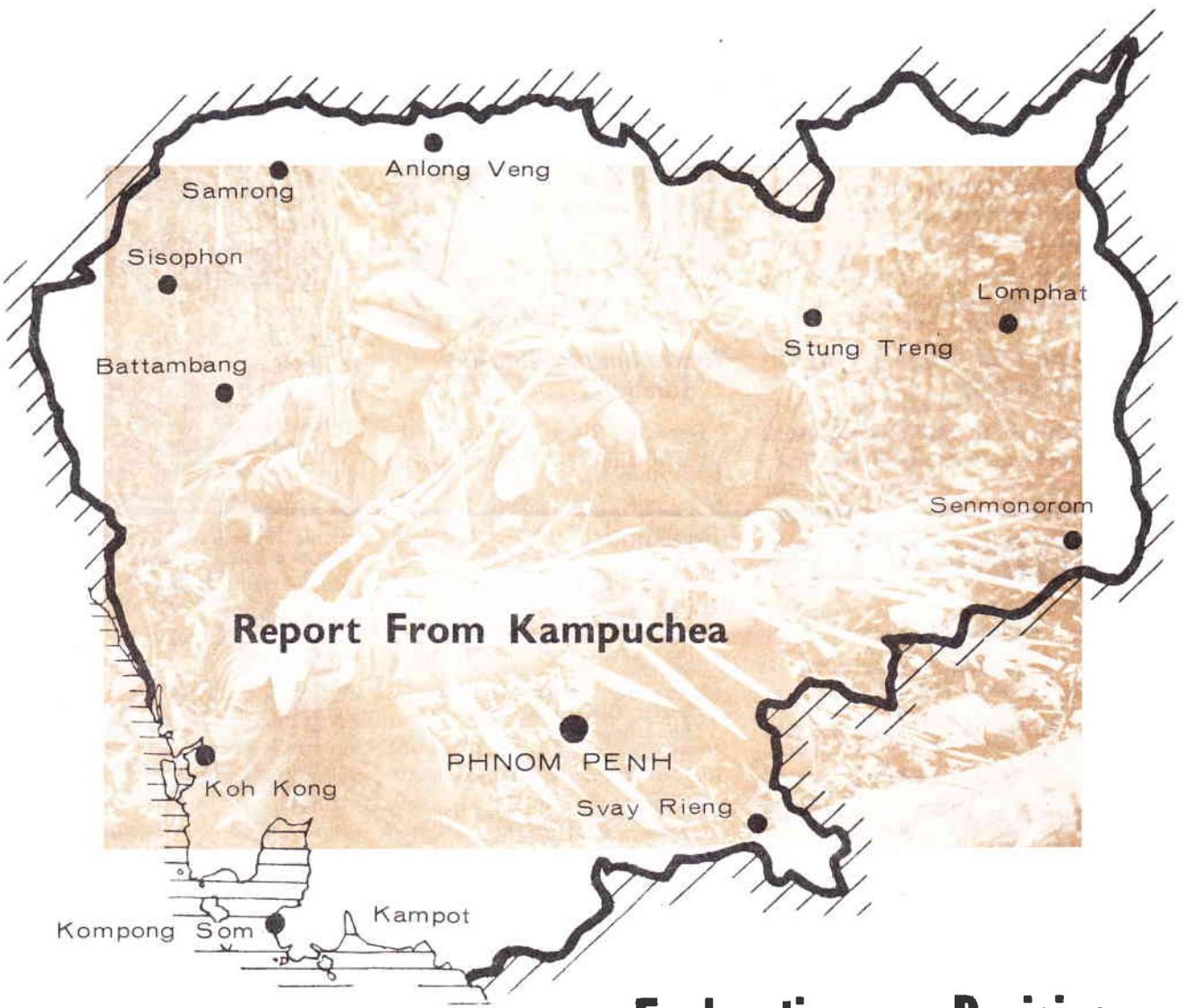


BEIJING REVIEW



A CHINESE WEEKLY OF
NEWS AND VIEWS



**Explanations on Revising
The Constitution**

HIGHLIGHTS OF THE WEEK

NPC Standing Committee Resolutions

The Standing Committee of the National People's Congress adopted resolutions on the restructuring of ministries and commissions under the State Council, the appointment and removal of a number of ministers, the 1982 economic and social development plan and other important matters (p. 3).

Revising China's Constitution

Peng Zhen, Vice-Chairman of the Committee for the Revision of the Constitution, explains the whys and wherefores of revising the Constitution and the principal contents of the revised draft (pp. 18-26).

Full text of the draft of the revised Constitution (pp. 27-47).

Report on China's 1981 Economy

The State Statistical Bureau issued a report on China's econ-

omy last year, with important figures from various sectors of the economy, including output of industrial and agricultural production and volume of imports and exports (p. 7).

Report From Democratic Kampuchea

Our correspondent visited Democratic Kampuchea recently with a group of Chinese journalists. His report published in this issue includes an interview with Prime Minister Khieu Samphan who answered questions on the military situation, Democratic Kampuchea's new strategic line and its position on the formation of a tripartite coalition government (pp. 12-15).

First instalment of a report by our correspondent from the battlefield (p. 15).

Time Bomb in Sino-US Relations

Renmin Ribao Commentator warned that US arms sale to

Taiwan is a time bomb threatening relations between China and the United States. On questions concerning China's sovereignty, there is no room for flexibility (p. 8).

The Malvinas Conflict

A spokesman of the Chinese Foreign Ministry issued a statement on Britain's attack on the Malvinas Islands, calling on both parties to stop their military actions and seek a just solution through negotiations (p. 6).



Soldiers of the National Army of Democratic Kampuchea imbed bamboo spikes in tree trunks for use in combat against Vietnamese troops.

Photo by Zhou Zhongyao

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POLITICAL

NPC Standing Committee Adopts Important Resolutions

THE 23rd session of the Standing Committee of the Fifth National People's Congress, which started on April 22, closed on May 4. The session announced that Wan Li and Yao Yilin remain Vice-Premiers of the State Council while 11 other Vice-Premiers were removed from their posts. Yu Qiuli, Geng Biao and eight others were appointed Commissioners of State.

Resolutions

At the May 4 plenary meeting, the following resolutions were also adopted:

— The meeting expressed satisfaction with and approved the restructuring plan of the ministries and commissions under the State Council. According to the approved plan, the NPC Standing Committee's 22nd session approved the plan to first merge 12 ministries and commissions into six ministries and establish a new State Commission for Restructuring the Economic System. The 23rd session agreed the State Council's plan to merge its remaining 13 ministries and commissions as well as 18 institutions directly under its administration into seven ministries, establish a new ministry, abolish another and change the names of five ministries;

— Appointed 23 new ministers (11 other ministers remain at their posts);

— Approved the 1982 economic and social development plan. The session pointed out

in its resolution that this plan is on the whole practical and feasible and decided to approve it:



Premier Zhao Ziyang explaining the restructuring of the State Council at the session.

— The session pointed out in its resolution on the state budget for 1982 that the total revenue for 1982 under the state plan submitted by the State Council is 110,450 million yuan and total expenditure is 113,450 million yuan, with a deficit of 3,000 million yuan. Compared with the budgetary targets approved at the fourth session of the Fifth NPC, both the revenue and expenditure show an increase of 500 million yuan. The meeting considered the arrangements for the 1982 state budget is feasible;

— Approved the Regulations Concerning the Requisition of Land for Capital Construction;

— Examined and approved the proposals to appoint advisers to the Supreme People's Court and the Supreme People's Proc-

uratorate; adopted the resolution on the appointment and removal of Vice-Presidents of the Supreme People's Court and Deputy Chief Procurators of the Supreme People's Procuratorate;

— The session also decided on other appointments and removals.

Premier Zhao's Explanations

The restructuring of the State Council was one of the important topics on the agenda of this session. On April 26, Premier Zhao Ziyang reported on the progress made in restructuring the State Council since the end of February this year. He said that after the restructuring, the original 52 ministries and commissions under the State Council would be reduced to 41. Statistics collected from 38 ministries and commissions show that the number of ministers and vice-ministers, apart from those concurrently holding the posts of ministers, has been reduced from 505 to 167, a cut of 67 per cent. The number of those having a college education has risen from 37 to 52 per cent of the total.

Premier Zhao Ziyang said that a decisive victory has been achieved in the first stage of streamlining the government structure. However, he said, to achieve the ultimate goal of improving the style of work and raising work efficiency, work has just begun. "We must make the streamlining of the government structure a complete success and achieve the desired results," he stressed.

Financial and Economic Questions

Yao Yilin, Vice-Premier and Minister in Charge of the State

New Composition of the State Council

Premier: Zhao Ziyang
Vice-Premiers: Wan Li and Yao Yilin
Commissioners of State: Yu Qiuli, Geng Biao, Fang Yi, Gu Mu, Kang Shien, Chen Muhua (f), Bo Yibo, Ji Pengfei, Huang Hua and Zhang Jingfu
Secretary-General: Du Xingyuan
Minister of Foreign Affairs: Huang Hua
Minister of National Defence: Geng Biao
Minister in Charge of the State Planning Commission: Yao Yilin
Minister in Charge of the State Economic Commission: Zhang Jingfu
Minister in Charge of the State Commission for Restructuring the Economic System: Zhao Ziyang
Minister in Charge of the State Scientific and Technological Commission: Fang Yi
Minister in Charge of the State Nationalities Affairs Commission: Yang Jingren
Minister of Public Security: Zhao Cangbi
Minister of Civil Affairs: Cui Naifu
Minister of Justice: Liu Fuzhi
Minister of Finance: Wang Bingqian
President of the People's Bank of China: Lu Peijian
Minister of Commerce: Liu Yi
Minister of Foreign Economic Relations and Trade: Chen Muhua (f)
Minister of Agriculture, Animal Husbandry and Fishery: Lin Hujia
Minister of Forestry: Yang Zhong
Minister of Water Conservancy and Power: Qian Zhengying (f)
Minister of Urban and Rural Construction and Environmental Protection: Li Ximing
Minister of Geology and Minerals: Sun Daguang
Minister of Metallurgical Industry: Li Dongye
Minister of Machine-Building Industry: Zhou Jiannan
Minister of Nuclear Industry: Zhang Chen (f)
Minister of Aviation Industry: Mo Wenxiang
Minister of Electronics Industry: Zhang Ting
Minister of Ordnance Industry: Yu Yi
Minister of Space Industry: Zhang Jun
Minister of Coal Industry: Gao Yangwen
Minister of Petroleum Industry: Tang Ke
Minister of Chemical Industry: Qin Zhongda
Minister of Textile Industry: Hao Jianxiu (f)
Minister of Light Industry: Yang Bo
Minister of Railways: Chen Puru
Minister of Communications: Li Qing
Minister of Posts and Telecommunications: Wen Minsheng
Minister of Labour and Personnel: Zhao Shouyi
Minister of Culture: Zhu Muzhi
Minister of Radio and Television: Wu Lengxi
Minister of Education: He Dongchang
Minister of Public Health: Cui Yueli
Minister in Charge of the State Physical Culture and Sports Commission: Li Menghua
Minister in Charge of the State Family Planning Commission: Qian Xinzong

Planning Commission, gave a report on the draft plan for economic and social development in 1982. He said that the national economic plan for 1981 was crowned with success and that the results were more satisfactory than expected. China's economic situation is basically stable, the hardest times are over, and work in all fields has embarked on the road of steady development, he said.

He described the main tasks for the 1982 economic and social development as follows: To continue to implement the policy of readjusting the national economy; maintain a basic balance between state revenue and expenditure; keep the market prices stable and make efforts to improve economic results so that the national economy will develop at a faster rate than in 1981.

Wang Bingqian, Minister of Finance, made a report on the 1982 state budget (draft). He said in his report that the state budget this year will continue to maintain a basic balance between revenue and expenditure. This is conducive to maintaining stable prices on the market, gradually eliminating potential dangers in the national economy and ensuring a steady economic development. Wang Bingqian also listed specific measures to ensure a basic balance between revenue and expenditure this year.

Explaining the draft Regulations Concerning the Requisition of Land for Capital Construction, Vice-Minister Lu Kebai of the State Capital Construction Commission said that the purpose of the regulations is to handle the relations between state construction and the personal interests of the peasants

in a better way and rationally utilize land resources.

International Labour Day

Beijing, capital of the People's Republic of China, was permeated with a festive atmosphere on May 1, International Labour Day.

Atop the Tian An Men gate tower was a portrait of Chairman Mao Zedong and the Tian An Men Square, the centre of the city, was flanked by portraits of Marx, Engels, Lenin and Stalin. Red flags fluttered over the tall buildings which were decked out for the occasion. To celebrate International Labour Day, there were various kinds of recreational activities and all parks in the city were open to the public free of charge. Many new films were shown and traditional operas and plays were staged.

In the evening, Premier Zhao Ziyang and other Chinese leaders celebrated the occasion

together with more than 20,000 representatives from all walks of life and 2,500 foreign guests in the Great Hall of the People. There he met and chatted with Vietnamese Comrade Hoang Van Hoan and heads of several foreign delegations.

Deng Xiaoping, Zhao Ziyang, Li Xiannian and other Party and state leaders on the morning of May 1 met and exchanged festival greetings with model and advanced workers attending a forum in Beijing and members of a visiting group of young people of minority nationalities from the border regions.

Chairman Ye Jianying of the Standing Committee of the National People's Congress met with overseas Chinese, compatriots from Xianggang (Hongkong) and Aomen (Macao) and Taiwan, foreign citizens of Chinese descent and celebrated International Labour Day with them.

Hua Guofeng, Vice-Chairman of the CPC Central Committee, attended a get-together with doctors and nurses in a hospital.

On the morning of May 1, Chairman Hu Yaobang celebrated the day with 170 model workers in the port city of Tianjin. He told them about the many favourable conditions for the Chinese working class for the Chinese working class to fulfil its historical tasks and pointed out two shortcomings, that is, the lack of scientific and technical knowledge and the lack in some workers of the sense of being masters of the country. He called on them to work hard and do their best to master modern scientific and technical knowledge so as to expedite the country's modernization drive.

FOREIGN RELATIONS

Algerian President Visits China

Chadli Ben Djedid, President of the Democratic People's Republic of Algeria and Secretary-General of the Party of the National Liberation Front, arrived in Beijing on April 25 on an official visit to China. On the day of his arrival, Chairman Hu Yaobang and Vice-Chairman Deng Xiaoping met with him and gave a dinner in his honour. The next day, Premier Zhao Ziyang held talks with him. In the evening the Premier gave a grand banquet in the Great Hall of the People in honour of the Algerian President and his party.

The Algerian President's visit was short, but his remark made in Beijing that "the developing



Spending a happy International Labour Day in a park in the capital.

countries have the ability to develop themselves and will not let the superpowers dominate the world" will always remain in the hearts of the Chinese people. To oppose superpower control and to strengthen the co-operation between the third world countries, emphasized by the Algerian President and the Chinese leaders, will be an irresistible force in the development of history.

During the talks, leaders of the two countries considered that the third world countries have their own characteristics and strong points. They can learn from each other and there are broad areas for co-operation. The third world countries have the ability to get rid of superpower control and develop themselves.

To develop the south-south co-operation, to promote the south-north dialogue and to change the existing unequal and irrational international economic order are urgent demands of the third world countries and peoples. Algeria has made great contributions in this respect. Algeria is not only one of the initiators for establishing a new international economic order but also one of the earliest countries promoting south-south co-operation, and it has made great efforts towards this end.

