist. On the basis of China's conditions, we have made a solemn declaration that we will never adopt a system of multiple parties holding office in rotation, diversify our guiding thought, separate executive, legislative and judicial power, use a bicameral or federal system, or carry out privatization. The formulation of the socialist legal system with Chinese characteristics has laid a solid legal foundation for national revitalization and prosperity, and lasting peace and stability, therefore serving as an institutional and legal guarantee for the CPC to be always

at the core of the leadership for the cause of socialism with Chinese characteristics and safeguarding people's grip on all State power. It ensures the national independence, State sovereignty and territorial integrity, as well as the national unity, social stability and ethnic solidarity. It ensures that the State will always stick to an independent foreign policy of peace and the path of peaceful development. And it ensures that the country will always forge ahead in the correct orientation of building socialism with Chinese characteristics.

Second, the socialist system of laws with Chinese characteristics embodies the legal innovations of socialism with Chinese characteristics. Reform and opening-up is a crucial choice made by the people of all our ethnic groups under the leadership of the Party that has determined the destiny of contemporary China. It is the route we must take to uphold and build socialism with Chinese characteristics and achieve the great rejuvenation of the

It has laid a solid legal foundation for the building of a prosperous, strong, democratic, culturally advanced and harmonious modern socialist country as well as the great rejuvenation of the Chinese nation.

Chinese nation, and it has given new vitality to the cause of socialism. For the past three decades, we have remained committed to economic development and kept it at the core of the national concern, advancing reform and opening-up on all fronts. The nation has successfully achieved the historic transition from a highly centralized planned economy to a dynamic socialist market economy and broken isolation and semi-isolation in the pursuit of full openness to the outside world. We have greatly inspired the enthusiasm of hundreds of millions of people and liberated and developed the productive forces immensely, and our country has sustained rapid development at a speed that is rarely seen in the world.

We have summarized our experiences in carrying out reform and opening-up policy and building socialist modernization and wrote them into law in a timely manner. In response to new situations and issues arising in the process of reform and opening-up, we have formulated and improved laws and institutions to give full play to laws' functions of regulating, guiding, safeguarding and boosting reform, opening-up and socialist modernization, aiming to promote the transformation of the pattern of economic development, law-based administration and impartial justice, social progress with a focus on ensuring and improving the people's well-being, great development and prosperity of socialist culture, and the harmonious coexistence between human being and mother nature. The establishment of the socialist legal system with Chinese characteristics provides institutional and legal guarantees that the country will always maintain the correct orientation of reform and opening-up, di-

recting every effort to creating systems and mechanisms with greater dynamic, higher efficiency, greater openness that will help the scientific development and the self-improvement and self-development of China's socialist system.

Third, the socialist legal system with Chinese characteristics is the legal guarantee for the prosperity and development of socialism with Chinese characteristics. It has been the great vision and constant goal of generations of Chinese people to achieve modernization. Since the nation introduced the reform and opening-up policy over 30 years ago, we have carved out the path of socialism with Chinese characteristics and constructed a socialist theoretical system with Chinese characteristics, which is the root cause for all the achievements and progresses we have made. We will defy any possible risks or disturbances and always uphold the great banner of socialism with Chinese characteristics and direct all our efforts to construction and development, developing and building the country into a moderately prosperous society of a higher level in all respects by 2020 to the benefits of over 1 billion people. And we will have basically achieved modernization by the middle of this century. It would be impossible for us to make the achievements we have already made if it were not for the legal guarantee, and we can never create a more beautiful future without it. The socialist system of laws with Chinese characteristics has set a legal framework for every aspect of the nation's development and provided the institutional and legal basis for solving fundamental, overarching and long-term issues concerning the nation's development as well as the issue of social stability. It has identified the value orientation as well as the correct direction and path to achieve sustainable improvement of the socialist market economy, profound progress on socialist democratic politics, growing prosperity of advanced socialist culture and the creation of a harmonious socialist society. And it has laid a solid legal foundation for the building of a prosperous, strong, democratic, culturally advanced and harmonious modern socialist country as well as the great rejuvenation of the Chinese nation.

The establishment of a socialist system of laws with Chinese characteristics is a major accomplishment made by hundreds of millions of Chinese people under the leadership of the Party while developing socialist democracy and improving the socialist legal system.

The first generation of the Party's central collective leadership, with Comrade Mao Zedong at its core, led the people of all our ethnic groups in founding the People's Republic of Chi-

na after a protracted and bloody struggle and formulating the Common Program of the Chinese People's Political Consultative Conference and the first Constitution of New China, which created the basic State system, thereby established the crucial political preconditions and institutional basis for developing a socialist democratic legal system and establishing the socialist system of laws with Chinese characteristics.

The second generation of the Party's central collective leadership, with Comrade Deng Xiaoping at its core, which drew lessons from the Cultural Revolution, made it the nation's unshakable principle to enhance the socialist democratic legal system when it made the historic policy decision to shift the focus of the work of the Party and the country to economic development and introduced reform and opening-up. This collective leadership emphasized the need for socialist democracy to be institutionalized and codified in order to ensure that institutions and laws would not be subject to changes whenever there was a leadership shuffle, or whenever any individual leaders change their views or shift their focus of attention. It stressed the need for there to be laws for people to follow, that they are observed and strictly enforced, and

that lawbreakers are prosecuted, which ushered in a new era of dynamic development for the socialist democratic legal system.

The third generation of the Party's central collective leadership, with Comrade Jiang Zemin at its core, led the people of all our ethnic groups in successfully advancing the great cause of reform and opening-up into the 21st century, and kept enriching and developing the thinking underlying the socialist democratic legal system with Chinese characteristics. For the first time, the leadership determined that establishing the rule of law should be the basic strategy for the Party to lead the people in governing the country, which endorsed that building a socialist country based on the rule of law should be an important part of socialist modernization, and set the clear legislative goal of forming a socialist system of laws with Chinese characteristics by 2010. All this marked the beginning of a new phase in the development of the socialist democratic legal system.

Since the 16th CPC National Congress, the Party Central Committee, with Comrade Hu Jintao as the General Secretary, has carried the cause forward into the future, kept up with the times, unwaveringly pushed forward the great cause of reform and opening-up in the course of building a moderately prosperous society in all respects, and put forward the important strategic thought of the Scientific Outlook on Development and the major strategic task of building a harmonious socialist society.

Upholding the leadership of the Party is in perfect line with subordinating oneself to the benefits of the people.

The Central Committee has fully implemented the rule of law as the basic strategy and stressed that the most fundamental thing in developing socialist democratic politics is to achieve an integration of upholding the leadership of the Party, honoring the people's position as masters of the country and adhering to the rule of law. The leadership has opened up new horizons for the development of a socialist democratic legal system.

The establishment of the socialist system of laws with Chinese characteristics is a prolonged joint effort of all relevant sectors. The NPC and its Standing Committee have conscientiously fulfilled the duties bestowed upon them by the Constitution and

laws, kept working on improving legislation and achieved remarkable progress on forming a socialist system of laws with Chinese characteristics. The State Council has promptly formulated administrative regulations in accordance with the law in response to the evolving economic and social conditions and the needs of law enforcement. Local people's congresses and their standing committees, based on their local realities, have enacted a large number of local statutes in accordance with the law and made important contributions to setting up the socialist system of laws with Chinese characteristics. Local people's governments, people's courts and people's procuratorates at all



On October 15, 2010, volunteers make dumplings with 65-year-old Renqing Yongcuo (second from left) in the Xinzhai Nursing House for the Aged in Yushu Tibetan Autonomous Prefecture in Qinghai Province. Adopted in 1992 and amended in 2005, the Law on the Protection of Women's Rights and Interests has played an important role in safeguarding women's rights. *Zhang Hongxiang*



On January 25, 2011, a migrant worker receives salary ahead of time at a power plant construction site in Huaibei, Anhui Province. To ensure workers receive payment, the NPC Standing Committee passed an amendment to the Criminal Code, which stipulates the malicious arrears of wage a crime. CFP

levels, the army, the people as well as experts and scholars have all joined the lawmaking efforts with great enthusiasm, and contributed their wisdom and strength to establishing the socialist system of laws with Chinese characteristics.

Basic experiences in the establishment of socialist legal system

The nation has resumed law-making at full scale since the Third Plenary Session of the 11th CPC Central Committee made it clear in response to the nation's urgent call for socialist democracy progress and legislation improvement that the NPC and its Standing Committee should put it high on the agenda to improve the nation's legislation. The 15th CPC National Congress, with the strategic vision in mind that we must introduce the rule of law and build a socialist country based on the rule of law, set a clear legislative goal that a socialist system of laws with Chinese characteristics must be in place by 2010. The 17th CPC National Congress emphasized that we must make laws in a scientific and

democratic approach while improving the socialist system of laws with Chinese characteristics and unswervingly developing socialist democratic politics. It also gave new guidelines for new phase of China's law-making efforts.

Over the past 30-plus years since the nation started reform and opening-up, we have successfully carved out a path of legislation with Chinese characteristics under the leadership of the CPC Central Committee. We have achieved an integration of upholding the leadership of the Party, honoring the people's position as masters of their country and preserving the rule of law. We have focused our attention on the overall work of the Party and country and carried out law-making in a planned, focused and step-by-step manner. We have overcome unprecedented difficulties and shaped a socialist system of laws with Chinese characteristics within just several decades, a legislative mission so strenuous that has rarely been seen in the world. These accomplishments were not easy to come by, therefore the experiences gained are extremely precious. The five key experiences were as follows.

First, we uphold the CPC's leadership. CPC is at the core of the leadership for the cause of socialist with Chinese character-

istics. The leadership of the CPC is the fundamental guarantee for people's status as masters of their country, the rule of law, as well as the success of promoting and improving democratic legislation. The Party's leadership over the State within the frame of law mainly concerns political, ideological and organizational affairs. The Party determines principles and guidelines, put forward proposals concerning the legislation, recommends candidates for key positions and initiates campaigns to inspire Party organizations as well as Party members to accomplish its missions. The Party represents the fundamental interests of the overwhelming majority of the people, and the principles and policies formulated by the Party and its legislative proposals pool the general wisdom of the whole Party and country and embody the general will of the overwhelming majority of the people. Upholding the leadership of the Party is in perfect line with subordinating oneself to the benefits of the people. We made sure that the lawmaking efforts were under the Party's leadership and ensured that through legal procedures, the views of the Party become the will of the State as well as basic norm of conduct the whole society abides by. We worked to provide an institutional and legal guarantee that the line, policies and principles of the Party are implemented and that reform, opening-up and socialist modernization proceed smoothly. With our focus firmly on the central task of the Party and country, we made overall plans for lawmaking efforts, scientifically formulated legislative programs and plans, and actively advanced key legislative projects to ensure that major decisions and arrangements of the Party and government are carried out. We did not hesitate to report to the CPC Central Committee major and difficult issues that hindered the lawmaking. In short, all of our laws and regulations were enacted under the leadership of the Party, and all the laws and regulations that we enact must help strengthen and improve the leadership of the Party, consolidate and improve the Party's governing status, and ensure that the Party, with the Chinese people under its leadership, govern the State with efficiency.

