

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

(Adopted at the Fifth Session of the Eighth National People's Congress on March 14, 1997, and promulgated by Order No. 84 of the President of the People's Republic of China on March 14, 1997)

Contents

Chapter I General Provisions

Chapter II National Defence Functions and Powers of State Organs

Chapter III Armed Forces

Chapter IV Frontier Defence, Coast Defence and Air Defence

Chapter V Scientific Research and Production of National Defence and

Order for Military Materials

Chapter VI Funds and Assets of National Defence

Chapter VII National Defence Education

Chapter VIII National Defence Mobilization and War-state

Chapter IX National Defence Obligations and Rights of Citizens and

Organizations

Chapter X Obligations, rights and Interests of Serviceman

Chapter XI Foreign Military Relations

Chapter XII Supplementary Provisions

Chapter I General Provisions

Article 1 This Law is formulated in accordance with the Constitution with a view to establishing and strengthening national defence, and to guaranteeing the smooth development of the construction of our socialist modernization.

Article 2 This Law is applicable to military activities our country takes to guard against and resist aggression, prevent military subversion, safeguard the sovereignty, unification, territorial integrity and security of our county, as well as activities in such fields as politics, economy, diplomacy, science and technology and education that concern military affairs.

Article 3 National defence is the security guarantee of the survival and

development of our country.

The state shall strengthen the construction of military strength, the construction of frontier defence, coast defence and air defence, develop the scientific research and production of national defence, spread national defence education among all the people, improve mobilization system, and realize the modernization of national defence.

Article 4 The state shall establish and strengthen national defence independently, with the initiative in our own hands and through our own efforts, take an active defence strategy and adhere to the principle of general self-defence.

While concentrating its energy to carry out economic construction, the state shall strengthen the national defence construction, promote the harmonious development of national defence construction and economic construction.

Article 5 The state takes unified leadership over national defence activities.

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

Every citizen of the People's Republic of China shall fulfil according to law his national defence obligation.

Article 7 The state and society hold respect for and give preferential treatment to Servicemen, protect their legal rights and interests, and develop various kinds of activities to support the army and give preferential treatment to the families of the Servicemen and martyrs.

The Chinese People's Liberation Army and the Chinese People's Armed Police Forces shall develop activities of supporting the government and cherishing 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 maintains world peace and fights against any activities of aggression and expansion in the foreign military relations.

Article 9 The state and society take various forms to give commendation and reward to organizations and personnel that have made contribution to national defence activities.

Those that violate this Law and any law connected, refuse to fulfil national defence obligations or jeopardize national defence interests shall be investigated for legal responsibility.

Chapter II National Defence Functions and Powers of State Organs

Article 10 The National People's Congress decides according to the stipulations of the Constitution the issue of peace or war, and exercises other functions and powers in the aspect of national defence stipulated by the Constitution.

The Standing Committee of the National People's Congress decides according to the stipulations of the Constitution the declaration of war state, decides a general mobilization or a partial mobilization, and exercises other functions and powers in the aspect of national defence provided by the Constitution.

Article 11 The President of the People's Republic of China declares war state and issues mobilization orders according to the decision of the National People's Congress or the Standing Committee of the National People's Congress, and exercises other functions and powers in the aspect of national defence stipulated by the Constitution.

Article 12 The State Council leads and governs the course of national defence construction, and exercises the following functions and powers:

(1) to compose and make programmes and plans for national defence construction development;

(2) to formulate principles, policies and administrative regulations in the aspect of national defence construction;

(3) to lead and take charge of scientific research and production of national defence;

(4) to govern national defence funds and national defence assets;

(5) to lead and govern the work of national economic mobilization, the people's armed mobilization, and work concerned in the aspects of people's air defence, national defence traffic, etc.;

(6) to lead and take charge of the work of supporting the army and giving preferential treatment to families of Servicemen and martyrs, and the work of settling Servicemen out of active service;

(7) to direct the work of national defence education;

(8) to lead together with the Central Military Commission the work of governing the construction and conscription of the Chinese People's Armed Police Forces and the militia, as well as the work of reserve duty, frontier defence, coast defence and air defence; and

(9) other functions and powers stipulated by law that concern with the course of national defence construction.