Statement on Britain's Attack on Malvinas Islands

A spokesman of the Information Department of the Chinese Foreign Ministry issued a statement on May 2 with regard to Britain's military attack on the Malvinas (Falkland) Islands. The statement follows:

"Britain has subjected the Malvinas Islands to its military attack, thereby enlarging the sanguinary conflict between the British and Argentine troops and adding to the difficulty of seeking a peaceful solution. We deeply regret this serious development of events. We once again appeal to the two parties, Britain and Argentina, to halt their military actions immediately and prevent the further worsening of the conflict. The resolutions adopted recently by the meeting of the co-ordinat-

ing bureau of non-aligned countries and by the consultative conference of the foreign ministers of American states should be respected.

"The fact that the United States as a mediator in this conflict has suddenly changed its attitude is obviously not conducive to the efforts of the international community for a peaceful solution of the Malvinas conflict and may give rise to serious consequences.

"The Chinese Government reiterates its hope that the two parties, Britain and Argentina, will immediately suspend their military actions and seek a reasonable and just solution of the Malvinas conflict through peaceful negotiations."

Economic and technological co-operation between Algeria and China has increased markedly in recent years. During his visit, President Chadli expressed the hope that co-operation with China in agriculture, water conservancy, housing projects and railway building would increase. Premier Zhao Ziyang said that China and Algeria will open new ways to develop technological, economic and trade co-operation according to each

other's needs and possibility. He hoped that the two countries will set an example in the south-south co-operation and play an active role in strengthening co-operation among the third world countries.

The friendship between the Algerian and the Chinese peoples has been forged in struggle. Since President Chadli assumed the reins of government, friendly co-operation between Algeria and China has developed continuously. While in Beijing, the President said time and again that the strengthening of co-operation between Algeria and China will make the voice of the third world countries stronger in the international arena.

Distinguished Guests From Luxembourg

Luxembourg Prime Minister Pierre Werner, his wife and their party paid a visit to China from April 29 to May 5. Deng Xiaoping and Zhao Ziyang met



Chairman Hu Yaobang and Vice-Chairman Deng Xiaoping with President Chadli Ben Djedid.



Young Pioneers presenting bouquets to Prime Minister Werner and his wife at the welcoming ceremony.

with the Luxembourg Prime Minister on separate occasions and held friendly, frank and beneficial talks with him on international issues and bilateral relations. They shared identical or similar views on many major international issues. Both sides felt that in the face of the serious threat to world peace and security today, all peace-loving countries and people should make concerted efforts to contain the hegemonists' aggression and expansion.

Since the establishment of diplomatic relations, political, economic and cultural exchanges between China and Luxembourg have made progress. Both sides expressed the wish to make further efforts to promote such relations.

Press Conference. Prime Minister Werner gave a press conference in Beijing on May 1. Answering a question by a foreign correspondent on Taiwan, he said that during the talks the Chinese side reiterated its position that there is only one China and Taiwan is a part

of China's territory. Any relations of an official nature with Taiwan will be regarded as an interference in China's internal affairs. He described that position as "fundamental."

ECONOMIC

Economy in 1981:

A 4.5 % Increase

Despite a slow-down in its rate of growth, China's national economy continued to move towards equilibrium last year after further readjustments were made.

In a recent report on the implementation of the national economic plan, the State Statistical Bureau indicated that China's 1981 revenues and expenditures were basically balanced and that prices were generally stable. Last year also saw further improvement in the ratio between major sectors of the national economy and continuous expansion of production and construction.

According to the report, the total value of industrial and agricultural output was 749,000 million yuan, up 4.5 per cent from the year before (calculated at 1980 constant prices). The preliminary estimate of national income in 1981 is 388,000 million yuan (calculated at 1980 constant prices), up 3 per cent. (Increases in 1980 were 7.2 and 6.9 per cent respectively.)

Total agricultural output value was 231,200 million yuan, 5.7 per cent above the 1980 figure. Industry produced 517,800 million yuan, an increase of 4.1 per cent. The proportion of light industry in the total industrial output value increased from 46.9 per cent in 1980 to 51.4 per cent in 1981, the first time since the 1960s that light industry has outproduced heavy industry.

The total volume of imports and exports last year was 73,530 million yuan, a 29 per cent increase over 1980 (11 per cent increase if price rises are excluded). The total value of imports was only 10 million yuan more than that of exports.

The report gave important figures concerning the development of various sectors of the economy as well as science and technology, culture, education, health work and the people's livelihood. (The full text of this report will appear in our next issue.)

CORRECTIONS: On page 18 in our issue No. 17, the sentence beginning from the fourth line of the 1st paragraph on the left-hand column should read: "The people in 1981 had 30,000 million yuan...."

On page 5 of issue No. 18, the first sentence of the second paragraph in the middle column should read: "At a recent meeting, Vice-Chairman Peng Zhen of the Committee for the Revision of the Constitution explained...."

He Who Ties the Knot Should Untie It

THE world is concerned about Sino-US relations, because no agreements have been reached on the issue of US arms sale to Taiwan. Some worry about the impact that deterioration in Sino-US relations, if it occurs, might produce on the international situation.

A Crucial Question. The key to the development of the Sino-US relations lies in an appropriate settlement of the issue of US arms sale to Taiwan. China's position on this issue is clear-cut: Washington's arms sale to Taiwan constitutes an encroachment upon China's sovereignty and interference in its internal affairs. China will not tolerate a long continuation of US arms sale to Taiwan. Nevertheless, Washington insists on regarding arms sale to Taiwan as its right and has refused to make an effort to settle the issue.

When Sino-US diplomatic relations were established, both sides declared that their relations should be based on mutual respect for the other's sovereignty and territorial integrity. They also agreed not to interfere in each other's internal affairs and that violation of these fundamental principles by either side would impede their normal relations.

Since the United States has recognized that there is only one China, that Taiwan is part of China, and that the Government of the People's Republic of China is the sole legitimate government of China, it has no reason whatsoever to persist in selling arms to Taiwan, a matter which infringes upon China's

sovereignty and interferes in its internal affairs. On this matter of principle concerning its national sovereignty, China will never retreat. If the United States clings obstinately to its course, it will inevitably push Sino-US relations to a dangerous impasse.

Self-Contradictory Behaviour. Some Americans, while claiming that they respect China's sovereignty and do not want to interfere in China's internal affairs or to follow a "two Chinas" policy, regard Taiwan as an independent political entity and insist that the United States has the right to sell arms to it. They even assert that by selling weapons to Taiwan the United States is performing its "legal obligations" and that China has no say in this matter. Meanwhile, the US side has repeatedly changed tactics in an attempt to create "two Chinas" or "one China, one Taiwan." This behaviour shows that the United States only pays lip service to the principle of non-violation of China's sovereignty.

One may ask how can problems be solved when such an attitude is adopted? The Chinese people will never barter away principles. On questions

concerning sacred sovereignty, there is no room for flexibility.

A Time Bomb. Sino-US relations are now at a crucial juncture. The problem of US arms sale to Taiwan has reached a stage where it must be solved. As a Chinese saying goes, he who ties the knot should untie it. The time bomb of the arms sale issue — which constitutes a threat to Sino-US relations — was created by the United States and can only be defused by Washington. The maintenance of Sino-US relations depends on whether or not Washington is determined to respect China's sovereignty in settling the issue of its arms sale to Taiwan. Only when the United States shows a concrete, not abstract, an explicit, not ambiguous sincerity in respecting China's sovereignty and not interfering in her internal affairs can a retrogression in Sino-US relations be avoided. Talk alone, however sweet it is to the ear and however often repeated, will not help in solving the problem. As for China, it will make an effort to enable Sino-US relations to develop in a favourable direction, but at the same time it is fully prepared for any possible bad outcome.

"Renmin Ribao" Commentator (May 2)

Anti-Nuclear Movement Gaining Momentum

THE movement against nuclear arms in Western Europe is picking up momentum in the United States and Japan. Mass demonstrations in several hundred American cities have

been held. The organizers of the mass groups in Western Europe and the United States announced that massive demonstrations are being scheduled for summer. In Hiroshima,

a total of 200,000 people took part in demonstrations and mass rallies in March. Sources say these were the largest in recent years. A drive is under way to collect 30 million signatures in Japan this year.

The movement grows out of the deep anxiety people feel about the tense and turbulent situation created by the nuclear arms race between the Soviet Union and the United States. Nuclear arms have multiplied, despite round after round of disarmament talks. The Soviet Union today has deployed more up-to-date missiles in Europe and the United States is trying to convince the North Atlantic Treaty Organization to accept more and newer American missiles. The Geneva negotiations have made no real, substantive progress. On the contrary, the two superpowers are farther away from each other than ever over the issue of limiting the number of medium-range missiles in Europe.

Another reason for the rapid and widespread development of the peace movement in the West is partly because of the deteriorating economic situation in the United States and Western Europe. Budgetary deficits, inflation and unemployment have shot up, but military spending keeps rising.

The people in these countries naturally want their governments to cut back military expenditures, stop the nuclear arms race and to spend more on welfare and to enlarge job opportunities.

The peace movement in Western Europe is not a pacifist movement as was asserted by some last year.

There are a few pacifists in the movement. They hold that "life in whatever state is better than war." But many are in the peace movement because they

are against the deployment of new nuclear weapons by the United States. Other participants oppose the nuclear buildup by both the United States and the Soviet Union. Some have joined because they are against Soviet aggression, expansion and its deployment of nuclear missiles in Europe, while many in the Scandinavian countries want to see a nuclear-free zone in northern Europe.

In the United States, the peace movement is urging the United States and the Soviet Union to freeze the deployment of nuclear weapons. In Japan, the anti-nuclear movement is urging the United States, the Soviet Union and other nuclear countries not to use nuclear weapons.

Although the objectives of the peace movement are different, most participants want to prevent war and to safeguard peace. In this respect the movement is playing a role in check-

ing the arms race between the superpowers.

The United States and the Soviet Union have each tried to harness the peace movement to work for them. US leaders try to play down the movement's political nature and simply attribute the cause of the movement to Soviet propaganda. Soviet leaders try to turn the movement to focus against Washington and to use it to hamper the US buildup of arms in order to improve military superiority.

The people of the West, however, know from experience that the threats to peace in the world and to peace and security in Europe arise from the two superpowers' nuclear arms race. These people may ultimately unify the objectives of the movement to make it stronger and be able to do more to defend world peace.

—Chen Weibin

Controversy in the German Social Democratic Party

ALTHOUGH unemployment was the central issue discussed during the recent meeting of West Germany's Social Democratic Party, the planned deployment of additional nuclear weapons was also heatedly debated. The Party's members eventually decided to veto a "Left-wing" proposal to delay the planned deployment.

Cause of Controversy. In early March, about 70 Left-wing representatives, including high-ranking members of the SPD, convened a meeting in an attempt to add the "European nuclear-free zone" proposal to the SPD Executive Committee's resolutions. In addition, of the more than 300 proposals submitted to the congress regarding

policies of diplomacy, peace and security, most opposed the Schmidt administration's policies. However, NATO's proposed arms buildup was officially accepted by the SPD congress in December 1979, and Schmidt administration insists on carrying out the resolution. This was the source of the heated debate at the recently concluded congress.

Different Perceptions. The disagreement between the Schmidt administration and those members of the SPD opposed to the deployment of additional nuclear missiles grows out of different perceptions of the best ways to maintain West Germany's peace and security.

Schmidt believes that West-

ern Europe must deploy new US nuclear missiles in order to compel the Soviet Union to engage in serious negotiations and seek an arms reduction agreement. The Left-wingers, who are not unanimous, tend to disagree. Some of them are convinced that the only way for Europe to become free of nuclear arms is through "unilateral disarmament."

Schmidt is somewhat isolated. Moreover, his administration's stature has declined as a result of constant criticism. It has also generated considerable dissatisfaction and misgivings among some members of the Free Democratic Party who joined his coalition government. In order to reverse the situation, Schmidt is urging the United States to engage in negotiations with the Soviet Union on the question of medium-range nuclear weapons in Europe and to take part in the stalled Madrid Conference on European Security and Co-operation. Schmidt has also repeatedly supported NATO's plans to deploy new nuclear missiles, and charged that Western Europe's peace movement is beneficial to the Soviet Union for maintaining its military superiority.

The Soviets Sow Discord. Moscow takes keen interest in the SPD's disagreements. During the past year, the Soviet Union has attempted to undermine Schmidt. Following Schmidt's speech to the congress, TASS claimed that his comments were "extremely contradictory." Moscow also invited leading SPD dissidents to visit the Soviet Union last year in an attempt to influence West German policy. Nevertheless, the outcome of the congress has dampened Moscow's attempt.

Veto's Significance. The congress' outcome constitutes a temporary compromise between two factions inside the SPD. However, faced with an intensified Soviet military threat, most West Germans have not succumbed to Moscow's peace offensive. The outcome of the congress will probably have a positive impact on NATO's plans to build up its military arsenal and maintain strong deterrence to the Soviet Union. Meanwhile, contradictions with-

in the SPD have been diminished by the congress, Schmidt's coalition has been strengthened and the political situation in West Germany improved.

The SPD "Left-wingers" will not, of course, abandon its opposition. The impact of the peace movement on the political situation in West Germany and NATO cannot be ignored. SPD arguments will obviously continue.

— Jiang Jianguo

Vietnamese Foreign Minister's West European Visit

VIETNAMESE Foreign Minister Nguyen Co Thach's visit to Western Europe in April was the first one by a senior official from Hanoi since its invasion of Kampuchea. He visited France, Sweden, West Germany and Belgium.

As a result of Viet Nam's invasion of Kampuchea, the West has suspended aid to Viet Nam. Hanoi originally counted on the Soviets for help, but Moscow is experiencing its own economic problems and it cannot meet all of Viet Nam's needs. Given this, Hanoi sent Thach to Western Europe in search of aid.

In France

It was no accident that Thach stopped first in France, which resumed aid to Viet Nam late last year despite the latter's continued occupation of Kampuchea. Paris has promised to offer a loan of 200 million francs to Hanoi. Thach's trip to France had two purposes: to work out a plan for use of the loan and to urge France to play a "positive role" in Southeast Asian affairs.

An AFP dispatch reported that France intends to intercede with some West European nations for Viet Nam for repaying the 200 million US dollars owed to them and to persuade the EEC to resume food aid to Viet Nam. The French newspaper *La Croix* said in a commentary on French-Vietnamese relations that Hanoi wants to extricate itself from the isolation produced by its aggression against Kampuchea, while Paris wants to have a hand in Asia. However, France's resumption of aid to Viet Nam has met with strong opposition from ASEAN countries and from Kampuchean resistance groups. Democratic Kampuchea condemned France's action as an "encouragement" to Vietnamese aggressors."

Unsuccessful Efforts

During his visit, which lasted from April 8 to 21, Thach talked about "friendship" and "co-operation." Nevertheless, he clearly sought to obtain aid for Viet Nam. He even said that the purpose of his visit was "to

see friends" and express the hope that Europe will play a "very important role" in stabilizing the situation in Southeast Asia.

However, some Western European sources believe "co-operation with Viet Nam will be fruitless" because of Viet Nam's relations with the Soviet Union and its present economic situation. The Belgian Government has indicated that it will not resume aid to Viet Nam before the withdrawal of Vietnamese troops from Kampuchea in accordance with relevant UN resolutions. EEC officials said after meeting with Thach that the EEC's position has not changed since it suspended food

aid to Viet Nam after the invasion of Kampuchea. West Germany reiterated that it will take concerted actions with other EEC member states. The West German Minister of Foreign Affairs did not mention the aid problem during his talks with Thach. Sweden has decided to cut its aid to Viet Nam by half in fiscal 1982 though Thach requested an increase.

The Vietnamese intend to get rid of their extreme isolation by making a breakthrough in Western Europe. But most of the European countries he visited continue to oppose Viet Nam's occupation of Kampuchea.

