

## MARCHING TOWARDS RULE OF LAW

### —AN ANALYSIS OF THE CONTENT ON LEGAL AND JUDICIAL CONSTRUCTION IN CCP NATIONAL CONGRESS REPORTS FROM 1982 TO 2012

ZHAO Can\*

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## I. INTRODUCTION

*A. The CCPNC and its Report*

The Chinese Communist Party's National Congress (CCPNC) is held every five years and convened by the Central Committee. This year, the 18<sup>th</sup> CCPNC was held in Beijing from 8<sup>th</sup> to 14<sup>th</sup> November, during which the so-called 5<sup>th</sup> generation of Chinese leadership was elected to take the helm of the country for the next five to ten years. Besides the election of the Central Committee, Politburo and the Politburo Standing Committee (PSC), another important function and power of the CCPNC is "to hear and examine the reports of the Central Committee"<sup>1</sup>. At the beginning of each CCPNC, the General Secretary of CCP will produce a political report that summarizes the work conducted during the past five years, points out inadequacies and underlying problems still to be resolved, and more importantly, clarifies the guiding principles and priorities for the next five years for the Party and the State. Though some of Chinese political jargons in such reports might seem dry and repetitive in the eyes of observers,<sup>2</sup> the quinquennial modeled reports do play an important role in Chinese political life.

*B. A Reflection CCP guidelines and social needs*

Formulation and expressions of CCP slogans can be a sensitive and a regular means to signal delicate political messages<sup>3</sup>. Choosing the proper words, then, is usually a lengthy process. In the same vein, it usually takes about a year to complete the drafting of these reports. For instance, the drafting process for the 18<sup>th</sup> CCPNC was launched in January 2012 under the co-leadership of the outgoing general secretary Hu Jintao and his successor Xi Jinping. The group had sent

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<sup>1</sup> Zhongguo Gongchandang Zhangcheng (中国共产党章程) [Chinese Communist Party Constitution], News of the Communist Party of China, <http://CCP.people.com.cn/GB/64156/65682/4475127.html> (last visited Dec. 10, 2012).

<sup>2</sup> Qian Gang, "Watchwords: The Life of the Party", China Media Project, <http://cmp.hku.hk/2012/09/10/26667/> (last visited Dec. 10, 2012)

<sup>3</sup> *Id.*

hundreds of research groups to different sectors and localities to conduct covert surveys and research in order to produce various reports that were to be discussed first by the group leaders and general secretary, then in the PSC, and later among other Politburo members. The revised version would then be delivered to other party organizations such as the People's Liberation Army (PLA), local party groups, retired leaders, other democratic parties and non-partisans for consultation before it was handed back to the drafting group for the final rounds of revision. Even during the Congress session, the drafting group still received feedback from discussion panels and made relevant revisions until its final adoption in the very last closed meeting.<sup>4</sup>

Considering their meticulous preparations and political significance, these political reports can indeed shed light on the historical background and tendencies of shifting political agendas in China.

Given the lengthiness of these reports and the kaleidoscope of policy areas covered by them, a general analysis would be useless in pinning down key ideas or problems. However, a detailed study into a specific policy area can help clarify its evolution and suggest the future direction it may take.

### *C. Content on legal and judicial construction*

Enormous amounts of literature have focused on the socioeconomic developments of China since the Third Plenary Session of the Seventh Congress of the Central Committee of the CCP in 1978, when China adopted the "Opening-up and Reform policy. However, in tandem with the economic boom, China has also embarked on comprehensive legal (re)construction after the havoc of Cultural Revolution in order to pave the road for economic development. As the Reports have shown, legal/judicial reform is an indispensable factor in Chinese political reform, and it has undergone different phases that have assisted China's reintegration into the world. Previous research analyzing this reform has done so through close readings of the Government Work Reports (政府工作报告) delivered by the Premier in the annual National People's Congress (NPC) or the Annual Report of China's Rule of Law Construction (中国法治建设年度报告). However, the CCPNC Reports can offer another perspective, perhaps more pertinent, because of the CCP's status as the ruling party. Therefore, an analysis of the contents

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<sup>4</sup> Dang De Shiba Da Baogao Dansheng Ji (党的十八大报告诞生记) [The Birth of 18<sup>th</sup> CCP National Congress Report], Xinhua News, [http://news.xinhuanet.com/18CCPnc/2012-11/20/c\\_113739872.htm](http://news.xinhuanet.com/18CCPnc/2012-11/20/c_113739872.htm) (last visited Dec. 10, 2012).

which are abandoned, inherited, modified, reiterated and newly advocated in certain chapters of the Reports since the 12<sup>th</sup> CCPNC will be a valuable method to shed some light upon the Chinese legal/judicial construction process that has been ongoing the past three decades.

