

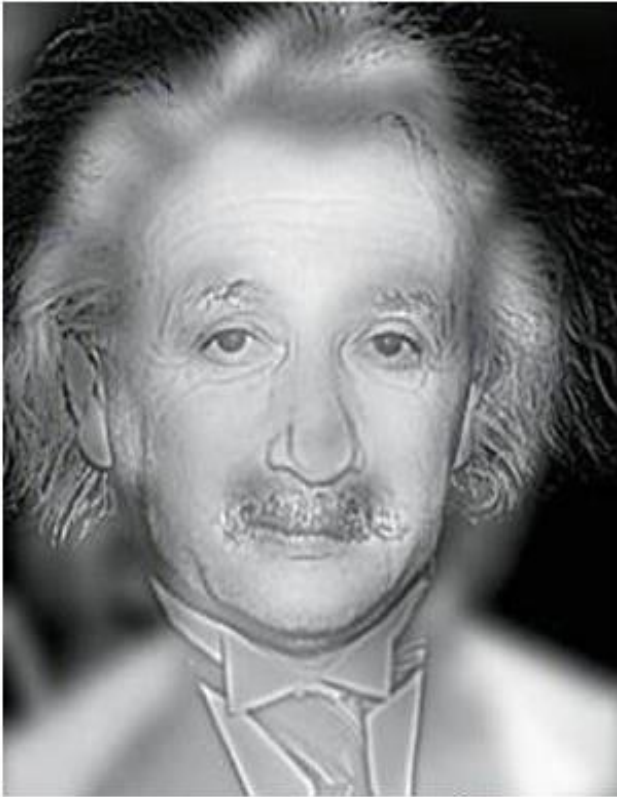


Lecture one--The concept and characters of Chinese government

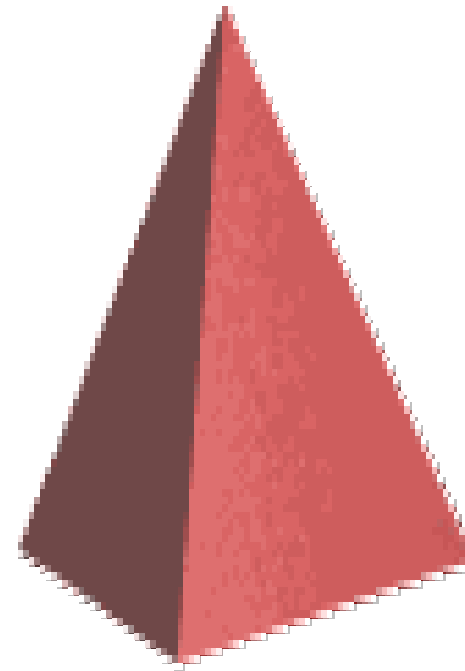
Instructor: Prof. SUN, Tao (孙涛)



