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BEIJING REVIEW

VOL.57 NO.44 OCTOBER 30, 2014

北京周報 WWW.BJREVIEW.COM

PURSUING RULE OF LAW

CPC plenary session draws
a blueprint for law-based
governance



RMB6.00
USD1.70
AUD3.00
GBP1.20
CAD2.60
CHF2.60
JPY188

ISSN 1000-9140



9 771000 914147

邮发代号2-922 · 国内统一刊号: CN11-1576/G2



中国与非洲



12 issues a year at a subscription rate of 180 RMB/R360

SUBSCRIPTION HOTLINES
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An Africa-oriented English monthly covering China and Africa published by BEIJING REVIEW, ChinaAfrica is the leading publication in China featuring news, views and analysis for an African audience.

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Beijing Review (ISSN 1000-9140) is published weekly for US\$64.00 per year by Cypress Books, 360 Swift Avenue, Suite 48, South San Francisco, CA 94080. Periodical Postage Paid at South San Francisco, CA 94080. POSTMASTER: Send address changes to Beijing Review, Cypress Books, 360 Swift Avenue, Suite 48, South San Francisco, CA 94080

北京周刊

BEIJING REVIEW

A News Weekly Magazine
Published Since 1958

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Published every Thursday by
BEIJING REVIEW, 24 Baiwanzhuang Lu,
Beijing 100037, China.
Overseas Distributor: China International Book Trading
Corporation (Guoji Shudian), P. O. BOX 399,
Beijing 100044, China
Tel: 86-10-68413849, 1-416-497-8096 (Canada)
Fax: 86-10-68412166
E-mail: fp@mail.cibtc.com.cn
Website: <http://www.cibtc.com>
General Distributor for Hong Kong, Macao and Taiwan:
Peace Book Co. Ltd.
17/FI, Paramount Bldg, 12 Ka Yip St, Chai Wan, HK
Tel: 852-28046687 **Fax:** 852-28046409

Beijing Review (ISSN 1000-9140 USPS 2812) is published weekly in the
United States for US\$64.00 per year by Cypress Books,
360 Swift Avenue, Suite 48, South San Francisco, CA 94080
News Postage Paid at South San Francisco, CA 94080
POSTMASTER: Send address changes to *Beijing Review*,
Cypress Books, 360 Swift Avenue, Suite 48,
South San Francisco, CA 94080

EDITOR'S DESK

New Era for Central Tenet Of Governance

On October 20-23, the Fourth Plenary Session of the 18th Communist Party of China (CPC) Central Committee was held in Beijing with the overlying theme of advancing the rule of law. Generally, each of the CPC Central Committee's seven plenary sessions held during its five-year term focuses on a different topic, with the fourth reserved to discuss the economy or Party building. This month's plenary session was the first time in history that the rule of law was highlighted as the central issue of discussion.

The People's Republic of China (PRC) has weathered rough sailing in regards to national legal construction over the past 65 years since its founding in 1949. The first Constitution of the PRC was enacted at the First Session of the First National People's Congress (NPC) in 1954. In 1978, the Third Plenary Session of the 11th CPC Central Committee called for an improved socialist legal system and established the principles that there must be laws to go by, laws must be observed and strictly enforced, and law-breakers must be prosecuted.

Later, during the 15th CPC National Congress in 1997, the rule of law was made a basic strategy, which was written into the Constitution of the country just two years later. The 16th and 17th CPC national congresses, respectively held in 2002 and 2007,

both reaffirmed the objective of building a socialist country under the rule of law. The 18th CPC National Congress in late 2012 further emphasized that the rule of law is a fundamental principle by which the Party leads the people.

More recently, at the Third Plenary Session of the 18th CPC Central Committee last November, the idea of "building a China under the law" was put forth. And this October's plenary session drew too on the theme of advancing the rule of law, opening a new chapter in the modernization of China's state governance.

After the 18th CPC National Congress, China launched a sweeping anti-graft campaign. But in the long run, it must increasingly rely on the rule of law as the silver bullet. The rule of law is the precondition for effectively preventing corruption and completely eradicating illegal actions like seeking private gain through power or privileging power above law.

The latest plenary session approved the CPC Central Committee's Decision on Major Issues Concerning Comprehensively Advancing Rule of Law, which will greatly promote the country's passage of legislation, its strict enforcement of laws and the progress of judicial justice. This will also facilitate the modernization of the nation's governance system and capability. ■

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JAPAN.....JPY188 EUROPE.....EURO1.90 TURKEY.....YTL5.00 HK.....HKD9.30 NEPAL.....RS40

北京周报 英文版 2014年 第44期 ISSN 1000-9140 广告许可证 0171号北京市期刊登记证第733号
邮发代号2-922 · 国内统一刊号: CN11-1576/G2 国内零售价: 人民币6.00元



ALL-NATURAL CURIOSITY

Xu Yan, a doctor of traditional Chinese medicine (TCM) at the Matou Township Hospital in Linyi City, east China's Shandong Province, explains functions of medicinal herbs to local primary school students on October 21.

In celebration of World Traditional Medicine Day on October 22, activities were held at schools across China to raise the students' awareness of TCM culture.

Spanning a history of up to 3,000 years, TCM utilizes a unique system to diagnose and cure illnesses. In TCM, the treatment of the human body is based on the holistic understanding of the universe; illnesses are diagnosed based primarily on the differentiation of syndromes.



Robot War

Long Ma, a French-made mechanical creature, rears up with smoke billowing from its dragon's snout as it approached its robotic arachnid adversary during a performance in Beijing on October 17.

The event on October 17-19, mounted outside the Bird's Nest stadium that hosted the 2008 Olympics, was part of the commemorations of the 50th anniversary of diplomatic ties between China and France.

Wellbeing Pledge

Chinese leaders called for continued efforts to fight poverty on October 17, the country's first Poverty Relief Day.