Article 13 The Central Military Commission leads all armed forces of the state, and exercises the following functions and powers:

(1) to direct uniformly all armed forces of the state;

(2) to decide the military strategy and operational policies of the armed forces;

(3) to lead and govern the construction of the Chinese People's Liberation

Army, formulate programmes and plans, and organize the implementation;

(4) to submit motions to the National People's Congress or the Standing Committee of the National People's Congress;

(5) to formulate military regulations, issue decisions and orders in accordance with the Constitution and laws;

(6) to decide the system and establishment of the Chinese People's Liberation Army, stipulate the task and responsibility of headquarters, military area commands, services and other units at the level of military area command;

(7) to appoint and remove, train, examine, reward and punish members of military forces according to the provisions of laws and military regulations;

(8) to ratify weaponry systems and weaponry development programmes and plans of the armed forces, lead and supervise scientific research and production of national defence together with the State Council;

(9) to supervise national defence funds and assets along with the State Council; and

(10) other functions and powers stipulated in law.

Article 14 The State Council and the Central Military Commission may convene coordination meetings according to circumstances to solve problems

connected with national defence affairs. The implementation of issues negotiated and decided at the meetings shall be organized by the State Council and the Central Military Commission in their respective scope of authority.

Article 15 Local people's congresses at various levels and standing committees of local people's congresses at or above the county level shall guarantee in their administrative divisions that laws and regulations connected with national defence are obeyed and implemented.

Local people's governments at various levels shall supervise according to limits of authority stipulated by law the work of conscription, militia, reserve service, national defence education, national economic mobilization, people's air defence, national defence traffic, protection of national defence installations, settlement of Servicemen out of active service, supporting the army and giving preferential treatment to families of Servicemen and martyrs in their administrative divisions.

Article 16 Local people's governments at various levels and station military organs shall convene according to needs joint meetings of local authority and army to coordinate and solve problems connected with national defence affair in their administrative divisions.

The joint meeting of local authority and army shall be convened by the people in charge of local people's government along with the people in charge of station military organ. The participants of the joint meetings of local authority and army shall be decided by the conveners of the meetings.

Items negotiated and decided at the joint meetings of local authority and army shall be handled by local people's governments and station military organs according to their respective limits of authority, and matters of great importance shall be reported to their respective higher level.

Chapter III Armed Forces

Article 17 The armed forces of the People's Republic of China belong to the people, whose task is to strengthen national defence, resist aggression, defend the state, safeguard the people's peaceful work, attend the course of national construction and serve the people wholeheartedly.

Article 18 The armed forces of the People's Republic of China must comply with the Constitution and laws, adhere to the principle of directing troops in accordance with law.

Article 19 The armed forces of the People's Republic of China are led by the Communist Party of China. Organizations of the Communist Party of China in the armed forces shall develop activities according to the Charter of the Communist Party of China.

Article 20 The state strengthens the construction of the armed forces' revolutionization, modernization and normalization, strengthen national defence.

Article 21 The armed forces of the People's Republic of China shall meet the needs of modern war, strengthen military drill, develop political work, improve safeguard level and heighten combat effectiveness comprehensively.

Article 22 The armed forces of the People's Republic of China are composed of troops of the Chinese People's Liberation Army on active service and reserve service, the Chinese People's Armed Police Forces and militia.

The troops of the Chinese People's Liberation Army on active service are the standing army of the state, whose main task is to defend and combat, and who may assist in maintaining public order according to law when necessary. The troops on reserve service shall conduct drilling at ordinary times according to regulations, and may assist in maintaining public order in accordance with law when necessary, and shall transform into troops on active service at wartime according to mobilization orders issued by the state.

The Chinese People's Armed Police Forces shall shoulder the task of safeguard and maintaining public order that is assigned by the state under the leadership and direction of the State Council and the Central Military Commission.

The militia shall, under the direction of military organs, shoulder the task of combat readiness and services, defence and combat, and shall assist in maintaining public order.

Article 23 The scale of the armed forces of the People's Republic of China shall meet the needs of defending the state's security and interests.