An analytical framework for understanding government in China



职能
function &
responsibility

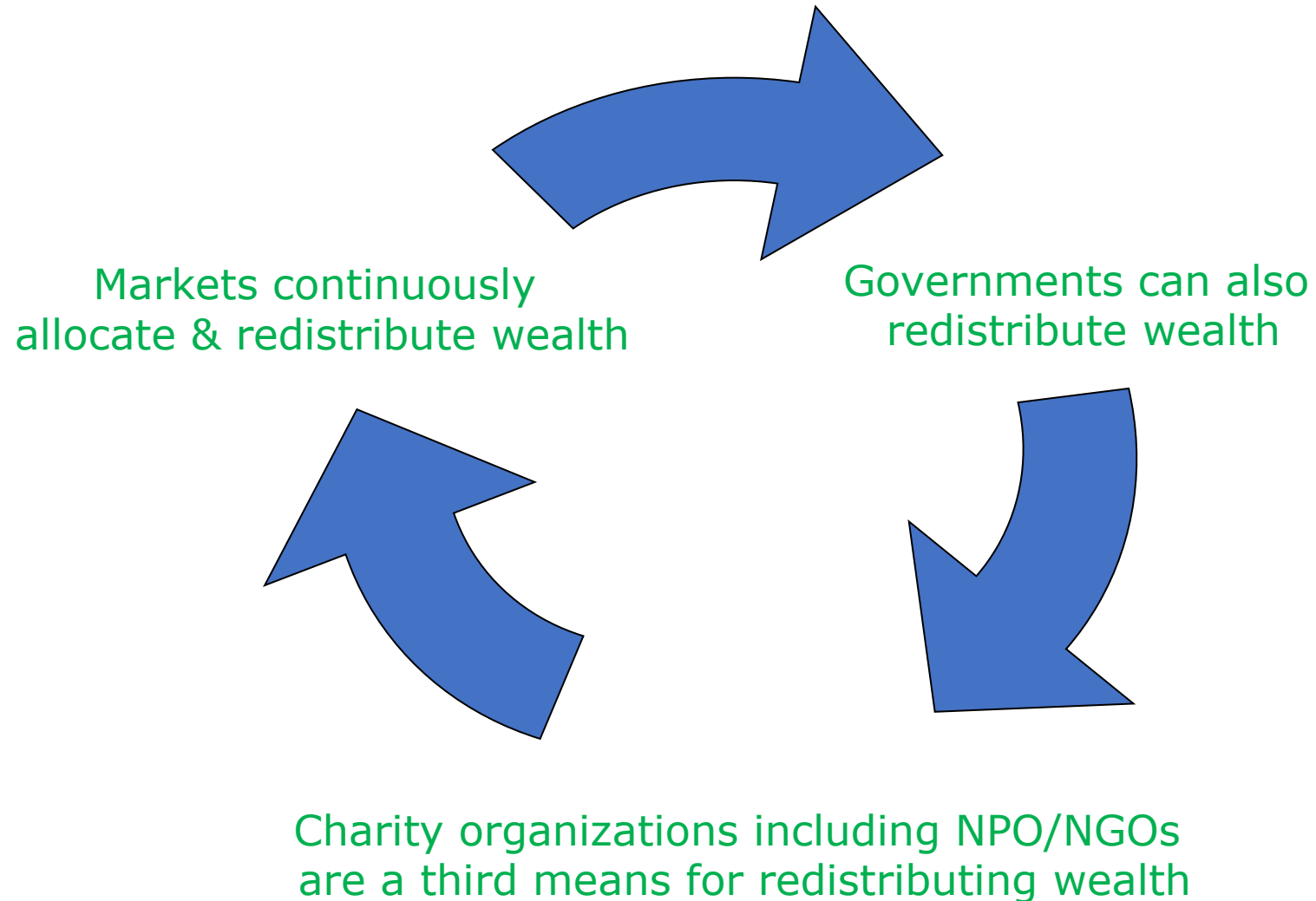


体制
system

过程
process

机构
organs and
institutions

Economic governance, social construction and government development 经济治理、社会建设与政府发展





C O N T E N T S

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Meaning of contemporary China

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Concept of Chinese government

3

Characters of Chinese government

4

China's political and government structure

P A R T | 0 1

Meaning of contemporary China



1. Meaning of contemporary China

Contemporary China

Year 1949

1.1 Period: from 1949 until now.

1.2 The development of the Chinese government

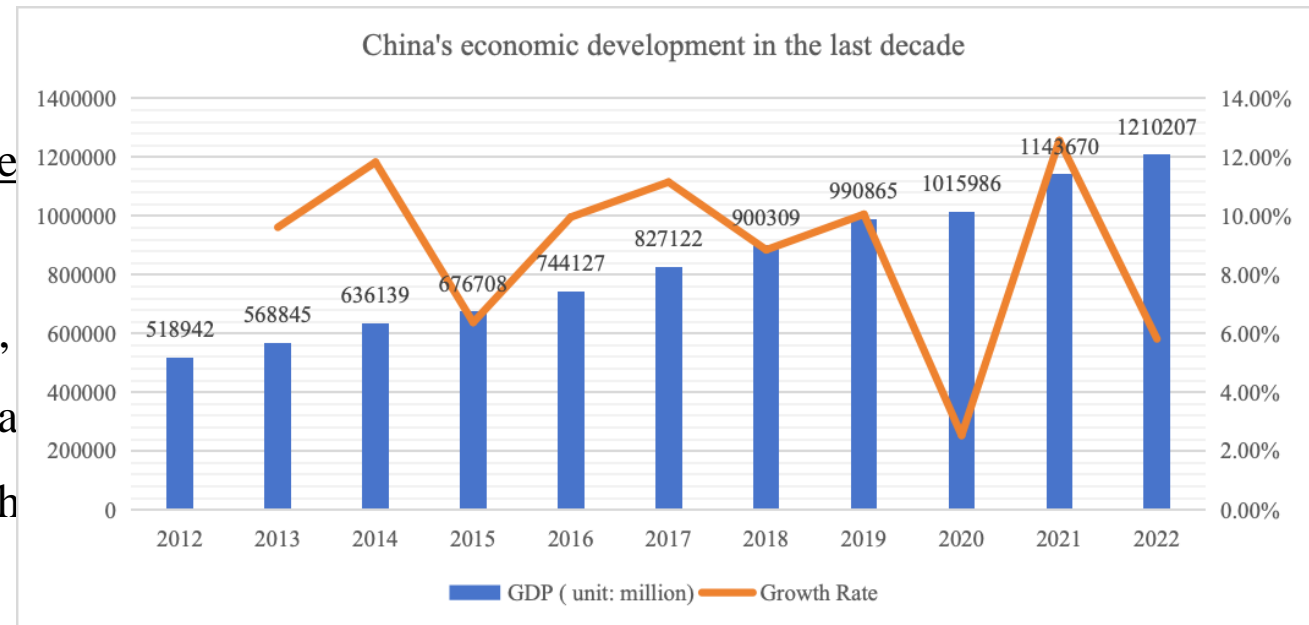
■ **Economic construction:** transforming into a market