In instructions given during a teleconference, President Xi Jinping asked authorities to mobilize all social forces to join the war against poverty as the most arduous task in building a well-off society is in the impoverished regions.

China should keep innovating and take differentiated and targeted steps to deliver more people from hunger, he said.

Although China lifted around 660 million people out of poverty from 1978 to 2010, some 82 million people remain in poverty in rural areas as of the end of 2013, according to official data.

Rural people with an annual net income per capita of 2,300 yuan (\$375) or less are classified as poor under standards adopted in 2011.

Premier Li Keqiang stressed the task

of relieving poverty has entered a new stage that requires deeper reforms and innovative mechanisms.

"We should bring together social support to crack the hard nut and win the war," he said.

Fund Management

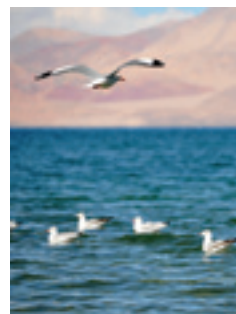
China will reform state research fund management, delegating power to independent institutes in a bid to curb academic corruption and sharpen innovation, Xinhua News Agency reported on October 20.

The government will no longer be in direct charge of research projects. Instead, professional institutions will manage state funding in a transparent manner, according to a new rule that will be unveiled soon by the ministries of science and technology, and finance.

China already has such agencies, including the National Natural Science Foundation that was established in the

NATURAL HARMONY

Black-headed gulls look for food on Pangong Tso Lake in Ngari Prefecture, Tibet Autonomous Region, on October 20



1980s, said Zhao Lu with the Ministry of Finance. He said more professional institutions will be set up.

"All the organizations should be professionally qualified for managing research projects. Meanwhile, an effective supervision mechanism is needed," Zhao added.

Academic corruption has been seen in China's universities and research institutes, where misuse of government funds is common.

According to the latest report, Li Ning, a leading scientist in transgene biology and a member of the elite Chinese Academy of Engineering, was arrested for suspected misuse of state funds in his research project on new transgene biological species.

He was among seven professors from five universities found obtaining over 25 million yuan (\$4.09 million) of state funds by false means, according to the Communist Party of China Central Commission for Discipline Inspection.

Ebola Prevention

Health authorities and hospitals have been urged to fully prepare for potential Ebola cases, as the virus keeps spreading.

Hospitals designated to treat Ebola cases should secure supplies of apparatus, medicines, disinfectants and protective gear for necessary treatment as well as ambulances for patient transfers, the National Health and Family Planning Commission said in a statement on October 20.

Hospitals were urged to map out detailed work flows to guide medical workers as emergency responses to the virus, it said, stressing effective quarantine measures and safe disposals of medical wastes.

According to the commission, health institutes should have ample research facilities and materials for Ebola case analysis.

So far, no confirmed Ebola cases have been reported in China.

Long Lived

A total of 58,789 centenarians are living in China, and the oldest is 128 years old, the Gerontological Society of China revealed on October 21.

Three quarters of the long-lived are

women, and most of them are living in the countryside, the society said.

Provincial-level regions with the most centenarians are south China's Hainan and Guangxi and east China's Anhui, where the environment is good and the economy is "moderately developed."

The society found that most of the centenarians enjoy outdoor activities, are willing to communicate with others, and maintain a healthy diet.

Chinese people aged 60 and over had totaled more than 202 million by the end of 2013, or nearly 15 percent of the total population.

Pacific Buoys

China has completed a large-scale installation of submerged buoys in the West Pacific for the first time, a move essential to continuous observation of the ocean environment.

China's most sophisticated research vessel *Kexue*, or *Science*, returned to the eastern port city of Qingdao on October 21 after wrapping up an 82-day ocean expedition, during which it put 17 sets of submerged buoys in the key marine areas of the west Pacific and retrieved three, according to the Institute of Oceanology, under the Chinese Academy of Sciences (CAS).

It marks the first time that China has put an array of submerged buoys on such a big scale, said Hu Dunxin, a CAS academician. He said the research will help scientists better understand the relation between warm ocean in the West Pacific and climate change.

The expedition will also improve knowledge about the water and climate

"The buoys will provide important scientific statistics about ocean circulation and climate."

Hu Dunxin, a CAS academician



WANG ZHEN

Fun Sport

Two participants dressed as the figures in *The Croods* run in the 2014 Beijing International Marathon on October 19.

This year, 26,000 runners participated in the full-race marathon and the half marathon was open to 4,000 entrants.

conditions of the west Pacific, said Yu Fei, chief scientist of the trip.

Kexue is expected to return to the marine area in mid-November to conduct a deep-sea environment project by the CAS.

issued annual passes.

An ordinary pass is priced at 300 yuan (\$49), while passes catering to special groups including senior citizens and students cost 150 yuan (\$24.5).

Pass holders will be eligible to visit the museum 10 times in a year, according to the statement.

However, in order to ease the traffic in peak season, the passes cannot be used during the seven-day National Day holiday, beginning on October 1, according to the statement.

Currently, a typical ticket costs 60 yuan (\$9.8).

Annual Pass

The Forbidden City in Beijing has started sale of one-year passes to better its service, according to a statement from the museum on October 21.

It is the first time the Forbidden City, also known as the Palace Museum, has

Safe Travel

A traffic police officer conducts a DUI (driving under the influence) test on a driver in Xi'an, Shaanxi Province.

Drink-driving accidents in China have dropped by a quarter since harsher punishments were imposed three years ago, the Ministry of Public Security said on October 20.

Drink driving was defined as a crime on May 1, 2011. Since then, deaths from such accidents have decreased by 39.3 percent, the ministry said.

The amendment to the Criminal Law also ruled that those who drive after drinking alcohol and cause an accident serious enough to constitute a crime will have their licenses permanently revoked.



