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Yet Another Long March Rocket Blasts Off...

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In a Fortnight

By Peter Mattis

KIDNAPPINGS HIGHLIGHT WEAKNESS IN CHINESE SECURITY POSTURE ABROAD

In the space of 24 hours starting January 31, disgruntled Egyptians in the Sinai Peninsula kidnapped and then released 25 Chinese factory workers in an effort to get Cairo to pay attention to the chaotic situation on the peninsula (China News Service, February 1). The news came hard on the heels of the abduction in Sudan of 29 Chinese construction workers, who were working in the restive South Kordofon region for China's Power Construction Corporation (CPCC). Beijing promptly dispatched a Ministry of Foreign Affairs team with representatives from the State-owned Assets Supervision and Administrative Commission to liaise with Khartoum and the CPCC emergency working group as well as to monitor the situation (Xinhua, January 31; January 30; *Global Times*, January 30). While not as a dramatic as the whirlwind diplomacy that led to coordinated patrols of the Mekong River last fall, Beijing is showing greater capacity to react to international events that threaten China's interests—yet not necessarily at anticipating them.

In the last few years, Chinese workers have been kidnapped and/or murdered in at least eleven different countries: Cameroon, Colombia, Egypt, Iraq, Niger, Nigeria, Pakistan Philippines, Sudan, Thailand and Yemen. While oil workers have been the most common targets—especially in Sudan where China has an estimated 10,000 workers—telecommunications engineers, fishermen, construction and factory

workers have all been targets of rebels, terrorists and criminal or disgruntled citizens (*The Economist*, January 21). While the evacuation of Chinese citizens from Libya shows Beijing can take action quickly in emergency situations, thousands of Chinese businesspeople and workers are exposed on a day-to-day basis. Usually these incidents are relatively small, involving two to four Chinese, and do not seem to attract much attention. Lately, however, the numbers affected—13 in Thailand in October, 29 in Sudan and 25 in Egypt—have attracted attention (*China Daily*, February 1; Xinhua, January 30; *Guangming Daily*, October 10, 2011).

Part of the problem seems to be the operating assumptions of Chinese businesses and their lack of indigenous (or contracted) security personnel for protection and risk assessment. Chinese MFA officials privately have complained about the activities of Chinese businessmen—even from state-owned enterprises—because they do not inform MFA about their activities but expect Beijing to intervene on their behalf when things go wrong. The sentiment was echoed by Zhu Feng, Deputy Director of the Center for International and Strategic Studies at Beijing University, who wrote that because most Chinese companies overseas are "operating on the assumption that the government will back them—or bail them out if they fail—they can afford to be cavalier" (FirstPost, November 1, 2011).

The well-being of Chinese workers operating overseas is not a new or unrecognized problem. Writing about the risks of China's growing commercial commitments in Venezuela, Evan Ellis of the U.S. National Defense University noted China has few private security firms capable of operating abroad and less experience with integrating locally-hired security personnel into their operations ("China's Cautious Economic and Strategic Gamble in Venezuela," *China Brief*, September 30, 2011). He Wenping, deputy director of West Asian and African Studies at the Chinese Academy of Social Sciences, echoed this sentiment, saying "Chinese companies rely too much on the protection of host nations while lacking up-to-date risk analysis and response mechanisms." He added, besides increasing alertness, "it's time for companies to consider inviting private security companies to guarantee the safety of their overseas investments" (*Global Times*, January 30).

Beijing claimed in 2007 it would do more to protect Chinese workers abroad after a series of kidnappings and murders demonstrated the risks accompanying its international economic expansion (Reuters, May 9, 2008). Contrary to these claims, however, it is not clear how much the Chinese government has actually done. State Councilor and Minister of Public Security Meng Jianzhu has stayed relatively close to home, traveling and meeting with security officials from countries on China's periphery. His one trip further afield since this time was to Saudi Arabia and the United Arab Emirates, where he discussed combating crime and international terrorism (Ministry of Public Security, October 11, 2010; October 10, 2010). Based on Chinese press reports, Meng has only met with security officials from two of the eleven countries, Pakistan and Thailand, where Chinese workers have been threatened. Even Meng's meetings with the Thais, however, were part of the emergency response to the killing of 13 Chinese sailors on the Mekong River rather than an effort to ensure the safety of Chinese workers before something happened ("Mekong Murders Spur Beijing to Push New Security Cooperation," *China Brief*, November 11, 2011).

Despite Meng's leading role in recent security negotiations, the Ministry of Public Security (MPS) arguably is not the right ministry to be involved in protecting Chinese business interests overseas if Beijing chooses to involve Chinese government resources. According to the State Security Law, public security covers domestic threats with domestic origins. Interestingly, China's civilian intelligence and counterintelligence service, the Ministry of State Security (MSS), appears not to have been tapped, despite its internal role of providing security and counterintelligence support to state-owned firms inside China (*Caijing*, July 24, 2009; Xinhua, July 9, 2009). This may suggest the restrictions on the MSS presence overseas in official missions remain in place from the 1980s, when the MFA persuaded Deng Xiaoping and other Chinese leaders to remove or restrict the number of MSS officers serving in foreign missions [1]. With more Chinese interests under threat further afield than ever before, it can be speculated reasonably that Chinese intelligence may have the opportunity to expand overseas to assist Beijing in assessing the risks for Chinese citizens and business interests as well as warning leaders about these threats.

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Notes:

1. Lu Ning, "The Central Leadership, Supraministry Coordinating Bodies, State Council Ministries, and Party Departments," in *The Making of Chinese Foreign and Security Policy in the Era of Reform 1978-2000*, ed. David Lampton, Stanford, CA: Stanford University Press, 2001, pp. 50, 414.