Second, we made sure that the legislation has been guided by the socialist theoretical system with Chinese characteristics. Lines, guidelines and policies initiated by the Party need to be written into law in order to make them institutionalized and standardized once they were practice-proven correct, mature and enduring. Adhering to the correct guiding thought is a fundamental prerequisite for improving the democratic legal system and our legislative work. The socialist theoretical system with Chinese characteristics is a scientific theoretical one which includes major strategic thinking such as Deng Xiaoping Theory, the impor-

We have also turned to foreign legislation for instructive references instead of blindly following their examples.

tant thought of Three Represents, and the Scientific Outlook on Development. It is the latest achievement in Sanitizing Marxism, and the most valuable political and intellectual wealth of our Party. It is the common ideological foundation upon which the people of all our ethnic groups work in unity, the guiding thought we must adhere to for a long time to come, and a fundamental guideline for success in all our work. When it comes to the guidance of our lawmaking efforts, we have always adhered to the socialist theoretical system with Chinese characteristics and used it to unify our thinking and determine a line of thought for legislation. It has been our guiding thought for legislation to integrate upholding the Four Cardinal Principles with adhering to the reform and opening-up policy, adhering to the basic socialist system with developing the market economy, spurring transformation of the economic base with spurring reform of the superstructure, increasing efficiency with promoting social equity, promoting reform and development with maintaining social stability, and maintaining our independence with participating in economic globalization. We ensure that the laws and regulations we enact are conducive to consolidating and improving the socialist system, liberating and developing the productive forces, and making the most of the advantages of the socialist system.

Third, we steadfastly proceeded from China's conditions and realities. Law is regarded as part of the superstructure which is determined by the economic base and serves the base. It is an objective requirement for us to give respect to China's conditions and realities while improving the democratic legal system and drawing up legislation. China is at the primary stage of socialism, and will remain so for a long time to come. China is a country with a huge population and weak economic basis, which was the backdrop for its efforts to build a modern socialist country and its reform and opening-up campaign. However, the society and economy evolves and gets new features as the nation proceeds with its cause of developing socialism, which means we have to not only shoot long-standing deep-seated troubles, but handle new problems and challenges that stand in the way of further development. It is an extremely strenuous and difficult mission to promote reform and development while preserving stability at the same time. We have always proceeded with the legislation with full respect to China's conditions and realities and based the lawmaking on the great practices of reform, opening-up and socialist modernization with our focus firmly on the central task of economic development, on the goal of building a moderately prosperous society in all respects, and on promoting scientific development and facilitating social har-

mony. We achieved a balance between promoting reform, development and preserving stability, making sure that we proceed with the legislation at a reasonable pace matching that of the nation's reform, opening-up and socialist modernization progress. We tried to maintain the consistency of law while adapting to evolving conditions. We tried to make sure that legislation is forward-looking as well as practical. We have made laws more specific so that they are more practicable when it comes to issues that we have gained abundant experience and consensus among all parties. When it comes to issues that we do not have adequate practical experience yet the society calls for legal standards, we have introduced general laws to set standards and safeguard the practices while leaving room for future amendments or revisions when the conditions are ripe. As for new situations and problems that we encountered during reform and opening-up, we have formulated administrative regulations and local statutes within the frame of law before the right time to introduce proper law comes. After implementing them on a trial basis, we will introduce laws when we have sufficient experience and when the conditions are right. We have also turned to foreign legislation for instructive references instead of blindly following their examples. Different countries have different systems of laws, and we do not copy the systems of laws of any certain Western countries when we create the socialist system of laws with Chinese characteristics. We will never introduce laws that do not match China's conditions and situations even if they do exist in foreign systems of laws. However, we will not hesitate to promulgate laws that meet the demand of Chinese society even if they do not exist in foreign systems of laws.

Fourth, we always put people first and ensured that the legislation helps safeguarding people's fundamental interests. It is an inborn purpose of the socialist system of laws with Chinese characteristics to embody people's general will, to safeguard people's status as the country's masters and to defend people's fundamental interests. It is a basic purpose to put people first and legislate for the people when it comes to enhance and improve the democratic legal system. We have proceeded with legislation with serving, safeguarding and promoting the fundamental interests of the overwhelming majority of the people as our starting point and goal. Not only the legislative process, but the norms established through law enforcement have exemplified our commitment to putting people first. We have given full respect to people's leading role in the country and their pioneering spirit, derived insights from their practices and innovations, and got

impetus from their demands for development. We have properly balanced the fundamental interests of the overwhelming majority of the people with the common interests of the masses at the current stage and particular interests of different groups. We have reasonably addressed and accommodated the interests of different groups with our focus on solving practical problems related to people's direct interests that concern people most. We have correctly handled the relation between authority and rights and that between power and responsibility. We have bestowed necessary powers on administrative, judicial and procuratorial bodies, and see to it to regulate, constrain and oversee the exercise of power in order to safeguard the legitimate rights and interests of citizens, legal persons and organizations. We have adhered to the Party's mass line to make the legislative process more scientific and democratic, keeping increasing citizens' orderly involvement in lawmaking and giving full play to NPC deputies' role in legislation. We have publicized draft laws and regulations and held legislation forums, debates and hearings to solicit the opinions of all sides, particularly the masses at the primary level. In this way, we did pool the wisdom of all sides for consensus, making sure that the legislations embody the general will of the people so that people will accept and follow them.

Fifth, we maintained the unity of the socialist legal system. Maintaining the unity of the socialist legal system is an inborn requirement for strengthening the democratic legal system and improving legislation. China is a unified socialist country of great ethnic diversity. The unity of its socialist legal system is the foundation for safeguarding national unity, ethnic solidarity and social stability, and establishing a unified modern market system. At the same time, China is a large country where economic, cultural and social development varies greatly between different regions. In addition, the country is in the progress of profound changes. The basic national conditions determine that China implement a unified legislative system with multiple tiers, which authorizes the NPC and its Standing Committee to exercise the State's legislative power while allowing the State Council to introduce administrative regulations, local people's congresses and their standing committees at provincial and municipal levels to introduce local statutes, special economic zones to introduce laws and regulations for economic zones and regions of ethnic autonomy to introduce autonomous regulations. The legislative system with multiple tiers ensures the unity of the socialist legal system while taking the regional differences into consideration, which inspires the central legislative bodies as well as their local

We always put people first and ensured that the legislation helps safeguarding people's fundamental interests.



On September 28, 2010, villagers He Biao and his wife Liu Guping from the village of Zhangguanying, Kunming move into new house. The Property Right Law, which came into effect on October 1, 2007, explicitly regulates that both public and private assets are equally under protection. *Lin Yiguang*

counterparts. It also ensures that we will write enduring experiences we gained in the cause of reform and opening-up into law while leaving space for further reform. We have always upheld the authoritative position of the Constitution as the country's fundamental law, and carried out lawmaking mission in strict compliance with our statutory limits of authority and statutorily specified procedures. While introducing new laws and regulations, we also carried out an intensive review on existing laws and regulations, and strengthened the filing and examination of normative documents. In this way, we have ensured that laws, administrative regulations and local statutes do not conflict with the Constitution, that administrative regulations do not conflict with laws, that local statutes do not conflict with laws and administrative regulations, and that provisions of laws and regula-

tions are consistent and do not contradict each other, thereby guaranteeing the unity of the socialist legal system.

New tasks in the way of further improvement

It is a major challenge for us to build on the legislative achievements and further promote legislative efforts, improve legislation as well as the socialist system of laws with Chinese characteristics in order to make the legal system suit the ever evolving social and economic progress and the development of socialist democratic legislation. We must preserve results proven experiences and practices and keep breaking new ground in pro-



On January 24, 2011, State Councilor and Secretary General of the State Council Ma Kai, President of the Supreme People's Court Wang Shengjun, Procurator General of the Supreme People's Procuratorate Cao Jianming and Chairman of the NPC Law Committee Hu Kangsheng make speeches at the seminar on the establishment of socialist system of laws with Chinese characteristics in the Great Hall of the People in Beijing. *Ma Zengke*

moting legislative efforts with great enthusiasm and in a down-to-earth approach on a new starting point. We have to note that,

First, legislation remains to be a strenuous and painstaking task. Social practices are the foundation for legislation, and legislations encapsulate practical experience. Social practices never stop evolving and so we should never stop proceeding with our legislative efforts. Building socialism with Chinese characteristics is a long-term historical task. Improving the socialist system of laws with Chinese characteristics is also a long-term task, and it must keep pace with the evolving socialism with Chinese characteristics. Furthermore, the socialist system of laws with Chinese characteristics is not a static, closed or fixed system, but a dynamic, open and evolving system. In short, new changes in the domestic and international situations, new practices of reform and opening-up and new tasks of economic and social development keep presenting new tasks before us and making new demands on our legislative efforts.

That is because—First, China has been undergoing profound changes, which means we will face all sorts of new challenges and problems, some of them are predictable while others are not. We will not only have to solve current problems, but build systems and mechanisms that are conducive to scientific de-

velopment as well. It will remain a strenuous task to promote reform and development while preserving stability, and so our legislative efforts will not be less challenging. Second, China has entered into a new era of development which is outlined by the 12th Five-year Plan. The Central Committee of the CPC

stressed that we must take full advantage of the important period of strategic opportunities to secure remarkable progress on promoting scientific development as well as on transforming the pattern of economic growth. There is much more we need to do to pivot our legislative efforts on the goals concerning social and economic progress set in the 12th Five-year Plan and facilitate the implementation of the CPC Central Committee's major decisions and arrangements with institutionalized and legal norms. Third, people's appeals for benefits have become increasingly explicit and their enthusiasm for greater involvement in legislation run high as people's enthusiasm for more participation in politics as well as public awareness on rights keep growing thanks to progress on the socialist democracy. This makes greater demands on more

effective legislation efforts. We must also note that, although our system of laws has already been in place, it is not perfect or flawless - some existing laws need to be revised, some accompanying regulations need to be enacted, and a few laws are yet to be introduced. The main reasons for this are that the leg-

Although our system of laws has already been in place, it is not perfect or flawless - some existing laws need to be revised, some accompanying regulations need to be enacted, and a few laws are yet to be introduced.



Li Shishi, chairman of the Commission for Legislative Affairs of the NPC Standing Committee, Zhou Jianwei, vice chairman of the Hunan Provincial People's Congress Standing Committee, Professor Xu Chongde of the Renmin University of China and Li Lin, director of the Institute of Law under the Chinese Academy of Social Sciences deliver speeches respectively at the seminar. *Ma Zengke*

islative conditions for these laws are not ripe and no consensus on the relevant issues has been reached, so we must continue to explore and accumulate more experiences. In short, we can only enhance our legislative efforts, instead of scaling back the efforts. The NPC and its Standing Committee, a State apparatus of the top power, have to exercise its power of legislation, better coordinate legislative efforts at different levels and urge all relevant sides to do their research concerning legislative challenges and problems so that we could explore approaches to break new ground concerning legislation and improve the legislative process to improve our legislative efforts.

Second, we must put it higher on our agenda to revise and improve legislations and introduce supplementary laws and regulations. For some time to come, we will have to direct more efforts to revising and improving laws, and enacting accompanying regulations. At the same time, we still need to enact more new laws in order to ensure that the socialist system of laws with Chinese characteristics keeps up with the times for further development and improvement. For the time being and some time to come, we will have to direct more efforts to three aspects below concerning the legislation.