DING HAITAO

Supporting Growth

Finance ministers of Asian Pacific Economic Cooperation (APEC) member economies pledged on October 22 to flexibly implement fiscal policies in a joint statement released after the 21st APEC Finance Ministers' Meeting.

The pledge comes as they seek ways to boost economic and job growth amid a slow economic period. The finance ministers recognized that the global economy still faces persistent weak demand and that risks have risen.

"We reaffirm our commitments to address weakness in our economies and unleash new sources of potential growth including through new structural reform actions, and fulfilling existing reform commitments," said the statement.

The annual meeting came ahead of the APEC Economic Leaders' Meeting to be held in Beijing on November 10 and 11, which will be attended by leaders or representatives of the APEC member

economies, including the United States, China, Japan and Russia.

These economies account for over half of the world's economic output, 40 percent of the world's population, and 46 percent of total global trade.

Construction Projects

The National Development and Reform Commission (NDRC) announced on October 22 it has approved feasibility reports on five airports and three railway projects, with a total investment of 150 billion yuan (\$24.4 billion).

The five airports, with planned investments totaling 5.49 billion yuan (\$896 million), are located in the provinces of Jilin, Qinghai, Yunnan, Guizhou and Inner Mongolia Autonomous Region, mostly in the country's western regions, according to statements on the website of the NDRC.

The three railway projects, which account for a majority of the planned



YANG SHIYU

AN ECONOMIC LIFT

Employees work at a Qian'an-based steel tube factory with a production capacity of 2.6 million tons in Hebei Province. The project is funded by Handan Zhengda Steel Pipe Co. Ltd. and has created more than 2,000 jobs

investment, are worth 144.52 billion yuan (\$23.6 billion).

The move came as the government looks to boost infrastructure investment in the country's less developed central and western regions to support the faltering growth.

New-Energy Buses

Chinese authorities released a plan on October 22 requiring the heavily polluted metropolises of Beijing and Tianjin as well as cities in Hebei Province to put more new-energy buses on the road to cut pollution.

China aims to promote the use of 20,222 new-energy cars in the region's public transport system from 2014 to 2015, according to the plan jointly released by seven departments, including the Ministry of Industry and Information Technology and the NDRC.

By the end of 2015, new-energy vehicles should take up no less than 16 percent of the total buses in those regions, the plan said. The total number of charging posts in areas targeted is projected to reach 19,657.

The announcement is the latest government effort to address increasingly serious pollution in the area.

Beijing and eight of its neighboring cities were among the 10 Chinese cities with the worst air quality in the third quarter.

The Beijing-Tianjin-Hebei region on average suffered from unacceptable levels of air pollution during 45 percent of the days in the third quarter, according to data released by the Ministry of Environmental Protection on October 21.

Solar Firm Troubles

China's leading solar firm LDK Solar Co. Ltd. filed for bankruptcy protection in the United States on October 22 as a key step for the company's overseas debt restructuring.

In February, the company started its overseas debt restructuring in the Cayman Islands via provisional liquidation to resolve its offshore liquidity issues. The plan involves its overseas subsidiaries in the Cayman Islands, Hong Kong and the United States.

The overseas debt restructuring



DING LIN

Financial Gathering

Chinese Vice Premier Zhang Gaoli (center front) attends the opening ceremony of the 21st APEC Finance Minister's Meeting on October 22.



RMB Bond

The British Government on October 21 lists its first yuan-denominated sovereign bond on the London Stock Exchange.

will be completed this year, said Peng Shaomin, a spokesperson for the photovoltaic products manufacturer based in Xinyu, east China's Jiangxi Province.

Listed in New York in 2007, the company suffered a loss of 1.3 billion yuan (\$211 million) in 2013, compared with the loss of 4.3 billion yuan (\$701.8 million) in 2012, according to a report issued by the Jiangxi Commerce and Industry Association in September.

Deal With Rio 2016

Chinese sports apparel maker 361 Degrees will be the official uniform supplier for the Rio 2016 Olympics, organizers said on October 22.

The company will provide more than 106,500 uniforms to technical staff, volunteers, test event personnel and torch relay participants, according to a statement on the Rio

A RED FLAG

A model of Chinese luxury car brand Hongqi is displayed at the 2014 Shenyang International Auto Show, which opened on October 22, and attracted 137 carmakers from home and abroad



2016 website.

"With the responsibility of supplying uniforms to the volunteers and staff, which are extremely important groups for us and for the staging of the Olympic and Paralympic Games, we are confident that 361 Degrees will do a great job in our challenge of delivering excellent and memorable games," said Rio 2016 President Carlos Nuzman.

The financial details of the agreement were not disclosed.

Founded in 2003, 361 Degrees has sponsored the Guangzhou 2010 and Incheon 2014 Asian Games, and the Nanjing 2014 Youth Olympic Games.

Booming Wind Power

China saw robust development of wind power in the first half of this year while the European green sector struggled, according to data from an industrial

expo on October 22.

More than 7 gigawatts of wind power generating capacity was connected to the state grid by the end of June, representing an increase of 30.37 percent year on year, according to experts at the China Wind Power 2014 event, which opened in Beijing on October 22.

The rapid growth brought the country's total wind power generating capacity close to 100 gigawatts, a target policymakers hope to reach by 2015.

After explosive growth in the past decade, global wind power faltered last year in terms of installed capacity as European nations, the industry's main market, cut government subsidies to the sector in the wake of the European sovereign debt crisis.

By contrast, the Chinese Government has increased its support to the green sector through subsidies and tax breaks in a bid to boost the use of non-fossil fuels to reduce pollution and address global climate change.

The wind power sector generated 134.9 billion kWh of electricity in China last year, making it the country's third largest source of electricity, after thermal power and hydropower.

Mobile Expansion

China's e-commerce superstar Alibaba Group has waded into the mobile security sector, unveiling a security application and a mobile security platform on October 22.