■ **Political construction:**

- Improvement in the standards of the scientific,
- Improvement in the informatization and standards
- Local and grassroots political development achievements

■ **Social construction:**

- The number of social organizations is increasing rapidly.
- Social management and public service are gaining increasing weight in the functions of the government.



PART 02

Concept of Chinese government



Discussion 1

How do you explain the concept of government?

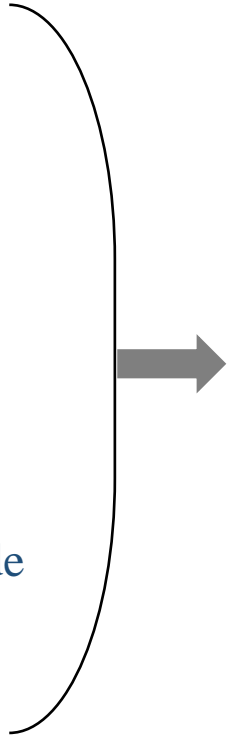
What the “government” is referred to in your country?



2.1 Government: An open type process

The government is no longer a closed system like a feudal dynastic regime (government/ruling group), rather it is shaped into an open process.

- The mechanism of party politics, including the electoral system, was gradually established and improved.
- With the mechanism of party politics, the government retains a status of "energy exchange" all the time.
 - People outside the government can be exchanged inside the government or at least get close to the government.
 - People inside the government can be exchanged outside.
 - The political opinions of other groups of the ruling class who stay outside the government can influence the decision making of the entire ruling class through the activities of social interest groups.



All these shape the government holistically into an open-type process.

2.2 A "government in the broad sense": the concept of government used in China

From the perspective of government process (political process), a government is not a “government in the narrow sense”(狭义), but a “government in the broad sense”(广义).

■ The sum of state organizations / “the authorities”

Generally speaking, the whole or the sum of state organizations, which equals to "the authorities", is commonly referred to government by the people in China.

Eg. When state leaders or diplomatic representatives say "**I, on behalf of the government,**" the government here is the whole of the Chinese government that represents China's state sovereignty or the entire Chinese state institutions.

■ The sum of the whole of the state institutions and the ruling party

Sometimes, a "government in the broad sense" may refer to the sum of the whole of the state institutions and the ruling party.

PART 03

Characters of Chinese government



3.1 Permeation of traditional factors

Coexistence of unitary system and obvious regionality

■ The unitary system:

- In order to achieve the centralized and united leadership of the government.
- Power centralization: Many powers of human resources, financial affairs, and materials are concentrated under the central government.

■ Regionality:

- China is a country with a huge population, extensive territory and imbalanced social & economic development.
- The different regions of China need a certain degree of autonomy & Ethnic autonomous regions need even more autonomy.

Administrative domination

- China's "administrative domination" is a control-and-management pattern that strengthens the CPC' s leadership and enhances the status of the administrative efficacy.

- State administrative organs have a large range of actual power in the management of social affairs.
- Make convenient centralization in operation & have a certain efficiency

- Both democracy and centralization and both general participation and administrative efficiency can be achieved through the building of legal and other systems.