This paper attempts to approach the legal/judicial construction agenda of the past seven CCPNCs from a more specific perspective. First, we will start with a chronologic analysis to look into the differences and particularities of each CCPNC Report since 1982. Then, a frequency analysis on key-words in the whole text of the CCPNC Report will be conducted which includes an artificial selection of notional ones. For example, in Chinese, a search for legal system (法制), could turn up results for the expression judicial system (司法制度), which may influence the relevance of the results. Continuing from this, results with opposite meanings were also eliminated. For instance, the word freedom (自由) might be contained in the expression “combat bourgeois liberalization”(反对资产阶级自由化). Based on the results obtained from both qualitative and quantitative studies, the legal/judicial construction process is divided into three different periods with each period having specific priorities.

## II. NEW FOCUS ON LEGAL WORK SINCE THE END OF CULTURAL REVOLUTION

The 12<sup>th</sup> CCPNC in 1982 was the first Congress since the adoption of Opening and Reform Policy, during which the rhetoric surrounding the paramountcy of class struggle (以阶级斗争为纲) was abandoned and the process of legal construction was reestablished. Since the subsequent 13<sup>th</sup> CCPNC, each report has had at least one or two paragraphs or subsections dedicated to legal or judicial construction within the section on political construction, as table one shows:

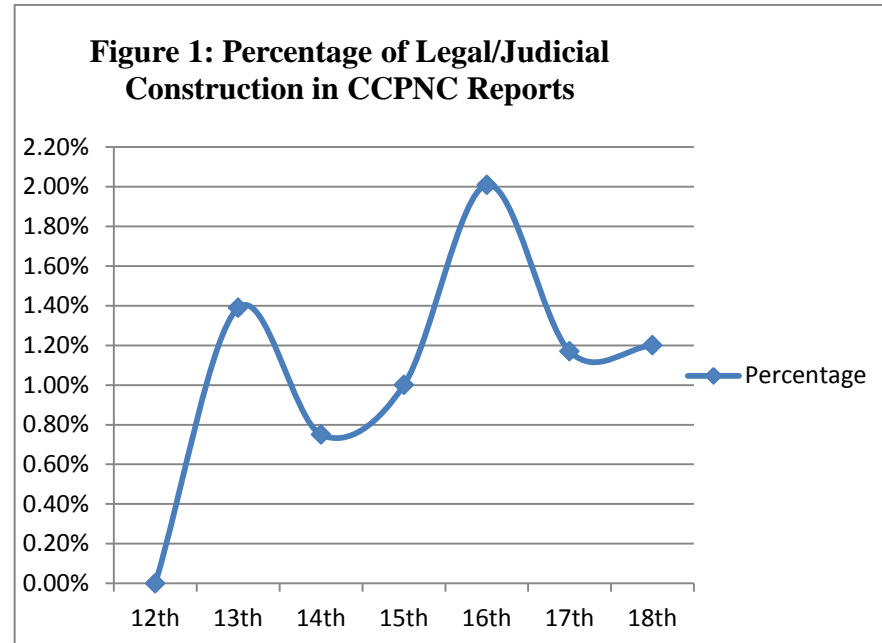
Table One: Sections on Legal/Judicial Construction in CCPNC Reports: 1982-2012<sup>5</sup>

Session	Presenter	Section Title
12th	Hu Yaobang	/
13th	Zhao Ziyang	5.(7) Strengthen the Socialist Legal System Construction
14th	Jiang Zemin	2.(6) Paragraph 5: Attach Great

<sup>5</sup> See Annex 1.

		Importance to the Legal System Construction
15th	Jiang Zemin	6.(2) Improve Legal Construction
16th	Jiang Zemin	5.(2) Improve the Socialist Legal System 5.(6) Promote the Reform of the Judicial System.
17th	Hu Jintao	6.(3) Comprehensively Implement the Rule of Law as a Fundamental Principle and Speed Up the Building of a Socialist Country under the Rule of Law
18th	Hu Jintao	5.(3) Promote Law-based Governance of the Country in an All-around Way

Based on this information, and on calculating the proportion of words on legal/judicial construction in each Report, we are able to see that generally 1% of the passage is dedicated to legal/judicial construction, with the 13<sup>th</sup> and 16<sup>th</sup> CCPNC reports dedicating 1.39%. The lowest number in terms of both number and proportion of mentions was the 14<sup>th</sup> Report in 1992, as Chart one shows:



Prior to that, there was already some introduction of legal system reconstruction by policymakers in 1979 in order to coincide with economic reforms. After this, there have been ten principal pieces of legislation that have further paved the road.<sup>6</sup>

<sup>6</sup> Zhonghua Renmin Gongheguo Difang Geji Renmin Daibiao Dahui He Difang Geji Renmin Zhengfu Zuzhi Fa (中华人民共和国地方各级人民代表大会和地方各级人民政府组织法) [Organic Law of the Local People's Congresses and Local People's Governments of the People's Republic of China] (promulgated by Standing Comm. Nat'l People's Cong., Jul. 04, 1979, effective Jan. 01, 1980); Zhonghua Renmin Gongheguo Quanguo Renmin Daibiao Dahui He Difang Geji Renmin Daibiao Dahui Xuanju Fa (中华人民共和国全国人民代表大会和地方各级人民代表大会选举法) [Electoral Law of the National People's Congress and Local People's Congresses] (promulgated by Standing Comm. Nat'l People's Cong., Jul. 04, 1979, effective Jan. 01, 1980); Zhonghua Renmin Gongheguo Renmin Fayuan Zuzhi Fa (中华人民共和国人民法院组织法) [Organic Law of People's Court] (promulgated by Standing Comm. Nat'l People's Cong., Jul. 05, 1979, effective Jan. 01, 1980); Zhonghua Renmin Gongheguo Renmin Jianshuyuan Zuzhi Fa (中华人民共和国人民检察院组织法) [Organic Law of People's Procuratorate] (promulgated by Standing Comm. Nat'l People's Cong., Jul. 05, 1979, effective Jan. 01, 1980); Xing Fa (刑法) [Criminal Law] (promulgated by Nat'l People's Cong., Jul. 06, 1979, effective Jan. 01, 1980); Xingshi Susong Fa (刑事诉讼法) [Criminal Procedure Law] (promulgated by Standing Comm. Nat'l People's Cong., Jul. 07, 1979, effective Jan. 01, 1980); Zhongwai Hezi Jingying Qiye Fa (中外合资经营企业法) [Law on Chinese-Foreign Equity Joint Ventures] (promulgated by Standing Comm. Nat'l People's Cong., Jul. 08, 1979, effective Jul. 08, 1979); Guoji Fa (国籍法) [Nationality Law] (promulgated by Standing Comm. Nat'l People's Cong., Sep. 10, 1980, effective Sep. 10, 1980); Hunyin Fa (婚姻法) [Marriage Law] (promulgated by Standing Comm. Nat'l People's Cong., Jan. 01, 1980, effective Jan. 01, 1980); Geren Suodeshui Fa (个人所得税法) [Individual Income Tax Law] (promulgated by Standing Comm. Nat'l People's Cong., Sep. 10, 1980, effective Sep. 10, 1980).

### III. DIFFERENT WORDINGS AND FOCUSES IN CCPNC REPORTS FROM 1982 TO 2012

Because of this new focus, the term ‘legal system’ (法制) was put into the 12<sup>th</sup> CCPNC Report, which underlined the urgency and continuity of legal reconstruction and rehabilitation. In the meantime, development of a ‘complete socialist democracy and legal system’ (健全社会主义民主与法制) was established as a priority for the following five years. Under the guidelines of legal construction, legislating became a priority.

The 13<sup>th</sup> CCPNC Report was more ambitious in agenda setting. The term ‘legislating’ (立法) first appeared, and foreign economic legislation making (涉外经济立法) and administrative legislation making (行政立法) were emphasized as two key areas. It also stated that for all the political, social and economic life, “There are laws to observe, there are laws that must be observed, enforcement must be strict, and law-breakers must be prosecuted” (有法可依, 有法必依, 执法必严, 违法必究).

Accordingly, the importance of legal system construction lies in two dimensions. One is to strengthen legislation making, ameliorate law enforcement activities, guarantee the independence of the judiciary, and improve people’s legal awareness. The other focuses on the institutional effects of legislation making work, which consists of five institutionalizations: the institutionalization of the relationship between political and other social organizations and of the internal activities of state organs; of central, local and grassroots relationships; of the cultivation, selection and elimination of governing personnel; of grassroots democracy; and of social consultative dialogues. The aim was to make Chinese politics more institutionalized and legalized, as a guarantee against a repeat of the disastrous Cultural Revolution and for a long period of stability. With the adoption of the 1982 Constitution, the term “constitution” (宪法) first appeared in the report, and it was the first time that it officially stipulated that “As the Constitution and laws are adopted by the Party and the people under its leadership, the Party must act within the scope prescribed by the Constitution and laws” (“党领导人民制定了宪法和法律, 党应当在宪法和法律的范围内活动”) It also envisaged other legislation which could be made afterward: “We must enact laws on press and publications, assembly, and demonstration, and build up the People’s Appealing System, in order to safeguard the people’s civil rights and freedom as established in the Constitution.”(抓紧制定新闻出版、结社、集会、游行等法律, 建立人民申诉制度, 使宪法规定的公民权利和自由得到保障).