The app, Ali Money Shield, serves to protect the safety of online transactions for mobile shoppers by safeguarding accounts and text messages, and filtering out phishing websites. The security platform, Ali Ju'anquan, aims to track unwanted codes and scan vulnerability for app developers.

The move marks Alibaba's latest attempt to further tap the mobile Internet market.

On October 22, the Internet giant joined hands with Meizu, a homegrown smartphone brand, to build a "new mobile Internet industry chain," with Meizu's latest smartphone model MX4 adopting Alibaba's operating system YunOS.



AUSTRIA

Police officers stand guard outside the Palais Coburg palace in Vienna, where nuclear talks between Iran and the P5+1 group were being held, on October 16. The group consists of the United States, Britain, France, Russia, China and Germany



THE UNITED STATES

A JPMorgan Chase Bank worker teaches pedestrians how to use Apple Pay, a software service that allows users to pay for purchases using their iPhone's NFC capabilities instead of credit cards, as part of a Visa/Chase promotion, in New York City on October 20



JAPAN

Mitsubishi Heavy Industries Chairman Hideaki Omiya answers questions from reporters during a debut ceremony of the Mitsubishi Regional Jet, the first made-in-Japan passenger aircraft in nearly five decades, at the Nagoya Airport in Komaki, Aichi prefecture, on October 18



SOUTH KOREA

A rescue team checks a broken ventilation grate in Seongnam City, near Seoul, on October 17 after concertgoers fell through it into an underground parking area three days before. Fourteen people died and 11 others were injured in the accident



INDONESIA

President Joko Widodo and First Lady Ariana wave to photographers after Widodo was sworn in at the House of Representative in Jakarta on October 20



BRITAIN

Queen Elizabeth II and her husband Prince Philip on October 16 visit the Tower of London's Blood Swept Lands and Seas of Red poppy installation, which was created to symbolize more than 800,000 British and colonial military fatalities in World War I

↓ LANGUAGE PROMOTER AWARDED

Xu Lin, Chief Executive of the Confucius Institute Headquarters in China, was awarded the title of Doctor Honoris Causa at the University of Bucharest in Romania on October 18.

It is the third such distinction she has received from universities in Romania. The day before, she was conferred with the title of Doctor Honoris Causa by Lucian Blaga University in Sibiu. She also received a similar accolade from Babes Bolyai University of Cluj Napoca in 2011.

In addition, she was the recipient of an international award by Italian university L'Istituto Universitario Orientale di Napoli on October 22.

Xu, 60, has been a leading figure in education in China and on the international stage for the last few decades. As the leader of an institution committed to providing Chinese language and culture teaching resources and services worldwide, she has contributed to the establishment of four Confucius Institutes in locations in Romania—Sibiu, Cluj Napoca, Brasov and Bucharest—in addition to two Confucius Classrooms in Constanta and Deva.



Asset Shares Focus of Rural Reforms

**Caixin Century Weekly
October 13**

Since the majority of land in China's rural areas is held by collective ownership, the Chinese Government is now pushing forward an asset shareholding system that will allow rural residents to become "shareholders" in their collective assets.

The Chinese Government has decided to separate ownership from usage rights, and the contract term of the latter has been extended to 30 years. In the mid-1990s, the shareholding system was used in township enterprises, particularly in regions boasting highly developed collective economies like east China's Jiangsu Province.

Around that same time, the transfer of collective land ideal for construction caught the notice of the government. This was largely because this type of collectively owned land

was harder to deal with if township enterprises went bankrupt or were transformed into other corporate forms.

An uptick in urbanization, too, has thrust the problem of rural housing sites into the spotlight. While the ownership of these sites is still in collective hands, the usage rights belong to farmers, and thus the farmers' assets are not fully ensured.

As a result, in the process of land acquisition, unscrupulous village or township officials may act as agents of the ownership with little or no regard for farmers' interests. Thus, it is now imperative that the Central Government institute shareholding system-oriented reform on collective assets around the country.

However, challenges remain. For instance, many of these collective assets have never undergone third-party valuation. Also, rights granted to rural residents have not been clarified in many parts of the country.



Healthcare Vital at Community Level

**Outlook Weekly
October 20**

In recent years, the Chinese public has moaned the increasing difficulty of seeing a doctor and the growing expenses for medical services. In an effort to make healthcare more affordable, a pertinent solution would be to set up a complete basic medical security system. A more balanced distribution of medical resources, too, would help people gain easier access to healthcare services. Better utilizing the nation's general practitioners and community clinics is the key.

Today, however, general practitioners account for just 4.3 percent of the total number of doctors in China. Unlike big over-run hospitals, community clinics in China receive few visitors. To persuade people to start visiting community clinics for minor ailments, there must be a sufficient number of high-quality general practitioners in employ.

Most hospitals recruit only doctors with Ph.D degrees, leaving many excellent medical college undergraduates and post-graduates unable to find jobs. Despite this, grads without doctoral degrees still choose not to work as general practitioners in community clinics because of the large income gap between those and specialized doctors.

Thus, it is in China's interest to adopt

"Artists should not lose themselves in the tide of market economy nor go astray while answering the question of whom to serve, otherwise their works will lack vitality."

Xi Jinping, Chinese President, at a symposium with representatives of literature and art circles in Beijing on October 15

"By 2020, China is expected to have nuclear power generating units with total installed capacity reaching 58 gigawatts."

Wang Yiren, Deputy Director of the China Atomic Energy Authority



favorable policies that encourage medical students to take up work in community clinics. If general practitioners are provided with satisfactory incomes, community clinics will surely begin to attract more than enough qualified workers.

As chronic diseases become an increasingly serious threat to public health in China, general practitioners in community clinics are more important than ever. International experience shows that without a base level of accessible medical services, a country's health and medical systems will pay a high price.