3.1 Permeation of traditional factors

“Functional isomorphism” (职责同构) in China’s vertical intergovernmental relations

- The meaning of “Functional isomorphism” (vs. isomerism 同构):

The so-called functional isomorphism refers to the high uniformity and consistency in terms of function, duty and organization structuring in the vertical relations between government at various level.

- **Function & duty:** Each level of government administers roughly the same things.
- **Organization structuring:** Exact engagement between superior and inferior levels & identical composition among units at the same levels

- The setup of functional departments in various CPC committee is also isomorphic.

- This result in a political system with "two parallel lines" of the CPC and the government.

3.2 Influence of the background of power holding

Firstly, there is the structure of "multi-systems and one main line."

- **Multi-systems:** The operation of the Chinese government is driven by various political systems, including the systems of the ruling party/legislation 执政党/立法, administration 行政机关, justice 司法, military 军队, united front 统战, discipline inspection and supervision 纪检监察, trade unions 工会, youth league 共青团, and women's federations 妇联.
- **One main line:** The leadership status of the ruling party system among various other systems.

Note: Various systems other than the party system have different statues and specific situation.

- **The combination of "multi-system" and "one main line" forms China's network of political leadership and management.** In this network,
 - various systems other than the party system are involved and participate in the government process mainly through the CPC committee at the same level as a link to the "main line".
 - The central body in various systems takes political leadership directly by the CPC Central Committee.
 - Local bodies establish the most substantive political relations with the "main line" through the CPC committee at the same level.

3.2 Influence of the background of power holding

Secondly, some non-governmental organizations participate in the operation of the government and politics.

■ Types of non-governmental organizations:

- Various social organizations, eg. trade unions, youth league and women's federations.
- Autonomous bodies, eg. Urban residents' committees in cities and villagers' committees in the countryside.
- Publicly-owned enterprises 国企 and institution units 事业单位 undertake certain governmental functions.

■ Participation in government operations:

Non-government organizations all have certain administrative levels and participate in government operations directly in a certain manner and to a certain extent.

This situation is closely [related to two contexts](#).

1. Some organizations with non-government elements still have particular political relations with the CPC.
 - People's organizations: functioned as the assistants of the CPC & directly led by the CPC
 - Autonomous bodies: possess grassroots CPC organizations
2. Historical developments have resulted in the pattern of "small/weak society, large/strong government"

■ The participation of large numbers of non-governmental organizations in governmental process enhances the mobilization ability of the ruling party, as well as each levels of the government.

3.2 Influence of the background of power holding

Thirdly, there is a close military-government relationship.

- **The manifestation of close military-government relationship**

- The military is directly under the leadership of the CPC, at the same time, it is the armed forces of the state
- The Ministry of National Defense is a functional department of the State Council. However, its minister is a military person on active service.
- Dual leadership of the State Council and the Central Military Commission over the armed police forces.

- **A close "military-government relationship" is promoted through the political process and the policies**

- "supporting the army and giving preferential treatment to the families of soldiers and martyrs"
- "supporting the government and cherishing the people"

- **The People's Liberation Army and the Armed Police Forces' support to the government:**

- Work in the economic and other aspects
- Maintaining social stability
- Carrying out disaster relief

3.3 The reform and Open-Up Drive

First, although rule is highly centralized, administration has already become rather dispersed and flexible.

- From the angle of political activities, China still practices centralized rule.
 - Things that belong to the category of "political rule," were centralized in the past and are still centralized at present.
 - *Notes: Centralization is achieved through democracy and rule of law.*
- However, from the view point of administrative side, government operations show rather flexible features.
 - Since the early 1980s, China has adopted a series of measures to delegate administration powers and enhance the flexibility of local government.

Second, law and policy will regulate the behavior of society, state and government at the same time.

- Many laws are too principle-oriented to be practicable, hence policy plays the role of regulating society to a large extent.
- With building a socialist market-oriented economy, transforming government functions/responsibilities, and access to the World Trade Organization, the role of the law has been gradually strengthen, and the area of policy control is getting smaller.

3.3 The reform and Open-Up Drive

Third, there is the "multi-track" operation of policies.