At the same time, the term ‘judicial’ (司法) was also put onto the agenda for the first time, as were stipulations that judicial and procuratorial bodies should be able to independently exercise their respective powers pursuant to law ( “保障司法机关依法独立行使职权”).

The next 14<sup>th</sup> Congress report came out after the so-called third generation of leaders took power. The report saw the removal of large paragraphs on political and legal construction which were present in previous reports, while expressions such as “the Party must act within the scope prescribed by the Constitution and laws” and the requirements concerning the independence of the judiciary were deleted. The focus instead shifted to the pressing importance of ‘strengthening legislation, especially to establish and complete safeguards for the opening up policy; strengthening macroeconomic management; and defining the laws and rules of microeconomic activities’ for the establishment of a socialist market economy. (加强立法工作, 特别是抓紧制定与完善保障改革开放、加强宏观经济管理、规范微观经济行为的法律和法规, 这是建立社会主义市场经济体制的迫切要求)

The concept of “law-based governance” (依法治国) first appeared in the 15<sup>th</sup> CCPNC Report, with an ambitious objective to “construct a socialist legal system with Chinese characteristics by 2010”. Simultaneously, the phrase “according to the law” (依法) proliferated. It echoed the 13<sup>th</sup> CCPNC Report in emphasizing that, “Everyone is equal before the law, while no person or organization should have the prerogative be above the law”. Meanwhile, a new element introduced was administration according to law (依法行政), which aims to protect civil rights by adopting law enforcement responsibility (执法责任制) and evaluation by discussion (评议考核制).

Regarding the judicial field, the 15<sup>th</sup> CCPNC Report not only further built on the 13<sup>th</sup> CCPNC Report by guaranteeing the independent execution of judicial and procuratorial powers systematically (保证司法机关依法独立公正地行使审判权和检察权) but also expressed the will to push judicial reforms and advocated the establishment of an accountability system in cases in which people were unjustly, falsely charged or sentenced (建立冤案错案责任追究制度). Moreover, the term ‘respect and safeguard human rights’ (尊重保障人权) first appeared.

In the last Report delivered by secretary general Jiang Zeming in 2002, “improve the legislating quality” (提高立法质量) was added with “strengthen legislation” in order to adapt to the new situation characterized by the development of a socialist market economy, all-round social progress and China’s accession to the WTO. The 16<sup>th</sup> CCPNC Report added the information on “extend and



standardize legal services and provide effective legal aid” (拓展和规范法律服务, 积极开展法律援助).

Surprisingly, for the first time, the Report specifically emphasized judicial reform (司法改革) and separated the reform of the judicial system from that of the legal system in a separate sub-section. It mentioned that the objective of the socialist judicial system is to guarantee fairness and justice to all of society. In accordance with the requirements of justice and strict law enforcement, it stated that judicial proceedings are to protect the legitimate rights and interests of citizens and legal persons. The working mechanisms of judicial organs and management of their human, financial and material resources should be reformed, and gradually, their judicial adjudication and procuratorial work should be separated from their administrative affairs. Supervision of the judicial work should be tightened and corruption in this field be punished in order to build up a contingent of judicial personnel who are politically steadfast and professionally competent, have a strong work ethic and enforce laws impartially.

In the 17<sup>th</sup> CCPNC Report, the expression of ‘scientific and democratic legislation’ (科学立法, 民主立法) was added, which expanded the channels for people’s orderly participation in the legislative process. More importantly, it first emphasized the notionally important need to “deepen the reform of the judiciary system, optimize the distribution of judicial functions and powers, standardize judicial practices, and build a fair, efficient and authoritative socialist judiciary system.” At the same time, social justice and fairness must rise significantly.

