

## Constitutional Amendments Approved by the National People's Congress in March 2004

(Approved on March 13, 2004 at the second meeting of the tenth National People's Congress)<sup>†</sup>

Section	Description of Amendment	Provision as Amended (English) <sup>*</sup>	Provision as Amended (Chinese) <sup>*</sup>	Commentary
<b>Preamble Paragraph 7</b>	<ul style="list-style-type: none"> <li>• Adds the Three Represents Theory to guiding ideologies in the Preamble.</li> <li>• Makes a minor change to wording related to the road of “socialism with Chinese characteristics” by deleting the word “building”</li> <li>• Adds the promotion of “the coordinated development of material civilization, political civilization and spiritual civilization” as a task of the Chinese people.</li> </ul>	<p>“The victory of China’s new democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships. Our country will remain over a long period of time in the primary stage of socialism. The basic task of the nation is to concentrate its efforts on building socialist modernization along the road of [building socialism that has Chinese characteristics] <b>Chinese-style socialism</b>. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, <b>and the Important Thinking of the Three Represents</b>, the Chinese people of all nationalities will adhere to the people’s democratic dictatorship and the socialist road, uphold reform and opening, constantly improve socialist institutions, develop a socialist market economy, develop socialist democracy, improve the socialist legal system, work hard and self-reliantly to modernize industry, agriculture, national defense, and science and technology step-by-step, <b>and promote the coordinated development of material civilization, political civilization, and spiritual civilization</b> to build our country into a strong, prosperous, democratic, and civilized socialist nation.”</p>	<p>“中国新民主主义革命的胜利和社会主义事业的成就，是中国共产党领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。我国将长期处于社会主义初级阶段。国家的根本任务是，沿着[建设有]中国特色社会主义道路，集中力量进行社会主义现代化建设。中国各族人民将继续在中国共产党领导下，在马克思列宁主义、毛泽东思想、邓小平理论和‘三个代表’重要思想指引下，坚持人民民主专政，坚持社会主义道路，坚持改革开放，不断完善社会主义的各项制度，发展社会主义市场经济，发展社会主义民主，健全社会主义法制，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，<b>推动物质文明、政治文明和精神文明协调发展</b>，把我国建设成为富强、民主、文明的社会主义国家。”</p>	<ul style="list-style-type: none"> <li>• Jiang Zemin’s Theory of Three Represents (that the Party must represent advanced productive forces, advanced culture, and the fundamental interests of the majority of China’s citizens) code for incorporating the business class under the CCP umbrella. An attempt to keep the CCP relevant and legitimate in the market economy.</li> <li>• Addition of the Three Represents secures Jiang’s legacy. Some commentators speculate that Hu supported the amendment in exchange for Jiang’s full retirement. Notable that Jiang not mentioned by name.</li> <li>• “Political civilization” code for a socialist rule of law system. “Civilization” generally code to stress that China is on par with the West.</li> <li>• Note that deletion of word “building” in front of socialism with Chinese characteristics” in the preamble is a minor change that the NPC made to the CCP Central Committee amendment proposal. According to Chinese commentary, the change was designed to unify the phrase with similar language in 16<sup>th</sup> Party Congress documents.</li> </ul>

<sup>†</sup>Amendments proposed at the Third Plenum of the 16<sup>th</sup> CCP Central Committee in October 2003 and approved for NPC consideration by the NPC Standing Committee in December 2003. Note that the NPC approved the Central Committee proposal in its entirety, with the exception that it deleted the word “building” from the phrase in the preamble “along the road of building socialism with Chinese characteristics” and several commas in the property rights sections. Although the phrase “*zhonguo tese shehuizhuyi*” itself remains unchanged, state media are now uniformly translating this as “Chinese-style socialism.”

<sup>\*</sup>Additions in **bold italics**, deletions in brackets.