Article 24 The military service of the People's Republic of China is divided into active service and reserve service. The service system of

Servicemen on active service and people on reserve service is set by law.

The state conducts a rank system on Servicemen on active service and people on reserve service in accordance with stipulations of law.

Article 25 The state forbids illegal military organizations established by any organization or individual, forbids illegal military activities, and forbids pretence to be servicemen on active service or military organization.

Chapter IV Frontier Defence, Coast Defence and Air Defence

Article 26 The territorial lands, interior waters, territorial sea and territorial sky of the People's Republic of China are sacred and cannot be violated. The state strengthens the construction of frontier defence, coast defence and air defence, takes effective measures of defence and supervision to protect the security of territorial lands, interior waters, territorial sea and territorial sky, and to maintain the rights and interests of the state's oceans.

Article 27 The Central Military Commission leads uniformly the work of frontier defence, coast defence and air defence.

Local people's governments at various levels, relevant departments under the State Council and relative military organs shall, according to the extent of authority stipulated by the state, divide the responsibility among themselves to take charge of the supervision and defence of frontier defence, coast defence and air defence, and make joint effort to maintain national security and interests.

Article 28 The state constructs national defence installations of combat, direction, communication, protection, traffic and security according to the needs of frontier defence, coast defence and air defence. People's governments at various levels and military organs shall, according to the provisions of laws and stipulations, guarantee the construction of national defence installations and safeguard national defence installations.

Chapter V Scientific Research and Production of National Defence and Order for Military Materials

Article 29 The state establishes and improves the scientific and technical industry system of national defence, develops scientific research and production of national defence, and provides the armed forces with weapons and equipment advanced in function, reliable in quality, complete in equipment set and convenient to manipulate and maintain as well as other useable military materials to meet the needs of national defence.

Article 30 The scientific and technical industry of national defence follows the principle of combining the army with the people, peace with war, giving priority to military goods and the people supporting army.

The state makes overall plans and programmes for the scientific and technical industry construction of national defence and maintains the productive capability of scientific research for national defence on a reasonable scale and with a complete set of specialities and rational distribution.

Article 31 The state promotes progress in science and technology of national defence, strengthens research in high and new technology, gives play to high and new technology's leading role in the development of weapons and equipment, extends technical reserve store, and researches and produces new weapons and equipment.

Article 32 The state performs uniform leadership, planned regulation and control in scientific research and production of national defence.

The state provides necessary guarantee conditions and preferential policies for enterprises and institutes bearing the responsibility of scientific research and production of national defence. Local people's governments at various levels shall provide assistance and support to enterprises and institutes bearing the responsibilities of scientific research and production for national defence.

Enterprises and institutes bearing the responsibilities of scientific research and production of national defence shall accomplish the task of scientific research and production for national defence, and guarantee the quality of weapons and equipment.

Article 33 The state takes necessary measures to train and bring up qualified personal of national defence science and technology, to create favorable circumstances and conditions and to allow full play to their action.

Science and technology personnel of national defence shall be respected by the whole society. The state shall improve gradually the treatment of science

and technology personnel of national defence and protect their legal rights and interests.

Article 34 The state, in accordance with needs of national defence and requirements of the socialist market economy, employs a system of order for military goods to guarantee the purchase and supply of weapons and equipment and other military materials.

Chapter VI Funds and Assets of National Defence

Article 35 The state guarantees necessary funds for national defence. The increase in the funds of national defence shall suit the needs of national defence and the standard of national economy's development.

Article 36 The state adopts a system of financial allocation in the funds of national defence.

Article 37 Assets of national defence include capital directly invested, lands and other resources allocated for use by the state for the construction of armed forces, scientific research and production of national defence and other defence construction, as well as weapons and equipment, installations and facilities, materials and apparatuses and technical achievements formed in this way for purpose of national defence.

Assets of national defence belong to the state.

Article 38 According to the requirements of national defence construction and economic construction, the state decides the scale, structure and

distribution of assets of national defence, adjusts and handles assets of national defence.

Supervising organs and units that possess and utilize assets of national defence shall run according to law assets of national defence, and make full use of assets of national defence.