I. We have to direct more efforts to revising and improving legislations. Some provisions of the existing laws may fail to suit the evolving situations and hinder the social and economic progresses and therefore need to be timely revised. Some laws only introduced general principles and we need to add more specific provisions to make them more practical since we have gained better understanding of the issues thanks to previous law implementation. And some other laws may overlap with one another regarding the relations they were designed to regulate and so

we need to streamline them based on overall review. In short, it will remain high on our agenda for some time to come to revise and improve the legislations, which is an inherent requirement for improving the legal system as well as an important legislative task for some time to come. Meanwhile, we will have to evaluate the success of the legal system as well as the laws we enacted based on knowledge we gained in law implementation on trial basis, aiming to lay the basis for the improvement of the legal system and our legislative efforts. We also have to improve legislative interpretations, the compilation of laws and review on legislations, introducing legislative interpretations in a timely approach to ensure clearer legislative definitions or identify existing laws to tackle new situations. What we will do is necessary to ensure an efficient law implementation.

II. We will urge relevant departments to promptly enact accompanying regulations. Administrative regulations and local statutes are important parts of the socialist system of laws with Chinese characteristics. Administrative regulations and local statutes, some of which are piloted legislative initiatives while many more others are results of accompanying legislative efforts, supplement the nation's legislation with details. We have set up a mechanism to oversee the introduction of accompanying regulations with the hope that all relevant State apparatuses would put it high on their agenda and direct efforts accordingly to speeding up the introduction of relevant accompanying regulations. Relevant State apparatus will have to simultaneously launch the compilation of the accompanying regulations when the legislature starts working on revising or drafting new laws so that the accompanying regulations can be put into force once the draft laws or revised laws get enacted in order to ensure efficient

law implementation.

III. We have to direct more efforts to lawmaking. In response to the evolving social and economic progresses, we have to speed up efforts to introduce laws concerning promoting the shift of pattern of economic growth, safeguarding and improving public well-being, preserving social stability and boosting sustainable development. We have to conduct a careful review on the implementation of existing administrative regulations and write enduring experiences that win universal approval into laws when the legislative conditions are ripe. However, I have to note here that we have a wide range of options to regulate social relations which, besides laws and regulations, also include market

tools, norms of conduct, ethnics, social management tools and science and technologies. It is unnecessary to turn to legislation for a solution when the other options work because it is not the case that the more laws, the better.

Third, we have to explore new ways to promote democracy and scientific spirit in the legislative process. To improve the socialist system of laws with Chinese characteristics, we must promote democracy and scientific spirit in the legislative process, which is not only a manifesto of Chinese people's status as the country's masters, but also an important method to achieve legislation improvement. The history of building the socialist system of laws with Chinese characteristics has exemplified our efforts



Headed by Sang Guowei, who is a vice-chairman of NPC Standing Committee, a group of Chinese legislators check food quality at a market in Shanghai. Dispatched by the NPC Standing Committee, legislators conducted inspections tours from March to May to examine the enforcement of the law on food safety.

Photo provided by the Secretary Bureau, General Office of the NPC Standing Committee

to promote democracy and scientific spirit in the legislative process as well as our efforts to promote socialist democracy. It was necessary as well as reasonable when we came to the acknowledgement during the initial stage of the reform and opening-up that it was better to start lawmaking as early as possible and do it at a faster pace than not to do it or do it at a slower pace. However, we never abandoned the Party's mass line. We have always proceeded with legislation in a democratic approach and never hesitate to introduce any laws if the time was right. We gained precious understanding concerning promoting democracy and scientific spirit in the legislative process, which have helped our efforts to improve the legislations. We have to conduct a careful review on the experiences we gained and proceed with our efforts to promote democracy and scientific spirit in the legislative process with the aim to improve our lawmaking efforts as well as the socialist system of laws with Chinese characteristics.

We will direct more efforts to exploring ways to promote the orderly involvement of citizens in legislation process. We will take full advantages of hearings, debate and town hall meetings to solicit opinions from all sectors of society, particularly from the masses at the primary level as well as the proposals of experts and scholars. We will create a sound forum to handle feedbacks from the general public and respond to public concerns in a timely manner with the goal to promote the efficiency of the public involvement, aiming to offer the public legislative education in the legislative process. We will improve the work mechanism to facilitate deputies' participation in legislation and integrate our routing operation of handling deputies' bills and proposals into our legislation efforts concerning making or revising laws. We will invite deputies to participate in the Standing Committee's operations and consider their proposals and comments, aiming to improve the drafting of laws and the deliberation. In short, we will give full play to the deputies' role in legislation. We will improve the mechanism concerning drafting laws for better coordination and communication and give full play to the NPC's Law Committee as well as its other committees, soliciting a joint effort to improve legislation. We will launch legislative programs with the scientific spirit and improve our assessment policy concerning legislation. We will keep improving the deliberation of draft laws and proceed with caution with draft laws that designated to regulate complicated legal relations when a consensus is not available. We will not submit the draft laws for vote before all relevant sides reaching a consensus based on further research, discussion and debate. We

We will direct more efforts to exploring ways to promote the orderly involvement of citizens in legislation process.

will enhance our capacity concerning lawmaking, setting universal standards for style, structure and wording with the aim to make law provisions more precise, succinct and standard.

Last but not the least, I want to stress issues regarding the implementation of laws. The vitality of laws lies in their enforcement. The establishment of a socialist system of laws with Chinese characteristics has got the frame of law in place. And so it has become increasingly pronounced and pressing to ensure stringent law enforcement which exempts no violators. This is also an issue that has drawn nation wide attention and triggered universal response. Therefore, we need to take effective measures to guarantee the effective enforcement of the Constitution and laws while improving legislation. First, we need to uphold the laws' authority and dignity. All State apparatus, armed forces, political parties, social organizations, enterprises and institutions must abide by them. No organization or indi-

vidual has any privileges that transcend the Constitution and laws, and any violations of the Constitution and laws must be prosecuted. Second, we need to adhere to law-based administration and judicial justice. State administrative apparatus must perform their duties in strict compliance with statutory authority and procedures, and accelerate the development of law-based government. State judicial and procuratorial agents must exercise their judicial and procuratorial powers in an independent and just manner, and uphold social equity and justice.

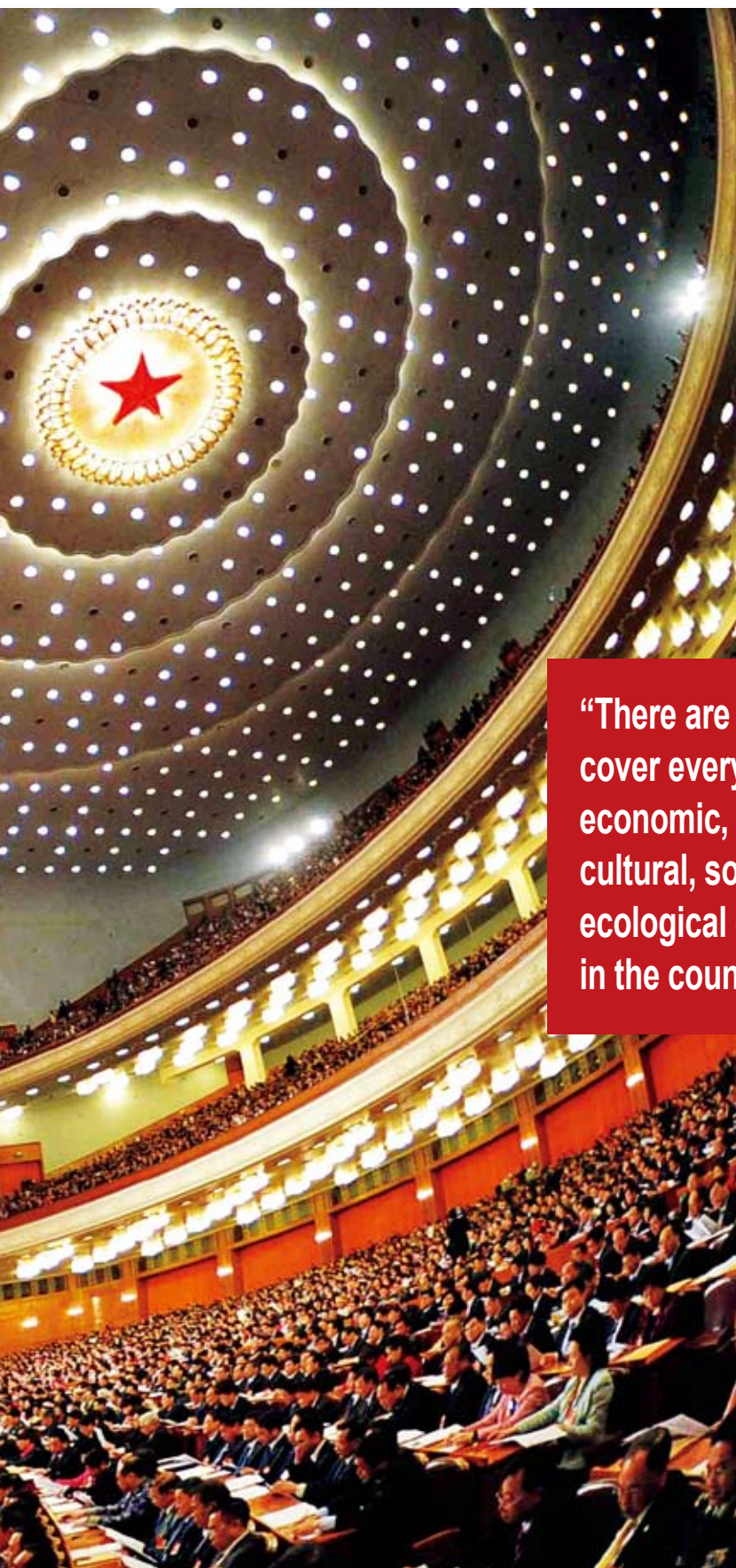
Third, we need to promote the public awareness of laws and the rule of law across society, creating a social environment in which people study, abide by and apply laws of their own accord. We will launch education programs to promote the legislative awareness. We need to make sure that government officials at all levels as well as government employees take the lead in following the Constitution and laws, and get used to turn to the laws for solutions to problems in real life. We need to help the public learn to make their appeals and solve disputes within the frame of law, turning to legislation to protect their legitimate rights and interests. The NPC and its Standing Committee need to exercise (in accordance with the law) their power of overseeing the enforcement of the Constitution and laws, and local people's congresses at all levels and their standing committees need to fulfill (in accordance with the law) their duty of ensuring that the Constitution, laws and administrative regulations are observed and enforced in their respective administrative regions in order to guarantee that all State apparatus do use the powers bestowed upon them by the people to promote public well-being. ■

Socialist system of laws established: Top legislator

By Xinhua



On March 5, 2011, the Fourth Session of the 11th National People's Congress kicks off in the Great Hall of the People in Beijing. Ma Zhancheng



“There are laws to cover every area of economic, political, cultural, social and ecological development in the country.”

A socialist system of laws with Chinese characteristics has been established “on schedule” in China, HYPERLINK “<http://english.gov.cn/leaders/wubangguo.htm>” \o “<http://english.gov.cn/leaders/wubangguo.htm>” \t “_blank” top legislator Wu Bangguo announced on March 10, hailing it as a “major milestone” in the history of the development of the country’s socialist democratic legal system.

“We now have a complete set of types of laws covering all areas of social relations, with basic and major laws of each type already in place, together with comprehensive corresponding administrative regulations and local statutes,” Wu said while delivering a work report of the Standing Committee of the 11th National People’s Congress (NPC) at the parliament’s annual session.

“Overall, the system of laws is scientific, harmonious and consistent,” said Wu, chairman of the NPC Standing Committee.