- In China, setups and norms that regulate the behavior of the society and the government are "multi-tracked."
Eg. some regions practice a four-level administrative district division, while some other regions have a three-level administrative district division.
- The main reasons for multi-level policies
 - Various regions and departments have varied natural and historical conditions.
 - The central government can only adopt the method of "guidance with classification" in its policy guideline.

Finally, the role of workplace in one's lives will gradually give way to that of social organizations.

- From 1949 to 1990s, “work unit” was the basis of the government's social control and provision of social welfare.
- Since the 1990s, the government functions and other political functions and social burdens undertaken by a work unit 单位 have tended to shrink.
- As the work unit gradually becomes obsolete, it is obvious that various social organizations should undertake some functions of the unit.
 - Encourage the relatively independent development of social organizations
 - Formulate necessary regulations and systems for social organizations
 - Encourage social organizations to enhance self-management

Discussion 2

What are the characteristics of the government/polity/regime in your country?



PART 04

China's political and government structures



4. China's political and government structure

China's political and government structure is a "6+1+2" system with the CPC Central Committee at its center.

"6" refers to what are generally called the "six major leading groups"

the CPC

- CPC Central Committee
- CPC Central Commission for Discipline Inspection

the military

- Central Military Commission

- National People's Congress and its committee

- State Council

- National Committee of the Chinese People's Political Consultative Conference

the government

**China's political
and government
structure**

"2" refers to:

- The Supreme People's Court
- The Supreme People's Procuratorate

the law

"1" refers to the State President

4.1 Communist Party of China: Leadership and Exercise of Power

4.1.1 Basic organization structures of the CPC

- The CPC establishes local committees or working committees in administrative zones at various level.
 - In cities, grassroots organizations are established according to sectors/fields/industries.
 - In the countryside, the CPC' s grassroots organization system is based mainly on the administrative zones.
- "CPC leading groups" are established in state organs at the central and local levels.
- Differences between the CPC leading group and the CPC committee

	The CPC leading group 党组	The CPC committee 党委
Generation method	Appointed by the CPC committee that approves its establishment	Organize their own CPC committee
Subordinate	No subordinate CPC body	Have subordinate CPC bodies established in them

4.1 Communist Party of China: Leadership and Exercise of Power

4.1.2 The CPC leading organ

CPC Central Committee 中共中央委员会

Tenure: Five years

Personnel: Generally includes about 200 members and 150 alternate members.

Duty:

- Implements the resolutions of its national congress
- leads all the work of the CPC and represents the Communist Party of China when the congress is not in session.

CPC Central Commission for Discipline Inspection 中央纪委

The formation of CCDI: Elected by the CPC national congress

Tenure: Same as the CPC national congress

Personnel: 120 members

Operating mode:

- The CCDI works under the leadership of the CPC Central Committee.
- The CCDI works in cooperation with the Ministry of Supervision under the State Council in the same office location.

4.1 Communist Party of China: Leadership and Exercise of Power

4.1.3 CPC' s leadership status and administration approach

The CPC is "a ruling party with leadership status."

- Viewed from the horizontal relations in the structure of political power, the CPC has all state power of legislation, administration, justice and military under its control, and carries out comprehensive guidance and supervision of various publicly-owned enterprises and institution units at various levels.
- Viewed from the vertical relations in the structure of political power, the CPC has all state power from the central level down to various local regions under its control.
- Viewed from the approach of exercising state power, the CPC has the conditions to carry out the direct leadership of various aspects of state life, including political leadership, organization leadership and theoretical leadership.

The CPC' s status of leadership is the choice of the people and history.

The CPC has endeavored to retain over a long period of time its characteristics of progressiveness and representativeness of the direction of China's social development and the fundamental interests of the majority of the people.

4.2 Central State Organs

4.2.1 National People's Congress and its committee

The NPC is the country's supreme state power and legislation organ.

■ **Duty:** (1) the supreme legislative power, (2) the supreme power of appointment and removal officials, (3) the supreme power of decision, (4) the supreme power of supervision.

■ **Deputies to the NPC:** Exercise supreme state power collectively as the members of the supreme state power organ.

In the NPC, these members form 35 delegations according to election units — 32 local provincial delegations, two delegations from the special administrative zones, and a delegation from the People's Liberation Army.

■ **Legislative body organization pattern: compound designed -- "one parliament, two levels"**

1. The NPC

- Be re-elected every five years.
- A plenary session is held once a year, convened by the standing committee.