Section	Description of Amendment	Provision as Amended (English)*	Provision as Amended (Chinese)*	Commentary
<p><b>Preamble Paragraph 10</b></p>	<p>Adds “builders of the cause of socialism” to the groups listed as components of the united patriotic front.</p>	<p>“In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all forces that can be united. In the long years of revolution and construction, a broad patriotic united front has been formed under the leadership of the Communist Party of China and consisting of various democratic parties and mass organizations and embracing all socialist working people, <b><i>builders of the cause of socialism</i></b>, and all patriots who support socialism and the reunification of the motherland. This united front will continue to be consolidated and developed . . .”</p>	<p>“社会主义的建设事业必须依靠工人、农民和知识分子，团结一切可以团结的力量。在长期的革命和建设过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、<b>社会主义事业的建设者</b>、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线，这个统一战线将继续巩固和发展”。</p>	<ul style="list-style-type: none"> <li>• Also code for bringing the business class under the CCP umbrella. According to one Chinese scholar, “they [socialist builders] represent a social stratum. The affirmation of their constitutional status will be more favorable to mobilizing their enthusiasm of participating in the market economy and building the cause of socialism . . .”</li> </ul>
<p><b>Article 10 Clause 3</b></p>	<p>Provides for compensation in the event that land is expropriated.</p>	<p>“The state may, in the public interest and in accordance with the provisions of law, requisition or expropriate land for its use <b><i>and shall pay compensation</i></b> .”</p>	<p>“国家为了公共利益的需要，可以依照法律规定对土地实行征收或者征用<b>并予以补偿。</b>”</p>	<ul style="list-style-type: none"> <li>• Enshrines in the constitution the already existing legal requirement that the government pay compensation when it expropriates land.</li> <li>• Leaves the amount of compensation undefined. Reformers pushing for market-based compensation mechanism.</li> <li>• Effort to address growing public anger over abuses related to forced evictions and the expropriation of property.</li> </ul>
<p><b>Article 11 Clause 2</b></p>	<p>Expands the concept of the non-state sector and upgrades its status in the Chinese economy.</p>	<p>“The state protects the lawful rights and interests of <b><i>non-public sectors of the economy such as</i></b> the individual economy and the private economy. <b><i>The state encourages, supports, and guides the development of non-public sectors of the economy and exercises supervision and management over non-public sectors of the economy according to law.</i></b> [The state guides, supervises, and manages the individual economy and the private economy.]”</p>	<p>“国家保护个体经济、私营经济等<b>非公有制经济</b>的合法的权利和利益。国家鼓励、支持和引导<b>非公有制经济</b>的发展，<b>并对非公有制经济依法实行监督和管理。</b> [国家对个体经济、私营经济实行引导、监督和管理。]”</p>	<ul style="list-style-type: none"> <li>• Embodies economic themes and the upgraded status of the non-state sector in the Central Committee’s “Decision on Several Issues Related to Perfecting the Socialist Market Economic System,” issued at the Third Plenum in October ‘03.</li> </ul>

\* Additions in ***bold italics***, deletions in brackets.