China’s legislative goal of forming a socialist system of laws with Chinese characteristics by 2010 was set forth at the 15th National Congress of the Communist Party of China (HYPERLINK “http://english.gov.cn/2007-10/22/content_923081.htm” \o “http://english.gov.cn/2007-10/22/content_923081.htm” \t “_blank” CPC) in 1997.

The goal had been attained on schedule, Wu said.

He said that by the end of 2010, China had enacted 236 laws, over 690 administrative regulations and more than 8,600 local statutes that are in force, and fully completed the work of reviewing current laws, administrative regulations and local statutes.

“There are laws to cover every area of economic, political, cultural, social and ecological development in the country,” he told almost 3,000 legislators from across the country.

Wu said in his report that the socialist system of laws with Chinese characteristics is based on the situation and realities in China, complies with the requirements for reform, opening up and socialist modernization, and represents the will of the Party and the people.

The system is rooted in the Constitution and has several types of laws, including laws related to the Constitution, civil laws and commercial laws, as its backbone, he said.

The system has different levels of legal force, reflected in laws, administrative regulations and local statutes, he said.

Significance and experiences

“The establishment of the socialist system of laws with Chinese characteristics is a major milestone in the history of the development of China’s socialist democratic legal system and has



Lei Chuang (right), a Hepatitis B carrier, arrives at the complaint center under the Guangzhou Labor and Social Security Bureau on February 17, to receive the processing results of his complaints. He reported that several companies in the city have adopted prejudicial measures when recruiting new staff affected with Hepatitis B. According to the Employment Promotion Law, which was implemented on January 1, 2008, no medical institute is permitted to check the hepatitis B of employees and report to their units they work for. CFP

great practical and far-reaching historical significance,” Wu said in his report.

The socialist system of laws with Chinese characteristics is the legal foundation for permanently preserving the inherent qualities of socialism with Chinese characteristics, he said.

It is also a legal system that embodies the innovations and practices of socialism with Chinese characteristics and a legal guarantee for the prosperity and development of socialism with Chinese characteristics, he said.

The CPC’s leadership and the guidance of the socialist theoretical system with Chinese characteristics were critical to the establishment of the socialist system of laws with Chinese characteristics, according to the report.

In the process of forming the socialist system of laws with Chinese characteristics, China has steadfastly proceeded from its conditions and realities, put people first and legislated for the people as well as maintained the unity of the socialist legal system, said the report.

Wu stressed the vitality of laws lies in their enforcement.

“The formation of a socialist system of laws with Chinese characteristics has generally solved the problem of having laws for people to follow,” he said.

He said the problem of ensuring that laws are observed and strictly enforced and that lawbreakers are prosecuted has become more pronounced and pressing.

He vowed to uphold the authority and dignity of the Constitution and laws.

“No organization or individual has any privileges that transcend the Constitution and laws, and all violations of the Constitution and laws must be prosecuted,” he said.

The top legislator also underlined the need to adhere to law-based administration and judicial justice and enhance the awareness of laws and the rule of law across society.

Wide public participation

Further, Wu said the NPC Standing Committee worked hard to make legislation in a more scientific and democratic manner, citing enacting of the Vehicle and Vessel Tax Law as an example of expanded orderly participation of citizens in the legislative process.

The NPC Standing Committee made important revisions to the law’s draft based on nearly 100,000 comments from the public it received in just one month after the draft’s full text



On May 13, several female staff with the Yangrenjie (Foreigners Street) in Chongqing make knowledge of drunk driving to passers-by drivers. The Eighth Amendment to the Criminal Code, which was enacted by the NPC and went to effect on May 1, includes an article that makes drunk driving a criminal offense. CFP

was publicized.

Wu said that the revised law did not increase tax on the majority of car owners, yet could help promote energy conservation and emission reduction.

Moreover, the NPC Standing Committee launched a pilot project last year for evaluating enacted legislation, he added.

Lots of law experts and NPC deputies hailed the establishment of the socialist system of laws with Chinese characteristics as a “significant and arduous historical task” accomplished by the country. They believe the system suits China’s national conditions and reality, and has enriched the world’s legislative framework.

Before feudalism fell apart in China, the country was largely governed by feudal rulers and the concept of rule-by-man was deep-rooted among average Chinese. China did not try to apply the modern and contemporary system of laws until a century ago.

In 1950, the newly-founded People’s Republic of China adopted its first law, the Marriage Law, which won wide public support as it outlawed arranged marriage, a practice considered as a legacy from the feudal society.

In 1954, China enacted its first Constitution, laying the basis for the country’s endeavor to build a country ruled by law.

China has made progressive legislative endeavor over the past

three decades, said Huang Jianchu, director of the Economic Law Department under the Legislative Affairs Commission of the NPC Standing Committee.

In the period, China amended its legal system in line with social and economic changes, people’s raising demands for political rights, and evolving themes of the times, he said.

Yao Jianlong, professor with the East China University of Political Science and Law, said the socialist system of laws with Chinese characteristics is in compliance with China’s current economic and social development as well as its political civilization.

China’s legislation has tailored to its national conditions and reality and should never copy foreign practices completely, said Du Tao, an official with the Civil Law Department under the Legislative Affairs Commission of the NPC Standing Committee.

Du cited the country’s Property Law as an example to demonstrate China’s legislative endeavor to modify laws based on its own conditions.

In some foreign countries, individuals are allowed to own mines under their land. However, articles regarding such an issue cannot be incorporated into China’s Property Law as it goes against the Constitution, which stipulates that mines are State assets, he said.

Zhou Guangquan, an NPC deputy and professor with the Law School of Tsinghua University, said China’s law system has its distinctive features because China is still in the primary stage of socialism and pursues a unique development mode.

China has enacted some laws based on the need of its political, economic and social development, which are rarely found elsewhere in the world, he said.

For example, the NPC has enacted the Law on Rural Land Contracts, which grants peasants the long-term and guaranteed land-use right.

“The law features China’s own characteristics, since farmland contracting is quite unique to China. The law can ensure the best use of arable land and protect farmers’ interests,” Du said.

“We’ve made a point of learning from other countries, but we should never copy their laws blindly,” said Huang. China has learned the best practices from other countries, such as the Patent Law.

“While drafting the ‘Patent Law’, we learned from foreign countries to allow patent holders to have the right to sue in case of patent infringement. However, given the lengthy and costly lawsuit, we also provide for administrative protection,” said Huang.

The provision of both legal and administrative protection can better protect the rights of patent holders, said Huang.

“During the 30 years of establishing the socialist system of law with Chinese characteristics, we have, based on our own national conditions, learned from history and other countries and also made innovations, so that our legal system integrates the characteristics of China, the era and world civilization,” said Xu Xianming, who is an NPC deputy. ■

Main features of the socialist legal system with Chinese characteristics

By Chen Sixi



China has 239 laws in effect by the end of February 2011. Chen Yuye

The legal system of a country is the systematization of all its legal norms. Due to the difference in social system and historical tradition, the legal system of each country represents distinctive features. Karl Marx once pointed out clearly: “The legislator must himself is a scientist. He does not make laws, he does not invent them, he only formulates them.”

The socialist legal system with Chinese characteristics is neither created out by legislators based on nothing nor a word-by-word copy of other countries’. It took root in the Chinese soil, grew in the great practice of socialism with Chinese characteristics, showing distinct national characteristics and spirit of the times.

Then, what features does it have for the socialist legal system with Chinese characteristics? The answer can be summarized from many aspects, at least as follows:

A written law system with self-consciousness

The socialist legal system with Chinese characteristics is developed by Chinese people in a planned way under the leadership of Communist Party of China, taking sinicized Marxism as its guidelines, in building socialist modernization and carrying out reform and opening-up. This legal system takes written law as formation; it is based on conscientious and rational activities of the country and the Party, which manifests its great insight on execution and leadership.

Shortly before the founding of the new China, our Party claimed to abolish the Complete Book of Six Codes of old China. In 1949, the Common Program, in the character of an interim constitution, was passed by the Chinese People’s Political Consultative Conference, which confirmed this declaration in the form of law again. The aforesaid declaration has not only established the legal base for the founding of the new China, but also put forward the task of constructing New China’s legal system.

After the founding of the new China, we set about building the legal system promptly. The promulgation and implementation of the Constitution in 1954 marks the full-scale beginning of the con-



Before the convening of the 3rd Plenary Session of the 11th Congress of CPC, former leader Deng Xiaoping pointed out that “we must make democracy become a system and law. It will remain unchanged with the changes of national leaders and their attentions and opinions.” The principle that “there must be laws to go by, the laws must be observed and strictly enforced, and lawbreakers must be prosecuted” must be followed. Cui Baolin

struction of legal system. But later on, the development of the socialist democratic legal system suffered great setback. Especially due to the Cultural Revolution, the whole work fell into total mess, and the construction of legal system got no way to start. Not until 1978 did our country turn to build socialist legal system with Chinese characteristics. On the Third Plenary Session of the Eleventh CPC Central Committee, it was emphasized to restore the construction of socialist democracy and legal system; meanwhile, it was clearly pointed out that “From now on, legislation shall be high on the agenda of the National People’s Congress and its Standing Committee.” On the 15th National Congress of the Communist Party of China in 1997, it was manifested to govern the country according to law and build it a socialist country ruled

by law. “This proposition reflected that our Party has obtained a further understanding on how to govern the country. It was proposed at the same time to strengthen legislation and improve its quality, and form a socialist legal system with Chinese characteristics by 2010. It is a periodical objective for both legislation and the implementation of governing the country according to law. The legal system of our country has been established gradually with its goals and objectives.

Theory guides action. Legislative activities at all times and in all lands all take certain theories as guidelines. Marxism and its localization in China as Mao Zedong Thought, Deng Xiaoping Theory, the Important Thought of Three Representatives, Scientific Outlook on Development, all contribute to the construction of socialism with Chinese characteristics, as fundamental guidelines for building socialism with Chinese characteristics, and for constructing the socialist legal system with Chinese characteristics as well.

The laws of our country reflect the theory of the state and the legal thoughts of Marxism, Mao Zedong Thought and the theory of socialism with Chinese characteristics. For example, on the ownership of State power, we insist all power in the country belong to the people, and object to the divine right of kings; on the form of State power, we operate people’s congress system abiding by the principle of democratic centralism instead of representative system or presidential government based on separation of powers;



Vice Chairman of NPC Standing Committee Peng Zhen discuss seven draft laws with deputies from Beijing during the 2nd Session of 5th NPC in June, 1979. The conference adopted the seven laws. *Zhang Guiyu*



in the field of economy, we persist in giving priority to the public ownership system and distribution according to work, remaining its co-existence with other different forms of ownership and distribution, aiming to implement a socialist market economy under the control of legal norms and adjustment at macro level, instead of private ownership and free market economy; for citizen's rights and obligations, we emphasize the unification of rights and obligations, but not individualism or liberalism, etc. The laws of China are the institutionalization and legalization of the above ideas and proposals.

A legal system carrying contemporary key values of China

Law is of its own soul, bearing people's pursuit and expectation for better life, working as the carrier of value for people in a certain period. So are the laws of China. Then, what is the key value pursued by contemporary Chinese? Looking back into history, we can see that in the past 100-plus years, Chinese people have been consistently and assiduously seeking for realizing national independence and liberation at first, then setting up a just, democratic, human rights assured, prosperous and powerful, stable and

harmonious society ruled by law. Chinese people have realized in the long-term practice of revolution and construction that the following must be insisted on: the leadership of the Communist Party of China, the socialist road, the focus on economic development, and the policy of reform and opening-up, taking development as the central task all the time, marching on the road of scientific development.

