

Law of the People's Republic of China on National Defence

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Chapter I

General Provisions

Article 1 This Law is enacted in accordance with the Constitution for the purpose of building up and consolidating national defence and ensuring the smooth progress of the socialist modernization drive.

Article 2 This Law is applicable to military activities conducted by the State to prepare against and resist aggression, thwart armed subversion, safeguard the sovereignty, unification, territorial integrity and security of the State, as well as military-related activities in the political, economic, diplomatic, scientific, technological and educational fields.

Article 3 National defence provides the safeguard for the survival and development of the country.

The State reinforces its armed forces and the defence of its frontiers, seas and air space, develops defence research and production, makes defence education universal among all citizens, improves the mobilization system and modernizes national defence.

Article 4 The State independently builds and consolidates national defence by relying on its own efforts, practises the strategy of active defence and adheres to the principle of self-defence by the entire people.

While concentrating its efforts on developing the economy, the State shall build up national defence and promote the coordinated development of both.

Article 5 The State exercises unified leadership over activities involving national defence.

Article 6 It is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression.

Citizens of the People's Republic of China shall perform their obligations regarding national defence in accordance with law.

Article 7 The State and society respect and render preferential treatment to servicemen, protect their lawful rights and interests and carry out activities in various forms to support the army and give preferential treatment to the families of servicemen

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall carry out activities to support the government and cherish the people, in order to strengthen unity between the army and the government and between the army and the people.

Article 8 The People's Republic of China, in its military relations with other countries, safeguards world peace and opposes acts of aggression and expansion.

Article 9 The State and society commend and award, in various forms, the organizations and individuals that have made contributions in activities of national defence.

Organizations and individuals that, in violation of this Law and other relevant laws, refuse to fulfil their obligations regarding national defence or jeopardize the interests of national defence shall be investigated for legal responsibility according to law.

Chapter II

Functions and Powers of State Organs in National Defence

Article 10 The National People's Congress, pursuant to the Constitution, decides on issues of war and peace and exercises other functions and powers in respect of national defence as stipulated by the Constitution.

The Standing Committee of the National People's Congress, pursuant to the Constitution, decides on the proclamation of a state of war, and on general or partial mobilization of the nation and exercises other functions and powers in respect of national defence as stipulated by the Constitution.

Article 11 The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress or its Standing Committee, proclaims a state of war, issues mobilization orders and exercises other functions and powers in respect of national defence as stipulated by the Constitution.

Article 12 The State Council directs and administers the building up of national defence and exercises the following functions and powers:

- (1) to draw up development programmes and plans for the building up of national defence;
- (2) to formulate principles, policies and administrative rules and regulations in respect of the building up of national defence;
- (3) to direct and administer defence research and production;
- (4) to administer defence expenditures and assets;
- (5) to direct and administer national economy mobilization and other related work in the fields of mobilization of the people for defence purposes, civil air defence and defence communications;
- (6) to direct and administer the work of supporting the army and rendering preferential treatment to the families of servicemen and the work of making arrangements for demobilized servicemen;
- (7) to direct the work of defence education;
- (8) to exercise leadership jointly with the Central Military Commission over the building of the Chinese People's Armed Police Force and the Militia, the work of enlistment and reserve service and the administration of defence of the frontiers, seas and air space; and
- (9) other functions and powers relating to the building up of national defence as prescribed by law.

Article 13 The Central Military Commission directs all the armed forces of the country and exercises the following functions and powers:

- (1) to exercise unified command of all the armed forces of the country;
- (2) to decide on military strategies and form concepts of operations for the armed forces;
- (3) to direct and administer the building of the Chinese People's Liberation Army, formulate programmes and plans and arrange for their implementation;
- (4) to submit bills or proposals to the National People's Congress or its Standing Committee;
- (5) to enact military rules and regulations, and issue decisions and orders in accordance with the Constitution and law;
- (6) to decide on the system and organization for the Chinese People's Liberation Army and prescribe the tasks and powers and duties of the general departments, major military commands, services and arms and other units at the level of a major military command;
- (7) to appoint, remove, train, appraise, award and punish members of the armed forces in accordance with law and military rules and regulations;
- (8) to approve the system, development programmes and plans for weapons and equipment of the armed forces, and to work together with the State Council in directing and administering defence research and production;
- (9) to administer defence expenditures and assets jointly with the State Council; and
- (10) other functions and powers as prescribed by law.