Section	Description of Amendment	Provision as Amended (English)*	Provision as Amended (Chinese)*	Commentary
<p><b>Article 13</b></p>	<ul style="list-style-type: none"> <li>• Strengthens language protecting private property but limits protection to lawfully acquired property.</li> <li>• Conditions right of inheritance on applicable law.</li> <li>• Confirms that private property may be expropriated by the state but requires compensation to be paid.</li> </ul>	<p><i>“The lawful private property of citizens is not to be violated. The state protects the right of citizens to own and inherit private property according to the provisions of the law. The state may, in the public interest and in accordance with the provisions of the law, requisition or expropriate for its use the private property of citizens and shall pay compensation.</i></p> <p>[The state protects the right of citizens to own lawfully earned income, savings, houses, and other lawful property. The state protects the right of citizens to inherit private property according to the provisions of the law.]”</p>	<p>“公民的合法的私有财产不受侵犯。国家依照法律规定保护公民的私有财产和继承权。国家为了公共利益的需要，可以依照法律规定对公民的私有财产实行征收或者征用并给予补偿。</p> <p>[国家保护公民的合法的收入、储蓄、房屋和其他合法财产的所有权。” “国家依照法律规定保护公民的私有财产的继承权。]”</p>	<ul style="list-style-type: none"> <li>• Change intended to upgrade confidence of property owners (rural, urban, and investors) and promote positive protection of property rights (as opposed to merely confirming their existence).</li> <li>• Vigorous debate over this amendment. Property rights advocates proposed language confirming that private property is “sacred and inviolable” to match the existing description of socialist public property. This language was rejected and the qualifier of lawfully acquired property was added.</li> <li>• Largely symbolic change without a viable constitutional enforcement mechanism.</li> </ul>
<p><b>Article 14</b></p>	<p>Adds specific language endorsing the concept that the state should establish a social security system.</p>	<p>“The state continuously raises labor productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving the organization of work. The state practices strict economy and combats waste. The state properly apportions accumulation and consumption, pays attention to the interests of the collective and the individual as well as of the state and, on the basis of expanded production, gradually improves the material and cultural life of the people. <b><i>The state shall establish a social security system commensurate with the level of economic development and improve upon it.</i></b>”</p>	<p>“国家通过提高劳动者的积极性和技术水平，推广先进的科学技术，完善经济管理体制和企业经营管理制度，实行各种形式的社会主义责任制，改进劳动组织，以不断提高劳动生产率和经济效益，发展社会生产力。国家厉行节约，反对浪费。国家合理安排积累和消费，兼顾国家、集体和个人的利益，在发展生产的基础上，逐步改善人民的物质生活和文化生活。 <b>国家建立健全同经济发展水平相适应的社会保障制度。</b>”</p>	<ul style="list-style-type: none"> <li>• The government is concerned about unemployed urban workers and pensioners as a source of instability.</li> </ul>

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Section	Description of Amendment	Provision as Amended (English)*	Provision as Amended (Chinese)*	Commentary
<b>Article 33</b>	Adds the general concept that the state protects human rights.	“All persons holding the nationality of the People’s Republic of China are citizens of the People’s Republic of China. All citizens of the People’s Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law. <i>The state respects and safeguards human rights.</i> ”	“凡具有中华人民共和国国籍的人都是中华人民共和国公民。中华人民共和国公民在法律面前一律平等。任何公民享有宪法和法律规定的权利，同时必须履行宪法和法律规定的义务。 <b>国家尊重和保障人权。</b> ”	<ul style="list-style-type: none"> <li>• Until recently, China derided “human rights” as a cover for Western bourgeois “spiritual pollution.” Now the term has been embraced in the PRC Constitution.</li> <li>• May be an attempt to assuage public anger over abuses by law enforcement organs and other officials. Such abuses have become a growing source of public debate and instability.</li> <li>• Largely symbolic change without a viable constitutional enforcement mechanism.</li> </ul>
<b>Article 59 Clause 1</b>	Adds “special administrative regions” to the list of entities from which NPC representatives are elected.	“The National People’s Congress is composed of deputies elected from all provinces, autonomous regions, municipalities directly under the central government, <i>special administrative regions</i> , and the armed forces. All minority nationalities are entitled to appropriate representation.”	“全国人民代表大会由省、自治区、直辖市、 <b>特别行政区</b> 和军队选出的代表组成。各少数民族都应当有适当名额的代表。”	<ul style="list-style-type: none"> <li>• Formalizes the right of Hong Kong and Macao to representation in the NPC.</li> </ul>
<b>Article 67 Number 20</b>	Under the powers of the NPC Standing Committee, substitutes the power to declare a “state of emergency” in a national crisis for the power to impose a “state of martial law.”  (See also changes to articles 80 and 89, making corresponding changes to the powers of the State President and the State Council.)	“The Standing Committee of the National People’s Congress exercises the following functions and powers:  (20) to decide on <i>a state of emergency</i> [the imposition of martial law] throughout the country or in particular provinces, autonomous regions, or municipalities directly under the central government.”	“全国人民代表大会常务委员会行使下列职权：  (二十) 决定全国或者个别省、自治区、直辖市 <b>进入紧急状态</b> [的戒严]。”	<ul style="list-style-type: none"> <li>• New language intended to expand the scope of circumstances under which the government may exercise emergency powers. Effort to address the threat of epidemic disease (SARS, AIDS), natural disasters, industrial accidents (e.g. nuclear meltdown), economic crises, etc. in addition to social disturbances for which the imposition of martial law is deemed necessary.</li> <li>• Provides a constitutional basis for the promulgation of a national “Emergency Law” (on the current legislative agenda).</li> </ul>