Among the values being pursued, fairness and justice are regarded as the priority for socialism. For this reason, setting up one society with fairness and justice has been a long-term ambition for Chinese people. In order to bring this expectation to reality, democracy and the rule of law must be implemented. On the 17th Party Congress, it was pointed out: "People's democracy is the lifeblood of socialism." and "It is the essence and core of the socialist democracy that the people master their own affairs." Running the country according to law and building the socialist country governed by law have already been written into the Constitution of our country as a fundamental State policy. The protection of human rights is indispensable to socialism. Human rights refer to those inherent, unalienable rights of people. For a society in which people master their own affairs, people must be fully respected and their rights fully ensured. The safeguarding of human rights has been seriously written into the Constitution as one of its fundamental principles. Fairness and justice can only be real-



On December 4, 1985, the NPC Law Committee and the Commission for Legislative Affairs of NPC Standing Committee hold a seminar to discuss the draft of the General Principles of the Civil Law. *Wang Xinqing*

ized through economic development. A socialist country must be a prosperous and powerful, stable and harmonious one. Poverty is neither synonymous to socialism nor conducive to stability and harmony. China's Constitution stipulates clearly to "turn China into a socialist country that is prosperous, powerful, democratic and culturally advanced."

In a word, the socialist society must be a society of fairness and justice, with democracy and the rule of law and human rights ensured, a prosperous and powerful, stable and harmonious society. These are the key value pursuits that socialism pursues. The legislation work of our country gives much attention to integrating these key values into the laws, making it the soul of the law. Only when the laws fully reflect these key value pursuits can people's interests be safeguarded and served, winning support from people and being effectively implemented.

A legal system with unified and multi-tiered legal norms

China is a unified and unitary country, and its political system is the people's congress system. Meanwhile, China is also a country of many nationalities, which are quite unevenly developed in the respects such as regional economy, culture and society, lack-



Quan Yusheng (middle), a villager from Baitutan village in Linli county, Hunan Province, and Sun Guihua (right) receive the marriage certificate from a district judicial cadre. The Marriage Law was implemented in the year of 1950. *Xinhua*

According to such requirements, the legislative system established in the Constitution is unified but multi-tiered.

ing legal tradition in history. China is still in the course of reform and opening up to the outside world, so the legislation of our country shall guarantee the unity of national legal system to help safeguard the national unity and inspire the enthusiasm of all people in order to meet the needs of reform and opening-up and socialist legal construction. According to such requirements, the legislative system established in the Constitution is unified but multi-tiered. "Unified" means the national legislative power is to be exercised in unison by National People's Congress and its Standing Committee; and the laws can only be enacted by National People's Congress and its Standing Committee. "Multi-tiered" means that under the premise that the national legal system is unified and national legislative power under the control of National People's Congress and its Standing Committee, the State Council can formulate administrative statutes, while provincial people's congresses and their standing committees can formulate local regulations and approve laws and regulations formulated by people's congresses and their standing committees of the larger cities; at the same time, people's congresses of the ethnic autonomous regions, autonomous prefectures and autonomous counties can formulate their own autonomous regulations and separate regulations. In addition, relevant state organs can also enact specific regulations with the authorization by the National People's Congress. Therefore, the socialist legal system with Chinese characteristics,



From June 27-29, 1981, the 6th Plenary Session of the 11th Congress of CPC is held in Beijing. The conference approved the Resolution on Certain Questions in the History of Our Party Since the Founding of the People's Republic of China, which emphasized that "we must strengthen the people's democratic dictatorship, implement the Constitution and laws ... everyone has to abide by." *Xinhua*

in terms of its composition, is unified and multi-tiered. "Unified" means that all legal norms must be in line with the Constitution and not in conflict with the Constitution. Constitution is the fundamental law of the state and has supreme legal authority. It remains at the core and dominant in the socialist legal system with Chinese characteristics. "Multi-tiered" means that besides the Constitution, the legal system also includes other laws, administrative statutes, local regulations, autonomous regulations and separate regulations, and other regulations based on the authorization of the Constitution. Among them, the laws are the backbone, while the regulations are important components.

According to China's Constitution and relevant legal provisions, the departments under the State Council, governments at provincial level and of the larger cities can formulate rules in accordance with laws and administrative statutes at different levels. The regulations formulated by departments of the State Council and local governments are also a type of regulatory documents with legal effect, binding to the citizens, legal persons and other organizations. Some people regard legal binding as criteria, taking the rules as a component of China's legal system. But such consideration will cover all other regulatory documents including resolutions into the system, for they also have binding effect, which will lead to the overgeneralization of legal norms, not conducive to the unity of legal system or the authority and dignity of laws. Laws are rules of conducts. To judge whether a regulatory document belongs to the legal system or not, the main criteria shall be whether it establishes a new rule on citizen's rights and obligations. Only if the answer is positive shall it be considered a

component of the legal system. According to the division of legislation power, rules do not have or have little power to create new rights or obligations for citizens, and they are formulated to specify laws, administrative statutes or local regulations, making them more practicable. Taking the creating power as criteria, the rules are not classified as component of China's legal system. In practice, a lot of rules have gone beyond authorized power to create citizen's rights and obligations. With improved awareness and ability of people to behave according to law in the future, such unauthorized behaviors will be stopped and corrected.

According to the stipulations of relevant Chinese laws, the Supreme People's Court and the Supreme People's Procuratorate can make judicial explanation for the specific application of laws. Judicial explanation guarantees appropriate implementation of the law and its unity to a large extent, but it has no creating power; therefore it is not a component of China's legal system.

In addition, China has concluded or signed a large number of treaties or agreements with other countries or international organizations, as for this, Chinese government keeps its promise and fulfils relevant documents strictly at all times. But due to differences in political systems, legal systems and historical traditions, the methods of compliance with treaties and agreements may vary. For instance, some countries fulfill them directly as part of their national law, which is called direct compliance; some fulfill through turning them into the domestic law, which is called indirect compliance; some adopt direct or indirect methods separately according to specific situations. In China's Constitution and laws, the methods of compliance with treaties and agreements have not been stipulated explicitly. In practice, for the international treaties and agreements concerning rights and obligations of domestic citizens, legal persons and other organizations, we turn to indirect compliance; for those that no rights or obligations of citizens, legal persons or other organizations are involved, and the State performs as the subject, we turn to direct performance. It is stipulated in the Constitution that the power to make laws or regulations is separated from the power to sign or approve treaties and agreements. In this case, while explaining the composition of the legal system of our country, treaties and agreements are not included as part of China's legal system.

A legal system with tolerance, openness and development

The socialist legal system with Chinese characteristics has inherited the positive part of our country's traditional legal culture and drawn on the sound practices from other countries, while advancing with the times and showing great openness and tolerance. For example, the mediation system established in relevant laws includes the people's mediation, administrative mediation and

judicial mediation, etc. which has become an important mechanism to solve disputes in our country and won wide acclamation in the world. The mediation system has inherited and developed the non-litigation thought in Chinese history and the Ma Xiwu's method of trial in Yan'an period. China's legal system also draws a lot from other countries, such as modern corporation system, legal person system, securities system, trust system, bankruptcy system, etc.

The socialist legal system with Chinese characteristics has developed step by step with the socialist modernization, reform and opening-up and is keeping up with the times. For example, in order to advance reform and opening-up, among the seven laws passed by the second session of the fifth National People's Congress in 1979, the law on Chinese-Foreign Equity Joint Ventures was included. Later on, the Law on Enterprises with Foreign Investment, the Law on Chinese-Foreign Cooperative Joint Ventures, etc. were enacted and promulgated in succession with the deepening of the reform and opening-up. Another example, to meet the land demand of wholly foreign-owned enterprises, in 1988, a special revision was made to the Constitution to legalize land leasing. In the 1980s, three contract laws, namely the Economic Contract Law, the law on Economic Contracts Involving Foreign Interest and the law on Technology Contracts were re-

spectively enacted according to the situation at that time, and with the gradual setting-up of the market economic system, a unified Contract Law was enacted in 1999, making it more compatible with the actual needs. In the 1980s, our legislation efforts mainly focused on offering legal guarantee for rebuilding the order and advancing reform and opening-up; By the 1990s, we gave our priority to offering legal guarantee for setting up the socialist market economy; After entering the 21st century, with the proposal of the socialist harmonious society and the scientific outlook on development, the focal point of legislation work is transferred correspondingly to the social law, resulting in the promulgation of a series of laws relevant to social development and improvement of people's well-being.

Generally speaking, the socialist legal system with Chinese characteristics does not come into being in one single move and stays away from rigidity. However, it develops with openness and tolerance, and its improvement has been and will be in close relation with the deepening of socialist modernization, reform and opening-up. ■

(About the author: Chen Sixi is Member of the Standing Committee of the National People's Congress, Vice Chairman of Committee on Internal and Judicial Affairs of the National People's Congress)



On March 16, 2007, the 5th Session of the 10th NPC approved the Property Right Law. According to the law, "the Property Right of the State, collective or any other right holder shall be protected by law, and may not be damaged by any entity of individual."

Top legislature focuses on revising and improving laws

By Xinhua



Assistants to *chengguan*, city management officials, in Beijing study the Law on Employment Contract, which was implemented in 2007. CFP

China's top legislator Wu Bangguo pledged more efforts to revise and improve laws and enact accompanying regulations, in addition to making new laws.

"Our legislative tasks are still painstaking and arduous, and legislative work has to get stronger not weaker," Wu, chairman of the Standing Committee of the National People's Congress (NPC), said in a work report delivered at the annual session of the top legislature in early March.

The legislative work of the NPC Standing Committee this year was to promptly revise laws incompatible with economic and social development, and to enact in a timely manner laws vital for pushing forward scientific development and promoting social harmony, he said.

According to him, laws to be revised this year include the Budget Law, Law Concerning the Prevention and Control of Occupational Diseases, Criminal Procedure Law, Civil Procedure Law, Organic Law of Local Governments, and Military Service Law.

The Law on Mental Health, Law on Administrative Coercion, and Law on Entry and Exit Administration are among those the NPC Standing Committee plans to enact this year.

Moreover, Wu said the NPC Standing Committee would urge relevant departments to promptly enact accompanying regulations, and do the follow-up work of reviewing laws and regulations well.

He added that a priority was to urge and guide the Supreme People's Court and the Supreme People's Procuratorate to complete the group review of judicial interpretations currently in force.

The NPC Standing Committee would deepen legislation in a scientific and democratic manner, use post-enactment assessment of laws as a new measure to strengthen and improve legislative work, and make NPC deputies and citizens to better participate in the process of legislation, he said.

Regarding the major work of the NPC Standing Committee in 2010, Chairman Wu said that it put great efforts into formulating and revising important laws that form the framework of the socialist system of laws with Chinese characteristics, and oversaw and guided relevant authorities in completing the work of reviewing existing administrative regulations and local statutes.

As a measure to establish a sound insurance-law system, the NPC Standing Committee held three times of reading of and made major revisions to the draft of the Social Insurance Law last year, he said.

The draft law clearly states in legal terms that the State shall establish social insurance systems such as pension, health care



A senior citizen looks over a pamphlet of legal knowledge when attending the "classroom for citizens to learn laws" in Chongchuan district, Nantong, Jiangsu Province. Xu Congjun

The NPC Standing Committee would urge relevant departments to promptly enact accompanying regulations, and do the follow-up work of reviewing laws and regulations well.

insurance, work-related injury insurance, unemployment insurance and maternity insurance, according to him.