2. The standing committee of the NPC

- The standing committee of the NPC is the permanent organ of the NPC. 全国人大常委会
- All of the component personnel of the standing committee are elected by the NPC.

4.2 Central State Organs

4.2.1 National People's Congress and its committee

■ Status of the NPC

Among all state organs, the NPC has supreme legal status:

- The only institution that can draw up and modify the Constitution, and is the supreme examination institution regarding constitutional violations.
- The NPC and its standing committee form China's supreme legislation institution.
- The home of other supreme state organs.
- Entitled to decide all important national issues.
- Supervises all state organs, all state working staff and all citizens to ensure that they abide by the law.
- **The most representative of the elected institutions at the highest level in the People's Republic of China.**

4.2 Central State Organs

4.2.2 President of the People's Republic China

- **Status:** The president of the People's Republic of China is the supreme, official and legal representative of the state both internally and externally.
 - **Generation:** Be assumed by Chinese citizens over 45years old and elected by the NPC.
 - **Tenure:** The same as for the NPC deputies.
 - **Operating mode:**
 - The state president mainly plays a representative and symbolic role.
 - The state president engages in state affairs on behalf of the state but does not handle state administrative affairs directly.
-

4.2 Central State Organs

4.2.3

State Council

Nature and Status	Duty
The central people's government.	——
The executive organ of the NPC and its committee.	<ul style="list-style-type: none">• Guarantee the implementation of the Constitution, laws and resolutions of the NPC and its standing committee throughout the country.
The supreme state administrative organ.	<ul style="list-style-type: none">• Unite the work of the national administrative system• Manage the life of the entire society.

■ **The leadership nucleuses:**

The plenary meeting & the executive meeting.

■ **Responsibility management: A premier responsibility system**

- The premier makes a summary decision on the issues addressed on the basis of collective discussion.
- This decision is the decision of the State Council, and the premier is held responsible for it to the NPC.

4.2 Central State Organs

4.2.4 National Committee of the Chinese People's Political Consultative Conference

Status:

- The CPCC is an important organ of the state for multiparty cooperation and political consultation.

Cycle of sessions:

- Since the CPPCC resumed its work in 1978, it and the NPC are generally convened during the same period, which usually be called as the "two conferences."

Main functions:

■ **Political consultation:**

- Before decision making on fundamental policies and important issues of politics, economy, culture and social life
- Important issues concerning the implementation of the decisions

■ **Democratic supervision:**

- The implementation of the Constitution, laws, regulations and important guidelines and policies
- Supervision by means of suggestion and criticism.

Members:

- The CPPC members are divided according to parties and circles.

4.3 Central Military Commission

4.3.1 Nature and composition

■ **Nature:**

- the Central Military Commission of the Communist Party of China & the Central Military Commission of the People's Republic of China

■ **Personnel:**

- Component members — elected by the CPC Central Committee.
- Chairperson of the Central Military Commission — the military command organ of the state & elected by the NPC

■ **Tenure:** Same as the tenure of NPC deputies.

■ **Responsibility management:** The chairperson responsibility system

- The entire military must submit to the orders and instructions of the chairperson.
- The chairperson is responsible to the CPC Central Committee and the NPC and its standing committee.

4.3.2 The status of the Central Military Commission

- An important working department of the CPC Central Committee.
- The commission and the armed forces must submit to the absolute leadership of the CPC Central Committee.
- Placed outside the state administrative organs.

4.4 Central Judicial System

4.4.1 Supreme People's Court

- **Status:** The Supreme People's Court is the supreme state judicial body.
- **Main functions:**
 - Trying major national civil and criminal cases
 - Trying first-instance cases under its jurisdiction as provided by laws or decrees or those that it believes come under its jurisdiction
 - Trying as the second instance the appeal or counter-appeal cases against the judgment or ruling of high people's courts and special people's courts
 - Trying the counter-appeal cases proposed by the Supreme People's Procuratorate
- **Personnel:**
 - The president of the Supreme People's Court is elected by the National People's Congress, and is responsible and reports to the NPC.
 - The tenure of the president is the same as the NPC and is limited to two terms in office.
- **Four trial levels:**
 - (1) basic people's court, (2) intermediate people's court, (3) high people's court, (4) Supreme People's Court
 - Special People's Court, eg. military, maritime and railway transportation courts.