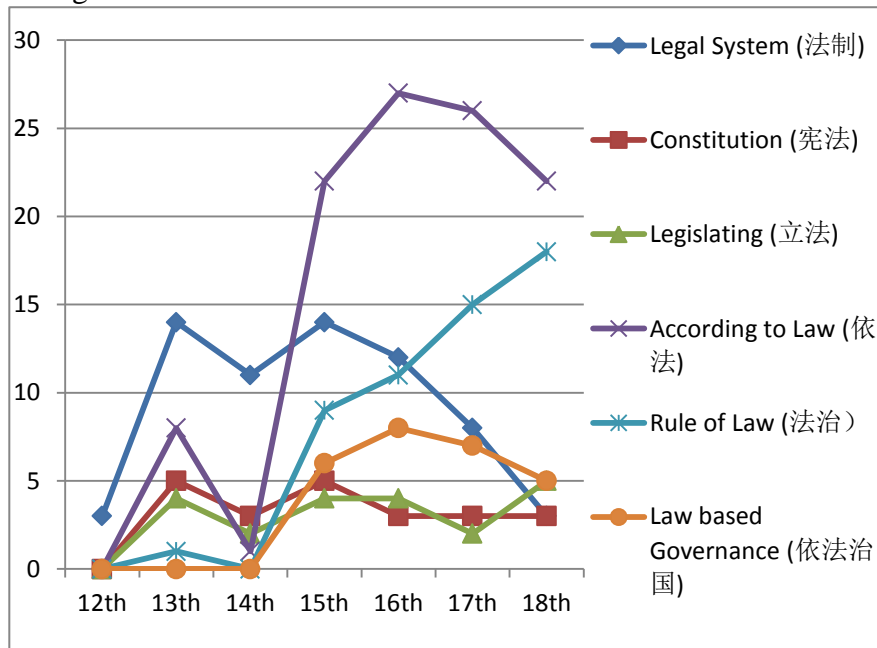
In the latest CCPNC Report delivered by Mr. Hu Jintao, “strengthen legislation in key areas” was added. Meanwhile, it stated that “leading officials are [to be] guided by law in both thinking and action in their effort to deepen reform, promote development, solve problems, and maintain stability” (提高领导干部运用法治思维和法治方式深化改革、推动发展、化解矛盾、维护稳定能力).

In addition, more new content is based on the judicial field, focusing on strengthening the construction of judicial credibility (加强司法公信建设), strengthening basic judicial guarantees (强化司法基本保障), and completing the establishment of transparency and openness in the judicial system (完善司法公开制度).

#### IV. A CLOSER LOOK AT 30 YEARS’ EVOLUTION

##### *A. In the field of legal construction*

Chart 2 is a selection of some keywords that frequently appeared in the legal/judicial construction sections:

Figure 2<sup>7</sup>

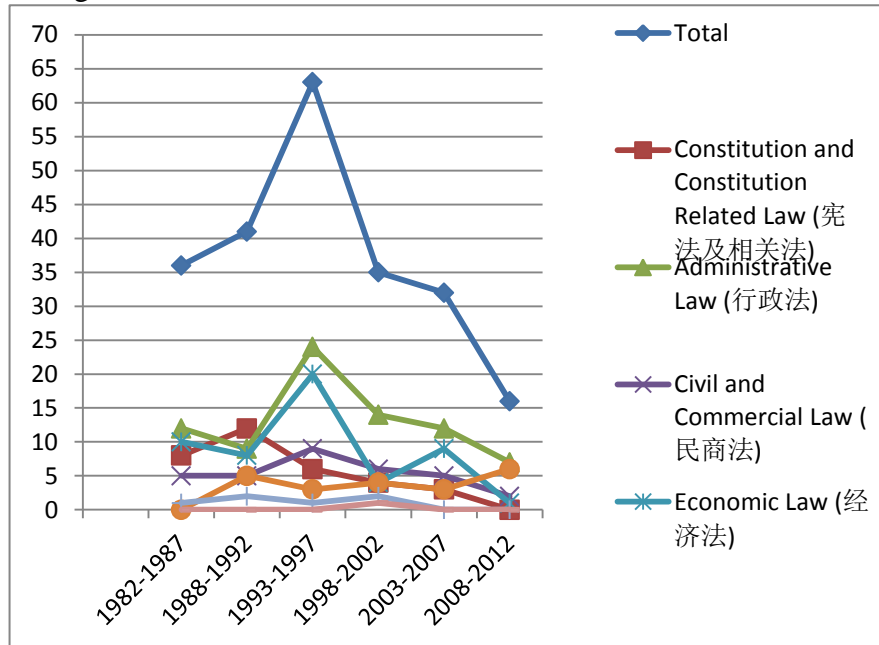
As we could see, the 13<sup>th</sup> CCPNC inherited the focus on legal system construction adopted by its predecessor and went further by formulating an ambitious political plan in which legal reform was integral. This period witnessed the adoption of the Constitution and several pieces of basic administrative and economic legislation<sup>8</sup> which laid the foundation for the recuperation of the state and a booming economy. But the political turmoil in 1989 and subsequent disintegration of USSR and Eastern European socialist bloc countries, resulted in the conservatism and regression on this front seen in the 14<sup>th</sup> CCPNC report. That said, the establishment of a socialist market economy has shifted priorities back again to a further opening up of the legal framework for integration with the rest of the world. Of particular note is that in 1997, the discourse on “rule of law” demonstrated the necessity of not only passing

<sup>7</sup> See Annex 2.