The NPC Standing Committee passed several revisions to the Criminal Law, and one of them abolished 13 non-violent economic crimes punishable by death, or 19.1 percent of all capital crimes, he said.

These revisions also outlawed as criminal offenses actions that severely harm public interests, such as drunk driving, speeding, and wage default, and defined more specifically crimes of endangering food safety, producing and selling counterfeit drugs, and damaging the environment and resources.

"All of this resulted in a better match between punishment and crimes so that the Criminal Law can better play its role in punishing crimes, reeducating criminals, and preventing and reducing crimes," he said.

Further, Wu said the NPC Standing Committee worked hard to make legislation in a more scientific and democratic manner, citing enacting of the Vehicle and Vessel Tax Law as an example of expanded orderly participation of citizens in the legislative process.

The NPC Standing Committee made important revisions to the law's draft based on nearly 100,000 comments from the public it received in just one month after the draft's full text was publicized.

Wu said that the revised law did not increase tax on the majority of car owners, yet could help to promote energy conservation and emission reduction.

Moreover, the NPC Standing Committee launched a pilot project last year for evaluating enacted legislation, he added. ■

Massive evacuation of overseas Chinese from Libya

By China News Service

Since February 16, the continuous turbulence in Libya has attracted close attention from the international community. The escalation of turmoil and bloodshed in that North African country forced numerous foreigners to flee away. Among the massive evacuation of emigrants, Chinese government has won wide respect from the world for its quick and effective reaction. Undoubtedly, the large-scale rescue efforts will be remembered by the Chinese people for quite a long time.





An IL-76 plane lands safely at Nanyuan Airport in Beijing at 8:30 am on March 4. China dispatched three air force transport aircrafts to help evacuate thousands of Chinese people from war-torn Libya. *Shen Ling*



At 2:20 am on February 25, the first batch of 233 Chinese evacuees from Libya arrive at the Beijing Capital International Airport by chartered CA060. CFP

15,000 kilometers for 35,000 people

Transporting 35,000 people to fly 15,000 kilometers for more than 10 hours. Such a record was set up in human being's flight history on February 24, 2011. Before this date, no one can probably understand what these numbers stand for.

At 2:25 am on February 25, Air China's flight CA060, the first chartered aero plane dispatched to Libya, arrived safely at Terminal 3 of the Beijing Capital International Airport. As soon as the plane landed, passenger Jiang Ying felt at ease, crying "Dear mom and dad, don't worry any more. We are back and safe now. Thanks to our great mother-

land." Her words moved standers-by into tears.

Most of the 224 passengers on board were females or children, who were the first group of Chinese citizens evacuated from Libya. The chartered plane took off at 13:50 pm on February 25 in Libya's capital Tripoli via Athens, the capital of Greek, and returned to China in the end. The trip lasted over 10 hours, enabling the Chinese people to escape safely from the land stained by anger and blood. Statistics indicated that there are around 35,000 Chinese people stranded in Libya. The massive rescue will be engraved into China's history.

At 11:15 pm on March 5, the last chartered plane, Shanghai Airlines' FM 608, arrived at Hongqiao



Chinese evacuees wait in line to go on board to Hellenic Spirit in the port of Bengasi, Libya on February 25, 2011. CFP

Airport in Shanghai, bringing back the last batch of 149 Chinese citizens evacuated from Libya via Malta. A total of 35,860 Chinese people were evacuated from Libya and returned home, marking the end of the largest retreat of overseas Chinese under the organization of the Chinese government.

History repeats itself. In 2006, internal strife emerged in East Timor and the Solomon Islands; Chinese government dispatched chartered planes to withdraw its overseas Chinese. Since then, sending chartered planes or vessels for evacuation has become a regular reaction to deal with turbulences in other countries. Within five years, China has realized historical strides.

According to incomplete statistics, the Chinese

By evacuating 35,800 from Libya, a new record was set during China's evaluation of overseas Chinese people.

government organized eight evacuations to help thousands of overseas Chinese people return home. The latest one happened just less than one month ago in Egypt. Owing to the tension in Cairo and other cities, more than 1,800 Chinese people were evacuated. By evacuating 35,800 from Libya, a



From February 22 to March 5, Chinese government dispatched 91 civil airlines, 12 military aircrafts, 5 cargo ships, 1 frigate, 35 chartered foreign airplanes, 11 foreign mail liners and more than 100 shuttle buses to retreat its people from Libya. It is the largest evacuation of its citizens from abroad since the establishment of New China in 1949. *Xinhua*

new record was set during China's evaluation of overseas Chinese people.

Largest evacuation of emigrants since Cold War

Inspired by the "Jasmine Revolution" commenced in Tunisia and Egypt, some Libyan people began to hold demonstrations on February 16, requiring the stepping down of Muammar Gaddafi, who had ruled the country for more than 40 years. Meanwhile, the latter responded with repression, bringing the country into a civil war. Many cities fell into chaos, suffering from material shortage, heinous crimes and lootings everywhere. All this

has turned this Muslim country into an abyss of violence.

Being the world's eighth largest oil producer, Libya has attracted large number of foreign workers and emigrants. According to reports, many workers come from Asian countries: 60,000 from Bangladesh, 10,000 from Vietnam, 30,000 from the Philippines, 23,000 from Thailand and around 20,000 from India.

Statistics show there are 75 Sino-Libyan enterprises, involving 50 projects and 35,000 people. Amid the turmoil, some Chinese-owned enterprises and projects were attacked by armed gangsters: food was robbed, living materials could not be supplied, and some people were injured.

For the safety of the Chinese nationals in Libya,

Chinese government decided to organize large-scale evacuations. The State Council set up the emergency commanding center and mechanism to withdraw all overseas Chinese, including compatriots from the mainland, Hong Kong, Macao and Taiwan, from Libya through vessels, vehicles and planes.

On February 24, the evacuation kicked off. More than 4,000 people retreated from Benghazi and took the ferry to Crete, Greek in the evening. Nearly 100 coaches were busy picking up Chinese citizens from the border of Egypt and Libya. The first batch of 223 passengers arrived in Beijing at 2:40 on February 25. More flights from China Airline, China Eastern, China Southern, Hainan Airline joined the evacuation effort. To take the Chinese nationals back to China as soon as possible, the Civil Aviation Administration of China called on an emergency conference on February 26, deciding to arrange 15 flights every day from February 28 to March 10.

Consular protection mechanism more mature

For any country, emigrants' evacuation is a considerable action. Different from regular consular protections such as emergency warning, opening of hotlines, evacuation is the "last choice" under extraordinary circumstances.

China's consular protection is always aiming to solve problems for people, protect the security and interests of all overseas Chinese, either from the mainland or from Hong Kong, Macao and Taiwan, noted Wei Wei, Director of Consular Affairs of the Foreign Ministry. The Chinese government started the massive evacuation because the situation in Libya deteriorated, threatening the safety of overseas Chinese and their assets. Violent crimes have occurred, targeting some Chinese companies and their workers.

As an important way to protect its overseas nationals, China's consular protection mechanism has been greatly improved in recent years after organizing the largest-scale evacuation from Libya.

It has become a new subject for China's diplomacy on how to protect the interests of its overseas nationals by way of consular protection. With the increase of national power, more companies and

China's consular protection mechanism has been greatly improved in recent years after organizing the largest-scale evacuation from Libya.

personnel are going abroad for further development, said Li Wei, a researcher from China Institutes of Contemporary International Relations, during a recent interview.

The France-based Europe Times carried a commentary on February 25, saying the evacuation reflected the improvement of China's capability to protect its overseas nationals. It also reflected the enhanced ability of Chinese government to handle emergencies, indicating that China's influence on world arena is increasing.

The international media was not only surprised by the speed and scale of China's evacuation of its overseas nationals but also impressed by its soft power during the event, commented the Japan New Overseas Chinese News website. China has illustrated a kind of extraordinary "national power" in the process that dwarfed other countries. ■

Fast facts: Consular protection refers to the protective acts that diplomatic or consular organs or officials adopt to safeguard the national interests as well as the legitimate rights of its overseas citizens or legal persons within the framework of international laws. When the legitimate rights and interests of its citizen or legal persons are violated in a country of residence, diplomatic or consular missions there will, in accordance with international laws and conventions, bilateral treaties or agreements and the relevant laws, reflect his/her request and urge related authorities to handle the issue in a fair, friendly and proper way. Consular protection also includes assistance rendered by diplomatic or consular missions to its citizens or legal persons, such as information on travel safety, employing lawyers and translators, visiting detainees and assisting in evacuating from dangerous places etc.

Evacuation stories of Chinese workers from Libya **Singing the national anthem when leaving Libya for home**

By Chen Xiaoru



On March 6, 2011, 47 workers working in Libya arrive in Liuzhou, Guangxi Zhuang Autonomous Region to reunite with their families at home. Workers and their families waved national flags and flowers to celebrate the reunion. CFP

When Libya began to fall into turbulence, China dispatched 91 chartered civil flights, 12 military planes, five cargo ships and one frigate and rented 35 foreign chartered flights, 11 cruise ships and more than 100 buses to evacuate a total of 35,860 people. It was the largest evacuation of overseas Chinese since the founding of the People's Republic of China in 1949, which is considered as "the best national publicity blockbuster" by foreign media.

When China manages to protect the life and property of its overseas Chinese through quick rescue efforts, rescued workers express their gratitude toward the nation and their words and behavior represent the national image of China.

Woolen blankets distributed

On February 25, Fei Mingxing, the team leader of the first joint work team for evacuating overseas Chinese compatriots from Libya, received an order and hurried to Libya-Tunis border to assist in evacuating Chinese people to Tunisia by the land route. How to get there? Two local drivers shook their heads and said, "Impossible that is a path of death."

When speaking of the land route to Libya, rescuers have to pass through the belligerent "Red & White Area" where forces that support and oppose Libyan government were battling against each other. Bullets could be seen flying in the streets and bombs throwing above the cars, let alone that there were about 50 inspection stations along the route, all of which were life and death testing. And no local drivers dared to go there.

However, as to Fei and his team, it was a lifeline that ought to be opened up. "At that time, nearly 700 Chinese workers had already arrived at the frontier between Tunisia and Libya, and most of their passports were left behind during the evacuation. We need to arrive there as early as possible to help them leave." When recalling his feeling during the evacuation, Fei took a deep sigh.

In the evening of February 25, when the work team arrived at the frontier; nearly 700 Chinese workers had been trapped in the desert without food and drink. How to provide these workers food became a first challenge. An official from the embassy got in touch with a Libyan friend and persuaded him to buy

Wang Jian, a worker from Beijing Construction Engineering Group Co, recalled that he felt proud of being a Chinese citizen when seeing numerous refugees from other countries stood helpless.

bread and water from a shop that was dozens of miles away. But when night fell, the low temperature in the desert forced workers to crowd together. The situation worried Fei a lot. He asked the team members to look for some quilts or blankets to withstand coldness. The Libyan friend managed to fetch 296 woolen blankets for the workers. By 2:40 of February 26, when workers received blankets, they were touched deeply and some said with tears that "these blankets are distributed by our country."

Wang Jian, a worker from Beijing Construction Engineering Group Co, recalled that he felt proud of being a Chinese citizen when seeing numerous refugees from other countries stood helpless. At that time, motherland is no longer a concept for him, but the strongest support.

Let's sing the national anthem together

In the afternoon of February 27, Fei and his teammates were ready to evacuate 3,500 overseas Chinese compatriots trapped at the border of Libya and Tunisia. However, after nearly 2,000 workers arrived, a worker leader in Beijing Construction Engineering Group Co told Fei in anxiety, "Dozens of workers who departed earlier have not arrived. There must be something wrong."