— *Xin Zong*

severed. The six countries provide 62 per cent of the oil sold on the world market. This includes 40 per cent of oil consumed by the West and 70 per cent of Japan's.

The six countries are presently being courted by the two superpowers because of their strategic geographical position and rich oil resources. The Soviet Union's invasion of Afghanistan has increased the Soviet military presence and posed a threat to the present oil route. The Iran-Iraq war has also made the Strait of Hormuz route more vulnerable. These factors are largely responsible for the decision to construct alternative routes.

Gulf States Propose New Oil Route

ON peak days, an oil tanker passes through the Strait of Hormuz every 19 minutes. But this volume of traffic will probably be significantly reduced after the five proposed trans-Arabian pipelines are built.

The six Gulf countries (Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates and Oman) have decided to export nearly half of their oil by a new route. In the future they intend to transport oil from the west coast of the Arabian Peninsula instead of the Strait of Hormuz and the Persian Gulf. The new route will make use of the Red Sea and the Suez Canal.

Proposed Pipelines

Saudi Arabia completed a 1,200-kilometre pipeline across the Arabian Peninsula on July 1981. The new pipeline funnels 1.85 million barrels of oil a day from the Abqaiq oilfields to Yanbu on the Red Sea coast. Last November the Gulf countries decided to build five more pipelines across the peninsula

during the next five years: two from the Abqaiq oilfields to Yanbu, one from the Kuwaiti fields to Yanbu, one from Basra in Iraq to north of Yanbu and one from Kirkuk in Iraq to the Aqaba Gulf in the northern part of the Red Sea. When these lines are completed, the six will pump 6 to 7 million barrels of oil a day to tankers, one half of the current total exported by the six. Gulf oil ministers at a January meeting also agreed to study a proposal to build a network of pipelines across the Arabian Peninsula to export some of the oil to the south over the Arabian Sea. The total cost for the five pipelines will be approximately 10,000 million US dollars.

Strategic Reasons

The countries have decided to invest such a large amount in new pipelines because presently there is only one route—the Strait of Hormuz and the Persian Gulf. If this route is cut, their economic lifeline will be

Implications

Restructuring the world's busiest oil export route will draw the six countries closer together economically and in matters of security. It will also engender greater unity and strengthen their positions. The proposed route will also strengthen Egypt's strategic position and bring it many economic advantages. Moreover, it will help improve Egypt's relations with other Arab countries.

The United States and the West European countries are believed to view this decision favourably, because it coincides with their strategic and economic interests. The new route will help ensure oil supplies, shorten distances and lower shipping costs.

Japan is of two minds. Although it welcomes the alternative route, the new one will be longer and produce higher shipping costs. The Japanese public has responded by asking the government to investigate and find ways and means to overcome these disadvantages.

— *Chen Jiechang*

Prime Minister Khieu Samphan Answers Our Correspondent's Questions

In early March this year, "Beijing Review" Correspondent Lu Yun went to Democratic Kampuchea with several other Chinese journalists. They visited the nation's western, northwestern, northern and northeastern battlefields where they met Democratic Kampuchean leaders, officers and troops of the National Army and guerrillas as well as villagers.

Prime Minister Khieu Samphan received them and answered their questions. Beginning with this issue, we will publish a sequence of Lu Yun's reports. — Ed.

Question: Your Excellency, would you please describe the military situation during the 1981-82 dry season?

Answer: During the dry season between November 1981 and April 1982, the Vietnamese aggressors recaptured a number of areas we liberated during the monsoon season in May-October 1981. But their combat effectiveness and military quality have been reduced. For instance, they moved part of their troops from the western part of the Leach battlefield to attack the Oddor Meanchey-Siemreap-Highway 6 battlefield back of us. This reduced their ability to defend the strategic highways on the western Leach battlefield. After four months' engagement, we recovered most of the lost land on the Oddor Meanchey-Siemreap-Highway 6 battlefield. On the Highway 5 battlefield south of Sisophon, enemy troops moved from Sangkeyor and other places, attempting to seize our position on the western frontier. They wanted this manoeuvre to convince people around the world that they had controlled the whole of Kampuchea. As a matter of fact, they only captured a small number of the bastions seized by us during the previous dry season. They have not been able to occupy Phnom Melai, Phnom Mak Hoen and Ausrorlaur. On the contrary, their moving troops from Sangkeyor has provided us opportunities to destroy military installations in the area.

During the past three years, Vietnamese troops have suffered serious setbacks in Kam-

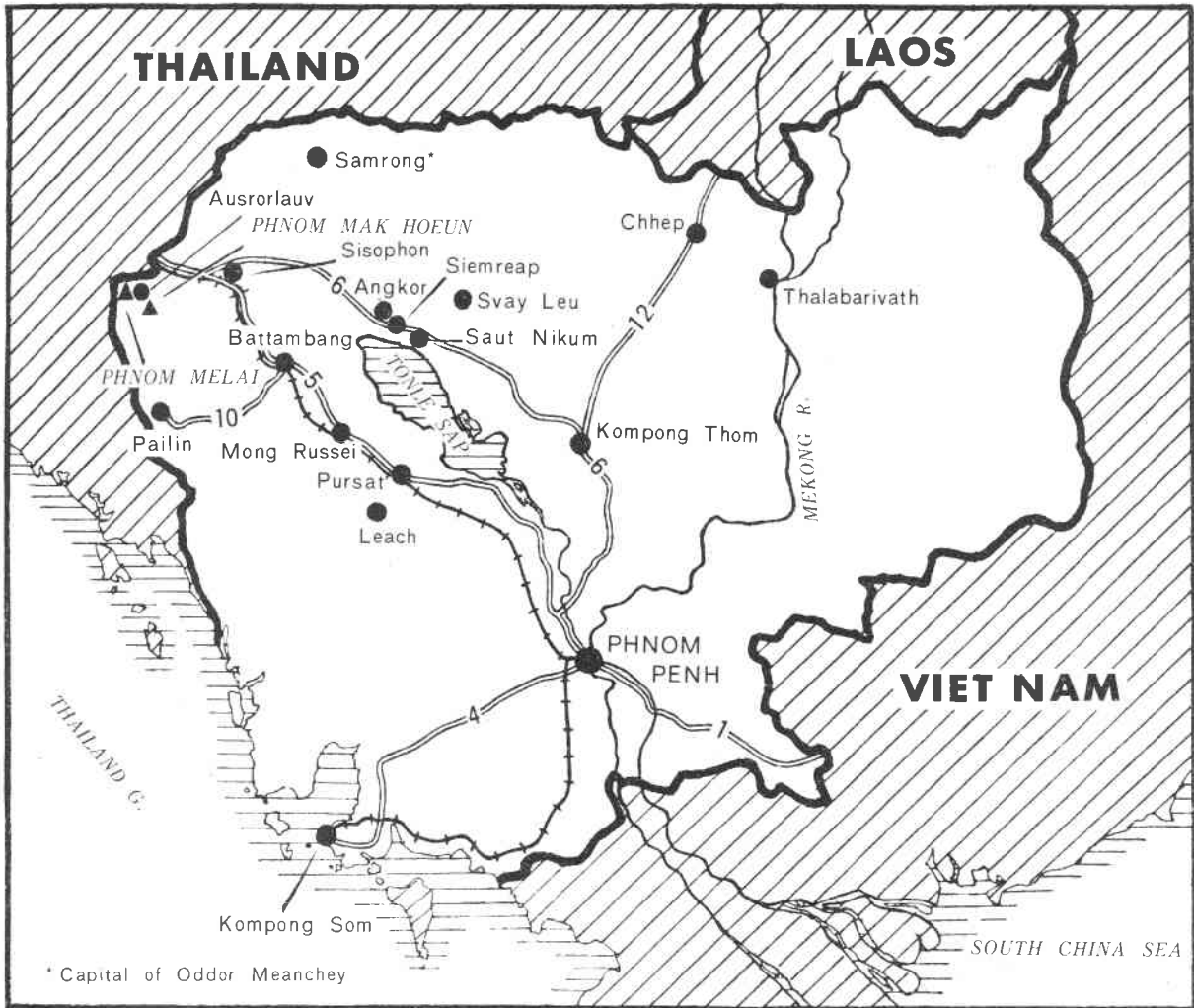


Prime Minister Khieu Samphan

puchea. In order to compensate, the Hanoi clique has had to press-gang more men in Viet Nam. But this has only provided supplementary troops. The clique has not managed to recover its military quality because the new recruits lack due training and combat experience.

We are concentrating on conserving our effective strength, not on winning land. We sometimes temporarily give up an area in order to preserve strength, avoid strong enemy forces, cut up the enemy along its flanks and in its rear, and attack and deplete the enemy's strength. These are the principles that guide our actions.

By using such tactics during the past three years, the Democratic Kampuchean National Army and guerrillas have preserved their own strength and continuously weakened the enemy. In the last few years the Vietnamese invaders were forced to withdraw from many areas and now they can only defend major strategic routes, including the Siemreap-Kompong Thom section of Highway 6, Highway 5 and the Pursat-Mong Russei Railway, Highway 4, the Battambang-Pailin section of Highway 10, the Kompong Thom-Preah Vihear section and the Chhiep-Thalabarivath section of Highway 12. These places have become intensive battlefields.



Q: How big is the area under Democratic Kampuchea's control? And how many places does it include?

A: During the monsoon season last year, we controlled about 40 per cent of Kampuchea. The areas we controlled were hilly and forest areas and the countryside. They could not be counted as consolidated base areas because the Vietnamese troops could conduct mopping-up operations with concentrated forces. The enemy temporarily controlled about 30 per cent of Kampuchea. Seesaw battles took place in the remaining areas of the country.

Early this dry season, the Vietnamese recaptured some places from us and forced some people to leave the area under the control of Democratic Kampuchea. By the middle of the dry season, we recovered most of the areas recaptured by the enemy and a considerable number of people returned to Democratic Kampuchea-controlled area.

Q: What is the basis and essence of the new political line?

A: The new strategic line of the Democratic Kampuchean Government is formulated on the basis of the reality that the Hanoi clique of Viet Nam and its boss, the Soviet Union, are annexing our nation. Our people and our nation are suffering and it is a life-and-death moment for them. The Vietnamese have killed 2.5 million Kampuchean people and are killing more.

In order to maintain the existence of the Kampuchean nation, we have adopted the new strategic line. Its essence is: 1. Unite with the forces of the whole nation and wage various forms of struggle against the Vietnamese invaders until they are completely driven out of the territory of Kampuchea; 2. Unite with all countries which are opposed to the expansion of Viet Nam and its chieftain, the Soviet Union.

Q: Please tell us the stand of Democratic Kampuchea towards the establishment of a

tripartite coalition government. We also wish to know your evaluation of your meeting with Samdech Norodom Sihanouk late in February this year as well as your comments on prospects for the tripartite alliance.

A: Uniting with all national forces that oppose the Vietnamese aggression is a principled stand of the Government of Democratic Kampuchea. We have universally implemented the policy of national unity at home, which is rewarded by the formation of a powerful anti-Viet Nam force. During the past three years, the 300,000 Vietnamese invading force (including troops, undercover agents and administrative personnel) has been caught in a quagmire. In the meantime, the Democratic Kampuchean Government have been seeking channels of various kinds, including the establishment of a tripartite coalition government, to expand the national united forces and increase the strength against the Vietnamese invaders. This alliance should avoid any practice harmful to the anti-Vietnamese forces.

The Democratic Kampuchean Government stands for the retention of the characteristics, political viewpoints and organizations of all sides in the tripartite coalition government. At the same time, we must work out necessary principles which facilitate better co-operation among the three sides on the basis of the common political programme. The aim is to achieve the common object—opposition to the Vietnamese aggressors in military, political and diplomatic fields until they have been completely driven out of Kampuchea. These principles include: The coalition government should include the three sides; none of the three should arrogate to itself all of the power; unanimity should be reached through negotiations; things should be done within the legal framework of Democratic Kampuchea.

If the tripartite coalition government is not established on the basis of these principles, it will be harmful to the anti-Vietnamese forces, including those in the other countries that help the Kampuchean people in their struggle against Viet Nam and those that are fighting in the forefront.

Not long ago, I held talks with Samdech Norodom Sihanouk in Beijing. He agreed with the above viewpoints. I deem this a good result.

The Democratic Kampuchean Government has done its best to establish the alliance. We have never done anything to impede the alliance. With national interests in mind, the Democratic



Detachment of the National Army with local guerrillas after a victory.

Kampuchean Government is willing to let the other parties share its position in Kampuchea so long as the alliance helps expand the anti-Vietnamese forces.

Recently, we have made further efforts in pursuance of an alliance with the other Kampuchean forces. We do not require the other parties to obey Democratic Kampuchea's system of political power. We just hope that the tripartite coalition government is established within the legal framework of Democratic Kampuchea, and that the other parties agree to maintain the position of Democratic Kampuchea as a legal member of the United Nations. Because this is an important aspect of opposing the Vietnamese aggressors in defence of the international law. The Vietnamese invasion of Democratic Kampuchea constitutes a gross violation of the UN Charter.

We will be able to unite if the parties of Kampuchea vigorously work for the alliance. Though we differ ideologically over various kinds of questions, we have common points, i.e., driving the Vietnamese aggressors out of Kampuchea. We must seek alliance with this as a basis, temporarily leaving aside all the differences and contradictions. When we have united and driven the Vietnamese out, a national election will be conducted under the supervision of the United Nations. Let the people have the final say.

Q: *What do you think of the prospects of driving the Vietnamese aggressors out of Kampuchea? Can you tell us the conditions that determine the achievement of the goal?*

A: The struggle of the Kampuchean people will have to undergo some twists and turns and overcome more difficulties. The Hanoi clique negates the UN resolutions demanding the unconditional withdrawal of its troops from Kampuchea. The Vietnamese troops are still carrying on the war of aggression which aims at wiping out the Kampuchean nation. They are slaughtering the Kampuchean people by means of various kinds of weapons, including chemical weapons, and the creation of some famine.

The barbaric killing by the Vietnamese invaders has filled the Kampuchean people with hatred for them. An increasing number of people join the ranks of resistance and support the Government of Democratic Kampuchea, the National Army and guerrillas. Meanwhile, the Kampuchean people render support to the programme of the Kampuchean National United Front for National Salvation (KNUFNS). They have also increased their trust in the programme implemented in the Democratic Kampuchean Government-controlled areas. This is the fundamental guarantee for driving away the Vietnamese invaders and winning final victory.

We must continue expanding the National Army and guerrillas and wearing down the enemy. This is a very important factor in attacking and driving away the Vietnamese in-

vaders. Hanoi will not withdraw its troops from Kampuchea unless they are thoroughly defeated.

Another factor beneficial to us is the support of the majority of the peace-loving and justice-upholding countries. They see that the Kampuchean people, the National Army and guerrillas, who persevere in their struggle for national survival, are playing an important role in defending peace, security and stability in Southeast Asia.

I appeal to the peace-loving and justice-upholding countries to unite, suspend assistance to Hanoi and exercise military, diplomatic, economic and trade pressures over the Hanoi clique in order to force Hanoi to withdraw its troops from Kampuchea and let the Kampuchean people solve the problems themselves without foreign interference. Such just international support is of equal significance as the battles waged by the National Army and guerrillas.

On behalf of the Democratic Kampuchean Government, the National Army, the guerrillas and the whole Kampuchean people, I would like to take this opportunity to express our profound thanks to all the peace-loving and justice-upholding countries supporting the just struggle of Kampuchea and our gratitude to the Chinese Government and people for their wholehearted support to the struggle being waged by the Kampuchean people. □

Report From Kampuchean Battlefields (1)

For National Existence

by Our Correspondent Lu Yun

ON the afternoon of April 1, I was with a group of Chinese journalists entertained by a folk song and dance troupe in Daung Village near Phnom Melai. Approximately 600 local inhabitants, most of whom sat on neatly arranged rows of bamboo benches, also attended the performance.