<sup>8</sup> Senlin Fa (森林法) [Forest Law] (promulgated by Standing Comm. Nat'l People's Cong., Sep. 20, 1984, effective Jan. 01, 1985); Zhuanli Fa (专利法) [Patent Law] (promulgated by Standing Comm. Nat'l People's Cong., Mar. 12, 1984, effective Apr. 01, 1985); Bingyi Fa (兵役法) [Military Service Law] (promulgated by Standing Comm. Nat'l People's Cong., May. 31, 1984, effective Oct. 01, 1984); Minzu Quyu Zizhi Fa (民族区域自治法) [Law on Regional National Autonomy] (promulgated by Nat'l People's Cong., May. 31, 1984, effective Oct. 01, 1984); Minfa Tongze (民法通则) [General Rules of Civil Law] (promulgated by Nat'l People's Cong., Apr. 12, 1986, effective Jan. 01, 1987); Waizi Qiye Fa (外资企业法) [Law on Foreign-funded Enterprises] (promulgated by Nat'l People's Cong., Apr. 12, 1986, effective Apr. 12, 1986) etc.

legislation but also of abiding by laws. The period between the 14<sup>th</sup> and 15<sup>th</sup> CCPNC served as a watermark, which witnessed the shifting of the priorities of the CCP from simply making legislation to using legislation for better governance.

Figure 3<sup>9</sup>



By looking at Chart 3, we can see that the period between 1993 and 1997 saw a peak in the amount of legislation passed. Previously, administrative, economic, constitutional and other relevant issues consisted of the majority of the legislation passed. With the passage of time, the aggregate numbers of pieces of legislation passed on these topics have decreased, while those concerning social issues have risen.

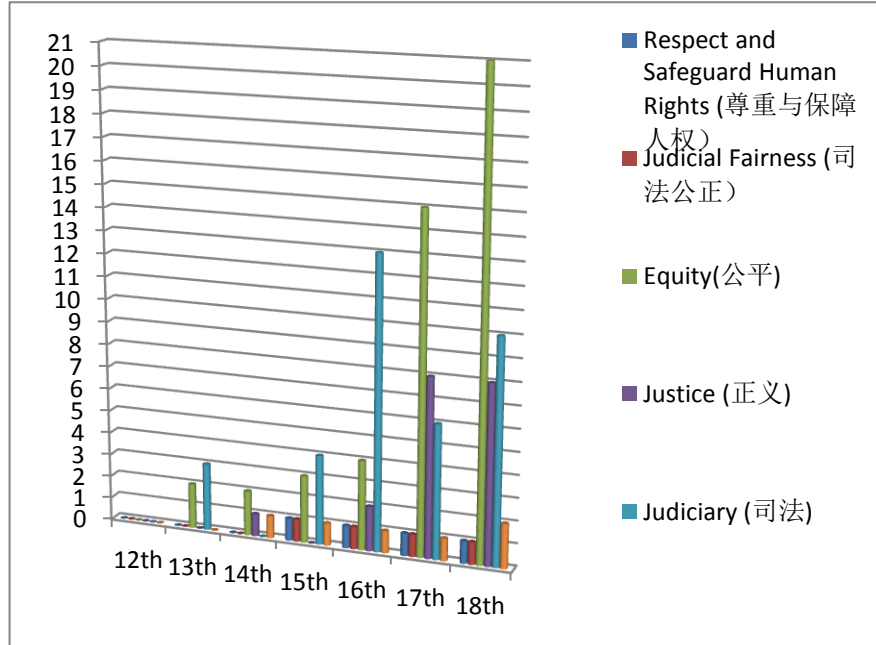
### *B. In the field of judicial construction*

Together with the trend of increasing amounts of social legislation, there have also been changes in the judicial field. The 13<sup>th</sup> CCPNC established the overall goal of safeguarding the judicial system. However, it was not until 1997 that judicial reform was subsequently put back on the agenda. Since 2002, the calling for equity and justice has become more prevalent and legislating by itself is not able to satisfy the public's demands. Therefore the focus has shifted to the judicial field. The 16<sup>th</sup> CCPNC Report had one

<sup>9</sup> See Annex 3.

paragraph dedicated to judicial reform, while the subsequent two Reports shifted to observance of law.