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China's Remnant Liberals Keep Flame of Liberalization Alive

By Willy Lam

China seems to have entered deep winter as far as political reform and human rights are concerned. While the Chinese Communist Party (CCP) leadership seems to have pulled out all the stops to stifle dissent, intellectuals both inside and outside the party still are pushing the ideal of liberalization. In a recent article in the party theoretical journal *Seeking Truth*, CCP General Secretary Hu Jintao reiterated the imperative to "unshakably going down the road of socialism with Chinese characteristics"—and staying away from the deviant path of Western-style political norms. "Enemy forces in the international arena are stepping up conspiracies to Westernize and divide us," he wrote, adding that the party must "forever ring the alarm bell" against "infiltration from the West" (*Qiushi*, January 1). In the past two months, three dissidents known for their Internet articles about non-violent political liberalization—Chen Wei, Chen Xi and Li Tie—were given sentences of nine or ten years for "inciting subversion of state power" (*New York Times*, January 20; *Ming Pao* [Hong Kong], January 20).

Last month, Yu Jie, an internationally known writer and moderate reformist renowned for his advocacy of universal values such as civil and democratic rights, was forced to leave the country after having been subjected to torture in jail. In an article released upon his arrival in the United States, Yu quoted one of his jailers as saying "As far as we, the state security [department], can tell, there are no more than 200 intellectuals in the country who oppose the Communist Party and are influential." "If the central authorities think that their rule is facing a crisis, they can capture them all in one night and bury them alive," the security agent warned (Human Rights in China, January 18; *Los Angeles Times*, January 18). Is it true that just a few hundred from China's academic and intellectual circles are challenging the CCP with their advocacy of ideas deemed dangerous and subversive by President Hu?

It is a well-accepted fact that after the Tiananmen Square crackdown—and the demise of icons such as former CCP general secretaries Hu Yaobang (1915-1989) and Zhao Ziyang (1919-2005)—the influence of reformist intellectuals has been on the wane. Yet it is significant that remnant liberals both in and out of the party have in the past several months staged a vigorous campaign to hold aloft the flickering flame of reform. A handful of organizations somehow tolerated by the authorities, such as the Hu Yaobang Historical Data Web, and two semi-official journals, the *China Economic Structure Reform Monthly* and the *Economic Observer*, have organized several "salons" to discuss new directions for political reform. Nationally-known figures who serve as patrons of these brainstorming sessions have included Hu Deping, the eldest son of Hu Yaobang, and Jiang Ping, the renowned jurist and former president of the Chinese University of Politics and Law. Hu Deping, a former vicedirector of the CCP United Front Department, is a member of the Standing Committee of the Chinese People's Political Consultative Conference. Perhaps due to the status of these public figures, these conferences seemed free from palpable interference from police or state security officers (*Ming Pao*, January 19; Radio Free Asia, January 19).

Take, for example, the salon held just before Chinese New Year to mark the 20th anniversary of Deng Xiaoping's *nanxun*, or tour to southern China. In early 1992, the late patriarch tried his best to revive economic and ideological liberalization, saying famously that "without reform, there is only the road to perdition." More than 200 old and middle-aged intellectuals, including many CCP members, took part in the Beijing event. In his opening remarks, Hu Deping called upon the nation's intellectuals to "develop further the *nanxun* spirit." Referring to the

Guangdong authorities' placatory treatment of protests by peasants in Wuhan Village, Hu said "Only when the rights of peasants are upheld will political stability in rural areas be upheld" (Chinatimes.com [Taipei] January 20; Caixin.com [Beijing], January 29;"The Grim Future of the Wukan Model for Managing Dissent," *China Brief*, January 6).

Other participants went on to demand the full-scale introduction of international political ideals into China. For example, economist Han Zhiguo, who is in his early 50s, advocated a multi-party system with universal suffrage, freedom of the media and even the "nationalization" of the military forces. "Without a one-person, one-vote [electoral system], Chinese people have no sense of dignity," he said. "The U.S. government doesn't fear anybody except its own people. The Chinese authorities are afraid of everybody—except their own citizens." Veteran foreign-policy scholar Zi Zhongjun added "Taiwan has pulled ahead of China" in democratic politics. "Mainland China has yet to make this transition," she said. "There have even been signs of retrogression" (*Ming Pao*, January 19; Voice of America, January 19).

In yet another much-noted salon held last autumn, these feisty intellectuals heaped aspersions on efforts by leftist cadres, such as Chongqing Party Secretary Bo Xilai, to revive Maoism. The seminar was held to mark the 20th anniversary of the CCP's passage of the "Resolution on Certain Questions in the History of Our Party" (henceforward "Resolution"), which was Deng's assessment of the Cultural Revolution as well as Chairman Mao's role in Chinese politics. Hu Deping made a thinly veiled attack on the ultraconservatives' efforts to reinstate Maoist precepts. "Some people are doing things to commemorate the Cultural Revolution, and this is a step backward," Hu said. "We didn't criticize ourselves enough in the 'Resolution' 30 years ago. Yet the bottom line of the 'Resolution'—the negation of the Cultural Revolution—must not be breached. Recently, there are people who want to wage another Cultural Revolution." Jiang Ping, who also spoke at this conference, then laid into the Hu Jintao leadership's attempt to use "fostering stability" as an excuse to impose authoritarian rule. The famous jurist decried two fallacies in Chinese politics: the idea that "stability overrides everything" and the claim that "China is a special case." "Yet who should determine what constitutes stability?" Jiang asked. "This concept [of enforcing stability] is against the principle of the rule of law." "Excessive stress on [China's] uniqueness means ignoring the common beliefs and values of mankind," he added. "Universal ideas about constitutional government, the legal system and human rights are most important" (*Ming Pao*, August 28, 2011; *Lianhe Zaobao* [Singapore], August 28, 2011)

The fact that the activities and speeches of intellectuals such as Hu Deping and Han Zhiguo are not reported in the official media does not mean they remain voices in the wilderness. Thanks to the exponential growth of the Internet, the curious among China's 450 million netizens have access to transcripts of these avant-garde salons. While the security departments have slapped heavy sentences on the likes of Chen Wei and Chen Xi to warn dissidents not to spread "destabilizing" or "anti-socialist" ideas on the Internet, the information superhighway is replete with politically incorrect materials. For example, during the seminar held last month to commemorate Deng's *nanxun*, hundreds of Nitizens sent text messages to the organizers to mark the seventh anniversary of the death of general secretary Zhao. "We should hold high the torch of reform first raised by Zhao," wrote one user (*Ming Pao*, January 20; *Apple Daily* [Hong Kong] January 20).