Marathon Popularity on the Rise

Beijing Morning Post
October 20

Despite the increased enrollment fee for participation in this year's Beijing Marathon on October 19, more people enrolled than in previous years. This is good news for a country that is faced with a steadily rising number of chronic disease sufferers, and shows that such races ought to be more strongly encouraged in China.

Every year, 10 million Chinese people are newly diagnosed with high blood pressure, and 10 percent of the country's population now suffers from diabetes. Of the cohort aged 15-64, chronic diseases afflict 52 percent. It is suspected that the underlying cause for these increases is a lack in exercise: Compared to 1991, the time people now spend playing sports has decreased by 45 percent, and fewer than 12 percent of those over age 18 regularly participate in sports.

Running is the simplest and cheapest way to get fit, making it especially suitable for those living in a developing nation like China. Thus it is not surprising that in recent years, many schools have made running a required course for students. Whether doing it at school or in a marathon at the international level, running can help the public improve both physical and mental health. It's hoped that the increasing popularity of marathons like that in Beijing will help counter chronic health issues and make running a new trend across China.

U.S.-BORN TRANSLATOR PASSES AWAY

Sidney Shapiro, a famed U.S.-born translator who was one of the few Westerners to gain Chinese citizenship, died on October 18 in Beijing at the age of 98, just two months shy of his 99th birthday.

Shapiro was born in New York City in 1915 and first came to China in 1947, having been selected by the U.S. army to learn Chinese during World War II. He remained in the country after the founding of the People's Republic of China in 1949 and became a Chinese citizen in 1963, an honor reserved only for a select few foreigners judged to have rendered special services to the nation at that time.

He was best known for his English translations of classical Chinese novels, and was bestowed a lifetime achievement award by the Translators Association of China in 2010.

Better known in China by his Chinese name Sha Boli, he was elected in 1983 to the National Committee of the Chinese People's Political Consultative Conference, the top political advisory body of the country.



"It's not a matter of whether or not we will see it, but when. It's a matter of timing."

Arthur Fan, CEO of BOCI Global Commodities (UK) Ltd., on the London Metal Exchange's planned introduction of yuan-denominated contracts at a seminar in Shanghai on October 20

"Under the indulgence of the United States, Japan may evolve into a new 'global cop' and a cheerleader for 'neo-interventionism'."

Su Xiaohui, a research fellow with the China Institute of International Studies, commenting on the revising of the guidelines for U.S.-Japanese defense cooperation

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Jointly published by:
CHINAFRICA Magazine of BEIJING REVIEW
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COVER STORY

CHARTING A NEW PATH

A significant Party plenary session dedicates itself to lifting the rule of law to a new level across China **By Li Li**

The Communist Party of China (CPC) set the blueprint for the rule of law in the world's second largest economy during a recent key meeting, which also highlighted the Party's leadership and the overarching role of

the Constitution in the country's legal system.

According to a communiqué issued after the Fourth Plenary Session of the 18th CPC Central Committee, which was held in Beijing from October 20 to 23, the overall target of the

CPC's current drive to advance the rule of law is to "form a system serving the socialist rule of law with Chinese characteristics" and build a country with socialist rule of law.

The communiqué said that "to realize the



MAPPING OUT THE FUTURE: The Fourth Plenary Session of the 18th Central Committee of the Communist Party of China is held on October 20-23 in Beijing

rule of law, the country should be governed in line with the Constitution.”

The National People’s Congress (NPC), China’s top legislature, and its standing committee should play a better role in supervising the Constitution’s implementation, and a mechanism to examine the legitimacy of major decision-making should be set up for governments, with a lifelong accountability system for major decisions and a system for tracing mistakes to their roots, it said.

This marks the first time a plenary session of the CPC Central Committee has taken the rule of law as its central theme over the Party’s 93-year history.

The plenary session also adopted a decision on “major issues concerning comprehensively advancing the rule of law.”

In September 1997, the report adopted at the 15th CPC National Congress historically dictates “governing the country according to the law and making it a socialist country ruled by the law.” During the 1999 constitutional amendment process, the exact dictate was written into the Constitution. Since then, the Party leadership has never stopped striving to promote the rule of law in China.

Less than one month after being elected general secretary of the CPC Central Committee, Xi Jinping delivered an important speech at a meeting marking the 30th anniversary of the implementation of China’s 1982 Constitution on December 4, 2012. Xi said that the supervising system that ensures the Constitution is carried out is not well established, and occasional dereliction of duty has dented the authority of the country’s judicial system.

“No organization or individual has the privilege to overstep the Constitution and the law, and any violation of the Constitution and the law must be investigated,” he said.

Explaining the decision on “major issues concerning comprehensively deepening reforms” after its adoption at the Third Plenary Session of the 18th CPC Central Committee in November 2013, Xi said that judicial reform will be a major part of China’s overall reform.

“The key to implementing the rule of law is to check the administrative power according to law. In other words, the state power must be restrained and private rights must be protected,” said Guo Daohui, an advisor to the China Law Society and one of the earliest advocates of the rule of law in China.



DELIVERING JUSTICE: A circuit court of the People’s Court in Yunyang, Chongqing Municipality, prepares to start proceedings in a village on October 22

The State Council said on September 10 that it will further cut administrative approvals and delegate more power to lower-level governments in order to promote efficiency and clear obstacles standing in the way of economic growth.

Lessons learned

The communiqué said that China will establish a mechanism in which officials will be given demerits or be held accountable if they are found interfering in judicial cases.

Li Zhuang, a former lawyer, was jailed in January 2010 after defending an organized crime boss in Chongqing Municipality in southwest China.

Li was convicted of falsifying evidence after the gang leader, caught in the municipality-wide campaign against organized crime, accused Li of telling him to lie about being tortured by the police. The campaign was initiated by Bo Xilai, then Party chief of Chongqing.

Li, who denied the charge, won wide support from lawyers, legal scholars and intellectuals nationwide, who were outraged by what they saw as widespread legal abuses during Bo’s “strike black” campaign.

