

CHINA RESTRUCTURES ITS NATIONAL SECURITY SYSTEM (II)

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Executive Summary

1. China has started legislative work to restructure its national security system. A series of new laws have been implemented and some existing ones revised.
2. The new and amended laws include the “Counterespionage Law of the People’s Republic of China” enacted on 1 November 2014, a “Cybersecurity Law” and a “Foreign NGO Management Law”, both under review now.
3. The new “National Security Law of the People’s Republic of China” enacted on 1 July 2015 is the major law for redesigning and restructuring China’s national security system. It is a milestone in the national security legislation underscoring Xi Jinping’s promotion of the “rule of law” in China’s governance and institution building.
4. The new National Security Law provides the legal foundation for the National Security Commission (NSC) established by the Chinese Communist Party (CCP) in November 2013; defines the NSC’s missions and tasks; and lays out the institutional structure of China’s national security system.
5. The present Chinese foreign and security policymaking suffers from inefficiency and lack of coordination, information sharing and accountability of decision makers. Before the NSC was established, the institutions for dealing with national security were divided among many departments in the Party, State Council, military and Chinese social organisations.
6. The Chinese national security and foreign policymaking is best described by Kenneth Lieberthal as the “fragmented authoritarianism model”. The institutional structure and distribution of authority is characterised by the top-down flow of authority and the fragmented and disjointed authority between bureaucratic departments below the top leadership.

7. National security and foreign policy decision making requires a centralised decision authority; in practice this authority at the top is delegated to a number of central leading groups (CLGs). The rule by CLGs causes “horizontal authoritarianism”, fragmentation and accountability problem within the system.
8. By establishing the NSC, Xi Jinping wants to centralise and integrate decision-making authority at the top to tackle the civil-military and internal-external relationship in policymaking and decision making, and to ensure that the leadership and ultimate authority on national security is under the CCP’s control.
9. Analysts differ as to whether the NSC would be a daily functional institution, an ad hoc crisis management team, a coordination platform, or an advisory council for the top leadership. Given its nascent stage of development, the answer may not be known until it is fully developed institutionally. The span of national security issues it will manage in the short run is not known either.
10. Xi Jinping’s aspirations in foreign policy and national security have prompted these reforms. He is taking an issue-driven approach to overhaul the system and modernise China’s national security system. The CNSC is to serve as a platform for reorganising China’s national security command system and institutions. Its success or failure will only be known years later.