The fact that news about Taiwan's recent presidential elections was widely circulated in China shows that China's estimated 50,000 Internet police officers only can slow the spread of liberal ideas through Internet-based communication platforms, such as the Chinese equivalents of Facebook and Twitter. The Taiwan elections, including videos of the fair and efficient vote-counting exercise, were given extensive coverage by a number of semi-official websites. One popular portal even held a poll on mainland readers' views of the presidential candidates. While the incumbent, President Ma Ying-jeou secured the majority of the virtual ballots, Tsai Ing-wen, who represented the pro-independence Democratic Progressive Party, garnered a surprising 20 percent. Moreover, the video of Tsai's concession speech, which cited the "importance of a viable opposition party," was widely read by at least well-educated netizens in the cities (Sina.com, January 14; *The Economist*, January 21; *Apple Daily*, January 16).

The big question is whether calls for a faster pace of democratization made by well-known intellectuals as well as anonymous Netizens have a significant impact on the CCP's policies, especially at a time when the party elite seems to be lurching toward ultra-conservatism. It is notable that two Politburo members, Premier Wen Jiabao and Guangdong Party Secretary Wang Yang, seem to have responded to public sentiments about reforms. Much has been written about the fact that Wen has persevered as the sole Politburo Standing Committee member who has repeatedly talked about the importance of political reform. (See *China Brief*, "Premier Wen's 'Southern Tour': Ideological Rifts in the CCP?" September 10, 2010). During his swing through the Middle East last month, the premier discussed with his hosts the spate of democracy movements that had erupted in North Africa and the Middle East. "It is the responsibility of every government to seek benefits for its people," Wen said. Turning to China, the premier reiterated that "we don't just need reform of the economic structure; we also need [commensurate] reform of the political structure." [China News Service, January 11; Ming Pao, January 12.]

Guangdong Party boss Wang Yang, who won praise in the national media for his conciliatory handling of the Wukan demonstrations, also has committed himself to expanding reformist initiatives begun in his province by late patriarch Deng. "Reform is the root and soul of Guangdong," Wang likes to say. Using language that seems reminiscent of Deng's instructions, Wang said recently that "the worst thing that could happen to reform is stagnation." "Rather than getting stuck in debates, why not give [new-fangled] things a try?" he asked. While it is true that Wang has talked more often about economic rather than political reform, he recently passed regulations to make it easier for Guangdong-based NGO to be registered properly. Moreover, Guangdong newspapers and websites have remained the most daring and thought-provoking media in the whole country (*New York Times*, December 31, 2011; *Southern Metropolitan News* [Guangzhou], November 23, 2011; *People's Daily*, November 23, 2011) .

For former deputy chief editor of *People's Daily* Zhou Ruijin, China's reform has "encountered layers upon layers of contradictions and obstacles." In a piece on Deng's *nanxun* that is extensively circulated on the Internet, Zhou wrote "China's reform has once again reached the most crucial moment." "Only reform can relieve our anxieties," Zhou indicated, adding that such efforts must now be centered on "political reform, without which economic and social reforms cannot go deeper" (Caijing.com [Beijing], January 15; BBC News, January 24). Even though China has attained quasi-superpower status, the CCP leadership seems disturbed by the possibility of deep-seated social contradictions—as well as "peaceful evolution" coming from the West—tearing asunder the party's mandate of heaven. While the noises made by liberals in and out of the CCP do not seem powerful enough to affect the decisions of its mainstream factions, the party leadership is ignoring their views at its own peril.

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Constitutionalizing Wukan: The Value of the Constitution Outside the Courtroom

By Keith Hand

Starting last September, a protest in Wukan village made world headlines. After months of tension, thousands of villagers angry over the seizure of their land, inadequate compensation and the death of a villager in police custody expelled village officials and occupied the public square. Provincial party officials eventually diffused the collective dispute with a compromise settlement that authorities have taken some steps to implement (*Wall Street Journal*, February 3). Considerable debate has emerged regarding the significance of these events. Some Chinese commentators and officials have characterized the compromise as a turning point and a model for more conciliatory approaches to local governance and dispute resolution (*South China Morning Post*, January 5; People's

Net, December 22, 2011). Other commentators have expressed skepticism that the Wukan compromise will be honored or that it heralds a shift in social management policies ("The Grim Future of the Wukan Model for Managing Dissent," *China Brief*, January 6).

Even if the skeptics are ultimately right about the immediate impacts of the incident, such critiques obscure Wukan's potential to advance important grassroots constitutional awareness. Scholars recognize even unsuccessful dispute resolution outcomes may spark collective reflections that shape public understandings and reinforce emerging constitutional visions [1]. As prospects for formal legal processes to resolve constitutional disputes have dimmed, reform-minded Chinese citizens have turned to constitutional argument not primarily as a legal weapon, but as a tool to build public pressure for modest reforms and shape China's political environment over the long term. Citizen reactions to Wukan provide an example of this dynamic and highlight the importance of property rights as a crucible of constitutional contention.

Citizens Use the PRC Constitution as a Political Tool

The PRC Constitution is sometimes characterized as an aspirational text rather than a legally enforceable charter. The National People's Congress (NPC) and its Standing Committee (NPCSC) are charged with supervising the enforcement of the Constitution. Although these organs have implemented some constitutional provisions through concrete legislation, they have fulfilled their other duties to enforce the Constitution only in limited respects. Chinese courts do not exercise the power to review the constitutionality of legislation and only occasionally reference the Constitution in their judgments. Chinese sources suggest the courts are prohibited from citing the Constitution as the legal basis for judgments (Center for People's Congress and Foreign Legislature Study, May 26, 2011).

A series of events and leadership statements from 1999 to 2005 indicated the Party-State might be prepared to establish a more robust legal mechanism for adjudicating constitutional claims. Such an outcome never materialized ("NPCSC: The Vanguard of China's Constitution?" *China Brief*, February 4, 2008). Party-State institutions instead took steps to eliminate the possibility of constitutional litigation in the courts ("The Death of Constitutional Litigation in China?" *China Brief*, April 2, 2009). Fearful of an avalanche of citizen claims, the NPCSC has avoided issuing formal public rulings on citizen proposals to review the constitutionality of lower-level legislation [2]. These developments, along with the sustained politicization of legal institutions and suppression of rights defense lawyers, have generated pessimism about prospects for constitutional law in China.