Article 14 The State Council and the Central Military Commission may, when necessary, convene a coordination meeting to solve problems relating to national defence. Implementation of the decisions adopted at the meeting shall be arranged by the State Council and the Central Military Commission within the scope of their respective functions and powers.

Article 15 Local people's congresses at various levels and the standing committees of the local people's congresses at or above the county level shall, within their own administrative regions, see to it that the laws, rules and regulations regarding national defence are observed and executed.

Local people's governments at various levels shall, within the limits of power prescribed by law and within their respective administrative regions, be in charge of the work of enlistment, the militia, reserve service, defence education, national economy mobilization, civil air defence, defence communications, protection of defence installations, arrangement for demobilized servicemen and supporting the army and rendering preferential treatment to the families of servicemen.

Article 16 Local people's governments at various levels and military organs stationed in the areas may, when necessary, convene a joint military-civilian meeting to coordinate their efforts to solve problems relating to national defence within their respective administrative regions.

A joint military-civilian meeting shall be convened by leading members of the local people's government and the military organ stationed in that area. Participants of a joint military-civilian meeting shall be decided on by conveners of the meeting.

Decisions adopted at a joint military-civilian meeting shall be executed by the local people's government and the military organ stationed in the area within their respective limits of power. Decisions on major issues shall be reported respectively to the authorities at higher levels.

Chapter III

The Armed Forces

Article 17 The armed forces of the People's Republic of China belong to the people. Their tasks are to

consolidate national defence, resist aggression, defend the motherland, safeguard the people's peaceful labour, participate in national construction and serve the people whole-heartedly.

Article 18 The armed forces of the People's Republic of China must observe the Constitution and law, and they must administer their affairs according to law.

Article 19 The armed forces of the People's Republic of China is subject to the leadership of the Communist Party of China. The organizations of the Chinese Communist Party in the armed forces shall carry out their activities in accordance with the Constitution of the Communist Party of China.

Article 20 The State strengthens revolutionization, modernization and regularization of the armed forces to increase defence capability.

Article 21 The armed forces of the People's Republic of China shall adapt themselves to modern warfare, by intensifying military training, conducting political work, raising logistics level and enhancing combat effectiveness in an all-round way.

Article 22 The armed forces of the People's Republic of China are composed of the active and reserve forces of the Chinese People's Liberation Army, the Chinese People's Armed Police Force and the Militia.

The active components of the Chinese People's Liberation Army constitute the standing force of the State and mainly shoulders the task of defence operations and may, when necessary, assist in maintaining public order in accordance with the provisions of law. The reserve components shall, in peacetime, undergo training in accordance with regulations and may, when necessary, assist in maintaining public order in accordance with the provisions of law and, in wartime, shall be turned into active components according to the mobilization order issued by the State.

The Chinese People's Armed Police Force, under the leadership and command of the State Council and the Central Military Commission, shoulders the tasks of security and maintenance of public order, as entrusted by the State.

The Militia, under the command of military organs, shoulders the tasks of preparations against war and defence operations and assists in maintaining public order.

Article 23 The size of the armed forces of the People's Republic of China shall be such as to meet the need of safeguarding the security and interests of the State.

Article 24 Military service of the People's Republic of China comprises an active service and a reserve service. The service system for servicemen and for reservists shall be prescribed by law.

The State, in accordance with the provisions of law, applies a system of military ranks among both servicemen and reservists.

Article 25 The State forbids any organization or individual to establish any armed organization in violation of law, forbids illegal armed activities and forbids anyone to pass himself off as a serviceman or any unit to pass itself off as an organization of the armed forces.