The melodious music, beautiful dances and soft fluorescent lights almost made me forget the war.

About 10,000 Vietnamese troops had since January 14 launched three offensive operations on the battlefield south of Sisophon, an area which includes Phnom Melai. The Democratic Kampuchea's National Army and guerrillas

were prepared to defeat the fourth offensive which in fact had been postponed time and again.

The day after the performance, i.e., on April 2, the Vietnamese launched their new operation. Gunfire roared all day long. But by mid-April, the Vietnamese were forced to withdraw. This marked the end of the Phnom Melai battle which was believed to be a battle of the largest scale and the longest duration during the past two years. Approximately 3,000 Vietnamese were killed or wounded and 21 tanks destroyed.

Confidence in Victory

People who took part in the struggle on the battlefield south of Sisophon, the Oddor

Meanchey-Siemreap-Highway 6 battlefield and the Chhep-Thalabarivath battlefield in the dry season told us: Facts have proved that the Vietnamese could do nothing to us! They went on to say that in 1979 they were driven here and there by the Vietnamese troops and in 1980, they were still not able to withstand the attacks of the enemies. "Now we have survived the most difficult days and gained a firm foothold," they said. "We are growing in strength. The Vietnamese cannot defeat us. We will defeat them in the end."

Great changes have indeed taken place on the battlefields since 1979. At that time, more than 10 Vietnamese divisions flooded the capital city of Phnom Penh and vast tracts of Kampuchean territory. Many Kampuchean soldiers and civilians were killed; and many others died of hunger and disease. The whole nation was faced with the danger of genocide. The Vietnamese were confident that "Red Khmers would be erased from the map." But they forgot that Kampuchea is a nation that is not easy to be conquered. The Vietnamese initially expected to "wipe out Kampuchea in one week." But they had to postpone the plan time and again, from one month to three months, one year and even longer. The captured "education outline" of the Vietnamese "719 headquarters" now recognizes that Democratic Kampuchea's forces are making efforts to "tip the balance of strength favourable to them." After more than three years of struggle, Democratic Kampuchea's forces have grown stronger. A Vietnamese officer who was captured by the National Army confessed that his men liked to say that "the Kampucheans often slipped away from us."

Under the most difficult conditions, the Democratic Kampuchean leaders and troops and people have displayed dauntless spirit in resisting the aggressors.

Chhit Chhoeun, Chief of Staff of the National Army of Democratic Kampuchea, told 50 new recruits of a military cadres' school on March 11: "We are ready to die for our nation. But we must not allow Kampuchea to become Viet Nam's servant beginning from this generation. This is a duty entrusted to us by history."

All the trainees of the school came from the front. Some of them said to us: If we fight, our nation will exist. Otherwise, it will perish. If we do not persist in the struggle, Kampuchea will be a nation only in name.



April 1 performance in Daung Village.

Lo Un, 40, is now a political commissar of a division of the National Army. He lost contact with his superiors for four months after the fall of Phnom Penh but he divided his men into small groups. They killed or wounded a lot of invaders and preserved their own strength.

"What was on your mind at the most arduous moment?" asked one of us.

"I believed that our leaders and our people would not surrender," he said. "The aggressors were powerful for the time being, but I was certain we would win in the end."

Flexible Tactics

Dengmo, a regiment commander of the National Army who led his men fighting in Siemreap and Angkor, said: "As a main force, we were accustomed to engaging in conventional warfare. Beginning in the latter half of 1979, we, like our other troops, adopted flexible guerrilla tactics. Over the past year, we have learnt to attack the enemy in small groups and annihilate their effective strength." He told me that there was a company leader in his regiment, who recently led two soldiers into an enemy battalion camp in Saut Nikum under the cover of darkness. With grenades and machine-guns, they killed more than 30 men.

When we paid a visit to a forward position in the Phnom Melai district only two kilometres away from an enemy stronghold, a 25-year-old company leader named Loth told us the following story:

Early on the morning of February 18, Loth led nine of his men to intercept a Vietnamese



A Vietnamese Soviet-made tank destroyed in the Phnom Melai battle this year.

military vehicle. Divided into three groups, they hid by the roadside about five kilometres west of the enemy strongpoint. The enemy vehicle was ambushed at 10 in the morning. Using machine-guns, bazookas and grenades, they killed 10 Vietnamese soldiers. Loth then ordered two groups to guard against enemy reinforcements that might come from the east and the west. One of the men they killed was a captain. He had been sent with a citation to boost the morale of Vietnamese troops near Sisophon. In this ambush, the citation, six machine-guns and other military equipment were captured by Democratic Kampuchea's soldiers. The fight lasted for no more than half an hour. By the time reinforcements arrived, Loth and his men had retreated into a nearby forest two kilometres away.

Several National Army soldiers and guerrillas have become competent in ambushing Vietnamese invaders. They often lay mines on enemy-controlled highways, destroy bridges and granaries, cut supply lines and attack areas controlled by the Vietnamese.

The Spirit of Devotion

At a January battle in northwestern Kampuchea, a woman transport team came under Vietnamese gunfire. When one experienced woman heard a whistling shell coming, she warned her companions and covered two of them with her body. The shell exploded nearby. Her comrades survived but she was killed.

Those who have visited Kampuchea's battlefields are touched by the spirit of the transport

teams, which are composed of about 10,000 women. Carrying food and ammunition on their heads and backs, the 18- to 30-year-old women brave scorching sun, pouring rain, hidden mines and shellings. They cross mountains, muddy trails, boundless forests or even enemy blockade lines. Aided by a small number of elephant and bicycle transport teams, they provide the military supplies needed by the National Army and guerrillas at the front.

When 24-year-old Khmo joined a transport team three years ago, she was somewhat afraid to hear the shots being exchanged by the guerrillas and the Vietnamese troops. Now she leads a transport team of 200 women.

The Democratic Kampuchean troops practise the principle of freedom of marriage and allow married women to leave. Married soldiers are also allowed to visit their parents and wives at intervals between battles. Many women transport team members have postponed getting married in order to make more contributions.

Sharp Contrast

Whenever we visited a battlefield, the commanders and fighters said that Viet Nam's desire for a quick victory has been thwarted. Heng Samrin's puppet troops cannot withstand a single blow and the Vietnamese attempt to Khmerize the war has been frustrated. The Vietnamese are experiencing increasing difficulties and their morale is declining. To avoid shelling and raiding by the Democratic Kampuchean troops, many Vietnamese troops remain in damp trenches or bunkers for months



Political commissar Lo Un with soldiers.

at a time. As a result, many have contracted dropsy and other diseases. Some Vietnamese strongpoints were extremely short of water, food and ammunition, and were rife with malaria.

Among seven Vietnamese troops killed in Svay Leu in the north was a bodyguard. The Democratic Kampuchean guerrillas found on his body a diary with a coffin drawn on the last page.

A document of the Vietnamese 88th regiment of the 302nd division captured from the Odder Meanchey-Siemreap-Highway 6 battlefield indicated that of the 56 violations of

discipline which occurred between January and September last year 41 were desertions. Others committed suicide, engaged in random shooting after drinking and refused to take on special tasks.

All this exists in sharp contrast with the high morale of the Democratic Kampuchean troops and people who are fighting for their national survival. The Democratic Kampuchean National Army and guerrillas are getting stronger while the combat effectiveness and military quality of the Vietnamese troops are declining. All this constitutes the major cause of the uneasiness of the Vietnamese headquarters in Kampuchea. □

Explanations on the Draft of the Revised Constitution of the People's Republic Of China

— At the 23rd session of the Fifth National People's Congress Standing Committee on April 22, 1982

Peng Zhen, Vice-Chairman of the Committee for the Revision of the Constitution

NOW, entrusted by Chairman Ye Jianying, I will give some explanations on the draft of the revised Constitution on behalf of the Committee for the Revision of the Constitution of the People's Republic of China.

Since the founding of the People's Republic, China has promulgated three constitutions: the 1954, 1975 and 1978 Constitutions. The 1954 Constitution was relatively flawless, while the 1975 and 1978 Constitutions, which were restricted by the historical conditions of the time, were rather imperfect. Great changes and developments have taken place in our country since the Third Plenary Session of the 11th Party Central Committee held towards the end of 1978. As the 1978 Constitution cannot meet the needs of the current situation, fairly big revisions are made this time and there are fairly

big developments in perfecting the people's democratic dictatorship compared with the 1954 Constitution.

The present draft of the revised Constitution has been worked out by the Committee for the Revision of the Constitution after gathering opinions from various localities, departments and persons in different fields and after earnest and detailed discussions over the past year and a half, in accordance with the resolution on the revision of the Constitution and on the establishment of the Committee for the Revision of the Constitution adopted at the Third Session of the Fifth National People's Congress. The draft has five parts: Preamble, General Principles, the Fundamental Rights and Duties of Citizens, the Structure of the State, and the National Flag, the National Emblem and the

Capital. Apart from the Preamble, the draft includes 140 articles. The following are my explanations of eight major questions.

Four Fundamental Principles

(1) The preamble of the draft of the revised Constitution affirms the adherence to the four fundamental principles of socialism, the people's democratic dictatorship, Marxism-Leninism and Mao Zedong Thought, and the leadership of the Chinese Communist Party. This is a summary of China's basic experiences in modern history and a truth tested by practice. It reflects the law of China's historical development.

In the 20th century, China has undergone earth-shaking and great changes. There have been at least four important events:

First, the 1911 Revolution led by Dr. Sun Yat-sen abolished the feudal imperial system and established the Republic of China. Since then, it has been difficult for any one to become an emperor. But, the fruits of this revolution were usurped by reactionary forces, and it did not accomplish the historical task of overthrowing imperialist and feudalist oppression and exploitation. China did not get rid of its semi-colonial and semi-feudal status.

Second, under the leadership of the Chinese Communist Party led by Chairman Mao Zedong, the Chinese people overthrew the rule of imperialism, feudalism and bureaucrat capitalism and founded the People's Republic of China. For more than a century, many Chinese progressives had proposed various plans to save the nation in their quest for national independence and prosperity. They all failed. After the founding of the Chinese Communist Party, Mao Zedong Thought, which combines the universal principles of Marxism-Leninism with China's specific revolutionary practice and took form during the protracted revolutionary struggle, guided the revolution to victory. This ended the old China's situation of being torn by disunity and trampled upon by foreign powers. The Chinese people took state power in their own hands and became masters of the state.

Third, in China, a big country, it took three years for us to rehabilitate the national economy which had been torn by long years of war, and continue to accomplish the tasks of the democratic revolution. In 1956, we smoothly completed, in the main, the socialist transformation of the private ownership of the means of production, abolished the exploitative system which had survived for several thousand years and established the socialist system.

Fourth, important achievements have been made in economic construction. Take machine-building and energy industries for example. In 1950, we were not able to make precision or large-scale machine tools, the annual output of oil was only 200,000 tons and that of coal, 43 million tons. Now we can make automobiles, aeroplanes and guided missiles and are equipped with 2.7 million machine tools of nearly all types. The annual output of oil and coal reached 100 million tons and 600 million tons respectively. Although our economic development is still relatively backward compared with that of developed countries and we made mistakes and experienced twists and turns over the past 32 years, the pace of our economic development has been fairly rapid compared with that of the past or that of foreign countries.

The independent and fairly comprehensive systems of industry and national economy have been basically formed, independent of foreign countries, socialist in nature and not capitalist. Agriculture has made fairly large advances and the problem of feeding and clothing a population of 1,000 million has been basically solved. On the basis of the development of industrial and agricultural production, the people's material and cultural life has been greatly improved. We have laid a solid foundation for the building of a modern, powerful socialist country.

The preamble of the draft clearly points out that the victory of China's new democratic revolution and that of the socialist cause have been won by the Chinese people under the leadership of the Chinese Communist Party and the guidance of Marxism-Leninism and Mao Zedong Thought. The Chinese people will continue to uphold the four fundamental principles in the future and build China into a socialist country with modern industry, modern agriculture, modern national defence and modern science and technology, and with highly developed democracy and civilization.

To uphold the four fundamental principles, it is most important to adhere to the leadership

of the Chinese Communist Party and the socialist road. Historical facts have told us that, in China, without the leadership of the Chinese Communist Party which is armed with Marxism-Leninism and Mao Zedong Thought, it is not only impossible to win victory in the revolution but also impossible to uphold socialism.

Of course, to uphold the leadership of the Party does not mean that the Party is immune to mistakes. The Party made both minor and serious mistakes in the past, but every mistake was corrected by the Party itself. The correction of mistakes has resulted in new and bigger developments of the revolutionary cause. In building such a great and new cause of socialism, the Party and people are advancing in the course of exploring. In the future, it is still possible to make one or another type of mistakes on the road of advance. But the Chinese Communist Party, which works for the maximum interests of the overwhelming majority of the people, is certainly able to sum up experiences, uphold truth, correct its mistakes, continuously improve its leadership and strengthen its combat effectiveness together with the people and in practice, thereby pushing our cause forward.

In upholding the leadership of the Communist Party, the most fundamental and most important is the correctness of the ideological and political leadership of the Party and the correctness of the Party's line, principles and policies; the close ties between the Party and the masses, repeated consultations with the masses in regard to the Party's stands, concentration of the masses' views and reflection of the maximum interests of the overwhelming majority of the people; the vanguard and exemplary role of the Party members. At the same time, the leadership and activities of the Communist Party in state life are carried out within the bounds of the Constitution and laws.

The draft of the revised Constitution stipulates that all power belongs to the people and the organs through which the people exercise state power are the National People's Congress and the local people's congresses at various levels. The opinions of the Party and people can only become laws and the will of the state when adopted and decided by the National People's Congress or its Standing Committee. The Party leads the people in formulating the Constitution and laws and it also leads them in observing them. In China, the Constitution and laws are a unity of the stand of the Party and the will of the people.

State System

(2) The first article in the general principles of the draft of the revised Constitution stipulates that China is "a socialist state of the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants." This is the state system. It describes the nature of our state and the positions of the various classes in the state.

The preamble of the draft points out that the people's democratic dictatorship is the dictatorship of the proletariat. Our people's democratic dictatorship is a concrete form of the dictatorship of the proletariat. Our country has 800 million peasants. Without the alliance of the workers and peasants, there will be no broad united front led by the working class and no consolidated People's Republic of China and neither can socialism be built. The new stipulation in the general principles of the draft suits the actual conditions and class relations of our country. It can also prevent the distortion and abuse of the proletarian dictatorship.

The state system refers to the relationship of classes. Because the overwhelming majority of our intellectuals have become a part of the working class and there are many intellectuals among the peasants, the alliance of the workers and peasants includes the intellectuals. To single out intellectuals in class relationship is tantamount to taking them as an independent class that is not included in the workers and peasants. This does not tally with the actual conditions nor with the inevitable trend of historical development, and is bound to create unnecessary confusion in the people's thinking and in everyday work.

In China, exploiting classes have been wiped out as classes and socialist democracy is being continuously strengthened and perfected. This is a highly developed democracy which has the broadest scope and is enjoyed by the most overwhelming majority of people in history. But, class struggle will exist for a long time to come within certain scope because of domestic factors and international influences. Spies and special agents as well as old and new counter-revolutionaries are still carrying on their counter-revolutionary activities. Serious criminal activities such as embezzlement, bribery, smuggling, selling smuggled goods, speculation.

cheating and stealing public property are important manifestations of class struggle under the new historical conditions. We must be sober-minded, heighten our vigilance and protect the functions of the dictatorship of the state.