This pessimism is understandable, but it also obscures important grassroots constitutional dynamics. In recent decades, even U.S. legal scholars have explored the dual political-legal dimensions of constitutional law and reassessed the centrality of courts in interpreting and enforcing the U.S. Constitution [3]. These theories of "popular constitutionalism" highlight the long, arduous processes of popular expression, deliberation and mobilization necessary to embed new constitutional visions. East Asian transitions from authoritarianism reinforce these perspectives. As experiences in South Korea and Taiwan illustrate, constitutional courts are more likely to consolidate, rather than catalyze, political openings [4].

In China, legal institutions are weak and tightly controlled. There are tensions between abstract constitutional provisions enshrining party leadership and those providing for "rule according to law" and citizen rights. These tensions are unsettled and the subject of ongoing contention [5]. At some level, all constitutional disputes in China involve fundamental and unresolved political questions. In such a context, disputes over the constitution's meaning and application are likely to be resolved through political rather than legal processes.

Chinese legal scholars recognize the dual political-legal dimensions of constitutional law and their implications. They acknowledge the legal dimension is weak and emphasize the importance of the political element in contemporary China. Leading constitutional law scholar Zhang Qianfan captures the duality in a recent article that highlights the failure of "official" pathways for Chinese constitutionalism, i.e. judicial application of the constitution, and the importance, promise and limitations of "populist" pathways (illustrated by citizen movements to challenge China's "custody and repatriation" system in 2003 and to block the construction of a paraxylene plant in Xiamen in 2007) [6]. Some Chinese legal scholars characterize the country's evolving constitutional law

as a product of ongoing citizen-state negotiation and compromise [7].

As the development of legal mechanisms for resolving constitutional disputes has stalled, Chinese citizens have offered constitutional arguments in the public sphere as part of a long-term effort to shape political values and expectations. Arguments are raised not with a realistic hope of winning a formal legal victory, but instead to build public consciousness and consensus. Citizens reference the constitution and offer constitutional arguments in media commentary, on Chinese Central Television and in blogs, petitions and public protests. Media outlets and universities publish annual compilations of "major" constitutional incidents for both scholarly and mass audiences. In these compilations, experts analyze the constitutional dimensions of a wide range of events that have attracted public attention. Reform-minded citizens argue that waving the "big flag of the constitution" and offering their own interpretations of the constitution will over time shape public consensus and the operation of state power.

Such efforts to "constitutionalize" public incidents take different forms. In some cases, citizens offer concrete constitutional arguments in support of pending legal or political claims. In others, they present a constitutional gloss on public events and disputes in which the participants themselves did not focus on explicit constitutional claims. The Wukan incident provides an example of the latter dynamic.

Wukan as a Platform for Constitutional Discourse

A process of collective reflection over the constitutional implications of the Wukan incident has already begun. Commentators have characterized the Wukan incident as a "rights defense" (*weiquan*) action, an expression of rights of assembly, demonstration, expression and supervision enshrined in the Constitution, and a crucial milestone for citizen rights consciousness in rural areas. In a forward for 2012, the *Southern Weekend* editorial board referred to Wukan as an example of citizens taking strong steps for land rights and rights of autonomous governance and expressed its "hope that the constitution will sound its solemn pledge like a ringing bell and justice and fairness will shine on all." "We are building a citizen society full of vitality," concluded the board (*Southern Weekend*, January 4, 2012).

In another example, scholar Wang Zhanyang focuses on Wukan as a foundation for constitutional democracy. His essay explores the need to reconcile village "sovereignty" and Party leadership and praises the "democratic struggle for rights that developed in Wukan and generated a reasonable solution" (*China Digital Times*, January 10). Wang's discussion tracks that of Chinese constitutional law scholars who emphasize populist pathways for constitutional development. It also complements scholarly discussion that characterizes the tension between the leadership role of the Party and constitutional provisions on legal supremacy and citizen rights as an issue of "sovereignty" [8].

In December, sixty legal scholars from around China met at Renmin University and named Wukan one of ten "major constitutional law precedents" of 2011 (Renmin University, Constitutional and Administrative Law Research Center, December 26, 2011). The *People's Daily* and other state-run media published this list, which also includes such events as the introduction of a property levy in Shanghai and Chongqing and an open government information lawsuit filed against the Ministry of Land and Resources (People's Net, December 26, 2011; *Legal Daily*, December 25, 2011). In an indication of the sensitivity of these cases, the current media lists do not include detailed analysis of the constitutional dimensions of the incidents. In past years, such analysis has sometimes followed later (People's Net, January 24, 2010). These compilations, however, do provide Chinese scholars with a platform for disseminating information about the Constitution and discussing its relevance to public events.

Some commentators have applied the lessons of Wukan to even more sensitive conflicts. In one commentary, a scholar expounded on Wukan and the need to step away from an adversarial mentality. The author then tied these concepts to instability related to religious issues: "although the Constitution makes clear that citizens of the PRC have the right to freedom of religious belief...in work practice, religion has consciously or unconsciously been regarded as an adversarial consciousness or behavior" (People's Net, January 4). Although the author does not explicitly refer to Tibetan regions, the commentary may have been inspired by rising tensions in China's ethnic Tibetan communities last year (*Wall Street Journal*, January 16).

Property Rights Are a Crucible for Constitutional Contention

Not surprisingly, Wukan and several other "major constitutional law precedents" for 2011 relate to property rights issues. Over the past decade, many citizens' constitutional claims have focused on issues related to property rights. The adoption of constitutional amendments in 2004, the adoption of the Property Law in 2007 (which gave concrete legal effect to the 2004 constitutional amendments), and the adoption of new regulations on urban property seizures in January 2011 have been, in part, the product of successive waves of property seizures, instability to these seizures and constitutional and legal claims.