Chapter IV

Defence of the Frontiers, Seas and Air Space

Article 26 The territorial land, inland waters, territorial seas and territorial air space of the People's Republic of China are inviolable. The State reinforces the defence of the frontiers, seas and air space and adopts effective defence and control measures to defend the security of the territorial land, inland waters, territorial seas and territorial air space and safeguard the maritime rights and interests of the country.

Article 27 The Central Military Commission exercises unified leadership over the defence of the frontiers, seas and air space.

Local people's governments at various levels, the relevant departments of the State Council and relevant military organs shall, within the scope of their functions and powers prescribed by the State, perform their

respective responsibilities as divided among them in control and defence of the frontiers, seas and air space to join efforts in safeguarding the security and interests of the country.

Article 28 The State, in light of the need of defence of the frontiers, seas and air space, has defence installations built for military operation, command, telecommunications, protection, traffic, logistics, etc. The people's governments and military organs at various levels shall, according to the provisions of laws and regulations, ensure the construction of defence installations and protect their security.

Chapter V

Defence Research and Production and Orders for Military Supplies

Article 29 The State establishes and improves the scientific, technological and industrial system for national defence, develops defence research and production and furnishes the armed forces with weapons and equipment that are advanced in performance and reliable in quality, complete in sets of accessories, and easy to operate and maintain as well as other suitable military material to meet the need of national defence.

Article 30 The principle to be applied to defence science, technology and industry is one according to which production for military use is combined with production for civilian use, wartime-oriented work is combined with peacetime-oriented work, priority is given to the manufacture of military products and military production is supported by civilian production.

The State makes the overall plan for the development of defence science, technology and industry and keeps defence research and production capability at an appropriate scale, with matched specialties and geographically rational distribution.

Article 31 The State promotes progress in defence science and technology and in research of new and high technologies, brings into play the leading role of new and high technologies in the development of weapons and equipment, increases technology reserve and develops new weapons and equipment.

Article 32 The State exercises unified leadership and planned regulation and control with regard to defence research and production.

The State provides the enterprises and institutions charged with the task of defence research and production with the necessary guarantees and adopts preferential policies toward them. Local people's governments at various levels shall support and assist such enterprises and institutions.

Enterprises and institutions that are charged with the task of defence research and production must complete their task and ensure the quality of weapons and equipment.

Article 33 The State adopts necessary measures to train scientists and engineers for national defence and creates favourable environment and conditions for them to play their role to the full.

Scientists and engineers in the field of national defence shall be esteemed by the general public. The State gradually improves their material and other benefits and protects their lawful rights and interests.

Article 34 The State, in light of the need of defence development and the requirement of the socialist market economy, institutes a system whereby the State places orders for military supplies so as to ensure the purchase and supply of weapons and equipment and other military material.

Chapter VI

Defence Expenditures and Assets

Article 35 The State ensures the necessary funds for undertakings of national defence. The increase of defence expenditures shall be commensurate with the need of defence and in proportion to the growth of the economy.

Article 36 The State institutes a system whereby funds for defence expenditures are allocated by the government.

Article 37 The funds directly invested and resources such as land allocated by the State for the building of the

armed forces, for defence research and production and for other projects of defence, as well as the weapons, equipment, installations, material, facilities and technological results that are formed therefrom and used for purposes of defence, are all defence assets.

Defence assets are owned by the State.

Article 38 The State in light of the need for the building of national defence and economic development, determines the scale, composition and geographical distribution of defence assets, readjusts and disposes of defence assets.

The administrative institutions in charge of defence assets and the units possessing and using such assets shall administer the assets according to law and have them used most effectively.

Article 39 The State protects defence assets from infringement and ensures their safety, integrity and effectiveness.

All organizations and individuals are forbidden to undermine, damage or usurp defence assets. Without the approval of the State Council or the Central Military Commission, or of the institutions authorized by the State Council or the Central Military Commission, no units possessing or using defence assets may use them for purposes other than national defence. The defence assets that are no longer used for purposes of national defence, as approved, shall be managed in accordance with the provisions of relevant laws and regulations.