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<b>Article 80</b>	Under the powers of the State President, substitutes the power to proclaim a “state of emergency” for the power to impose “martial law.”	“The President of the People's Republic of China, in pursuance of the decisions of the National People's Congress and its Standing Committee, promulgates statutes; appoints or removes the premier, vice premiers, state councilors, ministers in charge of ministries or commissions, the auditor general, and the secretary general of the State Council; confers state medals and titles of honor; issues orders of special pardons; proclaims <i>a state of emergency</i> [martial law]; proclaims a state of war; and issues mobilization orders.”	“中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定，公布法律，任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长，授予国家的勋章和荣誉称号，发布特赦令，宣布 <b>进入紧急状态</b> [发布戒严令]，宣布战争状态，发布动员令。”	<ul style="list-style-type: none"> <li>• See commentary on Article 67 change.</li> </ul>
<b>Article 81</b>	Adds the language “engages in activities of state affairs” to the responsibilities of the State President.	“The President of the People's Republic of China <i>engages in activities of state affairs and</i> receives foreign diplomatic representatives on behalf of the People's Republic of China, and, in pursuance of the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or abrogates treaties and important agreements concluded with foreign states.”	“中华人民共和国主席代表中华人民共和国， <b>进行国事活动</b> ，接受外国使节；根据全国人民代表大会常务委员会的决定，派遣和召回驻外全权代表，批准和废除同外国缔结的条约和重要协定。”	<ul style="list-style-type: none"> <li>• Represented as an extension of the President’s authority in foreign affairs. According to Chinese commentators, the rise of China on the world stage has placed new demands on the President in the foreign affairs arena. The amendment is intended to ratify this expanded role.</li> </ul>
<b>Article 89 Number 16</b>	Under the powers of the State Council, substitutes the power to proclaim a “state of emergency” for the power to impose “martial law.”	“The State Council exercises the following functions and powers:  (16) to decide on <i>a state of emergency</i> [the imposition of martial law] in parts of provinces, autonomous regions, and municipalities directly under the Central Government <i>according to the provisions of the law.</i> ”	“国务院形势下列职权：  (十六) <b>依照法律规定</b> 决定省、自治区、直辖市的范围内部分地区 <b>进入紧急状态</b> [的戒严]。”	<ul style="list-style-type: none"> <li>• See commentary on Article 67 change.</li> </ul>

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<b>Article 98</b>	Expands the term of office of all local people’s congress representatives to five years. (The term of representatives to local people’s congresses at the township level is only three years presently.)	<p>“<i>The term of office of local people's congresses at all levels is five years.</i></p> <p>[The term of office of the people's congresses of provinces, municipalities directly under the Central Government, counties, cities, and districts under the jurisdiction of municipal governments is five years. The term of office of the people's congresses of townships, nationality townships, and towns is three years.]”</p>	<p>“地方各级人民代表大会每届任期五年。</p> <p>[省、直辖市、县、市、市辖区的人民代表大会每届任期五年。乡、民族乡、镇的人民代表大会每届任期三年。]”</p>	<ul style="list-style-type: none"> <li>Chinese commentators explain that the change facilitates the coordination of economic/social development plans and personnel affairs by making the term of office for people’s congress deputies the same at all levels.</li> </ul>
<b>Chapter IV Title and Article 136</b>	<ul style="list-style-type: none"> <li>Title of chapter IV of the Constitution is changed to add “the National Anthem” to the list of items covered.</li> <li>The title of the national anthem is added to Article 136.</li> </ul>	<p>“Chapter IV – The National Flag, The National Emblem, <i>the National Anthem</i>, and the Capital.</p> <p>The national flag of the People’s Republic of China is a red flag with five stars. <i>The national anthem of the People’s Republic of China is the ‘March of Volunteers.’</i>”</p>	<p>“第四章 - 国旗、国歌、国徽、首都</p> <p>中华人民共和国国旗是五星红旗。中华人民共和国国歌是《义勇军进行曲》。”</p>	

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