National Defense Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of building and consolidating national defense, ensuring the smooth progress of reform, opening-up, and the socialist modernization drive, and realizing the great rejuvenation of the Chinese nation.

Article 2 — This Law shall apply to all State activities for the preparation against and resistance to armed aggression, the prevention of armed subversion, and the safeguarding of State sovereignty, unity, territorial integrity, security, and development interests.

Article 3 — National defense is the security guarantee for the survival and development of the State. The State shall strengthen the building of the armed forces and the construction of border, coastal, and air defense, and shall develop defense research and production. The entire people shall be educated in national defense and the concept of national defense among all the people shall be enhanced.

Article 4 — National defense activities shall be placed under the unified leadership of the State. The State shall pursue a defense policy that is defensive in nature, independently build and consolidate national defense, implement the military strategy of active defense, and adhere to the principle of the all-people self-defense.

Article 5 — The State shall pursue a coordinated development of national defense and economic construction. National defense expenditure shall be commensurate with the needs of national defense and the level of economic development.

Article 6 — The People's Republic of China shall fulfill its obligations in the field of international security and military affairs and shall safeguard world peace. The PRC opposes and prohibits any act of aggression, expansion, or hegemonism.

Chapter II — Functions and Powers of State Organs

Article 7 — The National People's Congress shall decide on issues of war and peace and shall exercise such other functions and powers relating to national defense as provided for in the Constitution. The Standing Committee of the National People's Congress shall decide on the declaration of a state of war, decide on general or partial mobilization, and exercise such other functions and powers relating to national defense as provided for in the Constitution.

Article 8 — The President of the People's Republic of China shall, in accordance with decisions of the NPC and its Standing Committee, declare a state of war, issue mobilization orders, and exercise such other functions and powers relating to national defense as provided for in the Constitution.

Article 9 — The State Council shall direct and administer the building of national defense and exercise the following functions and powers: formulating defense development plans and programs; administering defense expenditure and assets; directing and administering defense research and production; administering the military service system, mobilization, and national defense education; and exercising other defense-related functions and powers prescribed by law.

Source: https://www.danyoungcpa.com/national-defense-law-prc-2020-revision-english-translation/

Article 10 — The Central Military Commission shall lead the armed forces of the nation and exercise the following functions and powers: exercising unified command of the armed forces; deciding on military strategies and operational policies; directing and administering the building of the Chinese People's Liberation Army; and exercising other functions and powers prescribed by law.

Chapter III — Armed Forces

Article 11 — The armed forces of the People's Republic of China are composed of the Chinese People's Liberation Army, the Chinese People's Armed Police Force, and the militia. The tasks of the armed forces are to consolidate national defense, resist aggression, defend the motherland, safeguard the peaceful labor of the people, participate in national construction, and strive to serve the people.

Article 12 — The Chinese People's Liberation Army is a people's army created and led by the Communist Party of China. The PLA shall be subject to the absolute leadership of the Party. The PLA shall carry forward its fine traditions, strengthen its own revolutionization, modernization, and regularization, and build itself into a strong, modern, and standardized revolutionary force.

Article 13 — The PLA shall implement a system of compulsory service combined with voluntary service and a system of active service combined with reserve service. The State shall establish systems for officers, non-commissioned officers, and soldiers.

Article 14 — The State prohibits any organization or individual from establishing any armed organization illegally. No illegal armed organization shall be permitted, and no illegal armed activities shall be allowed.

Chapter IV — Border, Coastal, and Air Defense

Article 15 — The territory, territorial waters, and territorial airspace of the PRC are sacred and inviolable. The State shall strengthen the construction of border, coastal, and air defense and adopt effective defense and control measures to safeguard the security of its territory, territorial waters, and territorial airspace.

Article 16 — The State shall establish a border, coastal, and air defense system with the armed forces as the mainstay and with coordination among military, police, and civilian sectors. The Central Military Commission shall exercise unified leadership over border, coastal, and air defense.

Article 17 — The State shall improve border, coastal, and air defense facilities and strengthen the construction of border and coastal defense forces and civil air defense forces. The construction of border, coastal, and air defense facilities shall be incorporated into the national economic and social development plan.

Chapter V — Defense Research and Production

Article 18 — The State shall establish an independent and complete system of defense science, technology, and industry, and shall develop defense research and production to equip the armed forces with advanced, reliable, and effective weapons and equipment.