“The best possible model of the rule of law is that through an education on the masses on ethics, duty and discipline, they can obey laws voluntarily,” said Li recently.

Tang Hui, a native of Yongzhou, Hunan Province, is known as the “petition mother.” Her widely reported appeals helped bring about the abolishment of the reeducation-through-labor program.

She was put in a labor and reeducation camp in 2012 for petitioning for harsher punishments for those found guilty of raping her then 11-year-old daughter and forcing her into prostitution in 2006. Accused of disrupting the

public order, Tang was sentenced to 18 months in the camp in August 2012, but released after just eight days following a public outcry.

In July 2013, a court in Hunan ruled in favor of Tang when she sued local authorities for infringing upon her personal freedom and causing psychological damage. Yongzhou labor camp administration was asked to pay Tang 2,641 yuan (\$429) in compensation.

The reeducation-through-labor system, which was instituted in 1957 and allowed detention for up to four years without an open trial, was officially abolished by a motion adopted by the NPC Standing Committee in December 2013.

“I don’t fully understand the meaning of the rule of law, but as far as I know, even if there are sensible policies, they might not be properly implemented by authorities at the local level,” said Tang recently.

She said her years of petitions in Hunan and Beijing revealed that legal justice was hard to be found in smaller places and “decent people and officials” can only be found in places like Beijing.

China will recruit lawmakers, judges and prosecutors from qualified lawyers and law experts, said the communiqué.

The system of internment and deportation of urban vagrants and beggars was established as an administrative procedure in 1982, which allowed the police to detain people who did not have a residence permit or temporary living permit, and deport them to their hometowns.

Sun Zhigang, a 27-year-old graphic designer from Wuhan, central China’s Hubei Province, was picked up by police on March 17, 2003, during a random identity check in Guangzhou in south China, where he worked at a garment company. Immediately put into a detention center, the young man died three days later due to brutal beatings by fellow detainees.

Sun's death received widespread attention in newspapers and on the Internet. Among these reactions, two groups of senior Chinese legal scholars wrote to the NPC, questioning the constitutionality of the custody and repatriation regulation. The system was ended by the State Council in June 2003 when the detention centers were required to be replaced by simply service stations to care for beggars or homeless people.

"Injustice can arise if a country's laws are insufficient or outdated. Laws are like iron and steel as rust must go back to the blast furnace to be melted into metal," said Sun's father, Sun Lusong, recently.

The communiqué dictates that channels for citizens to participate in the legislative efforts will be widened.

International recognition

"I do believe that [the rule of law] will be essential as the Chinese economy becomes

more sophisticated, so the need for the rule of law becomes even greater," said Charles Powell, former Chairman of the China-Britain Business Council.

"I think it will give people a lot of confidence in China, if they know the courts are independent, reach their judgments independently, and all institutions of the state and the Party are subject to that same rule of law," he said.

Etienne Reuter, Director at Elliott Consultants Ltd. in Brussels, said the phrase "rule of law" is not new in the CPC's official discourse, but it has new implications given today's new circumstances.

"The opening and transformation of China's economy has entered a new phase requiring greater environmental sustainability and social inclusiveness. The people of China aspire for a better quality of life and a fairer society."

"In this respect, the rule of law provides the essential underpinning for combating pollution and degradation of the environment as well as

for the fight against corruption," Reuter said.

Paul Gewirtz, professor of law and Director of the China Center at Yale Law School, wrote in an opinion piece on *The New York Times*: "There are reasons for a measure of optimism that the plenary session will demonstrate more complex views about the roles law can play and also take meaningful steps to advance new legal reforms."

The current leadership has already signed onto many reforms and even adjustments in ideology that represent positive steps toward a modern system of the rule of law, said Gewirtz.

"These changes aren't just window-dressing; they reflect the leadership's recognition that it needs to improve governance, address widespread public grievances, and respond to public opinion," said Gewirtz. ■

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↓ Major Steps Taken by the Party to Advance the Rule of Law Since November 2012

- The report adopted at the 18th CPC National Congress in November 2012 requires accelerating the building of a socialist country based on the rule of law and promoting law-based governance of the country in an all-around way.
- Delivering a speech at a congress marking the 30th anniversary of the implementation of China's 1982 Constitution on December 4, 2012, Xi Jinping, General Secretary of the CPC Central Committee, said safeguarding the Constitution's authority, is to maintain the dignity of the will of the Party and the people, to ensure the Constitution's implementation, and to ensure the realization of the fundamental rights of the people.
- Making comments during a national political and legal work teleconference in January 2013, Xi asked the political and legal organs to meet the people's expectations on maintaining public security, judicial justice and rights protection, build a safe society, uphold the rule of law and strengthen the internal disciplinary systems.
- In July 2013, the Commission for Political and Legal Affairs (CPLA) of the CPC Central Committee issued guidelines to prevent miscarriages of justice, emphasizing following legal procedures and conducting systematic rectifications.
- On May 31, 2013, the CPLA held a conference in Suzhou, Jiangsu Province, to promote the campaign of "peaceful China," which was

launched by the Ministry of Public Security to promote the rule of law.

- On October 11, 2013, a conference marking the 50th anniversary of the "Experience of Fengqiao" was held in Hangzhou, Zhejiang Province. Fengqiao, a town in the province, became known for its experiment of "letting the Party and government bear their respective responsibilities for definite work, relying on the masses, defusing conflicts, safeguarding stability and promoting development."

- On November 9, 2013, the Third Plenary Session of the 18th CPC Central Committee approved a decision on "major issues concerning comprehensively deepening reforms." The decision stressed upholding the unity of the rule of law, law-based governance and law-based administration, and the integral development of a law-based country, government and society as a whole.

- On December 28, 2013, the NPC Standing Committee adopted a resolution to abolish the reeducation-through-labor system.