Figure 4<sup>10</sup>



### C. A three-step division based on CCPNC priorities

Considering the texts and graphics analysis above, it can be seen that from the beginning of the opening up and reform policy in 1978 until the 14<sup>th</sup> CCPNC, there was continual legislation making to restore social order and make sure there were laws to observe. At the same time, the focus shifted to the economic field in order to support the opening-up and reform policy. Though the 13<sup>th</sup> CCPNC was marked by an ambitious political reform plan, it was ultimately left unfinished because of the changing political atmosphere of 1989 and the early 1990s.

The second period started from 1992 and lasted until the end of Mr. Jiang Zemin's tenure. During this period, the conception of a "socialist market economy" (社会主义市场经济) and of the "rule of law" (依法治国) were put forward to assist China's integration back into the world. Legislating was conducted in two directions: economic and administrative. However, the emphasis on the execution of laws was more evident, with a significant decrease in the amount of legislation passed.

<sup>10</sup> See Annex 4.

The last period dates from the 16<sup>th</sup> CCPNC to the present. In this period, legislation in the economic field jumped a slightly during the first tenure of Mr. Hu Jintao after China's accession to the WTO. At the same time, administration according to the law has been gaining increasing importance. More importantly, judicial reform has been on the agenda since the 13<sup>th</sup> CCPNC. Judicial reform is more important, with the quality of law outweighing the pure number of pieces of legislation and the value of social justice and equality is becoming more apparent.

## V. CONCLUSION

As my analysis has demonstrated, China's legal construction started in the late 1970s with the tandem of the opening-up and reform policies. With policy makers facing a devastating political situation in which legal construction had been totally suspended for over ten years, legislation on the functions of the state became the main priority together with basic economic laws to prepare China's economic opening.

The comprehensive 13<sup>th</sup> CCPNC Report was particularly ambitious in terms of political and judicial reforms, but domestic political turmoil in 1989 and the disintegration of the USSR and Socialist Bloc in Central and Eastern Europe aborted any audacious overhaul in these two fields. As a matter of fact, the 14<sup>th</sup> CCPNC Report turned out to be politically conservative, and priorities have since shifted to legislation mainly in the economic field. With the full establishment of a socialist legal system with Chinese characteristics,<sup>11</sup> the precondition of rule of law has been achieved since there are now at least laws to be observed.<sup>12</sup>

With laws passed, the second question is how to implement them. The term "judicial reform" appeared in 16<sup>th</sup> CCPNC Report and the rhetoric of Socialist Judicial System (社会主义司法体系) developed in the latest 18<sup>th</sup> CCPNC Report together reflected the CCP's shifting focus from legislative work to judicial reform during the beginning of 21<sup>st</sup> century. Meanwhile in the 18<sup>th</sup> Report, the word 'judicial' and other related terms have appeared more frequently than ever before, which might raise expectations of further judicial reforms. With

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<sup>11</sup> Zhongguo Tese Shehui Zhuyi Falü Tixi Xingcheng (中国特色社会主义法律体系形成) [Legal System with Chinese Characteristics have been formed], Xinhua News, [http://news.xinhuanet.com/politics/2011-03/10/c\\_121171155.htm](http://news.xinhuanet.com/politics/2011-03/10/c_121171155.htm) (last visited Dec. 10, 2012).

<sup>12</sup> Until August 2011, China has enacted 240 effective laws and Constitution, 706 administrative regulations and more than 8600 local regulations. See Zhongguo Tese Shehui Zhuyi Falü Tixi Baipi Shu (《中国特色社会主义法律体系》白皮书) [White Paper of 'socialist legal system with Chinese characteristics'], Xinhua News, [http://news.xinhuanet.com/politics/2011-10/27/c\\_111127507.htm](http://news.xinhuanet.com/politics/2011-10/27/c_111127507.htm) (last visited Dec. 10, 2012).

rising numbers of mass incidents<sup>13</sup>, it's not difficult to see that a malfunctioning judiciary could give rise to a vicious circle: judge quality will decline, the quality of the judiciary will decrease, and people will lose confidence in the legal and judicial system and seek ways to solve their problems, including corruption and violence.

