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## China's Communist Party Absorbs More of the State

In March 2018, China's national legislature, the National People's Congress (NPC), approved amendments to China's state constitution, including the elimination of term limits for the positions of President and Vice President. The NPC also supported the creation of a new anti-graft agency, approved a reorganization of government agencies, installed a new lineup of state and NPC leaders, and endorsed economic and other targets. On March 21, 2018, immediately after the NPC session closed, the Communist Party released a document outlining a broad re-organization of large parts of China's political system, including the Party. The events served to strengthen the position of Communist Party General Secretary and State President Xi Jinping, to expand the Communist Party of China's already dominant role in China's political life, and to give the Party more tools to pursue its nationalist agenda. This In Focus report summarizes some of these developments.

### Constitutional Amendments

The People's Republic of China (PRC) Constitution, adopted in 1982, co-exists with the Communist Party's Charter, also known as the Party Constitution. The March 2018 amendments to the PRC Constitution—which passed the NPC by a vote 2,958 to 2, with 3 abstentions—mark the fifth time China's parliament has amended the constitution. Key March 2018 amendments are discussed below.

#### Eliminating Term-Limits for President

Article 79 of the constitution had previously stated that the PRC President and Vice President “shall serve no more than two consecutive terms.” A 2018 amendment removed those words. An NPC spokesperson said the change “benefits the strengthening and perfecting of the national leadership system.”

Under the current leadership system, China's leader simultaneously holds all three of the country's top positions: Communist Party General Secretary, Party Central Military Commission Chairman, and State President. The Party charter does not set term limits for the first two positions, so defenders of the amendment argue that the state constitution should not set term limits for the third, the position of state president. Even without term limits for the top Party positions, however, the norm since 2002 has been for the Party General Secretary to retire after two full five-year terms in office. Then-General Secretary Jiang Zemin established the norm by stepping down in 2002 (although he retained chairmanship of the Party Central Military Commission for an additional two years). Then-General Secretary Hu Jintao reinforced the norm when he handed off both of his Party posts to Xi in 2012.

By pushing for the elimination of term limits for the presidency, President Xi, 64, may be signaling his intention to stay in all three of his powerful positions beyond the

usual two terms. Xi's second term in his Party posts is scheduled to end in 2022, and his second term as president is scheduled to end in March 2023.

Many analysts warn that by undermining China's efforts to create norms around the orderly transfer of power, the removal of term limits could increase the risk of a future destabilizing succession crisis in the world's second-largest economy. Some U.S. observers have expressed cautious hope that with the prospect of staying in power indefinitely, President Xi may feel he has a freer hand to pursue needed economic reforms. Others have expressed concern that Xi could pursue an even more assertive foreign policy.

#### Strengthening the Constitutional Basis for Communist Party Rule

The Party's leadership role was previously not mentioned in any of the articles of the constitution, although it was referenced five times in the preamble, creating ambiguity about the legal basis for the Party's powers. Article 1 of the constitution states that, “The socialist system is the basic system of the People's Republic of China.” A 2018 amendment added a follow-up sentence: “The defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China.”

#### Putting Xi on a Par with Mao and Deng

Another 2018 amendment added to the constitution's preamble a reference to “Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era.” That change appeared to put Xi's guiding philosophy on a par with the philosophies of two powerful predecessors: “Mao Zedong Thought” and “Deng Xiaoping Theory.” The same amendment also added a mention of the governing philosophy of Xi's immediate predecessor, Hu Jintao, but without Hu's name attached to it.

#### New Anti-Graft Agency

Multiple additional 2018 amendments to the constitution provide a constitutional basis for a new anti-graft agency, the State Supervision Commission. A new Supervision Law of the PRC adopted at the NPC session spells out the commission's mission, organization, and powers. The Party's existing Central Discipline Inspection Commission (CDIC) has broad powers to investigate China's 89.5 million Communist Party members. The new State Supervision Commission, headed by the second ranking official in the Party CDIC, is intended to extend the Party's graft-fighting to “all public employees who exercise public power,” even if they are not Communist Party members. The scope of those covered includes not only officials in such bodies as Party and government agencies, the courts, and national and local legislatures, but also administrators in “public education, scientific research, culture, health care, sports, and other such units.” The commission is

empowered, among other things, to interrogate and detain suspects, impose travel bans, freeze assets, conduct searches, seize property, and employ “technical investigative measures,” all before turning cases over to the regular justice system. Human rights groups have raised concerns about the implications of the commission’s work for fair trial protections.