The draft stipulates: "The state safeguards public order and suppresses treasonable and counter-revolutionary activities; the state penalizes actions that endanger public security, actions that wreck the socialist economy and other criminal activities; and the state punishes and reforms criminal offenders." This is necessary for the protection and carrying forward of socialist democracy.

Basic System

(3) The socialist system is our country's basic system. In our country, the economy owned by the whole people, the economy collectively owned by the working people and the individual economy of the working people all have their own superiority within certain extents and are indispensable, although their positions and functions are different. The draft of the revised Constitution stipulates: "The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, that is, ownership by the whole people, and collective ownership by working people. The socialist economic system has abolished the system of exploitation of man by man; it applies the principle 'from each according to his ability, to each according to his work.'" The sector of the economy owned by the whole people "is the dominant force in the national economy."

The economy collectively owned by the working people is the principal economic form in the countryside. It is suited to the level of development of our agricultural production at the present stage and is therefore advantageous and progressive. In the cities and towns in each of such trades as handicrafts, repair and other services, there is also a proportion suited to the economic form of collective ownership.

A certain amount of individual economy also exists in our cities and countryside which cannot be replaced by the economy owned by the whole people or by the collective economy

for a considerably long time to come. The draft also stipulates: "The individual economy of the urban and rural working people, within limits prescribed by law, is a complement to the socialist sector of the economy owned by the public." "Working people who are members of organizations of the rural collective economy have the right, within limits prescribed by law, to farm plots of agricultural and hilly land, engage in household sideline production and keep livestock for their own needs."

What needs to be mentioned here is that the draft stipulates that China permits legitimate foreign investments and Chinese-foreign economic co-operation. It is beneficial for accelerating our socialist modernization to use foreign funds and import advanced technology on the basis of self-reliance and according to the principles of equality and mutual benefit.

The Fundamental Task

(4) The advance of socialist society requires highly developed productive forces as its material foundation. After the basic completion of the socialist transformation of the private ownership of the means of production, the focus of our work should naturally have been shifted to economic construction. This principle was decided by the Eighth Party Congress. However, this shift was not consistently pursued in our later practice. The Third Plenary Session of the 11th Party Central Committee reaffirmed this strategic principle. The draft of the revised Constitution stipulates: "The basic task of the Chinese people in the coming years is to concentrate their effort on socialist modernization," and the state "continually raises labour productivity, increases economic effectiveness and develops the social productive forces" by various means.

With 1,000 million people and abundant natural resources, we have great potentials in labour power and materials. As long as the people throughout the country are mobilized to bring the superiority of our socialist system into play, use their own labour, work hard, exert their talents to the utmost and make the best use of land and other resources, there will be no difficulty that cannot be overcome and the socialist

modernization programme can certainly be realized.

Building Up Highly Advanced Socialist Ethics

(5) It is a long-term task to build up highly advanced socialist ethics while building up a highly advanced material civilization. This task includes two aspects, one is to conduct ideological and moral education and the other is to develop educational, scientific and cultural undertakings. The aim is to enable people of all nationalities, men and women, old and young, to become disciplined citizens with ideals, virtues and cultural knowledge. The draft of the revised Constitution stipulates: "The state promotes the virtues of love for the motherland, the people, labour, science and socialism; it educates the people in the ideas and ethics of patriotism, collectivism, internationalism and communism."

It also stipulates that working people of the state enterprises and organizations of urban and rural collective economy must treat their work with the attitude that they are the masters of the country, and all citizens must safeguard state secrets, take care of public property, observe labour discipline, observe public order and respect social ethics and beneficial customs and habits. "Citizens of the People's Republic are duty-bound to safeguard the security, honour and interests of the motherland; acts damaging to the security, honour and interests of the motherland are prohibited."

Raising the Cultural, Scientific and Technological Level

(6) To raise the whole people's cultural, scientific and technological level is an indispensable condition for the construction of a so-

cialist material civilization and ethics. We not only need a large number of experts and scholars with fairly high professional and specialized technological knowledge, but also a large contingent of educated workers and peasants. Lenin once said that communist society cannot be established in a country of illiterates. If the broad masses of workers and peasants lack necessary cultural knowledge, it is impossible to achieve the four modernizations, it is disadvantageous for the development of socialist democracy and the perfection of the socialist legal system, and it is also impossible to effectively overcome bureaucratism.

The draft of the revised Constitution stipulates that in a planned way the state develops socialist educational, scientific and cultural undertakings, operates and also encourages non-government bodies to run various types of schools in order to wipe out illiteracy, make primary education universal and develop secondary, vocational and higher education. The state promotes the all-round development — moral, intellectual and physical — of young people and children. While successfully operating regular schools, "the state increases various types of cultural and educational facilities and promotes political, cultural, scientific, technical and professional education among the workers, peasants and other working people." "The state promotes the spoken Han language in wide use throughout the country." The state also strengthens education among workers and peasants, as are spare-time, part-work and part-study, TV and radio educational programmes and the in-service training of workers and staff members in rotation. The state encourages and supports workers, peasants and other working people as well as personnel of state organs to become professionally competent through various ways of self-study.

The number of our university and middle school graduates is increasing year by year, and there are large numbers of intellectuals in enterprises and institutions, rural communes and brigades, public organizations and state organs. All of these organizations can set up various kinds of schools, mobilizing those having a higher educational level to help those with a lower educational level. This will be beneficial to both teachers and students. Corresponding examination and promotion systems should be practised. Thus we can speed up the elimination of illiteracy and increase the whole people's cultural, scientific and technological level within a comparatively short period.

Fundamental Rights and Duties of Citizens

(7) As for the fundamental rights of citizens, the political power of the people's democratic dictatorship and the socialist system ensure our citizens wider and more real fundamental rights than those under a capitalist system. In line with the principles of socialist democracy and legal system, the draft of the revised Constitution gives practical and clear stipulations of the citizens' fundamental rights.

The draft has reinstated the stipulation in the 1954 Constitution that all citizens are equal before the law. China's law which is drawn up by the whole people under the leadership of the working class, is the concentrated expression of the will and interests of the people. For the people, to abide by the law is to accept the leadership of the working class and comply to their own will. To be equal before such a law is a fundamental right of our citizens and is also a basic principle of the socialist legal system. The draft stipulates: "All organs of state and people's armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. No organization or individual shall enjoy privileges that transcend the Constitution and the law."

It is the people's biggest and most fundamental right to exercise their powers through their democratically elected delegates in organizing the government, running state affairs, and supervising and removing the members of the organs of state power at various levels. The draft stipulates that all citizens who have reached the age of 18, with the exception of persons deprived of political rights by law, have the right to vote and stand for election. Since the elimination of the exploiting system in China, the number of people enjoying the right to vote and stand for election has steadily increased. According to the statistics from the 1981 national general election, the number of eligible voters accounted for 99.9 plus per cent of the citizens above the age of 18. This extensive democracy is a characteristic of our socialist democracy.

Citizens in China enjoy freedom of religious belief. This is a consistent principle of Marxism-Leninism and Mao Zedong Thought towards

religious beliefs. The draft revived and developed the related stipulation in the 1954 Constitution, and the new entry is more explicit and specific. Both religious and non-religious citizens of our country have the common political ground of loving the country and supporting socialism. Some people are followers of one or another religion, this is a question of objectively existing social ideology and can never be and should not be solved by compulsory means.

The draft stipulates: "No organs of state, public organizations or individuals shall compel citizens to believe in religion or disbelieve in religion, nor shall they discriminate against citizens who believe, or do not believe, in religion." "The state protects legitimate religious activities," but "no one may use religion to carry out counter-revolutionary activities or activities that disrupt public order, harm the health of citizens or obstruct the educational system of the state." Furthermore, China's religions should be propagated, administered and supported by the Chinese religious believers themselves. For this, the draft stipulates: "No religious affairs may be dominated by any foreign country."

As practical measures to protect citizens' right of person and personal dignity from encroachment, the draft stipulates that the freedom of person of citizens is inviolable, extra-legal detention of citizens, or extra-legal deprivation or restriction of citizens' freedom of person is prohibited, and extra-legal search of the person of citizens is prohibited. It asserts that the personal dignity of citizens is inviolable, insult or slander against citizens in any form is prohibited; it stipulates that the homes of citizens are inviolable and that searches of or intrusions into citizens' domiciles in contravention of law are prohibited.

The citizens of our country have the right to work and rest, the right to receive education, the right to receive material assistance in disability, and enjoy such welfare as social insurance, social assistance and free medical care. To ensure the realization of these rights, the draft stipulates the basic policies and fundamental measures to be undertaken by the state.

The draft stipulates: "The rights of citizens are inseparable from their duties. Every citizen enjoys the rights prescribed by the Constitution and the law and at the same time has the duty to abide by the Constitution and the law." There have never been absolute freedoms or

rights in the world which are free from any restrictions. The state protects the citizens' lawful freedoms and rights and does not permit any organization or individual to encroach upon them. On the other hand, neither does it allow any person to use these freedoms and rights to carry out counter-revolutionary activities or other criminal activities that undermine the social order or order in production and work. The draft stipulates that "when exercising their freedoms and rights," Chinese citizens "must not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens."

Reform in State Structure

(8) The draft of the revised Constitution stipulates that "the state institutions of the People's Republic of China apply the principle of democratic centralism." This is our country's political system. Our state power is administered by the people, 99.9 plus per cent of the people. The people "administer the affairs of the country and its economic, cultural and social affairs, according to provisions of the law, through various channels and in various forms." They carry out high centralization on the basis of highly developed democracy and really master the destiny of the state, the nation and themselves. Stipulations concerning the state system in the draft reflect the important reforms and new developments in our state system.

First, the draft strengthens the system of people's congresses and enlarges the functions and powers of the Standing Committee of the National People's Congress.

The system of people's congresses is our country's fundamental political system. The draft stipulates: "The organs through which the people exercise state power are the National People's Congress and the local people's congresses at various levels." The National People's Congress is the highest organ of state power and exercises the highest state power in a unified way. Because the National People's Congress is composed of a fairly large number of delegates, it is inconvenient to carry on work and exercise its functions and powers all the time. At one time, we planned to reduce the number of its members. But, our country is a large one with

a large population and has more than 50 nationalities and over 2,000 counties. It is necessary for every class, every social strata, every nationality, every locality, every field of work and every political party to have an appropriate number of delegates in the National People's Congress. It will not do to reduce the number of NPC members.

Therefore, the draft assigns the NPC Standing Committee some of the functions and powers originally delegated to the National People's Congress as a whole. It also enlarges the functions and powers of the Standing Committee and strengthens its organization so as to enable the National People's Congress to better play its role of the highest organ of state power. In fact, members of the NPC Standing Committee can also be said to be standing representatives of the whole body. As they represent all aspects of it and their number is relatively small, the Standing Committee can hold regular meetings with comparative ease. The draft stipulates that the National People's Congress and its Standing Committee "exercise legislative authority in the country and enact laws and decrees," and set up special committees to examine, discuss and draw up relevant bills. It also stipulates that the Chairman, Vice-Chairmen and Secretary-General of the NPC Standing Committee are the participants in the Chairmanship Conference to attend to its important routine work; and that members of the NPC Standing Committee "shall not hold posts in organs of state administration and the judicial and procuratorial organs" which means, in fact, most of the members to be full-time ones.

In accordance with effective experiences gained in the past few years, the draft stipulates that leading members of the standing committees of people's congresses of all provinces, autonomous regions and municipalities directly under the Central Government attend the sessions of the NPC Standing Committee. This will help strengthen the contacts between the NPC Standing Committee and the localities and the masses, and make the decisions of the Standing Committee more responsive to the actual conditions and needs of the whole country.

In order to give play to the role of the local organs of state power, the draft stipulates that standing committees be set up for all local people's congresses above the county level.

Second, the draft of the revised Constitution restores the post of the Chairman of the State,

who represents the state in its domestic and international affairs. The Chairman recommends the nomination of the Premier to the National People's Congress. In pursuance of the decisions of the National People's Congress and its Standing Committee, the Chairman promulgates laws, appoints and removes the members of the State Council, ratifies and abrogates treaties and important agreements concluded with foreign states, and exercises other functions and powers prescribed in the Constitution. Practice in the years after the founding of the People's Republic proves that the post of Chairman of the State is necessary for improving our state system and it also conforms to the habits and wishes of the people of all nationalities in our country.

Third, in order to raise the efficiency of the State Council's administrative work, the draft explicitly provides that the State Council applies the system of decision by the Premier and that the ministries and commissions apply the system of decision by their respective ministers and chairmen. The number of Vice-Premiers is between two and four and the posts of commissioners of state are created. The Premier, Vice-Premiers, Commissioners of State and Secretary-General of the State Council are the participants in the council's regular meetings. The Premier convenes and presides over the regular meetings and plenary meetings of the State Council.

Fourth, the draft stipulates that the Central Military Commission will be established by the state to lead the armed forces of the country. The Central Military Commission applies the system of decision by its chairman. The Chairman of the Central Military Commission is elected and removed by the National People's Congress. Building the armed forces is still the responsibility of the State Council. This stipulation defines the status of the armed forces in the state system, and it is conducive to strengthening them in a revolutionary, modern and regular manner, and at the same time helps cope with the turbulent situation in the present-day world.

Fifth, according to the principle of giving play to the initiative of the central and local authorities, the draft provides for a division of power between the Central Government and the local governments, and enlarges the functions and powers of the local governments under the unified leadership of the Central Government. It affirms that the people's congresses and their standing committees of the provinces, autonomous regions and municipalities directly under the Central Government have the right to enact and

promulgate local statutes. Ours is a big country and every province has a population of tens of millions or even one hundred million, equal to that of a big or medium-sized country. The political, economic and cultural development in various places is uneven. These stipulations are conducive to each location using its own initiative and enthusiasm according to the specific timing and conditions of the area, and thus promote the construction of the country as a whole.

Sixth, strengthen regional national autonomy. China is a unitary multinational country created in common by its various nationalities. Socialist relations of equality, unity and mutual assistance have been established among these nationalities.

It has been our consistent policy to carry out regional autonomy in areas where national minorities live in compact communities. The draft enlarges the power of self-government of national autonomous areas. It stipulates that the chairmen of autonomous regions, heads of autonomous prefectures and heads of autonomous counties shall be persons of the nationality or nationalities exercising regional autonomy in those areas; that the organs of self-government independently administer local economic construction as well as the education, science, culture, public health and physical culture in their respective areas under the guidance of state plans; and that the state should give due consideration to the interests of the national autonomous areas in developing natural resources and building enterprises there. The draft also stipulates that the state should help the national autonomous areas to train large numbers of cadres, specialized personnel and skilled workers from among the nationality or nationalities in the given area and give financial, material and technical assistance to minority nationalities to accelerate their economic and cultural development.

History has proved that only through regional national autonomy in a unified country can aggression and subversion from outside be resisted and the common prosperity of the country as a whole and of the various nationalities be guaranteed. This accords with the common interests of the people of all nationalities.

Seventh, strengthen state power organs at the grass-roots level. Grass-roots organs of state power are the basic organizations of state power of the people's democratic dictatorship and an important base of various kinds of work

by the state. These organs must really be in the hands of the people and elected, supervised and removed by them. At the same time, they must receive guidance and supervision from the state power organs at higher levels. In this way, highly developed socialist democracy will have a solid foundation.

In order to strengthen the grass-roots state power organs in the countryside and to perfect the rural collective economic organizations, the draft provides for establishing organs of township state power according to the principle of separating government administration from commune management, while retaining the people's communes as collective economic organizations. This provision is not only helpful to improving and strengthening the work of the organs of state powers and enforcing closer ties between these organs and the masses, but is also conducive to the development of the organizations of collective economy.