- On January 7, 2014, Xi said at a national political and legal work conference that ensuring social stability is the basic task of the country's political and legal work, promoting social justice and equality its core value and maintaining a safe living environment its fundamental goal.

- In March 2014, the CPC Central Committee General Office and State Council General

Office jointly issued a circular on the handling of lawsuit-related letters and visits, which required local government departments to establish mechanisms on handling lawsuit-related letters and visits.

- On June 6, 2014, the third meeting of the leading group for overall reform under the CPC Central Committee reviewed and adopted suggestions on issues related to judicial system reform and the plan on the pilot programs of judicial reform in Shanghai.

- On July 9, 2014, the Supreme People's Court held a press conference to make a briefing on the fourth Five-Year Reform Program of People's Courts (2014-18). This program was a programmatic document to guide the reform work of courts in the following five years. Consisting of 45 measures in eight key areas, the document put forward the goal of building a socialist judiciary power execution system with Chinese characteristics till 2018.

- On September 30, 2014, the Political Bureau of the CPC Central Committee held a meeting to review comments and suggestions solicited from some Party members and non-Party members to the decision on "major issues concerning comprehensively advancing the rule of law," and decided to hand over the document to the Fourth Plenary Session of the 18th CPC Central Committee for review after amendment.

(Source: *People's Daily*)

COVER STORY

AN ENDURING CAUSE

The rule of law is significant in modernizing the country's governance

By Zhang Liwei



The author is associate professor at the Party School of the Communist Party of China Central Committee

The building of the rule of law in China started with the adoption of the 1954 Constitution, the first since the founding of the nation in 1949. The Constitution laid the legal foundation for the country to establish a socialist system and established the people's congress system as China's fundamental political system. However, the authority of laws and its importance for governance weren't fully respected until the beginning of the reform and opening up in the 1970s.

The communiqué of the Third Plenary Session of the 11th CPC Central Committee held in 1978 emphasized the importance of strengthening the socialist legal system and said that there must be laws for people to follow, and that these laws must be observed, their enforcement must be strict and lawbreakers must be dealt with.

In September 1997, the report adopted at the 15th CPC National Congress stated that "governing the country according to the law and making it a socialist country ruled by the law." In 1999, this dictate was written into the Constitution. When the rule of law historically became the primary topic for the just concluded Fourth Plenary Session of the 18th CPC Central Committee, it symbolized that the rule of law had reached a new stage in China.

How to truly achieve the rule of law?

First of all, the decision-makers need to have a clear understanding of the new characteristics of the rule of law, discover

effective approaches and hold firm basic principles. Xi Jinping, General Secretary of the CPC Central Committee, recently suggested promoting the rule of law, law-based governance and law-based administration together and building a law-based country, law-based government and law-based society at the same time. This means that the rule of law will be implemented in accordance with China's situation as the emphasis moves from the establishment of a complete legal system to the rule of law and the efforts are made on legislation, law enforcement, judicial procedures, law-abiding education and legal supervision.

The authority of the Constitution and laws should be established and defended. The Constitution is the fundamental document that defines the basic principles to which our society must conform. The primary task of comprehensively promoting the rule of law is to comprehensively implement the Constitution. Efforts are needed to improve the supervision mechanism and procedure for the Constitution's implementation and enhancing the full implementation of the Constitution to a new level. A system must be established to ensure that all citizens are loyal to, abide by, defend and apply the Constitution and laws.

Legislation needs to be improved and the reform should be guided by the rule of law. Although a socialist legal system with Chinese characteristics is already in place, further improving the system will be a long-term endeavor. Law-drafting techniques should be improved and the country's development and major reforms will be also law-based.

The essence of law-based administration is to put administrative power under the supervision of the law. It has a three-fold meaning: first, administrative power must be obtained legally; second, the execution of administrative power

must be law-based; third, those breaking laws while executing administrative power must be punished. Therefore, a list of government powers must be adopted to define what the government can do. Meanwhile, reforms on law enforcement systems will be deepened so that laws can be enforced fairly and in accordance with standardized procedures.

Judicial reforms, an important part of the political system reforms, hold the key to establishing the rule of law in China. Comprehensively promoting the rule of law in China requires further deepening reform of the judicial system, solving deep-rooted problems hindering justice, enhancing judicial authority and defending justice so that the people are satisfied with every court verdict.

The Party's law-based governance is the key to establishing the rule of law in a socialist society. Toward this end, the Party should execute its leadership in accordance with the principles of the rule of law. Legal procedures should be followed to turn the Party's propositions into the will of the state. Organs of state power, administrative organs, people's courts and procuratorates must work independently according to the Constitution and laws.

A law-respecting culture should be also nurtured. This will require the effort of the whole of society. Publicity campaigns should be conducted so that people will take the initiative to study, abide by and use laws, and sincerely trust and respect the rule of law.

Moreover, government departments of all levels must regard the ability to act according to laws and abide by laws as an important gauge for appraising officials. ■

(These excerpts are from an article published on China.org.cn)

COVER STORY

BUILDING THE RULE OF LAW IN CHINA

The drive entails bettering current conditions as well as maintaining positive growth into the future By Josef Gregory Mahoney



The author is Professor of Politics and Director of the International Graduate Program of Politics at East China Normal University

Historians give us many reasons for the collapse of the Qing Dynasty (1644-1911). In one form or another nearly all of these come back to the inability to change or meet new challenges. But if the hallmark of the Qing was its inability to change, then a case can be made that the opposite has been true of the Communist Party of China (CPC). In modern times, few political organizations in the world rival the CPC in terms of size and time in power; and it is arguably true that none have changed themselves or their countries as much as the CPC has. There is perhaps a correlation here—that the great failure of one political system fostered the opposite characteristic in the political system that succeeded it; but it also raises a question regarding the character of change in post-Qing China. Namely, has it generally come through revolution or reform?