The process leading up to the adoption of a more restrictive regulation for urban property seizures illustrates these dynamics. In 2009, the self-immolation of a Chengdu woman protesting the demolition of her property generated widespread discussion in China. Leveraging this public discourse, Chinese scholars filed a constitutional review proposal with the NPCSC challenging the constitutionality of China's regulation on urban property seizures. The sophisticated proposal, which cited both the 2004 constitutional amendments and the Property Law, offered nuanced constitutional, legal and policy arguments challenging the existing framework and tying it to instability (People's Net, December 10, 2009). Senior legislative officials invited the scholars to discuss their claims, and Chinese media ran interviews with them (People's Net, December 29, 2009; Focal Point (CCTV), January 27, 2010).

These events provided momentum for the adoption of a new regulation governing the seizure of buildings on state-owned land. In early 2010, the State Council released a draft regulation for public comment and continued difficult negotiations with local governments over the new, more restrictive legal framework for urban property seizures. (Xinhua, January 28, 2010). A second draft of the regulation was released and discussed in late 2010, and authorities issued the "Regulation on the Expropriation of Buildings on State-Owned Land and Compensation" in early 2011. Days later, Shanghai and Chongqing announced plans to experiment with a new property levy (*Financial Times*, January 27, 2011). Early domestic reports on the property levy prompted public calls for greater transparency and public participation in local governance (*Southern Weekend*, June 10, 2010). As these events indicate, efforts to finalize the new regulation involved a complex public deliberation and balancing of interests, and it generated new ripple effects. Although the new regulation addressed some important constitutional issues (such as providing criteria for when a seizure is in the "public interest"), it did not address collectively-owned rural lands.

Similarly, the Wukan incident is promoting discourse over reform of the constitutional-legal framework for collectively-owned rural lands. Citizens have raised constitutional proposals to the NPCSC on this issue in the past (Chinaelections.org, May 8, 2010). As noted above, Chinese commentators are discussing constitutional and legal issues related to the rural land system and village governance in analysis on Wukan. In so doing, they are contributing to collective reflection on the meaning and interpretation of provisions on collective ownership of rural land, guarantees of compensation for property seizures and village governance enshrined in Articles 10, 13, and 111 of the PRC Constitution. These discussions appear to be providing new momentum for reform of the legal framework for rural land requisition. At a December session of the NPCSC, delegates pushed for an acceleration of efforts to amend the Land Administration Law (Boxun, December 31, 2011). In January, Premier Wen Jiabao noted problems related to rural land seizures and stated the legislative concepts embodied in the January 2011 regulation should "in principle be applied to reform of the rural land requisition system" (*Qiushi*, January 16).

Conclusion

In the face of unsuccessful efforts to establish a formal legal process for resolving constitutional disputes, Chinese citizens have not abandoned constitutional arguments. Instead, they have continued to constitutionalize a broad range of public disputes and offer constitutional arguments in both legal and non-legal fora. Many of these efforts are intended to generate public pressure for continued incremental reform and, in the long-term, to shape China's political environment in a way that ultimately could make a constitutional adjudication mechanism meaningful in practice. Disputes over economic rights, which do not involve direct challenges

to core pillars of Party-State power and touch on the lives of a large number of citizens, are one effective platform for advancing constitutional discourses. As one Beijing scholar commented with respect to Wukan, "When material rights are violated because of an irrational political system, people will raise political demands" (Gongshi Net, January 11). Legal scholars are legitimizing and expanding such demands by placing them in a constitutional law framework. As observers reflect on Wukan's impacts and on the development of constitutional law in China, these dynamics are worthy of attention.

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Notes:

1. Michael W. Dowdle, "Beyond 'Judicial Power': Courts and Constitutionalism in Modern China," in *Building Constitutionalism in China*, New York: Palgrave MacMillan, 2009, pp. 204, 213–17.
2. Author Interview, 2007. Article 90(2) of the PRC Legislation Law gives citizens the right to raise such review proposals for consideration by the NPCSC.
3. For example, see Bruce Ackerman, *We The People: Transformations*, Cambridge, MA: Harvard University Press,1998, and Larry Kramer, *The People Themselves*, Oxford: Oxford University Press, 2004
4. For the impotence of constitutional courts under authoritarian governments in Taiwan and South Korea and their transformation after the door to political reform opened, see Tom Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*, Cambridge: Cambridge University Press: 2003, pp. 106–157, 206–246.
5. Randall Peerenboom, "The Social Foundations of China's Living Constitution," January 26, 2010, p. 22, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1542463.
6. Zhang Qianfan, "A Constitution without Constitutionalism? The Paths of Constitutional Development in China," *International Journal of Constitutional Law*, Vol. 8, No. 4, October 2010, pp. 950-976.
7. Cai Dingjian, "The Development of Constitutionalism in the Transition of Chinese Society," *Columbia Journal of Asian Law*, Vol. 19, No. 1 (Fall 2005), pp. 28–9; Zhai Xiaobo, *Renmin de Xianfa* [The People's Constitution], Beijing: Law Press China, 2009, pp. 5–7, 48.
8. Zhai, *Renmin de Xianfa*, p. 2; Chen Duanhong, "Zhongguo Xianfa de Genben Yuanze Ji Qi Geshihua Xiuci " [Fundamental Principles of China's Constitution and its Rhetorical Pattern], March 20, 2008, available at http://www.chinaelections.org/NewsInfo.asp?NewsID=124568.

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PLA Puts Political Work Online

By Aaron Shraberg

Much attention has been given to the controls and restrictions placed on Internet users within China, which have increased, especially in the wake of efforts by online activists to rally citizens to the streets ("China's Adaptive Approach to the Information Counter-Revolution," *China Brief*, June 3, 2011). Regardless of the increasing restrictions on online activity, no other population in China is subject to as many Internet restrictions as members of the People's Liberation Army (PLA). According to the "Regulations on Routine Service of the PLA," military personnel are "banned from watching or listening to political programs from overseas media, and soldiers cannot open their own websites or blogs, or publish political information online" (*Global Times*, June 1, 2011). The effects of restrictions and controls like these are complimented by an equally important, but often less discussed, element found in the efforts of the PLA's General Political Department (GPD) to use modern communications technology to carry out political work (*zhengzhi gongzuo*), or political indoctrination, online. For China's military personnel who increasingly carry mobile phones and surf the Internet, the CCP sees an opportunity to use the constant link created by these technologies to facilitate political indoctrination [1].