The separation of government administration from commune management only takes out the commune's functions and powers as state power organs. The ownership of enterprises of the communes, production brigades and production teams as well as of their other property remains unchanged. This must be made clear to the broad masses of the peasants and cadres of the communes, production brigades and production teams so as to avoid unnecessary confusion in thinking and economic and production losses. As to how this will be implemented, all places should proceed from their own actual conditions and carry it out under guidance and in a planned and orderly manner. It should not be done in a rush, nor in a rigid and uniform way.

Neighbourhood committees and villagers' committees are important forms of organization that have long proved effective. Practice has proved that in places where they are well-run, they play a significant role in mediating disputes among the people, maintaining social order, doing community and public welfare work and keeping good sanitation. In this draft, they are written into the Constitution which stipulates that they are mass organizations of self-government. The relationship between them and the organs of state power at the grass-roots level will be specified by law.

Stipulations about the structure of the state in the draft of the revised Constitution strengthen and develop the system of people's congresses. At the central level, the Chairman of

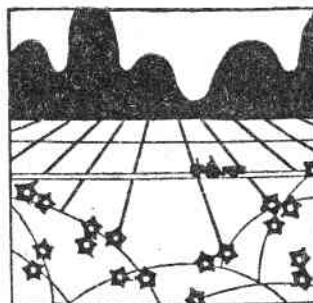
the People's Republic of China, leading members of the State Council, the Chairman of the Central Military Commission, and leading members of the Supreme People's Court and the Supreme People's Procuratorate are all elected or decided by the National People's Congress. Each has its own work and responsibility and all are answerable to the National People's Congress and its Standing Committee and supervised by them.

In this way, the rational division of powers of state and their effective exercise will enable our country to be more able to withstand hazards and ensure the development of the socialist cause. At the same time, the division of functions and powers between the organs of state power and administrative organs at various levels from the central to the local bodies, are more reasonable and clear. This is conducive to strictly carrying out the responsibility system in work, raising work efficiency and overcoming bureaucracy.

The reform of the state political structure, the reforms of the administrative structure and the economic management system which are now being carried out, and the other reforms in the leadership system will further improve and strengthen our state system and provide an effective guarantee for the smooth progress of our socialist modernization programme.

This draft of the revised Constitution was approved on April 21 by the third plenary meeting of the Committee for the Revision of the Constitution. The committee requests the Standing Committee of the National People's Congress to promulgate the draft and submit it to the people of various nationalities throughout the country for discussion. The Committee for the Revision of the Constitution will revise it again according to the opinions collected from the national discussions and then submit it to the Fifth Session of the Fifth National People's Congress for examination and approval.

(Subheads are ours. — Ed.)



Supplement

**Draft of the Revised Constitution
Of the People's Republic
Of China**

Committee for the Revision of the Constitution
Of the People's Republic of China

April 21, 1982

(Unofficial Translation)

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Preamble

CHINA is one of the countries of the world with the longest history. The Chinese people, comprising many nationalities, have jointly created a splendid culture and a glorious revolutionary tradition.

From 1840 onwards, feudal China was gradually reduced to a semi-colonial and semi-feudal country. The Chinese people waged a determined and heroic struggle for national independence and liberation and for democracy and freedom.

During the 20th century, China has gone through great and earth-shaking historic changes.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave rise to the Republic of China. But the fruits of that revolution were seized by reactionary forces. China was still unable to throw off her semi-colonial and semi-feudal status.

In 1949, the Chinese people led by the Communist Party of China with Chairman Mao Zedong as its leader, by means of hard, prolonged and tortuous armed and other forms of struggle, overthrew the rule of imperialism, feudalism and bureaucrat-capitalism, won great victory in their new-democratic revolution and founded the People's Republic of China. Thus the Chinese people took state power into their own hands and became masters of the country.

Since the founding of the People's Republic, Chinese society has been transformed step by step from the new-democratic to socialist. The system of exploitation of man by man has been eliminated and the socialist system securely established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, that is, the dictatorship of the proletariat, has been consolidated and developed. Together with the rest of the people, the Chinese People's Liberation Army has thwarted the armed provocations and subversive plots of imperialism and hegemonism and has safeguarded China's national indepen-

dence and security. Major successes have been achieved in economic construction, and an independent and fairly comprehensive socialist industrial system and national economic system have in the main been set up. The livelihood of the masses of people has improved considerably. Educational, scientific, cultural and other undertakings have made much progress, and socialist ideological education has yielded noteworthy results.

The two victories, of China's new-democratic revolution and of the socialist cause, have been won by the Chinese people, who, led by the Communist Party of China and guided by Mao Zedong Thought, which integrates the universal principles of Marxism-Leninism with the concrete practice in China, have upheld truth, corrected errors and overcome numerous difficulties and hardships. The basic task of the Chinese people in the coming years is to concentrate their effort on socialist modernization. Led by the Communist Party of China and guided by Marxism-Leninism and Mao Zedong Thought, the Chinese people will continue to uphold the people's democratic dictatorship and the socialist road, continuously improve the socialist system in all fields, develop socialist democracy, perfect socialist legality and work self-reliantly and arduously to turn China step by step into a socialist country with modern industry, agriculture, national defence and science and technology and with a high level of democracy and culture.

Following the abolition of the exploiting classes in our country, class struggle will continue to exist, within certain limits, for a long time to come. The Chinese people must struggle against those forces and elements, both at home and abroad, which are hostile to China's socialist system and try to undermine it.

Taiwan is part of the sacred territory of the People's Republic of China. To accomplish the great task of reunifying the motherland is the sacred duty of the entire Chinese people, including our compatriots in Taiwan.

In the long years of revolution and construction, an extensive united front has been formed, led by the Communist Party of China,

participated in by various democratic parties and people's organizations and embracing all socialist working people, all patriots who support socialism and all patriots who stand for the reunification of the motherland. This united front will continue to become firmer and grow. The Chinese People's Political Consultative Conference, as an important organizational form of the united front, has played an important historical role in the past, and in the future will continue to play its important role in the political and social life of the country, in the activities for friendship with foreign countries, in socialist modernization and in the struggle to uphold national solidarity and unity.

The People's Republic of China is a unitary multinational country created in common by its various nationalities. Socialist relations of equality, unity and mutual assistance have been established among these nationalities and will continue to be strengthened. In accordance with the characteristics and needs of the different minority nationalities, the state will constantly and tirelessly help the various minority nationality areas to accelerate their economic and cultural development, thus promoting the common prosperity of all nationalities in the country.

China's achievements in revolution and construction are inseparable from the support of the people of the world. The future of China is closely linked with the bright future of the whole world. China abides by the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful coexistence, and develops diplomatic relations and economic and cultural exchanges with other countries; China consistently opposes imperialism, hegemonism and colonialism, strengthens unity with people of the other countries, supports the oppressed nations and the developing countries in their just struggle for the preservation of their national independence and for national economic development, and strives to safeguard world peace and promote the cause of human progress.

This Constitution records the achievements of the struggle of the Chinese people and defines the basic systems and tasks of the Chinese state; it is the fundamental law of our state and has the supreme legal authority. The people of all China's nationalities, all organs of state and people's armed forces, all political parties and public organizations and all enterprises and in-

stitutions must make the Constitution their basic norm of conduct and have the duty to uphold the sanctity and ensure the implementation of the Constitution.

Chapter One General Principles

Article 1

The People's Republic of China is a socialist state of the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants.

The socialist system is the basic system of the People's Republic of China. Disruption of the socialist system by any individual and in any form is prohibited.

Article 2

All power in the People's Republic of China belongs to the people.

The organs through which the people exercise state power are the National People's Congress and the local people's congresses at various levels.

The people have the right to administer the affairs of the country and its economic, cultural and social affairs, according to provisions of the law, through various channels and in various forms.

Article 3

The state institutions of the People's Republic of China apply the principle of democratic centralism.

The National People's Congress and the local people's congresses at various levels are elected democratically, responsible to the people and subject to their supervision.

All organs of state administration and all judicial and procuratorial organs are originated by the organs of state power to which they are responsible and to whose supervision they are subject.

The division of functions and powers between the central and local state institutions shall conform to the principle of giving full play to the initiative and enthusiasm of the local

authorities under the unified leadership of the central authorities.

Article 4

All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the various minority nationalities and upholds and develops the relationship of equality, unity and mutual assistance among all the nationalities of China. Discrimination or oppression with regard to any of the nationalities, and acts which undermine the unity between them are prohibited; big-nationality chauvinism and local-nationality chauvinism must be opposed.

Regional autonomy applies to any area where a minority nationality lives in a compact community; in each such area an organ of self-government shall be established for the exercise of national autonomy. All the national autonomous areas are inalienable parts of the People's Republic of China.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own customs and ways.

Article 5

The state upholds the uniformity and dignity of the socialist legal system.

No laws, decrees or statutes shall contradict the Constitution.

All organs of state and people's armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. No organization or individual shall enjoy privileges that transcend the Constitution and the law.

Article 6

The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, that is, ownership by the whole people, and collective ownership by working people. The socialist economic system has abolished the system of exploitation of man by man; it applies the principle "from each according to his ability, to each according to his work."

Article 7

The state sector of the economy, that is, the socialist sector owned by the whole people, is the dominant force in the national economy. The state ensures the consolidation and development of the state sector of the economy.

Article 8

Mineral resources, waters, forests, mountainous lands, grasslands, undeveloped lands, beaches and other natural resources, sea and land, are owned by the state, that is, by the whole people, with the exception of forests, mountainous lands, grasslands, undeveloped lands and beaches which are owned by the collectives according to provisions of the law.

Article 9

Rural people's communes, agricultural producers' co-operatives and other forms of the co-operative economy constitute a socialist sector of the economy collectively owned by the working people. Working people who are members of organizations of the rural collective economy have the right, within limits prescribed by law, to farm plots of agricultural and hilly land, engage in household sideline production and keep livestock for their own needs.

The various forms of the co-operative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, also constitute a socialist sector of the economy collectively owned by the working people.

The state protects the lawful rights and interests of collective economic units both urban and rural; the state encourages, guides and helps the development of the collective economy.

Article 10

Land in the cities is the property of the state. Land in villages, towns and the suburban areas is the property of the collectives except for the portion which belongs to the state according to provisions of the law; land used for building houses and the plots of agricultural and hilly land farmed for personal needs are also the property of the collectives.

The state may take over land for its use, as required by the public interest, according to provisions of the law.

No organization or individual shall seize, buy, sell or lease land.

Article 11

The individual economy of the urban and rural working people, within limits prescribed by law, is a complement to the socialist sector of the economy owned by the public. The state protects the lawful rights and interests of the individual economy.

The state guides, helps and supervises the individual economy by means of administrative measures and through the economic links of the state and collective economy with the individual economy.

Article 12

The People's Republic of China permits foreign enterprises, other foreign economic organizations or foreign individuals to invest in China or to undertake various forms of economic co-operation with Chinese enterprises or other Chinese economic organizations; all such investments or joint undertakings in China must accord with provisions of the laws of the People's Republic of China.

All foreign enterprises and other foreign economic organizations in China, as well as joint ventures with Chinese and foreign investment located in China, must abide by the laws of the People's Republic of China. Their lawful rights and interests are protected by laws of the People's Republic of China.

Article 13

Socialist public property shall be sacred and inviolable.

The state protects socialist public property, ensures the rational use of the land, forests, waters and other natural resources and protects rare animals and plants.

All organizations and individuals are prohibited from seizing or damaging, by any means, any state and collective property or any mineral resources, waters, forests, grasslands and other natural resources, sea and land.

Article 14

The state protects the right of citizens to own lawfully earned income, savings, houses and other lawful property.

Article 15

The state protects, according to provisions of the law, the right of citizens to inherit private property.

Article 16

The state continually raises labour productivity, increases economic effectiveness and develops the social productive forces by enhancing the political consciousness of the working people, increasing their cultural, scientific and technical knowledge, perfecting systems of economic management and enterprise management, applying various forms of socialist responsibility system for production and other work, practising strict economy and checking waste.

The state makes appropriate arrangements with regard to accumulation and consumption, takes into account the interests of the state, the collective and the individual and, on the basis of the development of production, gradually improves the material and cultural life of the people and enhances national defence capabilities.

Article 17

The state plans the national economy on the basis of socialist public ownership. It ensures the proportionate and co-ordinated development of the national economy through the comprehensive balancing of economic plans, with market regulation as a subsidiary.

All organizations and individuals are prohibited from disrupting, by any means whatsoever, the orderly functioning of the social economy or of the economic plans of the state.

Article 18

The state enterprises enjoy powers of decision in management, within the limits specified by law, on condition that they submit to the unified leadership of the state and comprehensively fulfil their obligations under the state plans.

Workers and staff members of the state enterprises participate in the management of their respective enterprises through the congresses of workers and staff members and other channels, in accordance with provisions of the law.

Article 19

Units of the collective economy have powers of decision in conducting independent economic activities, on condition that they accept the guidance of the state plans and abide by the relevant laws.

Units of the collective economy practise democratic management according to provisions of the law; their managerial personnel shall be elected and removed and decisions on major issues concerning enterprise management shall be taken by the entire body of their workers and staff members.

Article 20

The state promotes the planned, socialist development of education, science, public health and sports, culture and art, publishing and distribution of publications, and of the press, television and broadcasting, libraries, museums and cultural centres and other cultural undertakings.

The state operates, and encourages non-governmental bodies to operate, various types of schools in order to wipe out illiteracy, universalize primary education and develop secondary, vocational and higher education.

The state increases various types of cultural and educational facilities and promotes political, cultural, scientific, technical and professional education among the workers, peasants and other working people.

The state promotes the spoken Han language in wide use throughout the country to facilitate the development of the cultural and educational work.

Article 21

The state, in a planned way, trains intellectuals who serve socialism, increases their number and gives full scope to their role in socialist modernization.

Article 22

The state promotes the virtues of love for the motherland, the people, labour, science and socialism; it educates the people in the ideas and ethics of patriotism, collectivism, internationalism and communism; and it opposes the influence of capitalist ideas, the remaining feudal ideas and other decadent ideology.

Article 23

The state advocates and encourages family planning so that population growth can conform to the plans of economic and social development in various fields.

Article 24

The state protects the environment and the ecological balance; and it organizes and encourages afforestation, and prevents and eliminates pollution and other hazards to public health.

Article 25

The state protects places of scenic or historical interest, valuable cultural relics and other important items of the historical and cultural legacies.

Article 26

All organs of state must strictly carry out the system of responsibility for work, constantly improve their functioning, raise efficiency and combat bureaucratism.

All state organs and personnel must rely on the support of the people, constantly keep in close touch with them, heed their opinions and suggestions, accept their supervision and strive to serve them.

Article 27

The state safeguards public order and suppresses treasonable and counter-revolutionary activities; the state penalizes actions that endanger public security, actions that wreck the socialist economy and other criminal activities; and the state punishes and reforms criminal offenders.

Article 28

The armed forces of the People's Republic of China belong to the people. Their tasks are to consolidate the national defence, resist aggression, defend the motherland, safeguard the people's peaceful labour, participate in national construction, and work in the interests of the people at all times and in all places.

The state steps up the revolutionization, modernization and regularization of the armed forces.

Article 29

The administrative divisions of the People's Republic of China are as follows:

(1) The country is divided into provinces, autonomous regions, and municipalities directly under the Central Government;

(2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities;

(3) Counties and autonomous counties are divided into townships, nationality townships, and towns.

Municipalities directly under the Central Government, and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

Autonomous regions, autonomous prefectures and autonomous counties are all national autonomous areas.

Article 30

The state may, where necessary, establish special administrative regions. The rules and regulations in force in special administrative regions shall be stipulated by law according to specific conditions.