Chapter VII

Defence Education

Article 40 The State, through conducting defence education, helps citizens to enhance their awareness of the importance of national defence, master knowledge of national defence, carry forward the spirit of patriotism and conscientiously perform their obligations in national defence.

To make defence education universal and foster such education is the common responsibility of the whole society.

Article 41 In defence education, the principles of participation by all citizens, long-term perseverance and emphasis on practical results shall be applied as well as the principles of combining regular education with concentrated education, universal education with education among specific groups of people and education in theories with education through practical training.

Article 42 The State Council, the Central Military Commission, the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and relevant military organs shall adopt measures to improve the work of defence education.

All State organs, armed forces, political parties, public organizations, enterprises and institutions shall make it possible for people in their respective areas, departments and units to receive defence education.

Defence education at schools provides the foundation for nationwide defence education. Schools of all types and at all levels shall offer appropriate defence education courses or supplement relevant courses with subject matters related to defence education.

Departments and units of education, culture, the press, publishing, radio, film, television, etc. shall closely cooperate in this endeavour and conduct defence education in various forms.

Article 43 People's governments at various levels shall incorporate defence education into their plans for national economic and social development and guarantee the funds needed for such education.

Chapter VIII

Defence Mobilization and State of War

Article 44 When the sovereignty, unification, territorial integrity or security of the People's Republic of China is under threat, the State, pursuant to the Constitution and law, shall mobilize the entire nation or part of the

nation against it.

Article 45 The State makes preparations for mobilization in peacetime, incorporating preparations for mobilization of the people's armed forces and the national economy, and for civil air defence and defence communications, etc. into the overall development programmes and plans of the State, improving the mobilization system and increasing the potentialities and capability of mobilization.

Article 46 The State institutes a system for reserving strategic material. The strategic material reserve shall be appropriate in scale, safe in storage and convenient for deployment and shall be regularly updated to ensure wartime needs.

Article 47 The State Council and the Central Military Commission shall jointly direct the preparations for and implementation of mobilization.

All State organs, armed forces, political parties, public organizations, enterprises and institutions and all citizens must, in peacetime, fulfill their work of mobilization preparations as provided by law and fulfill their assigned tasks of mobilization after the State's issuance of a mobilization order.

Article 48 The State may, in light of the need of mobilization and according to law, requisition the equipment, installations, means of transportation and other material of organizations and individuals.

The people's governments at or above the county level shall, in accordance with the relevant regulations of the State, make appropriate compensation to the requisitioned organization or individual for the economic losses directly caused by requisition.

Article 49 The State, pursuant to the Constitution, proclaims a state of war, adopts various measures to concentrate human, material and financial resources and leads all citizens in their efforts to defend the motherland and resist aggression.

Chapter IX

Obligations and Rights of Citizens and Organizations Regarding National Defence

Article 50 It is the honourable duty of citizens of the People's Republic of China to perform military service or join the militia in accordance with law.

The organs in charge of military service affairs at various levels and the arm-the-people departments at the grassroots level shall do their military service work according to law, fulfill their task of enlistment in accordance with the order of the State Council and the Central Military Commission and guarantee the qualifications of the enlisted. Other State organs, public organizations, enterprises and institutions concerned shall fulfill their work with regard to the militia and reservists according to law and assist the organs in charge of military service affairs in their efforts to fulfill the task of enlistment.

Article 51 Enterprises and institutions shall, in compliance with the demand of the State, undertake the task of defence research and production, accept the orders for military supplies placed by the State and provide weapons, equipment and military material that are up to the quality standard.

Enterprises and institutions shall, in accordance with State regulations, satisfy the defence requirements in communications construction. The units administering communications facilities at railway stations and bus terminals, ports, airports, roads, etc. shall give first priority to the passage of active servicemen, military vehicles and vessels and give them preferential treatment according to regulations.

Article 52 Citizens shall receive defence education.

Citizens and organizations shall protect defence installations and shall not impair or undermine them.