Under the leadership of Mao Zedong, change came primarily through revolution. “Revolution is not a dinner party,” as Mao put it, nor was it particularly suitable for reform. In his later years Mao indicated a belief that a new revolution might be required every 10 years in order to tear down barriers to change that inevitably arise amid the seden-

tary tendencies of bureaucracy. On this point his successors demurred, however, choosing the course of reform; but they did enact term and age limits that were designed to facilitate a generational shift in leadership every 10 years at least. In one sense, this was an attempt to bring order to power transfers and provide a stable political environment for reform. In another sense, it left open the possibility of significant shifts—dramatic but perhaps less so than revolution—that might be desirable and necessary as one generation gave way to the next.

Although it is common to point to the promulgation of the state Constitution in 1954 as a watershed moment in the development for the rule of law in China, most point instead to the new direction China took under Deng Xiaoping’s leadership starting in 1978, when the Party began its transition from a revolutionary to reformatory. While this change in thinking was inspired in part by the need to correct and prevent the sort of damages incurred during the “cultural revolution (1966-76),” it was also understood that fostering the rule of law was necessary to facilitate foreign investment, technology transfer, China’s global integration, and so on. It was also understood that such developments were necessary for embarking on a new approach to building socialism, including advancing fairness and justice throughout China.

There is ample evidence to indicate that China has made significant gains in developing rule of law since 1978. Many Chinese and foreign observers point to major improvements to administrative law, as well as the

development of a more comprehensive legal code to meet longstanding as well as emergent needs. Along the way, numerous well-known achievements have been made in economic and social development. But have these changes occurred come from aspirations of revolution or reform?

While it is common to associate Mao

STAYING ACCOUNTABLE:

Officials of Chenzhou, Hunan Province, answer questions from citizens concerning civil affairs at a live televised meeting on August 7. The meeting was part of the Mass Line Campaign of the local government aimed to improve the working style of officials



with revolution and Deng with reform, it is clear that the reform and opening-up period was manifestly revolutionary in its thinking, processes and results. In the late 1990s, when the principle of advancing the rule of law became an explicit goal and was enshrined in the Constitution, it was clear that authorities were ready to trade revolution for reform. Unfortunately, during the 10 years that followed, when the Party struggled to resolve political differences within itself between competing visions for progress, a high degree of gridlock ensued, reforms were stymied, various policies' needs were unmet, corruption worsened, and a vicious cycle ensued.

This was the situation encountered by Xi Jinping and the fifth generation of leadership, which took and consolidated power rapidly following the 18th CPC National Congress in 2012. In fact, transfer and consolidation took place so quickly and was followed in turn by a major Party rectification and anti-corruption drive—one that was absolutely unprecedented in terms of scope and depth during the reform and

opening-up period. The fact that this drive was initiated in part by a return to concepts and practices that originated under Mao, for example, the new Mass Line Campaign. At the same time, however, the mechanisms established to push through reforms have not been idle. A number of major reforms have been pushed through since the 18th CPC National Congress, and currently, with the Fourth Plenary Session of the 18th CPC Central Committee, the Party has indicated its commitment to reforms aimed at advancing the rule of law, including, for example, incremental changes designed to improve transparency and judicial independence.

In one sense, the Party's dramatic anti-corruption and rectifications drives, its new leadership style and culture, combined with its advancing reform agenda, seem to indicate that the Party has been searching in part for the right combination of reform and revolution as it advances along the path of socialist construction. One possibility is that the Party might try to retain its revolutionary culture in the Party apparatus but in some way whittle these down to accommodate the model of reform via its control of the state apparatus.

In the well-known, and thoroughly debated, 1948 essay titled *On What There Is*, the logician W.V.O. Quine argued that every system of logic is based on assumptions, and that these in turn will always be confirmed by the logic that they produced.

In China's case, when it comes to the problem of developing rule of law, the point is to first point to the elephant in the room. Second, one must ask, is the elephant capable of change? Third, if it is then will it lead change or permit it to come as it may? Fourth, what should such change entail? The elephant, so to speak, is the Party, or rather, the political values espoused by the Party and the political model it employs.

Throughout its history, the Party has demonstrated a unique capacity for change, drawn substantially from Marxism but also deriving socialism with Chinese characteristics from it. It continues to assert the

Four Cardinal Principles of Deng Xiaoping, among which one finds the principle of upholding one-party rule. On the other hand, it remains Communist and Marxist, as Xi has recently reiterated. Thus, while the Party now foresees a much longer period before the development of socialism can be completed, that vision of a more full-bodied socialist future must be dramatically different than conditions facing China today, where wide, sometimes gross inequalities still proliferate.

In many Western democracies, there is foundation and protection of bourgeois, private property rights. While many reforms in China in recent years have advanced property rights, a fully bourgeois approach has not been followed. Besides, the rule of law depends substantially on following legal precedence. Precedence, however, can be a major barrier to both reform and revolution.

The framers of the American Constitution separated powers and established a firm set of bourgeois values upon which the rule of law in the United States remains tethered, some might say hobbled. Indeed, it is widely recognized that one of the framers' primary intentions was to make any dramatic changes to either the Constitution or the legal system overall as difficult as possible, especially those that arose through popular democratic assent that might challenge the *status quo*.

In China, many recognize that emulating other legal systems would damage Chinese advancement. From the Chinese perspective, Western democracies have not reached the end of history, nor do their models or developments provide a normative standard to which China should try to adhere. In fact, at a fundamental level, there is no template that China can copy, no predecessor to show the way. Thus, in effect, the Party not only seeks the right balance of reform and revolution under Xi's leadership, it must also find a similar type of balance in its legal reforms. It cannot accept a legal system that merely improves upon current conditions. Rather, Chinese rule of law must also remain capable of positive if not revolutionary growth and change, even if such developments unfold slowly over a long period of time. ■



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