Since the 13<sup>th</sup> CCPNC in 1987, five out of six Reports (except the 14<sup>th</sup>) have reiterated that "as the Constitution and laws are adopted by the Party and the people under its leadership, the Party must act within the scope prescribed by the Constitution and laws"(党领导人民制定了宪法和法律, 党应当在宪法和法律的范围内活动). The 18<sup>th</sup> CCPNC Report wrote that "the rule of law should be upheld as a fundamental principle by which the Party leads the people in running the country" (坚持依法治国这个党领导人民治理国家的基本方略). In addition, it stated that leading officials are to be guided by the law in both thinking and acting in their effort to deepen reform, promote development, solve problems, and maintain stability (提高领导干部运用法治思维和法治方式深化改革、推动发展、化解矛盾、维护稳定能力).

In the absence of the terms judicial independence (司法独立) and constitutionalism (宪政) in China's legal/judicial reform agenda, the term judicial credibility (司法公信), which was newly introduced in the 18<sup>th</sup> CCPNC Report, could be perceived as a potential breakthrough for future judicial reform. A semi-independent judiciary in which local courts are only vertically responsible to the Supreme Court might be a remedy. In the meantime, budgets for local courts and judges should be allocated at least from the provincial level or above, so as to prevent them from becoming 'servants' of local governments. Moreover, an independent evaluation system could be established to separate judges from 'civil servants' and allow the judiciary to set its own hierarchy for ranks and remunerations.

By truly giving teeth to judicial power, China's courts and procuratorates could fully fulfill their responsibilities under the constitution and effectively ensure that "anyone must act within the scope prescribed by the Constitution and laws" and, more importantly, guarantee that "rule of law" (法治) and "law-based government/governance" 依法治国 are concretely put into practice using a method that is not equivalent to "rule by law".

<sup>13</sup> Changhong (常红) & Xiao Jinbo (孝金波), *Shehui Lanpi Shu: Meinian Gezhong Qunti Shijian Duoda Wanqi* (社会蓝皮书: 每年各种群体事件多达数万起) [Social Blue Paper: tens of thousands of various types of mass incidents occurred annually], <http://society.people.com.cn/n/2012/1218/c1008-19933666.html> (last visited Dec. 10, 2012).

## ANNEXE

*A. Percentage of the section(s) dedicated to legal/judicial construction*

Congress	Year	Word Number for legal/judicial construction	Total Report word numbers	Percentage
12th	1982	/	/	/
13th	1987	445	32,076	1.39%
14th	1992	198	26,280	0.75%
15th	1997	283	28,326	1.00%
16th	2002	519	25,771	2.01%
17th	2007	327	27,904	1.17%
18th	2012	347	29,014	1.20%

Source: Self calculation based on the CCPNC Reports from 1982 to 2012

*B. Frequencies of legal terms in CCPNC Reports (1982-2012)*

	12th	13th	14th	15th	16th	17th	18th
Constitution (宪法)	0	5	3	5	3	3	3
Legislation Making (立法)	0	4	2	4	4	2	5
Legal System (法制)	3	14	11	14	12	8	3
Rule of Law (法治)	0	1	0	9	11	15	18

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According to Law (依法)	0	8	1	22	27	26	22
Rule of Law (依法治国)	0	0	0	6	8	7	5

*C. Laws passed by NPC from 1982 to 2012*

Year	Total	Constitution and Constitution Related Law	Administrative Legislation	Civil and Commercial Law	Economic Law	Social Law	Criminal Law & Procedure Law	Criminal Law
1982-1987	36	8	12	5	10	0	1	0
1988-1992	41	12	9	5	8	5	2	0
1993-1997	63	6	24	9	20	3	1	0
1998-2002	35	4	14	6	4	4	2	1
2003-2007	32	3	12	5	9	3	0	0
2008	16	0	7	2	1	6	0	0



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Source: 现行有效的法律: 按年份统计 (The laws in effect :  
counted by year)  
[http://www.npc.gov.cn/npc/xinwen/lfgz/2008-03/26/content\\_1421575.htm](http://www.npc.gov.cn/npc/xinwen/lfgz/2008-03/26/content_1421575.htm)

*D. Frequencies of judicial terms in CCPNC Reports (1982-2012)*

	12th	13th	14th	15th	16th	17th	18th
Respect and Safeguard Human Right (尊重与保 障人权)	0	0	0	1	1	1	1
Judicial Fairness (司法公正)	0	0	0	1	1	1	1
Equity (公平)	0	2	2	3	4	15	21
Justice (正义)	0	0	1	0	2	8	8
Judiciary (司法)	0	3	0	4	13	6	10
Politics and Law (政法)	0	0	1	1	1	1	2