Article 19 — The State shall exercise unified leadership and planned management over defense research and production. Defense science, technology, and industry shall implement a system combining military and civilian needs, peacetime and wartime needs, and military products and civilian products.

Article 20 — The State shall protect the intellectual property rights of defense science, technology, and industry and shall encourage and support scientific and technological innovation in the defense sector. Enterprises and institutions engaged in defense research and production shall implement national technical standards.

Chapter VI — Defense Expenditure

Article 21 — The State shall guarantee necessary funding for national defense. Defense expenditure shall grow in proportion to the needs of national defense and the level of national economic development. Defense expenditure shall be separately listed in the State financial budget.

Article 22 — The State shall exercise strict control and management over defense expenditure and defense assets and shall audit and supervise the use of such funds and assets in accordance with the law. No organization or individual may misappropriate, withhold, or intercept defense funds.

Chapter VII — National Defense Education

Article 23 — The State shall, through national defense education, enable all citizens to enhance their awareness of national defense, acquire basic national defense knowledge, learn necessary military skills, stimulate patriotic enthusiasm, and consciously fulfill their national defense obligations. National defense education shall be based on the all-people participation principle and long-term adherence.

Article 24 — National defense education shall be incorporated into the national education system. Schools at all levels and of all types shall provide appropriate national defense education courses and organize military training activities. State organs, armed forces, political parties, public organizations, enterprises, and institutions shall organize national defense education within their respective regions, departments, and units.

Chapter VIII — National Defense Mobilization

Article 25 — The State shall establish a national defense mobilization system. In the event that the sovereignty, unification, territorial integrity, or security of the State is under threat, the State may, in accordance with the Constitution and the law, declare general or partial mobilization.

Article 26 — National defense mobilization preparations shall include: mobilization of the armed forces, mobilization of the national economy, civil air defense, transportation mobilization, and political mobilization. The State Council and the Central Military Commission shall jointly lead the work of mobilization preparations and mobilization implementation.

Article 27 — After the State issues a mobilization order, all organizations and individuals within the territory of the PRC must comply with the needs of mobilization and shall perform or undertake mobilization tasks as prescribed by law.

Chapter IX — Citizens' Defense Obligations

Article 28 — Citizens of the PRC shall perform military service and participate in militia organizations in accordance with the law. The State shall protect the lawful rights and interests of active service personnel and reservists.

Article 29 — All organizations and citizens shall protect national defense facilities and shall not damage or endanger such facilities. All organizations and citizens shall comply with confidentiality regulations and shall not divulge State secrets in the field of national defense.

Article 30 — Citizens shall have the obligation to support the building of national defense and shall provide facilitation and assistance for military training, combat readiness duty, and national defense operations of the armed forces.

Chapter X — Foreign Military Relations

Article 31 — The PRC shall, on the basis of the Five Principles of Peaceful Coexistence, independently handle foreign military relations and conduct military exchange and cooperation. The PRC supports military and security measures taken in accordance with the Charter of the United Nations.

Article 32 — The PRC shall fulfill its obligations under international treaties and agreements relating to military affairs to which it is a party. The stationing of foreign military forces within the territory of the PRC or the establishment of foreign military bases or installations shall be subject to the approval of the State.

Chapter XI — Legal Liability

Article 33 — Any organization or individual that refuses to perform national defense obligations, endangers national defense interests, or obstructs national defense activities shall bear legal liability in accordance with the law. Where a crime is constituted, criminal liability shall be pursued.

Article 34 — Persons who commit the following acts shall be subject to administrative penalties or criminal liability in accordance with the law: (1) evading military service; (2) obstructing military operations; (3) destroying national defense facilities; (4) divulging State secrets in the field of national defense; (5) illegally producing, trading, or transporting weapons and equipment; and (6) other acts endangering national defense interests as prescribed by law.

Chapter XII — Supplementary Provisions

Article 35 — The application of this Law in the Hong Kong Special Administrative Region and the Macao Special Administrative Region shall be governed by the provisions of the Basic Laws of these two regions and the relevant decisions of the NPC Standing Committee.

Article 36 — This Law shall come into force on January 1, 2021. The National Defense Law of the PRC adopted on March 14, 1997, shall be repealed simultaneously.

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