### Political System Reorganization

The Party’s document on the reorganization of the political system, released March 21, 2018, outlines plans that affect the Party, the NPC, the government, a political advisory body known as the Chinese People’s Political Consultative Conference (CPPCC), specialized law enforcement teams, the Coast Guard, and a paramilitary force, the People’s Armed Police. National-level entities are required to implement the plan by the end of 2018. The wide scope of the planned changes could slow political decisionmaking in China at a time of heightened friction with the United States over such issues as trade and Taiwan.

Significant elements of the restructuring appear to be intended to strengthen Party control at the expense of China’s cabinet, the State Council. During the early decades of Communist rule, the Party and the State operated as one under a slogan trumpeting “the Party’s absolute and unified leadership.” In the late 1970s, the Communist Party began moves to separate Party and government functions, authorizing the State Council and “people’s governments” at lower levels to manage the day-to-day administration of the country. The restructuring appears to signal an intention to restore the Party to direct management of many portfolios.

The Party’s plan for its own reorganization includes transforming four Party “leading groups,” powerful but low-profile coordinating committees, into full-fledged Party commissions to lead policy in their respective areas: “comprehensively deepening reform,” cybersecurity and “informatization,” financial and economic affairs, and foreign affairs. The Party’s Central Leading Group for Safeguarding Maritime Rights and Interests, which has coordinated China’s policy in the East and South China Seas, is to be folded into the new foreign affairs commission. Reflecting the Party’s emphasis on strengthening “political discipline” within the education sector, the Party is creating a new Central Leading Group for Educational Affairs.

The Party announced that its Propaganda Department will take over direct management of the news media, publishing, and the film industry. The State Council is to continue administering three broadcasters, China Central Television, China National Radio, and China Radio International. They are to be merged into a single entity, to be known externally as the “Voice of China.” In addition, the Party’s United Front Work Department is to absorb three previous State Council bodies: the State Ethnic Affairs Commission, the State Administration for Religious Affairs, and the Overseas Chinese Affairs Office of the State Council. The latter restructuring removes the State from decisionmaking on religious groups, minority groups such as Tibetans and Uyghurs, and the Chinese diaspora.

The restructuring of the People’s Armed Police (PAP) is a continuation of a 2017 reform putting the PAP under the sole command of the Party’s Central Military Commission (CMC), the body that commands China’s armed forces. The PAP had previously reported to both the CMC and, through the Ministry of Public Security, to the State Council. Under the new restructuring plan, the PAP is to shed civilian functions, such as firefighting, and take over administration of the China Coast Guard, making the coast guard part of the military chain of command for the first time.

Multiple state ministries, commissions and administrations are to be dismantled, and seven new ministries and commissions formed. Four ministry-level departments will absorb offices or responsibilities from others. The plan also calls for the establishment of eight new agencies, including a State International Development Cooperation Agency.

### Personnel Shifts

The Communist Party unveiled a new leadership line-up at its 19<sup>th</sup> Congress in October 2017. At the March 2018 NPC session and at a parallel session of the political advisory body, the CPPCC, five of the seven top Party leaders acquired concurrent posts heading other parts of the political system. The Party’s No. 2 official, Li Keqiang, was appointed to a second term as Premier of the State Council. The Party’s No. 3 official, Li Zhanshu, is the new NPC chairman. The Party’s No. 4 official, Wang Yang, is the new head of the CPPCC. As expected, NPC deputies re-elected Xi to a second term as State President. He was the only candidate and the vote was unanimous, 2,970 to 0, with no abstentions. State media coverage of Xi’s re-election referred to him by such monikers as “the state’s helmsman” and “the people’s guide.” NPC delegates also elected a close Xi ally, Wang Qishan, 69, to the post of Vice President. The constitution spells out few duties for either position. The Vice President may reportedly be tasked with managing U.S.-China relations.

In the State Council, four Vice Premiers, all new to the job, include a close Xi ally, Liu He, who is expected to take on a broad economic portfolio, including finance. The five State Councilors, who sit one level below Vice Premiers on the State Council organization chart, are also all new. They include Wang Yi, the first sitting Foreign Minister to serve concurrently as a State Councilor. The Foreign Ministry will lose power to the Party, however, with the creation of the Party’s new foreign affairs commission.

### Xi Jinping’s Closing Speech to NPC

Speaking at the end of the NPC session, President Xi said that after nearly seven decades of Party rule, China “has been growing vigorously, and with an entirely new posture, it now stands tall and firm in the East.” The Party, he said, is “the fundamental guarantee of the great rejuvenation of the Chinese nation.” Repeating language from his report to last year’s 19<sup>th</sup> Party Congress, he reminded deputies that, “The Party exercises overall leadership over all areas of endeavor in every part of the country.”

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