In the wake of a year filled with high profile Internet-aided unrest domestically and abroad, the PLA's GPD is increasing the use of modern techniques and technologies to facilitate the political work system. This adds an ideological component—vital in the delicate political climate of the leadership transition this year—to the CCP's growing menu of domestic and international security missions. To this end, last year, the Chinese military underwent a tech-savvy upgrade composed of new-version online political work platforms at the national and local levels, revamped major Chinese national security websites, new smart phone apps, micro-blogs and other communications technologies. Combined, these approaches aim to enhance the image of China's military, propagate official news, transmit ideology lessons, squelch rumors, boost morale and motivate military personnel. A discussion of recent tech-savvy upgrades provides a glimpse into the CCP's ongoing efforts to adapt to an increasingly networked China, stay ideologically and politically dominant, and maintain control of the Chinese military.

The PLA's Revamped Political Work Website

Last November, top officials from the Central Military Commission (CMC) attended the launch ceremony of the "New-Version Political Work Website of the Chinese People's Liberation Army," the first major upgrade since the site launched in 2005. The overhaul increased the number of channels from 47 to 61, added streaming radio and TV, a mobile phone newspaper and "beautified" visual effects. Politburo member and CMC vice chairman General Xu Caihou attended. Xu used the network's video system to "hold dialogues" and "extended greetings to" members of the PLA Air Force's radar station in Gan Bala, Tibet, and personnel in the Shenyang Military Region. Reports in Chinese explain the political work network has become an "advanced political and ideological assistant, learning helper, cultural amusement companion, and everyday friend." The revamped website was used to demonstrate how modern communications technologies are enabling China's top military and political leaders to connect with military personnel as remote as a mountaintop radar station. The ability to connect basic-level soldiers with top-level leadership through virtual meet-and-greets and provide them with personalized political education is meant to boost morale and to create a more ubiquitous, focused system of indoctrination. Daily political work lessons, such as China's highest leadership extolling "socialism with Chinese characteristics" or the "great rejuvenation of the Chinese nation" can be easily and quickly accessed on the PLA's upgraded political work website. The network also will occupy an important position in disseminating political work specific to military building as it seeks to "actively occupy the network information dissemination high ground, strengthen the network of information related to military control and management, effectively carry out online public opinion guidance work, and conscientiously grasp the struggle for dominance and guidance in the network ideological domain" (*PLA Daily*, November 10, 2011; *China Daily*, November 10, 2011). A November 2011 report about the Internet's significance in military political work in the Xinjiang Military District describes the political work network as the military base-camp's "never closed school, never closed office, never tired teacher" (*PLA Daily*, November 29, 2011).

Local Micro-Blogs on the Rise

The emerging role of micro-blogs within the Chinese military has similar aims as the overhaul of major national defense-related websites. Last November, a micro-blog geared toward new enlisted members gained popularity among Chinese youth joining the military. After only a month of being operational, the "Liaoning Conscript Micro-blog" had more than 160 officially sanctioned posts about joining the military, answered over 1,000 questions, and generated a following of more than 24,000 "fans." A deputy chief of staff from the Liaoning Military District said, "the youths of the new generation have become the main part of those joining the army, and they are more accustomed to gaining information through the Internet." Through the Internet and mobile phones, the "Liaoning Conscript Micro-blog" can "post information for and offer services to the youths of military age whenever and wherever possible" (*PLA Daily*, November 15, 2011). Besides publishing information about recruitment, micro-blogs are being used to perform "damage control," dispelling rumors and speculation about what it is like to join the PLA and the life of a soldier. Micro-blogs also are enabling the PLA to garner popular support as it builds a fan base among youngsters.

Major Overhaul of National Security Online Platforms

Chinese military online platforms have also been overhauled to improve the PLA's image and facilitate political indoctrination. Last August, the CMC in conjunction with the GPD launched an upgraded version of *China Military Online*, an online version of *Liberation Army Daily*. Also that month, after two years of a "trial operation," the website of the Ministry of National Defense (MND) became fully operational (*China Daily*, August 1, 2011; *People's Net*, August 1, 2011). The new features of *China Military Online* include increasing the main page from four to eight screens long, the number of sections from 13 to 85, and its article columns from 325 to 1,233. The page views of *China Military Online* have reportedly reached 20 million in 2011. The revamped MND website contains a comprehensive storehouse of information about China's military including "authoritative and up-to-date defense information," defense expenditures, national defense white papers, and the Ministry's routine press conferences (*China Daily*, August 1, 2011). Last year, the website reported at least 10 million hits. The MND also released a mobile phone application with "comprehensive coverage of key military issues, as well as breaking news from the PLA Daily" (*China Daily*, August 9, 2011). The facelift of major national defense websites is meant not only to "help the ministry to form a new public image" and give China's military a more "open and modernized" image, but also to enhance the breadth and depth of propagandizing all military personnel with news and other relevant information from official sources. These websites also could be used by commanding officers, political commissars and rank-and-file troops to view morale-boosting messages. One of the first such slogans came from an infantryman in September 2011 during a recent training drill in the Nanjing Military Region and was published on *China Military Online*: "Without hardships and strain, there is no precious gain; he who dares to fight and give his all is a real man" (*PLA Daily*, September 24, 2011).