Article 39 The state protects assets of national defence against inroad and damage, guarantees their security, integrity and validity.

No organization or individual is permitted to damage, wreck or seize assets of national defence. Without ratification from the State Council, the Central Military Commission or organs authorized by the State Council or by the Central Military Commission, units that possess and utilize assets of national defence shall not change the assets' purpose for national defence. Assets of national defence that have been ratified not to be used in national defence any more shall be supervised according to law.

Chapter VII National Defence Education

Article 40 The state helps citizens through national defence education enhance the sense of national defence, grasp national defence knowledge, develop the spirit of patriotism and fulfill the obligation of national defence at their own free will.

It is a responsibility of the whole society to popularize and strengthen national defence education.

Article 41 National defence education follows the principle of participation of all the people, long-term persistence and laying stress on practical results, and carries out a policy of combining regular education with concentrated education, universal education with key education, and theoretical education with behaviour education.

Article 42 The State Council, the Central Military Commission, people's governments at the level of province, autonomous region and municipality directly under the Central Government and relevant military organs shall take steps to strengthen the work of national defence education.

All state organs and armed forces, all political parties and social organizations, all enterprises and institutes shall organize their regions, departments and units to carry out national defence education.

National defence education in school is the foundation of national defence education of the entire people. Schools at various levels and of various kinds shall offer proper courses of national defence education, or add subject of national defence education to relevant courses. Military organs shall assist schools in developing national defence education.

Departments and units of education, culture, press, publication, broadcast, film and television shall act in close coordination to develop national defence education in various forms.

Article 43 People's governments at various levels shall bring national defence education into line with national economic and social development

plan, and guarantee the funds needed in national defence education.

Chapter VIII National Defence Mobilization and War State

Article 44 In case the People's Republic of China's sovereignty, unification, territorial integrity or security is threatened, the state starts national mobilization or partial mobilization in accordance with the provisions of the Constitution and laws.

Article 45 The state prepares for the mobilization in peaceful period, brings the preparation for people's armed forces mobilization, national economic mobilization, and mobilization for people's air defence, national defence traffic and etc. into line with the state's overall plan and programme, perfects the mobilization system, heightens mobilization potentiality and improves mobilization capability.

Article 46 The state establishes a system of strategic materials reserve. The strategic materials reserve shall be on a proper scale, kept in security, convenient to transfer, changed regularly and can guarantee the requirements during war period.

Article 47 The State Council and the Central Military Commission shall lead in conjunction the preparation and implementation of mobilization.

All state organs and armed forces, all political parties and social organizations, all enterprises and institutions and citizens must complete the work of mobilization preparation according to stipulations of law during peaceful period, and must accomplish the mobilization task stipulated after

the mobilization order has been issued by the state.

Article 48 According to needs in mobilization, the state may take over for use in accordance with law equipment and facilities, means of transportation and other materials of organizations and individuals.

People's governments at or above the county level shall make proper compensation to the requisitionees according to relevant stipulations of the state for economic losses directly resulting from the requisition.

Article 49 The state declares war state according to the stipulations of the Constitution, takes various measures to amass manpower, materials and funds, leads all citizens to defend our country and resist aggression.

Chapter IX National Defence Obligations and Rights of Citizens and Organizations

Article 50 It is an honorable obligation of citizens of the People's Republic of China to enlist in the army and join in the militia according to law.

Drafting institutes at various levels and people's military organs at basic level shall handle the conscription work according to law, fulfill the drafting task according to the command of the State Council and the Central Military Commission, and guarantee the quality of troops' sources. Other relevant state organs, social organizations, enterprises and institutions shall fulfil according to law the work of militia and reserve duty, and assist conscription institutes in fulfilling the drafting task.

Article 51 Enterprises and institutions shall shoulder according to the state's requirement the task of scientific research and production for national defence, accept the state's orders for military goods, and provide qualified weapons and equipment or other military materials.

Enterprises and institutions shall according to the state's stipulations implement the national defence's requirement in traffic construction. Units in charge of traffic installation such as stations, ports, airports and roads shall provide precedence service for the passage of Servicemen on active service, military vehicles and ships, and offer preferential treatment in accordance with stipulations.