4.4 Central Judicial System

4.4.2 Supreme People's Procuratorate

- **Status:** the Supreme People's Procuratorate is the legal supervision organ of the state.
- **Duty:**
 - Instituting public prosecutions to the Supreme People's Court for major national criminal cases
 - Having the right to file counter-appeals to the judgments
 - Rulings of people's courts at various levels.
- **Personnel:**
 - The procurator-general of the Supreme People's Procuratorate is elected by the NPC.
- **The people's procuratorate has four levels:**
 - People's procuratorates and people's courts in the same administrative zone have the same jurisdictional area and political level.
 - Special people's procuratorate in some special areas, eg. The military, the railway.....

4.4 Central Judicial System

4.4.3 The main difference of the principle of "independence" between Western countries and China

- Not independence of the representative organ but of the administrative organ.
- Legislative power is higher than judicial power
- Courts and procuratorates exercise judicial power and prosecutorial power independently as special bodies.
- China's judges do not enjoy life-time tenure
- The CPC guides the activities of the judicial organs through the statutory procedures of the people's congress

4.4.4 Judicial Organs in the Broad Sense: The "two authorities and the three ministries"

- Two authorities: the people's court & the people's procuratorate
- Three ministries:
 - The Ministry of Public Security - undertakes judicial affairs
 - The Ministry of National Security - responsible for the investigation work
 - The Ministry of Justice - in charge of the state's judicial administrative matters
- Coordination through the Political and Legal Affairs Committee of the CPC Central Committee.

4.5 Local political and government structures

Table 1 Composition of local political and government structures

Level	Number of representation	CPC	Government	Justice	Autonomous Body
Province	5+2	CPC provincial committee; CPC provincial discipline inspection committee	Provincial people's congress; provincial government; CPPCC provincial committee	High people's court; provincial people's procuratorate	
Municipality Directly Under the Central Government	5+2	CPC municipal committee; CPC municipal discipline inspection committee	Municipal people's congress; municipal government; CPPCC municipal committee	High people's court; municipal people's procuratorate; intermediate people's court; branch of municipal people's procuratorate	
Autonomous Region	5+2	CPC autonomous region committee; CPC autonomous region discipline inspection committee	Autonomous region people's congress; autonomous region government; CPPCC autonomous region committee	High people's court; regional people's procuratorate	

The rules in setting up institutions:
First, there must be a corresponding organ at the lower level to answer to that at the higher level.
Second, the number and size of institutions decrease progressively level by level from top to bottom.

4.5 Local political and government structures

Table 1 Composition of local political and government structures

Level	Number of representation	CPC	Government	Justice	Autonomous Body
Prefecture	3+2	CPC prefectural committee; CPC prefectural discipline inspection committee	People's congress work committee; administrative office CPCC work committee	Intermediate people's court; prefectural people's procuratorate	
City Under Provincial Government	5+2	CPC municipal committee; CPC municipal discipline inspection committee	Municipal people's congress; municipal government; CPPCC municipal committee	Intermediate people's court; municipal people's procuratorate	
County	5+2	CPC county committee; CPC county discipline inspection committee	County people's congress; municipal government; CPPCC county committee	Basic people's court; county people's procuratorate	
County - Level city	5+2	CPC municipal committee; CPC municipal discipline inspection committee	Municipal people's congress; municipal government; CPPCC municipal committee	Basic people's court; municipal people's procuratorate	
District Under Municipal Government	5+2	CPC district committee; CPC district discipline inspection committee	District people's congress; district government; CPPCC district committee	Basic people's court; district people's procuratorate	
Township	3	CPC township committee	Presidium of people's congress; township government; CPPCC counselor group	Court	

4.5 Local political and government structures

Table 1 Composition of local political and government structures

Level	Number of representati on	CPC	Goverment	Justice	Autonomo us Body
Town	3	CPC town committee	Presidium of people's congress; town government; CPPCC Counselor group	Court	
Sub-District	3	Sub-district party-work committee	Sub-district office; Sub-district people's congress work committee	Court	
Village	2	Party branch			Villagers' committee
Residential Block	2	Party branch			Urban residents' committee

Discussion 3

What are the political and government structures in your country (both central and local)?



A grayscale aerial photograph of a dense city skyline, likely New York City, featuring numerous skyscrapers and a body of water in the background. The image is used as a background for the top half of the slide.

Thanks.

Instructor: Prof. SUN, Tao