PLA Reserve Units, Militia and Modern Communications Technologies

PLA reserve units and the Chinese People's militia also are using modern communications technologies to enable the political work system to penetrate every level of the Chinese military. A June 2011 article discussing the implementation of a recent round of political work regulations in China's border regions is used to "discuss innovative methods," including a move to use mobile phones among PLA reserve units to create information dissemination channels and achieve results: "wherever the mission is, propaganda work follows" (*China's Defense*, June 13, 2011). In April 2011, over the course of three days at Jintan Militia Training Base in Jiangsu Province, militia cadres reportedly used "innovative tools" to grasp political work teachings. They "revised and rejuvenated" the municipal people's national defense education website, started militia political work education columns and militia online communication forums, and organized cadres to go online to answer questions and eliminate misunderstandings among the militia. Cadres also organized each village and county militia emergency response team at a local online video conferencing meeting to watch films like "How is the King of the Gun Made" and "A Life with the History of Being a Soldier." The report also said, in the future, the entire city's grassroots militia members' cell phone numbers would be entered into a database, which will allow "mobile information platforms" to periodically send political and ideological messages. Official Chinese sources reported the Jintan training was an example of a successful foray into using modern communications technologies to aid the political work system and the activities "effectively invigorated the militia's political education situation" (*China's Militia*, April 28, 2011).

Conclusion

Last year, the CCP's efforts to censor Internet activity, especially in light of an online-aided wilted Jasmine revolution, received widespread attention. In the run up to the major leadership transition in late 2012, and as members of the PLA face a growing menu of responsibilities—many falling under the banner of "diversified military tasks"—CCP leadership must ensure its political primacy. To meet the challenges of an increasingly connected world, the CCP is not only censoring and restricting, but also using modern communications technologies to generate the degree of ideological dominance it believes necessary to effectively control its military. From revamped websites to smart phone apps to micro-blogs, the GPD's enhanced tech-savvy and growing online presence continues to advance its primary mission—maintain the absolute leadership of

the party—from Beijing to the barracks [2].

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Notes:

1. In this article, China's military, Chinese military, China's Armed Forces or Chinese Armed Forces refers to the People's Liberation Army (PLA), PLA reserves, the People's Armed Police (PAP), and the militia. Information Office of the State Council "White Paper on China's National Defense in 2002," December 9, 2002. Available at: http://english.peopledaily.com.cn/features/ndpaper2002/nd3.html.

2. Song Shilun and Xiao Ke, eds., *Zhongguo junshi baike quanshu* [The Chinese Military Encyclopedia], Beijing: Military Science Press, 1997, p. 376.

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China's Space White Paper: Increasing Transparency…to a Degree

By Kevin Pollpeter

The publication of *China's Space Activities in 2011* on December 29, 2011 represents a continuing effort by Beijing to make its space program more transparent and to tout its progress. The publication of this third white paper on the space program demonstrates China's continued commitment to its space industry and its intention to exploit the political benefits of a successful space program. The white paper documents China's progress in developing space technologies and the increasing number of its international cooperative activities. The white paper does make it clear that China intends to build an ever more capable space program as it moves from the testing of platforms to the building of systems. The white paper, unfortunately, devotes much less time to Chinese policies governing its activities in space and, as a result, will do little to alleviate concerns over the country's increasing national power.

Looking Back at the 11th Five-Year Plan and Forward to the 12th Five-Year Plan

If the period of the 10th Five-Year Plan (2001-2005) laid a foundation for China's space program, China clearly built upon this foundation during the period of the 11th Five-Year Plan (2006-2010) ("Competing Perceptions of the U.S. and Chinese Space Programs," *China Brief*, January 10, 2007). Moreover, the white paper describes the period of the 12th Five-Year Plan (2011-2015) as a "crucial period for China" and one that will bring new opportunities to China's space industry. Indeed, China plans a full slate of technology development during the period of the 12th Five-Year Plan by relying primarily on its own capabilities through indigenous innovation.

China nearly tripled the number of successful launches during the 2006-2010 time period from 24 to 67 with two failures. The success rate for the Long March series of launchers is now over 94 percent—well within international standards for space launch vehicles. The year 2010 was a milestone year in which China for the first time tied the United States in the number of launches with 15 and, in 2011, China surpassed the United States with 18 launches. During the 12th Five-Year Plan, China plans to maintain this pace with the launch of 100 satellites on 100 rockets (*Global Times*, January 20).

China also plans to develop three new types of Long March rockets—the Long March-5, -6 and -7—which eventually will replace the current series of Long March launchers. As a group, these launch vehicles will be able to launch heavier payloads into orbit to support China's space station and lunar exploration programs and provide a more responsive launch capacity.

China made several notable achievements with these launches. The most visible were in support of China's human spaceflight program. In 2007, China launched the Shenzhou-7, which involved China's first space walk. In 2011, China launched the Tiangong-1 space station, China's first space station, and docked it with the unmanned Shenzhou-8 space capsule. China will continue its human spaceflight operations in 2012 with the launch of the Shenzhou-9 and -10 missions to dock with the Tiangong-1 space station. China also will launch other space stations during the next four years to master the technologies and operation of space stations.

Less prominent, but more important were China's launches of remote sensing satellites. From 2006-2010, China launched a total of 19 remote sensing satellites, including optical imaging, synthetic aperture radar, electronic intelligence satellites, stereoscopic mapping, meteorological and ocean monitoring satellites. China's efforts at space-based remote sensing point to the national security aspects of China's space program and its desire to form a C4ISR system to support anti-access and area denial missions against potential adversaries. Indeed, the white paper states, during the next four years, China will establish a "stable all-weather, 24-hour, multi-spectral, various-resolution Earth observation system" ("Satellites Support Growing PLA Maritime Monitoring and Targeting Capabilities," *China Brief*, February 10, 2011).

A third notable achievement was the establishment of a regional satellite navigation and positioning system. In December 2011, the ten satellites of the Beidou navigation system began initial operational service in and around China. This service will be expanded in 2012 with the launch of six more satellites (*Global Times*, December 28, 2011). Beidou provides positioning signals with an accuracy of 10 meters, much less than the several meter accuracy of the U.S. Global Positioning System.

China also conducted two lunar exploration missions during the 11th Five-Year Plan. Both the 2007 Chang'e-1 and the 2010 Chang'e-2 missions mapped the lunar service. In the coming years, China will conduct a soft landing on the moon in order to deploy a robotic lunar rover (China Broadcasting Net, January 27). One of the most intriguing statements in the white paper is the announcement that China "will conduct studies on the preliminary plan for a human lunar landing." The Chinese version of the white paper translates "preliminary plan" (*qianqi fang'an lunzheng*). According to sources on China's space technology research and development process, the "fang'an lunzheng" stage is the period of time devoted to determining the exact technologies for use in a project and is conducted *after* the state or appropriate ministry has approved the project formally. This suggests China has completed its feasibility studies and that the top leadership of the country has given final approval for sending humans to the moon [1].