Article 31

The People's Republic of China grants the right of residence to any foreign national persecuted for striving for human progress, for defending the cause of peace or for engaging in scientific work.

Chapter Two

The Fundamental Rights And Duties of Citizens

Article 32

All citizens of the People's Republic of China are equal before the law.

The rights of citizens are inseparable from their duties. Every citizen enjoys the rights prescribed by the Constitution and the law and at the same time has the duty to abide by the Constitution and the law.

Article 33

Citizens of the People's Republic of China who have reached the age of 18, with the exception of persons deprived of political rights by law, have the right to vote and stand for election irrespective of their nationality, race, sex, occupation, family origin, religious belief, education, property status, or length of residence.

Article 34

Citizens of the People's Republic of China enjoy freedom of speech, the press, assembly, association, procession and demonstration.

Article 35

Citizens of the People's Republic of China enjoy freedom of religious belief.

No organs of state, public organizations or individuals shall compel citizens to believe in religion or disbelieve in religion, nor shall they discriminate against citizens who believe, or do not believe, in religion.

The state protects legitimate religious activities. No one may use religion to carry out counter-revolutionary activities or activities that disrupt public order, harm the health of citizens or obstruct the educational system of the state.

No religious affairs may be dominated by any foreign country.

Article 36

The freedom of person of citizens of the People's Republic of China is inviolable.

No citizen may be arrested except with the sanction of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ.

Extra-legal detention of citizens, or extra-legal deprivation or restriction of citizens' freedom of person by other means, is prohibited; and extra-legal search of the person of citizens is prohibited.

Article 37

The personal dignity of citizens of the People's Republic of China is inviolable. Insult or slander against citizens in any form is prohibited.

Article 38

The homes of citizens of the People's Republic of China are inviolable. Searches of, or intrusions into, citizens' domiciles, in contravention of law, are prohibited.

Article 39

The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual shall, for any reason, infringe upon citizens' freedom and privacy of correspondence other than in cases where, to meet the needs of state security or of investigation into criminal offences, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

Article 40

Citizens of the People's Republic of China have the right to make criticisms of and proposals to any organ of state or any functionary therein; citizens have the right to appeal, complain or report to relevant organs of state against transgression of law or neglect of duty by any organ of state or any functionary therein; but no one is permitted to make deliberately false charges through fabrication or distortion of fact.

The organs of state concerned must handle appeals, complaints or reports submitted to them, by investigating the facts. No one shall suppress such appeals, complaints or reports or retaliate against citizens making them.

People suffering loss through infringement of their rights as citizens by organs of state or functionaries therein have the right to compensation according to provisions of the law.

Article 41

Citizens of the People's Republic of China have the right and obligation to work.

The state creates conditions for employment through various channels and, on the basis of increased production, gradually improves working conditions, strengthens labour protection and raises remuneration for work.

Work is a glorious duty of every able-bodied citizen. Workers in the state enterprises and in units of the collective economy, urban or rural,

should perform their tasks with the attitude of masters of the country. The state promotes socialist labour emulation, commends model and advanced workers, and protects and rewards inventions. The state encourages citizens to take part in voluntary labour.

The state provides necessary vocational training to citizens who have not yet been assigned work.

Article 42

Working people in the People's Republic of China have the right to rest.

The state expands facilities for rest and recuperation by the working people, and prescribes working hours and regulations concerning vacations for workers and staff members.

Article 43

Citizens of the People's Republic of China have the right to material assistance from the state and society in old age, illness or disability. To ensure that citizens can enjoy this right, the state expands social insurance, social assistance and public health services.

The state applies the system of retirement for workers and staff members.

The state ensures the livelihood of disabled members of the armed forces, provides allowances to the families of revolutionary martyrs and gives preferential treatment to the families of military personnel.

The state helps arrange for the livelihood of the blind, deaf-mutes and other handicapped persons and provides them with special education.

Article 44

Citizens of the People's Republic of China have the right and obligation to receive education.

The state promotes the all-round development — moral, intellectual and physical — of young people and children.

Article 45

Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists

creative endeavours, conducive to the interests of the people and human progress, by citizens engaged in education, science, technology, literature, art and other cultural work.

Article 46

Women in the People's Republic of China enjoy equal rights with men in all spheres of political, economic, cultural, social and family life. Men and women shall receive equal pay for equal work.

The state protects marriage, the family and the mother and child. Children have the duty to support their parents. Violations of the freedom of marriage are prohibited. Maltreatment of old people, women and children is prohibited.

Article 47

The People's Republic of China protects the legitimate rights and interests of Chinese residents abroad and protects the lawful rights and interests of returned overseas Chinese and the relatives of Chinese residents abroad living in China.

Article 48

When exercising their freedoms and rights, citizens of the People's Republic of China must not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens.

Article 49

Citizens of the People's Republic of China are duty-bound to safeguard the unity of the country and the unity of all its nationalities.

Article 50

Citizens of the People's Republic of China must safeguard state secrets, take care of public property, observe labour discipline, observe public order and respect social ethics and beneficial customs and habits.

Article 51

Citizens of the People's Republic of China are duty-bound to safeguard the security, honour and interests of the motherland; acts damaging to the security, honour and interests of the motherland are prohibited.

Article 52

It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

It is the honourable obligation of citizens of the People's Republic of China to perform military service and to join the militia according to the law.

Article 53

Citizens of the People's Republic of China are duty-bound to pay taxes according to the law.

Chapter Three

The Structure of The State

Section I

The National People's Congress

Article 54

The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent organ is the Standing Committee of the National People's Congress.

Article 55

The National People's Congress and its Standing Committee exercise legislative authority in the country and enact laws and decrees.

Except for laws, all the decisions and resolutions adopted by the National People's Congress and its Standing Committee are called decrees, with the same binding force as laws.

Article 56

The National People's Congress is composed of deputies elected by the provinces, autonomous regions and municipalities directly under the Central Government, and by the armed forces. All the minority nationalities are entitled to appropriate representation.

Elections of deputies to the National People's Congress are conducted by its Standing Committee.

The number of deputies to the National People's Congress and the manner of their election are prescribed by electoral law.

Article 57

The National People's Congress is elected for a term of five years.

Two months before the term of office of a National People's Congress expires, its Standing Committee must ensure that the election of deputies to the succeeding National People's Congress is completed. Should exceptional circumstances prevent such an election, the term of office of the sitting National People's Congress may be prolonged until the first session of the succeeding National People's Congress; such prolongation must be approved by a majority vote of more than two-thirds of all the members of its Standing Committee.

Article 58

Sessions of the National People's Congress meet once a year and are convened by its Standing Committee. Extraordinary sessions may be convened when the Standing Committee deems this necessary or when more than one-fifth of the deputies so propose.

Article 59

When the National People's Congress meets, it elects a presidium to conduct its session.

Article 60

The National People's Congress exercises the following functions and powers:

- (1) to amend the Constitution;
- (2) to make and amend basic laws concerning criminal offences, civil affairs, the structure of the state and other matters;
- (3) to elect the Chairman and the Vice-Chairman of the People's Republic of China;
- (4) to decide on the choice of the Premier of the State Council upon the recommendation of the Chairman of the People's Republic of China, and to decide on the choice of the Vice-Premiers, Commissioners of State, Ministers, Chairmen of Commissions, Chief Auditor and Secretary-General of the State Council upon the recommendation of the Premier;
- (5) to elect the Chairman of the Central Military Commission and, upon his recommendation, to decide on the choice of other members of the Central Military Commission;

(6) to elect the President of the Supreme People's Court;

(7) to elect the Chief Procurator of the Supreme People's Procuratorate;

(8) to examine and approve plans of national economic and social development and the reports on their implementation;

(9) to examine and approve the state budget and the report on its implementation;

(10) to approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;

(11) to decide on the establishment of special administrative regions and their rules and regulations;

(12) to decide on questions of war and peace; and

(13) to exercise other functions and powers that shall be exercised by the highest organ of state power.

Article 61

The National People's Congress has the power to recall or remove from office the following persons:

(1) the Chairman and the Vice-Chairman of the People's Republic of China;

(2) the Premier, Vice-Premiers, Commissioners of State, Ministers, Chairmen of Commissions, Chief Auditor and Secretary-General of the State Council;

(3) the Chairman and other members of the Central Military Commission;

(4) the President of the Supreme People's Court; and

(5) the Chief Procurator of the Supreme People's Procuratorate.

Article 62

Amendments to the Constitution should be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies to the National People's Congress; such amendments require, for their adoption, a majority vote of more than two-thirds of all the deputies to the National People's Congress.

Laws, decrees and other bills require, for their adoption, a simple majority vote of all the deputies to the National People's Congress.

Article 63

The Standing Committee of the National People's Congress is composed of the following members:

- the Chairman;
- the Vice-Chairmen;
- the Secretary-General; and
- other members.

Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress.

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

Members of the Standing Committee of the National People's Congress shall not hold posts in organs of state administration and the judicial and procuratorial organs.

Article 64

The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

The Chairman and Vice-Chairmen of the Standing Committee may be re-elected but shall not serve more than two consecutive terms.

Article 65

The Standing Committee of the National People's Congress exercises the following functions and powers:

- (1) to interpret the Constitution and supervise its enforcement;
- (2) to enact and amend laws with the exception of those to be enacted by the National People's Congress;
- (3) to partially amend and supplement the basic laws enacted by the National People's Congress when the latter is not in session;
- (4) to interpret laws and decrees;

(5) to examine and approve, when the National People's Congress is not in session, partial adjustments that are deemed necessary to plans of national economic and social development and to the state budget, in the course of their implementation;

(6) to supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;

(7) to annul administrative statutes, decisions and orders of the State Council which contravene the Constitution, laws or decrees;

(8) to annul local statutes and decisions of the organs of state power of provinces, autonomous regions and municipalities directly under the Central Government which contravene the Constitution, laws, decrees or general administrative statutes;

(9) to decide on the appointment and removal of Ministers, Chairmen of Commissions, the Chief Auditor and the Secretary-General of the State Council upon the recommendation of the Premier of the State Council when the National People's Congress is not in session;

(10) to decide on the appointment and removal of members of the Central Military Commission other than its Chairman, upon the recommendation of the latter, at times when the National People's Congress is not in session;

(11) to appoint and remove the Vice-Presidents, judges and members of the Judicial Committee of the Supreme People's Court upon the request of the President of the Supreme People's Court;

(12) to appoint and remove the Deputy Chief Procurators, procurators and members of the Procuratorial Committee of the Supreme People's Procuratorate upon the request of the Chief Procurator of the Supreme People's Procuratorate, and to approve the appointment and removal of the chief procurators of the people's procuratorates of provinces, autonomous regions and municipalities directly under the Central Government;

(13) to appoint and remove Deputy Chief Auditors and auditors upon the request of the Chief Auditor, and to approve the appointment and removal of the chief auditors of provinces, autonomous regions and municipalities directly under the Central Government;

(14) to decide on the appointment and recall of plenipotentiary representatives stationed abroad;

(15) to decide on the ratification or abrogation of treaties and important agreements concluded with foreign states;

(16) to institute military, diplomatic and other special titles and ranks;

(17) to institute state orders, medals and titles of honour and decide on their conferment;

(18) to decide on the granting of special pardons;

(19) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of armed attack on the country or in fulfilment of international treaty obligations concerning common defence against aggression;

(20) to decide on general mobilization throughout the country, or partial mobilization;

(21) to decide on the enforcement of martial law throughout the country or in particular provinces, autonomous regions or municipalities directly under the Central Government; and

(22) to exercise such other functions and powers as are vested in it by the National People's Congress.

Article 66

The Chairman of the Standing Committee of the National People's Congress presides over the work of the Standing Committee and convenes its sessions. The Vice-Chairmen and the Secretary-General assist the Chairman in his work.

The Chairman, Vice-Chairmen and Secretary-General of the Standing Committee of the National People's Congress are the participants in the Chairmanship Conference to attend to its important routine work.

Article 67

The chairman or a vice-chairman of the standing committee of the people's congress of each province, autonomous region and municipality directly under the Central Government attends the sessions of the Standing Committee of the National People's Congress.

Article 68

The Standing Committee of the National People's Congress is responsible and accountable to the National People's Congress.

Article 69

The National People's Congress has a Nationalities Committee, a Law Committee, a Financial and Economic Affairs Committee, an Education and Science Committee, a Foreign Affairs Committee and other necessary special committees. These special committees work under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session.

The special committees examine, discuss and draw up relevant bills under the direction of the National People's Congress and its Standing Committee.

Article 70

The National People's Congress and its Standing Committee may, when deemed necessary, appoint commissions of inquiry for the investigation of specific questions and make relevant decisions in the light of the reports of these commissions.

All organs of state, public organizations and citizens concerned are obliged to supply the necessary information to these commissions when they conduct investigations.

Article 71

Deputies to the National People's Congress and Members of its Standing Committee have the right to submit, according to procedures prescribed by law, legislative bills within the scope of the functions and powers of the National People's Congress and its Standing Committee.

Article 72

Deputies to the National People's Congress, during its sessions, and Members of its Standing Committee, during sessions of the latter, have the right to put forward bills of inquiry, according to procedures prescribed by law, to the State Council, the Supreme People's Court, the Supreme People's Procuratorate and the ministries and commissions under the State Council, which are all under obligation to answer.

Article 73

No deputy to the National People's Congress may be arrested or placed on trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, the consent of its Standing Committee.

Article 74

Deputies to the National People's Congress shall not be subjected to legal investigation for speeches or votes at its meetings.

Article 75

Deputies to the National People's Congress should maintain close contact with the units which elect them and with the people, listen to and report the opinions and demands of the people and, in their own production and other work and public activities, assist in the enforcement of the Constitution and the law.

Article 76

Deputies to the National People's Congress are subject to the supervision of the units which elect them. These electoral units have the power to replace the deputies they elect at any time, through procedures prescribed by law.

Article 77

The organization and working procedures of the National People's Congress and its Standing Committee are specified by law.

Section II

The Chairman of the People's Republic of China

Article 78

The Chairman of the People's Republic of China represents the state in its domestic affairs and its relations with foreign states.

The Vice-Chairman of the People's Republic of China assists the Chairman in his work.

Article 79

Citizens of the People's Republic of China who have the right to vote and to stand for elec-

tion and who have reached the age of 45 are eligible to stand for election as Chairman or Vice-Chairman of the People's Republic of China.

The term of office of the Chairman and Vice-Chairman of the People's Republic of China is five years. They may be re-elected but shall not serve more than two consecutive terms.

Article 80

The Chairman of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates laws; appoints and removes the Premier, Vice-Premiers, Commissioners of State, Ministers, Chairmen of Commissions, Chief Auditor and Secretary-General of the State Council; confers state orders, medals and titles of honour; grants special pardons; proclaims martial law; proclaims a state of war; and orders mobilization.

Article 81

The Chairman of the People's Republic of China receives foreign diplomatic representatives and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints and recalls plenipotentiary representatives stationed abroad, ratifies and abrogates treaties and important agreements concluded with foreign states.

Article 82

The Vice-Chairman of the People's Republic of China may exercise such part of the functions and powers of the Chairman as the Chairman may entrust to the Vice-Chairman.

Article 83

The Chairman and Vice-Chairman of the People's Republic of China exercise their functions and powers until the new Chairman and Vice-Chairman elected by the succeeding National People's Congress take office.

Article 84

Should the office of the Chairman of the People's Republic of China fall vacant, the Vice-Chairman succeeds to the office of the Chairman.

Should the office of the Vice-Chairman of the People's Republic of China fall vacant, the

National People's Congress holds a by-election to elect a new Vice-Chairman.