Article 52 Citizens shall receive national defence education.

Citizens and organizations shall protect national defence facilities, and are forbidden to damage or do harm to national defence installations.

Citizens and organizations shall abide by stipulations of protecting secrets, shall not reveal the state's secrets about national defence, shall not possess illegally classified documents, papers or other classified articles about national defence.

Article 53 Citizens and organizations shall support national defence construction, and provide facilities or other assistance for such activities of military forces as military drill, combat readiness service and defending combat.

Article 54 Citizens and organizations have the right to give advice to national defence construction, and the right to stop and inform against activities endangering national defence.

Article 55 Citizens and organizations that suffer economic losses directly owing to national defence construction or military activities may get compensation according to relative stipulations of the state.

Chapter X Obligations, Rights and Interests of Servicemen

Article 56 Servicemen on active service shall be loyal to the state, fulfil their duties, fight bravely, not fear sacrifice and defend the state's security, honour and interests.

Article 57 Servicemen on active service shall observe the Constitution and laws exemplarily, comply with military regulations, execute commands and abide by principles strictly.

Article 58 Servicemen on active service shall develop the glorious traditions of the people's army, love the people, protect the people, participate actively in the construction of socialist material and spiritual civilization, and fulfil such tasks as rescue and relief work.

Article 59 Servicemen shall be respected by the whole society.

The state takes effective measures to protect the honour, personality and dignity of servicemen on active service, and imposes special protection on

their marriage.

Activities of fulfilling duties by servicemen according to law shall be protected by law.

Article 60 The state and society give preferential treatment to servicemen on active service.

The state guarantees that servicemen on active service enjoy living farewell and treatment commensurate to the duties they fulfill, and gives preferential treatment in such aspect as living farewell to servicemen on active service working in such areas or positions as frontier defence, coast defence where conditions are arduous.

The state adopts a system of serviceman insurance.

Article 61 The state makes appropriate settlement for the servicemen out of active service, provides necessary professional training for demobilized servicemen, and guarantees retired servicemen's living welfare treatment.

People's governments at or above the county level shall have charge of settling demobilized servicemen, and arranging jobs for them on the basis of their post-rank, contributions and specialty.

Units admitting demobilized servicemen shall, according to the relevant provisions of the state, give them preferential treatment in such aspect as living welfare treatment, education and housing.

Article 62 The state and society give pensions and preferential treatment to disabled servicemen, and offer special guarantee according to law to their life and medical treatment.

After the disabled servicemen who are crippled or lose health in war or on duty have withdrawn from active service, people's governments at or above the county level shall admit and settle them in time, and guarantee their life not under the local average living level.

Article 63 The state and society give preferential treatment to families of servicemen on active service, give pensions and preferential treatment to families of martyred soldiers and of soldiers that die a martyr's death or die of an illness on duty, and give them special treatment in such aspects as employment, housing and compulsory education.

Article 64 The militia, people on reserve service and other people shall fulfil their own responsibilities and obligations while taking part in military drill, performing service for combat readiness and defending combat tasks according to law. The state and society guarantee them commensurate treatment, and give pensions or preferential treatment to them according to relevant regulations.

Chapter XI Foreign Military Relations

Article 65 The People's Republic of China adheres to the Five Principles of mutual respect for territorial integrity and sovereignty, mutual non-aggression, non-interference in each other's internal affairs, equality

and mutual benefit and peaceful coexistence, deals with foreign military relations independently, and carries out military exchange and corporation.

Article 66 The People's Republic of China supports activities relevant to military affairs that are taken by the international society to contribute to maintaining peace, security and stability in the world and areas, and supports efforts the international society makes to solve fairly such affairs as international disputes, arms control and reduction of armaments.

Article 67 The People's Republic of China abides by relevant treaties and agreements that she concludes, accedes to or accepts with foreign countries in foreign military relations.

Chapter XII Supplementary Provisions

Article 68 The provisions about servicemen in this Law apply to the People's Armed Police Forces of China.

Article 69 Defence in special administrative regions of the People's Republic of China is stipulated by the basic law of special administrative regions and relative laws.

Article 70 This Law comes into effect as of the date of promulgation.