Citizens and organizations shall observe regulations on guarding secrets and shall not divulge State secrets concerning national defence or illegally possess secret documents, information or other secret articles or goods relating to national defence.

Article 53 Citizens and organizations shall support the building of national defence and provide convenience

or other assistance for the armed forces in military training, preparations against war and defence operations.

Article 54 Citizens and organizations shall have the right to put forward suggestions regarding the building of national defence, check and inform against acts endangering national defence.

Article 55 Citizens and organizations suffering direct economic losses because of the building of national defence or military activities may be compensated in accordance with the relevant regulations of the State.

Chapter X

Obligations, Rights and Interests of Servicemen

Article 56 Active servicemen must be loyal to the motherland, perform their functions and duties, fight bravely, face sacrifice squarely and defend the security, honour and interests of the motherland.

Article 57 Active servicemen must observe the Constitution and law in an exemplary way, observe military rules and regulations, execute orders and strictly abide by rules of discipline.

Article 58 Active servicemen shall carry forward the fine traditions of the people's army, cherish and protect the people, actively participate in promoting the socialist material growth, cultural and ethical progress, and fulfill the tasks of dealing with emergencies and doing rescue work in disasters.

Article 59 Servicemen shall be esteemed by the general public.

The State adopts effective measures to protect the honour and dignity of active servicemen and ensures special protection for the marriage of active servicemen.

Active servicemen's performance of their functions and duties according to law are protected by law.

Article 60 The State and society give preferential treatment to active servicemen.

The State ensures that active servicemen enjoy the material and other benefits appropriate to the performance of their functions and duties and gives preferential treatment in material and other benefits to those active servicemen who are working in defence of the frontiers or seas in areas or at posts where conditions are difficult.

The State institutes an insurance system for servicemen.

Article 61 The State makes proper arrangements for demobilized active servicemen, provides necessary vocational training to servicemen who are transferred to civilian jobs and ensures the retired servicemen material and other benefits.

The people's governments at or above the county level shall be responsible for helping ex-servicemen to find employment commensurate with their ranks of posts, contributions and specialties.

The units that receive ex-servicemen shall give them preferential treatment in material and other benefits, education, housing, etc. in accordance with the relevant regulations of the State.

Article 62 The State and society give financial support and preferential treatment to disabled servicemen and provide special safeguards for their daily necessities and medical treatment in accordance with law.

When a serviceman who was disabled or who contracted illness while taking part in military operations or performing military duties is demobilized, the people's government at or above the county level shall receive him and make arrangements for him, ensuring that his living standard is not lower than the average of the local people.

Article 63 The State and society give preferential treatment to the families of active servicemen, and give financial support and preferential treatment to the families of martyrs and of servicemen who are killed in action or died of illness--preferential treatment in matters of employment, housing, compulsory education, etc.

Article 64 The militiamen, reservists and other people shall perform their functions and duties when taking part in military training and undertaking the tasks of preparations against war and defence operations; the State

and society ensure their enjoyment of appropriate treatment and give them financial support and preferential treatment in accordance with relevant regulations.

Chapter XI

Foreign Military Relations

Article 65 In independently handling its foreign military relations and conducting military exchange and cooperation with other countries, the People's Republic of China adheres to 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 co-existence.

Article 66 The People's Republic of China supports the world community in its military-related actions taken for the benefit of safeguarding world and regional peace, security and stability and supports it in its efforts to impartially and reasonably resolve international disputes and its efforts for arms control and disarmament.

Article 67 In its military relations with other countries, the People's Republic of China observes the relevant treaties and agreements that it has concluded with them or acceded to or accepted.

Chapter XII

Supplementary Provisions

Article 68 The provisions of this Law regarding servicemen are applicable to the Chinese People's Armed Police Force.

Article 69 The defence affairs of special administrative regions of the People's Republic of China shall be prescribed separately by the basic laws of the special administrative regions and other relevant laws.

Article 70 This Law shall go into effect as of the date of its promulgation.

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