Immediately, Fei asked an official from the Ministry of Public Security together with an embassy staff to look for the lost workers. They finally found the lost workers at a place three kilometers away from the border. Since the workers had lost their passports during the evacuation, they were detained by a local inspection station. The rescuers immediately showed their identity and demanded the inspection station to release these workers. Though they had explained repeatedly, officials at the station declined to let the



At 11 pm on March 5, Zhang Chunyan and her four children step out of the Hongqiao Airport in Shanghai after returning from Libya. *Pei Xin*

workers go, asking how to prove that these workers were Chinese.

It seemed like a thorny problem: Without passports, how to prove their Chinese citizenship? The workers felt extremely desperate. All of a sudden, the official from the Ministry of Public Security got an idea and shouted, “Hey everybody. Stand at attention and turn left. Let’s sing the national anthem together!”

The depressed mood among the workers released. They began to sing the national anthem loudly, “Arise, you who refuse to be slaves...” The local officials decided to release these detainees. Singing the national anthem, these workers walked three kilometers to reunite at last with their Chinese colleagues at the border.

A special meeting in a special way

On February 24, Li Chunlin, an official in charge of consular affairs under the Ministry of Foreign Affairs was dispatched to Benghazi in Libya to help Chinese workers retreat from the sea. Heading a group of eight people, Li arrived at Crete Island at 2:30 am on February 24 after flying a chartered plane for 24 hours with three stopovers. They jumped the “Olympic Champion” cruise leased by Chinese embassy in

Greece, bounding for the harbor of Benghazi.

“For most of the people, it sounds fun to travel by a cruise. The real situation was that the ship swayed savagely due to the big wave in the Mediterranean Sea in winter (wind force often reaches 8 degree). Most of our workers suffered from vomit and dizziness. Chairs in the cabin slid from one side to another. Nearly all glass products were broken and even TV sets fell onto the floor. People in the cruise could hardly stand still on the floor, and sometimes they fell onto floor...” recalled Li, who still remembered the scene when receiving an interview with the journalist.

How serious was the current situation in Benghazi? How to guarantee each and every Chinese worker to board the cruise safely? Another problem was how to avoid the chaos brought by other countries’ refugees in the harbor. Although Li had participated the evacuation of overseas Chinese in Haiti after the earthquake a year ago, he still felt anxious when facing the above-mentioned problems. It was necessary to draft preparatory plans before arriving Benghazi, otherwise the situation would be out of control. A new problem appeared: Many of the team members suffered from severe seasickness, how can they hold a regular discussion?

Thanks to the unusual situation, the work team decided to hold a meeting in a special way: Some of the members threw themselves on bed or on couch, others laid on the ground or leaned against the corner of the wall. They discussed preparatory plans one by one.

After sailing for 16 hours, the two cruise ships, “Olympic Champion” and “Greek Spirit,” laid anchor in the harbor of Benghazi at 1 pm, February 25. Thousands of Chinese workers who had gathered in Benghazi began to clap their hands when seeing the appearance of the Chinese officials on the ships. They had suffered from food and drink shortage for days: every four people shared one steamed bun and three people were given one bottle of water per day. To make things worse, they were tormented by the whistling of bullets and guns. Feeling fatigue in body and spirit, many Chinese workers were at the brink of collapse.

With the assistance of the Chinese-owned enterprises, all Chinese workers in Benghazi went board safely. Both the “Olympic Champion” and “Greek Spirit” cruises with 4,258 evacuees on board returned to Crete Island on February 27.

As soon as they arrived in Crete Island, Li and his team members received a new order to help retreat Chinese workers in Misratah in Libya. Within a

10-day evacuation, the Benghazi work team went to Libya twice and they worked jointly with Chinese embassy in Greece to evacuate more than 13,000 Chinese people. They spent six days and nights on the sea.

‘Call my Child Yi’r’

Sebha, a city in southern Libya, was the last difficult place to organize evacuation. Military Attache and Senior Colonel Wu Shuchen from Chinese Embassy in Sudan was dispatched to handle the evacuation.

On February 27, Wu hurried to Sebha airport to take charge of on-the-spot guidance and coordination effort. At that time, there were 5,000 people waiting outside the airport for a retreat: the situation was chaotic. A hearsay went that China’s chartered airplane would not arrive because of war. This rumor spread rapidly, adding fuel to the flames. Disturbed by the news, lots of people began to shout and cry. The situation became urgent, demanding somebody to appease the nerves.

Walking out of the make-shift office at the airport, Senior Colonel Wu spoke loudly toward the crowd, “I’m a Chinese diplomat and soldier, I’m responsible for helping all of you return to the motherland!” But some worker interrupted him, saying, “Nobody can help if the plane fails to land here.”

“Trust me, the Chinese Air Force has dispatched ‘IL-76’ large-scale transportation planes to bring you back. This is the first time for our country to use military planes to conduct evacuation. Our well-trained Air Force pilots can overcome all the difficulties and make a landing on time,” Wu said patiently.

At last, the mood of the workers calmed down. “Chinese Air Force planes are not provided for ordinary people. Cherish the opportunity,” said Wu, whose humorous words teased the audience into laughter.

At 4:30 pm on March 1, the first Chinese Air Force “IL-76” airplane landed in the Sebha Airport, enjoying good cheer among all the people waiting there. Before boarding the plane, a young man turned around and shook Wu’s hands to express his gratitude. “I’m proud for the Chinese People’s Liberation Army. I will be a father next month; I’d like to call my child Yi’r (which sounds the same pronunciation as IL in Chinese)!” he said.

Shadowed by war, Wu’s working team managed to arrange 28 civil and 12 military flights to help retreat 5,646 Chinese people to the motherland.

Going home, not Fleeing

At 3:20 pm on March 1, thousands of Chinese workers who had evacuated a day before from Tripoli, the capital of Libya, gathered at Jerba Airport in Tunisia. There were only two Chinese embassy officials at the airport. For the sake of security, Colonel Yang Xu from Chinese embassy in Tunisia and other two officials rushed to the site for assistance.

When they arrived at Jerba Airport with anxiety, they were glad to see that several workers from the Beijing Construction Engineering Group volunteered to maintain the waiting line order. Among them, a 20-something young man with a pair of glasses was shouting loudly toward the crowd through a microphone in hand, “Please don’t worry. We are not refugees because our homeland has dispatched airplanes to bring us back. We will surely return home in safety!” The kind reminder helped calm down the chaotic crowd, who began to queue up in a well-organized way, waiting for boarding patiently.

“Please don’t worry. We are not refugees because our homeland has dispatched airplanes to bring us back. We will surely return home in safety!”

Impressed by the good organization, two Tunisian workers at the airport came to Colonel Yang, saying, “They are the ordinary workers in your country, but they are so well-organized and self-disciplined. We finally know why China is so strong!”

A similar story took place in Sebha Airport in Libya. After the last batch of 5,000 workers went aboard, some workers set up volunteer teams to clean up garbage left at the airport. Chinese workers’ activity moved Hasan, the head of the airport, who ordered the opening of a “green channel” for Chinese people.

“Dear Chinese friends, thank you for your efficient, safe and well-organized evacuation work. This enables me to see more aspects of China, giving us confidence in overcoming the current difficulties. Welcome back after the situation (in Libya) restores,” wrote Hasan in the letter of thanks to Chinese side.

In one word, when China adopts measures to protect life and property security of overseas Chinese, Chinese workers in turn behaved perfectly. They are the spokesmen of China’s image abroad. ■



Former President Jiang Zemin and other top leaders have a group photo taken with the staff who work at the Great Hall of the People (the author stands 4th from left in the second row).

A Muslim mother and her son recall their working experience in the Great Hall of the People

Unforgettable memories

By Chen Zhaoyang

The Great Hall of the People is a place that my mother will proudly remember for ever. Being a Muslim hailing from Ningxia Hui Autonomous Region, she was among the first workers from the region who have worked in the grand venue. She worked there for 10 years. Just like my mother, I also spent my most unforgettable four years in the hall.

In April 1960, the newly-built Great Hall began to recruit staff from all over the country. After a three-month selection and examination in Ningxia, an area

with more than 1 million Muslims, my mother who was 18 years old at that time was chosen to work in Beijing. Based on her own working experiences, my mother believed that the Muslim people can be masters of the country and enjoy equal political rights only if all the ethnic groups in China live harmoniously. In fact, that is also my belief shared with my mother.

Being a conference venue, the Great Hall is a place where the Party and the central government make national policies and people of all nationalities exer-

cise their political rights. It is also a place that State leaders communicate with the people on their livelihood and listen to the public opinions. When I was a little boy, my mother often recalled excitedly her working experience in the Great Hall. She would say: "That is the happy time in my life I cherish most."

When recalling the occasion she first met Chairman Mao in the Great Hall, my mother's eyes would be filled with tears. Not long after she started working for the Great Hall, Chairman Mao chatted with working staff after meeting some foreign

guests. When he saw my mother, he asked with a smile, “Hi, newcomer? What is your name?” “Tian (also means farm in Chinese), my family name,” my mother replied nervously but quickly. Hearing the answer, Chairman Mao said, “Well, Tian (farm) is a good surname. Our country needs more farms to produce grains.” In the 1960s, when the nation suffered the most economic depression, Chairman Mao talked about national affairs even in casual chats with ordinary people. Although my mother was not well educated, she understood well the thought.

During the Cultural Revolution (1966-76), Premier Zhou Enlai worked in the Great Hall, where he dealt with national affairs and met foreign guests in the daytime and received the Red Guards in succession of 40 evenings. He was too busy to have a rest or meal. My mother and her colleagues tried to persuade him to eat something in the lounge when he went to the toilet. Premier Zhou said, “No problem. Let’s share some food together.” Just like the ordinary staff, Premier Zhou would get a small bag of biscuits with an extra cup of coffee after a long working night. During that special time, unexpected things often happened. One night, a piece of Dazibao, or big-character poster, was pasted on the door of the Great Hall, accusing of the Party’s policy toward ethnic minorities. It criticized that all national customs are superstition, calling for assimilation and transformation to ethnic minorities. The next morning after Premier Zhou saw it, he immediately asked to take it down. He told the staff of the Great Hall, “We must respect the customs of ethnic minorities. This is our Party’s policy, not superstition.” Zhu De, the then Commander in Chief of the PLA, came to have a talk with the staff at the Great Hall. When he was told that my mother

was from Ningxia, he said: “Ningxia is a beautiful place, where Hui people apply autonomy. We should respect the customs of Muslims. I’d love to pay a visit to Ningxia in the future.” Some days later, my mother was dispatched to serve foreign guests at Zhongnanhai. A special Muslim table was set up for her. When my mother saw the arrangement she was greatly moved.

Born into a devout Muslim family in Ningxia Hui Autonomous Region, my mother got very familiar with the customs of Muslims. It was the first time that my mother left home to work in Beijing, which worried herself and her family as well. But shortly after she en-



Tian Fengmei (left), the mother of the author, who used to work in the Great Hall of the People.

tered the Great Hall, the “halal” dining house and Muslim chefs made her feel like at home. She devoted herself to work quickly. A year later, my mother joined the Party. Later my mother won further trust, she was designated to take care of the utensils used by Mao Zedong, Liu Shaoqi, Zhou Enlai and Zhu De in the Great Hall. For a decade, my mother worked diligently without making any mistake. Every time when recalling this, my mother would breathe deeply and said, “In those years, what I worried most was how to keep the leaders’ utensils safe and clean. I would clean the cups several times before making tea for those beloved

leaders. To avoid confusion, I labeled the cups and tea that each leader used with a code.” After working in the Great Hall for some years, I fully understand my mother’s concern.