Should the offices of both the Chairman and the Vice-Chairman fall vacant, the National People's Congress holds by-elections to elect a new Chairman and a new Vice-Chairman. Prior to the by-elections, the Chairman of the Standing Committee of the National People's Congress functions as the Acting Chairman of the People's Republic of China.

Section III

The State Council

Article 85

The State Council, that is, the Central People's Government, of the People's Republic of China, is the executive organ of the highest organ of state power; it is the highest organ of state administration.

Article 86

The State Council is composed of the following members:

the Premier;
two to four Vice-Premiers;
the Commissioners of State;
the Ministers;
the Chairmen of Commissions;
the Chief Auditor; and
the Secretary-General.

The State Council applies the system of decision by the Premier. The ministries and commissions apply the system of decision by their respective ministers or chairmen.

The organization of the State Council is specified by law.

Article 87

The term of office of the State Council is the same as that of the National People's Congress.

The Premier, Vice-Premiers and Commissioners of State shall not serve more than two consecutive terms.

Article 88

The Premier directs the work of the State Council. The Vice-Premiers and Commissioners of State assist the Premier in his work.

The Premier, Vice-Premiers, Commissioners of State and Secretary-General of the State Council are the participants in its regular meetings.

The Premier convenes and presides over the regular meetings and plenary meetings of the State Council.

Article 89

The State Council exercises the following functions and powers:

(1) to formulate administrative measures, draw up and approve administrative statutes and issue decisions and orders in accordance with the Constitution, laws and decrees;

(2) to specify the tasks and responsibilities of the ministries and commissions of the State Council, and to exercise unified leadership over the work of the ministries and commissions and all other administrative work for the whole country which does not fall within the functions and powers of the ministries and commissions:

(3) to exercise unified leadership over the work of local organs of state administration at various levels throughout the country, and to specify the division of the functions and powers of the organs of state administration of the Central Government, provinces, autonomous regions and municipalities directly under the Central Government;

(4) to draw up and implement the plans of national economic and social development and the state budget;

(5) to direct and administer economic work and urban and rural construction;

(6) to direct and administer the work of education, science, culture, public health, physical culture and family planning;

(7) to direct and administer affairs concerning the nationalities, to safeguard the equal rights of minority nationalities and the right of autonomy of the national autonomous areas;

(8) to protect the legitimate rights and interests of Chinese residents abroad;

(9) to direct and administer civil affairs, public security work, legal administration and supervisory work;

(10) to administer external affairs and conclude treaties and agreements with foreign states;

(11) to direct the building of the armed forces;

(12) to revise or annul inappropriate administrative statutes, orders and directives issued by Ministers or by Chairmen of Commissions;

(13) to revise or annul inappropriate decisions and orders issued by local organs of state administration at various levels;

(14) to approve the administrative divisions of provinces, autonomous regions and municipalities directly under the Central Government and to approve the establishment and administrative divisions of autonomous prefectures, counties, autonomous counties and cities;

(15) to decide on the enforcement of martial law in parts of provinces, of autonomous regions, and of municipalities directly under the Central Government;

(16) to examine and decide on the size of administrative organs and appoint, remove, train, check up on the work of, reward and punish administrative personnel according to provisions of the law; and

(17) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.

Article 90

The State Council may submit to the National People's Congress or its Standing Committee bills concerning the following:

(1) plans of national economic and social development and their implementation;

(2) the state budget and its implementation;

(3) those treaties and important agreements concluded with foreign states, subject to ratification and annulment by the Standing Committee of the National People's Congress;

(4) appointment and removal of personnel which shall be decided on by the National People's Congress or its Standing Committee; and

(5) other matters which shall be decided on by the National People's Congress or its Standing Committee through laws or decrees.

Article 91

The Ministers and Chairmen of Commissions under the State Council direct the work of

their respective departments, convene and preside over meetings of ministries or commissions and issue orders, directives and departmental administrative statutes within the jurisdiction of their respective departments and in accordance with laws and decrees and the administrative statutes, decisions and orders issued by the State Council.

Article 92

The State Council has an auditing body to audit and supervise the financial work, the revenues and expenditures of the governments at various levels and of the financial and monetary departments and enterprises and institutions under them.

The auditing body exercises its auditing and supervisory powers independently, according to provisions of the law and subject to no interference by any other administrative organs or any organizations and individuals.

Article 93

The State Council is responsible and accountable to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

Section IV

The Central Military Commission

Article 94

The People's Republic of China has a Central Military Commission to lead the armed forces of the country.

Article 95

The Central Military Commission applies the system of decision by its Chairman.

Article 96

The term of office of the Chairman of the Central Military Commission is five years. He may be re-elected but shall not serve more than two consecutive terms.

Article 97

The Chairman of the Central Military Commission is responsible to the National People's

Congress or to its Standing Committee when the former is not in session.

Section V

The Local People's Congresses and the Local People's Governments at Various Levels

Article 98

People's congresses and people's governments are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, townships, nationality townships, and towns.

The organization of local people's congresses and local people's governments at various levels is specified by law.

Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and work of organs of self-government are specified in Section VI of Chapter Three of the Constitution.

Article 99

Local people's congresses at various levels are local organs of state power.

Standing committees are established in the local people's congresses of and above the county level.

Article 100

Deputies to the people's congresses of provinces, municipalities directly under the Central Government, and cities divided into districts are elected by people's congresses at the next lower levels; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are directly elected by the voters.

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by electoral law.

Article 101

The term of office of the people's congresses of provinces, municipalities directly under the Central Government, and cities divided into districts is five years. The term of office of the people's congresses of counties, cities not divid-

ed into districts, municipal districts, townships, nationality townships, and towns is three years.

Article 102

Local people's congresses at various levels, in their respective administrative areas, ensure the observance and implementation of the Constitution, laws, decrees and general administrative statutes; and, within the limits of their authority as prescribed by law, they adopt and issue decisions and examine and decide on plans of local economic and cultural development and for public utilities.

Local people's congresses of and above the county level examine and approve the plans of economic and social development and the budgets of their respective administrative areas, and examine and approve reports on their execution.

The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

Article 103

The people's congresses of provinces and municipalities directly under the Central Government, and their standing committees, may formulate and promulgate local statutes on condition that these do not contravene the Constitution, laws, decrees and general administrative statutes, and they shall report them to the Standing Committee of the National People's Congress for record.

Article 104

Local people's congresses at various levels elect, and have the power to recall, the provincial governors and deputy provincial governors, or the mayors and deputy mayors, or the county heads and deputy county heads, or the district heads and deputy district heads, or the township heads and deputy township heads, or the town heads and deputy town heads according to their corresponding levels.

Local people's congresses of and above the county level elect, and have the power to recall, the presidents of people's courts and the chief procurators of people's procuratorates at the corresponding levels. The election or recall of the chief procurators of people's procuratorates shall be reported to the chief procurators of the

people's procuratorates at the next higher levels for submission for approval to the standing committees of the people's congresses at the corresponding levels.

Article 105

Deputies to the people's congresses of provinces, municipalities directly under the Central Government, and cities divided into districts are subject to supervision by the units which elect them: deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns are subject to supervision by their voters.

The electoral units and electorates which elect the deputies to the local people's congresses at various levels have the power to recall their deputies at any time according to procedures prescribed by law.

Article 106

Standing committees of local people's congresses of and above the county level are each composed of the chairman, the vice-chairmen and other members, and are responsible and accountable to people's congresses at the corresponding levels.

Local people's congresses of and above the county level elect, and have the power to recall, members of the standing committees of people's congresses at the corresponding levels.

Article 107

Standing committees of local people's congresses of and above the county level conduct the election of deputies to people's congresses at the corresponding levels; discuss and decide on major issues concerning the different kinds of work in their respective administrative areas; supervise the work of people's governments, people's courts and people's procuratorates at the corresponding levels; annul inappropriate decisions and orders of people's government at the corresponding levels and of people's governments at the next lower levels; annul inappropriate decisions of people's congresses at the next lower levels; decide on the appointment and removal of the state personnel within the limits of their authority as prescribed by law; and, when the people's congresses at the corresponding levels are not in session, hold by-elections for deputies to the people's congresses at the next higher levels and recall individual

deputies to the people's congresses at the next higher levels.

Standing committees of local people's congresses of cities divided into districts and counties conduct the election of deputies to the people's congresses of municipal districts, townships, nationality townships, and towns.

Article 108

Local people's governments at various levels are the executive organs of local organs of state power at the corresponding levels and they are also local organs of state administration.

The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels.

Article 109

Local people's governments at various levels, within the limits of their authority as prescribed by law, administer the economy, education, science, culture, public health, physical culture, urban and rural construction, finance, public security, civil affairs and family planning in their respective administrative areas; issue decisions and orders; and appoint, remove, train, check up on the work of, and reward and punish administrative personnel.

Article 110

Local people's governments of and above the county level direct the work of their subordinate departments and of people's governments at lower levels, and have the power to amend and annul inappropriate orders and directives issued by their subordinate departments as well as inappropriate decisions and orders issued by people's governments at lower levels.

Article 111

Auditing bodies are established in local people's governments of and above the county level. Local auditing bodies at various levels exercise their auditorial and supervisory powers independently and according to provisions of the law and are responsible to the people's governments at the corresponding levels and the auditing bodies at the next higher levels.

Article 112

Local people's governments at various levels are responsible and accountable to peo-

ple's congresses at the corresponding levels. Local people's governments of and above the county level are responsible and accountable to the standing committees of people's congresses at the corresponding levels when these congresses are not in session.

Local people's governments at various levels are responsible and accountable to the organs of state administration at the next higher levels. Local people's governments at various levels throughout the country are organs of state administration under the unified leadership of the State Council and are subordinate to it.

Article 113

Neighbourhood committees and villagers' committees are established in urban and rural residential districts as mass organizations of self-government at the primary level. The chairman, vice-chairmen and other members of each neighbourhood committee and villagers' committee are directly elected and recalled by the residents. The relationship between these mass organizations of self-government and the organs of state power at the primary level is specified by law.

Committees for people's mediation, security and public health and other committees are established in the neighbourhood committees and villagers' committees to administer public affairs and public welfare, mediate in disputes between residents and help to maintain public order in their respective districts as well as to relay residents' opinions and demands to the people's governments and to make suggestions to and exercise supervision over the people's governments.

Section VI

The Organs of Self-Government of National Autonomous Areas

Article 114

The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.

The organization of the organs of self-government of national autonomous areas shall conform to the basic principles governing the

organization of local organs of state as specified in Section V of Chapter Three of the Constitution.

Article 115

In addition to the deputies of the nationality or nationalities exercising regional autonomy in a given administrative area, the other nationalities inhabiting the same area are entitled to appropriate representation in people's congresses of autonomous regions, autonomous prefectures and autonomous counties, and the number of deputies of the nationalities concerned is specified by statutes governing the exercise of autonomy in the national autonomous areas.

Article 116

The chairmen of autonomous regions, heads of autonomous prefectures and heads of autonomous counties shall be persons of the nationality or nationalities exercising regional autonomy in those areas.

Article 117

The organs of self-government of autonomous regions, autonomous prefectures and autonomous counties exercise the right of national autonomy within the limits of their authority as prescribed by the Constitution, the law of regional national autonomy and other laws; and at the same time they exercise the functions and powers of local organs of state as specified in Section V of Chapter Three of the Constitution.

Article 118

People's congresses of national autonomous areas have the power to draw up statutes governing the exercise of autonomy as well as separate regulations, in the light of the political, economic and cultural characteristics of the nationality or nationalities in a given area. The statutes governing the exercise of autonomy and the separate regulations drawn up by autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they become effective. The statutes governing the exercise of autonomy and the separate regulations drawn up by autonomous prefectures and autonomous counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they become effective, and they should be reported

to the Standing Committee of the National People's Congress for record.

Article 119

The organs of self-government of national autonomous areas have autonomous powers in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the state shall be used according to the arrangements made independently by the organs of self-government of those areas.

Article 120

The organs of self-government of national autonomous areas independently administer the economic construction of their areas under the guidance of the state plans.

In developing natural resources and building enterprises in the national autonomous areas, the state should give due consideration to the interests of those national autonomous areas.

Article 121

The organs of self-government of national autonomous areas independently administer the education, science, culture, public health and physical culture in their respective areas, take charge of and protect the national cultural heritage, develop the good cultures of the nationalities and help them to flourish.

Article 122

The organs of self-government of national autonomous areas may, in accordance with the military system of the state and the actual local needs, and with the approval of the State Council, organize their local public security forces for the maintenance of public order.

Article 123

In performing their functions, the organs of self-government of national autonomous areas employ the spoken and written language or languages commonly used by the nationality or nationalities in a given area, according to the statutes governing the exercise of autonomy in the given national autonomous area.

Article 124

The state safeguards the right of national autonomy of the organs of self-government of

national autonomous areas in the implementation of the laws and policies of the state according to the actual local situation; it gives financial, material and technical assistance to minority nationalities to accelerate their economic and cultural development.

The state helps the national autonomous areas to train large numbers of cadres, specialized personnel and skilled workers from among the nationality or nationalities in the given area.

Section VII

The People's Courts and the People's Procuratorates

Article 125

The people's courts in the People's Republic of China are the judicial organs of the state.

Article 126

The People's Republic of China has its Supreme People's Court, local people's courts at various levels and special people's courts.

The term of office of the President of the Supreme People's Court is five years; he may be re-elected but shall not serve more than two consecutive terms.

The organization of people's courts is specified by law.

Article 127

All cases in the people's courts are heard in public except those involving special circumstances as prescribed by law. The accused has the right to defence.

Article 128

People's courts shall exercise judicial authority independently according to provisions of the law and are not subject to interference by administrative organs, organizations or individuals.

Article 129

The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the administration of justice by local people's courts

at various levels and by the special people's courts; people's courts at the higher levels supervise the administration of justice by those at lower levels.

Article 130

The Supreme People's Court is responsible to the National People's Congress and to the latter's Standing Committee. Local people's courts at various levels are responsible to the organs of state power which elect them.

Article 131

The people's procuratorates of the People's Republic of China are state organs of legal supervision.

Article 132

The People's Republic of China has its Supreme People's Procuratorate, local people's procuratorates at various levels and special people's procuratorates.

The term of office of the Chief Procurator of the Supreme People's Procuratorate is five years; the incumbent may be re-elected but shall not serve more than two consecutive terms.

The organization of people's procuratorates is specified by law.

Article 133

People's procuratorates exercise procuratorial authority independently according to provisions of the law and are not subject to interference by administrative organs, organizations and individuals.

Article 134

The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate directs the work of the local people's procuratorates at various levels and of the special people's procuratorates; people's procuratorates at the higher levels direct the work of those at the lower levels.

Article 135

The Supreme People's Procuratorate is responsible to the National People's Congress and to the latter's Standing Committee. Local people's procuratorates at various levels are responsible to the organs of state power at the

corresponding levels and to the people's procuratorates at the higher levels.

Article 136

Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts and people's procuratorates are required to provide interpretation in the court proceedings for any party not well acquainted with the spoken or written languages commonly used in the locality.

In an area where people of a minority nationality live in a compact community or where a number of nationalities live together, hearings should be conducted in the language commonly used in the locality; indictments, judgments, notices and other documents should be written in that language.

Article 137

People's courts, people's procuratorates and public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for their own work, and they shall co-ordinate with each other and restrict each other to ensure accurate and effective application of the law.

Chapter Four

The National Flag, the National Emblem and The Capital

Article 138

The national flag of the People's Republic of China has five stars on a field of red.

Article 139

The national emblem of the People's Republic of China is: Tian An Men in the centre, illuminated by five stars and encircled by ears of grain and a cogwheel.

Article 140

The capital of the People's Republic of China is Beijing.

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