If this is the case, it is odd that China would not have chosen to announce the mission in another venue specifically devoted to the project. Indeed, in February 2004 after the top leadership had approved unmanned lunar missions the month before, the *People's Daily* ran an article announcing the beginning of the project and this was followed by more extensive coverage during the National People's Congress in March 2004 (*People's Daily*, March 23, 2004; February 15, 2004). In addition, Zhang Wei, spokesman for the China National Space Administration, during the press conference for the white paper did not explicitly state the lunar exploration program had been approved by the top leadership. Zhang instead stated there is no timetable for a manned moon landing as it depended on the development of other technologies, including the development of a launch vehicle large enough to carry a lunar lander (Xinhua, December 30, 2011).

International Cooperation

China's increase in technological development has been matched by an increase in its cooperative activities. China's cooperative activities in space increased significantly over the past 11 years. During the 2001-2005 time period, China listed five cooperative activities involving technology development or cooperating on space missions. During the 2006-2010 time period this number increased to nine. The majority of these cooperative activities have been with the developed world and countries in transition, such as Russia and Ukraine, rather than the developing world. The white paper states China has signed a number of cooperative agreements on space science, and deep-space exploration with Russia and that their national space administrations have opened representative offices in each other's countries. The white paper also states China has "extensive" but unspecified cooperation with Ukraine.

In addition, China and the European Space Agency have cooperated on the Chang'e-1 and Chang'e-2 lunar exploration missions while China has cooperated with Great Britain and France on space science and technology.

In the next four years, China will conduct cooperative activities on astronomy, physics, micro-gravity, space-life science, deep-space exploration and space debris; cooperative activities in regards to Earth observation

satellites, communication satellite broadcasting, satellite navigation systems, technical cooperation in regards to space stations and space science research; and space telemetry, tracking and command cooperation.

Commercial Activities

China also has been keen to promote commercial space activities. China has reinvigorated itself as a commercial launch service provider and has exported satellites for the first time. China exported and made in-orbit deliveries of communication satellites to Nigeria, Venezuela and Pakistan and provided commercial launch services to Indonesia for the Palapa-D satellite and the to Eutelsat for the W3C satellite. China also has signed commercial agreements with Bolivia, Laos, Belarus and Turkmenistan for communication satellites and ground system support services.

China's increasing commercial space activities come at a time of heightened competition in the launch service and satellite manufacturing markets due to a slowdown in satellite purchases and an increase in the number of launch providers (*Aviation Week and Space Technologies*, January 30). China's intention to capture 15 percent of international commercial launches and 10 percent of satellite exports in the next four years will only exacerbate this trend. In 2012, for example, China will conduct five commercial launches and will export its first remote sensing satellite to Indonesia in 2012 (Xinhua, December 21, 2011). The white paper also states China will export satellite parts and components, ground test equipment and the building and service of satellite ground as well as satellite application facilities.

Space Policy

According to the white paper, "the purposes of China's space industry are: to explore outer space and to enhance understanding of the Earth and the cosmos; to utilize outer space for peaceful purposes, promote human civilization and social progress, and to benefit the whole of mankind; to meet the demands of economic development, scientific and technological development, national security and social progress; and to improve the scientific and cultural knowledge of the Chinese people, protect China's national rights and interests, and build up its national comprehensive strength."

One striking feature of the white paper is its downplaying of the national security applications of its space industry. While the white paper states China's space industry is intended to "promote…national security…to protect China's national rights and interests," there is an overall effort in the white paper to minimize the role satellites play in China's military. The white paper's discussion of the Beidou satellite navigation system, for example, states Beidou "has been used in transportation, sea fishing, hydrological monitoring, communications and timing service, power dispatching and disaster reduction and relief," but neglects any mention of military use. Military press, however, states Beidou will increase the PLA's operational capabilities by 100-1000 times and improve its cost effectiveness by 10-50 times (*PLA Daily*, December 27, 2011).

China's white paper also neglects to mention its two anti-satellite (ASAT) tests conducted in 2007 and 2010, nor does it offer any clues as to China's policy on offensive counter-space activities. The white paper does state "China always adheres to the use of outer space for peaceful purposes, and opposes weaponization or any arms race in outer space." This however was China's policy before its ASAT tests. While it is not surprising that China does not mention its debris-producing 2007 ASAT test, the white paper does state China "takes effective measures to protect the space environment" and "will work together with the international community to maintain a peaceful and clean outer space." This could indicate China will not conduct additional debris-producing ASAT tests. On the other hand, it also could simply mean that China will seek to reduce debris in other ways. For example, the white paper states China will begin monitoring space debris, establish an assessment system to mitigate space debris, and make efforts to reduce space debris left by retired spacecraft and launch vehicles.

Conclusions

China's Space Activities in 2011 is an important effort by the Chinese government to make its space program more transparent and to present its space program in a positive light. In this it is largely successful. The white paper is a good account of China's space activities in the past five years and provides a good summary of its intended space activities in the next four years. In this respect, the white paper provides much more information than similar U.S.

documents on its space program.

Unfortunately, while the document goes to great lengths to describe what China is doing in space, it only minimally addresses its intentions in space. It is in this aspect in which the white paper falls well short of U.S. documents such as the National Space Strategy and the National Security Space Strategy, which go to much greater lengths to explain U.S. policy and the mechanisms through which the United States will implement its policies. As a result, the white paper will not alleviate international concerns over China's increasing military strength.

What is clear from the white paper is that China will build upon the foundation laid during the previous two five-year plans. China has gone from testing individual platforms to building satellite systems. It is during this stage in which China will be able to begin to fully leverage the benefits of its space program and the stage in which the political, military, economic, and commercial aspects of its space program may become more readily apparent.

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1. Hua Lusen, *Xitong gongcheng yu hangtian xitong gongcheng guanli* [Systems Engineering and Space Systems Engineering Management], Beijing: China Astronautics Press, 2007, p. 73.

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