Influenced by those great leaders, my mother learned their noble spirit and traits. Then naturally she required us to follow those great men. She had been strict with us since our childhood, demanding us to be serious with life and be kind with others. She told us that her working experiences in the Great Hall improved her virtue and cultivated her rationality. The Party committee of the Great Hall took care of everyone and demanded strict norms of everyday behavior. All the people working there were earnest in their work and modest in treating others. The people who entered the Great Hall not only included Party or national leaders, but also included their wives and guests. She had met Song Qingling, Deng Yingchao and Wang Guangmei, who were participating in national affairs or accompanying senior officials to attend banquets in the Great Hall. They were always amiable towards the staff there. They always ex-

pressed their thanks to the staff, showing the friendliness and etiquette of a country with great civilization.

Premier Zhou often had meals with the staff. He once told them, “You are all my children. If any of you working here get married at 28 years old, please invite me to participate.” My mother got married at 25 because of the Muslim customs, but did not dare to tell Premier Zhou the information. Hence she was quite regrettable after knowing that Premier Zhou and his wife Deng Yingchao had attended the wedding of her colleague. After General Chen Yi learned about this, he said: “Xiao Tian, I heard you had got married to one of

my subordinates. Why didn't you ask me to attend your wedding?" Overwhelmed by an unexpected favor, my mother hurried to buy some candies. Chen called in his men, saying "Come here quickly for the candies!" My father was a soldier in the General Chen's army.

I grew up while listening to mother's memories. In October 1986, good luck gave a call to my home. Sixteen years after my mother left the Great Hall, I was lucky enough to be chosen to do service work there. On November 14, 1986, I got on a train bound for Beijing. During the first year in the administrative bureau of the Great Hall, I was selected as an advanced worker. After receiving several months of training, I was designated to work at the lobby. Chen Qunhong, who was the group leader, took me to do the bathroom cleaning. His initiative and arduous working style greatly inspired me. I also met the colleagues of my mother, who became my good teachers and helpful friends. Half a year later, I submitted an application to join the Party and was eager to become a Party member so that my name could be inscribed with my mother's name into the Party member list of the Great Hall.

In this hall, I was always moved by the punctuality of the Party and State leaders, who kept checking their watches and asked "Am I late?" Greatly influenced by their preciseness, I become more and more self-disciplined.

Once the senior officials met three guests from Iran, who required that the serving staff must be male Muslims instead of female ones. So I was selected to work for them. I greeted them with "God bless you," they looked at each other, responding unanimously "God bless you!" and warmly shook hands with me. During the dinner, they were quite excited when seeing food with Muslim features. Muslims around the world will never be strangers but as close as a family, only by greeting each other "God bless you!"

Four years' working experience in the

Great Hall turned me from an inexperienced sonny boy into a young man with professional skills. For example, I kept writing reports to examine my thought every two weeks, which not only enhanced my understanding ability, but also improved my literature level and writing skills. Certainly, it was the rigorous working style and standardized management in the Great Hall that benefited my whole life.

Due to the personnel system reform of the Great Hall, the staff had to be changed every four years. After my service term ended, I left the Great Hall. However, both my mother and I will enjoy an unforgettable memory of working in the Great Hall of the People. ■

Fast fact: The Great Hall of the People

The Great Hall of the People is situated on the west of the Tian'anmen Square, which is the centre of Beijing, on the south of the West Chang'an Avenue. It is the meeting place of the Chinese National People's Congress, and a key venue that the Party, the State and mass organizations hold political, diplomatic, cultural activities.

It only took workers 10 months to build the Great Hall of the People, which stretched from October 1958 to September 1959. It set a record in China's architecture history and was listed as one of the top 10 buildings of the capital to mark the 10th anniversary of the founding of the People's Republic of China.

Facing the east, the Great Hall of the People is 336 meters long from north to south, 206 meters wide from east to west and 46.5 meters high. It covers a total floor area of 150,000 square meters and a construction area of 171,800 square meters.



On June 29, 2010, Xue Hanqin from China was selected as a judge of the International Court in the UN headquarters in New York City. She is the first Chinese female who works in this influential judicial organ. After the selection, Xue received interviews of the reporters. Sun Yuting

According to the ICJ statute, all the judges should be "of high moral character who possesses the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law."

A Chinese jade among the world peace cornerstones

Xue Hanqin: The first Chinese female judge of the International Court of Justice

By Jia Xianpei

In the north suburb of The Hague, the administrative capital of the Netherlands, there stands a red-brown Gothic building, which homes to the principal judicial organ of the United Nations – the International Court of Justice (ICJ). The court, also called The Hague Tribunal, holds responsible for international disputes arbitration and trials. A total of 192 cornerstones coming from the UN members are erected outside of the gate of the tribunal. Among the stones there is a jade from China. On June 29, 2010, the UN General Assembly (UNGA) and the US Security Council (UNSC) jointly held an ICJ by-election in New York City. Xue Hanqin was elected by an overwhelming majority to be the first Chinese female judge of ICJ. From then on, she has shown her charisma in ICJ just like the Chinese jade that stands still among the miscellaneous world-peace stones.

Headquartered in The Hague, the court was established in 1946 by the Charter of the United Nations. The court's main functions are to settle, in accordance with international law, legal disputes submitted to it by states, to give advisory opinions on legal questions referred to it by UNGA and UNSC, and to conduct trials on cases of alleged violation of international law. ICJ is composed of 15 judges, who are elected to nine year terms by UNGA and UNSC. According to the ICJ statute, all the

judges should be "of high moral character who possesses the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law."

Those candidates who obtain an absolute majority of votes in the UNGA and in the UNSC shall be considered as elected. Judges serve for nine year terms. Elections take place every three years, with one-third of the judges retiring (and possibly standing for re-election) each time. No two judges may be nationals of the same country, and the five permanent members of the UNSC shall each have a judge on the Court. During last year's by-election, Xue won 150 votes from UNGA and all 15 votes from UNSC.

The way to become a Chinese jade

Xue was born in September, 1955 in Shandong Province. After graduation from Beijing Foreign Languages Institute, she entered into the departments of foreign and judiciary affairs in 1980. Being a senior diplomat and a well-known scholar in international laws, Xue is skilled in both practice and academia. She was first arranged to work with the Department of Treaties and Laws under the Chinese Ministry of Foreign Affairs

in 1980, serving as Director, Deputy Director-General and Director-General of the department. During the same period, she studied the international law in the Peking University and went to the Columbia University twice for further education. Xue obtained her master's and doctor's degrees of law. In addition, she also took the position as Ambassador to the Netherlands and Permanent Representative to the Organization for the Prohibition of Chemical Weapons. On behalf of the Chinese government, she attended lots of international conferences, bilateral and multilateral negotiations. She was appointed as Ambassador to Association of Southeast Asian Nations on December 30, 2008.

In the field of international laws, Xue was elected as a member of the UN International Law Commission in 2002, and later in 2005 she was elected as the academician in Brussels Institute of International Law for her excellent performance. In 2009, she was elected as President of Asian Society of International Law; After that, Xue was elected as Chairperson of UN International Law Commission, the first female Chairperson in its history. On June 29, 2010, Xue became the first Chinese female judge of the ICJ.

From China to UN, from Beijing to The Hague, Xue has made progresses step by step thanks to her humble, dependable and diligent attitude and a strong appe-

tite for knowledge. She has illustrated all these excellent merits of Chinese people. “Trust, responsibility and expectation” are the three words that she repeated during an interview with media after she was elected as the ICJ judge.

When speaking of trust, Xue said that China is playing an increasing role in the international affairs. It also reflects trust from member states of UN toward China to become a responsible member State. Besides, it also shows the recognition to candidate’s professional capability and quality by different governments and international legal associations. Xue’s confidence bases on several reasons, e.g., long term working experience as a diplomat and excellent accomplishment on international laws. All of these reasons make her well known and recognized around the international society. When speaking of the expectation, she noted that her nomination indicates that the international community has high expectations on China as well as Chinese candidates in promoting justice, peace and development. As a female judge and one of the youngest ICJ judges, she vowed to work hard and to enforce the law impartially to meet the expectations of the international community. In addition, she hopes that her successful election could convey such information that China, as a responsible country in handling with international affairs, not only wants to participate political affairs and seek the right to speak, but also needs personnel who are familiar with international mechanisms to draft and implement new rules of games. Only when China is fully involved in each mechanism, its participation will be considered genuinely comprehensive. For this reason, it is urgent for China to accelerate the training of high-end talents of international laws, and create opportunities for them to participate in the international legal affairs as soon as possible.

Xue’s remarks not only reflect her expectation on Chinese legal affairs, but



On September 13, 2010, International Court of Justice judge Xue Hanqin swears in at the Peace Palace in the Hague, the Netherlands. Pan Zhi

also show her dedication and responsibility toward the nation. During an interview after the election at the UN headquarters in New York City, Judge Xue attributed her nomination to the rising states and role that China has in the international affairs, hoping China further play a positive role in the international relations, “It is not only a kind of honor and glory, but also a kind of responsibility for the international community. During my tenure, I’m dedicated to solving international disputes and promoting world peace and security in accordance with UN Charter and ICJ Statute.” Xue said.

An ordinary woman in everyday life

Judging from her experiences and glamorous titles, it is easy to conclude that Xue is an “iron woman,” a nickname that she dislikes. In everyday life, Xue is a modest and low-profile charming woman, who has inherited tradition Chinese merits.

Once in an interview, Xue said that the public always have some abstract understanding of the life of diplomats. After work, even ambassadors have their own

life. The former ambassador, who always kept a glorious image before the cameras, acknowledged that she and her husband also have different opinions toward the housing decoration.

“Do not be surprised when you see me do grocery shopping with a basket in a market one day,” Xue said. She noted that she spent little time with her daughter due to her busy schedule. But she had encouraged her daughter to think actively and make independent judgments.

She also expressed more tolerance than some other parents whose self-centered children were born in 1980’s and 1990’s. “Some people say that these two generations are impatient and impetuous, pursuing individuality for the sake of individuality. But look at those people in their 40s or 50s, aren’t they impetuous too? It is their privilege to make mistakes when people are young.” Xue made these remarks on the TV program “Super Girls”, expressing her tolerance and understanding as a mother.

After the reform and opening up policies were adopted, China returned to the international arena. In 1984, international law expert Ni Zheng’ao became the first ICJ judge from the new China. In 1994, Shi Jiuyong took over the judge’s position and later served as ICJ president, making him to be the Chinese ICJ judge who served the longest period of time in the Court. After Ni and Shi, there comes Xue, who won her assignment thanks to her outstanding capability, profound academic achievements, unremitting spirit and charming personality.

In one word, Xue’s success once again proves the respect paid by other nations and the international law sector toward her performance. It also shows that the UN member States attach great importance to China’s role in dealing with international affairs. Xue’s nomination as ICJ judge will improve China’s voice in the international judicial affairs and help spread Chinese judicial ideas to the whole world. ■



Socialist system aims to maintain and realize social justice and fairness. The law system with Chinese characteristics is of crucial significance toward the establishment of a socialist country of law and its modernization. It also plays an important role in safeguarding social justice and fairness. *CFP*

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