

Foreign Relations Law of the People's Republic of China (Draft)

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Table of Contents

Chapter I General Provisions

Chapter II Functions and Powers for Foreign Relations

Chapter III Objectives and Tasks for the Development of Foreign Relations

Chapter VI The Legal Regime for Foreign Relations

Chapter V Capacity Building and Safeguard for the Development of Foreign Relations

Chapter VI Supplementary Provisions

Chapter I General Provisions

Article 1 This Law is formulated in accordance with the Constitution for the purposes of developing foreign relations, safeguarding national sovereignty, security and development interests, maintaining and developing the interests of the people, building a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious and beautiful, realising the great rejuvenation of the Chinese nation, and promoting the building of a human community with a shared future.

Article 2 This Law shall apply to the development of diplomatic relations and communication and cooperation between the People's Republic of China and other countries in economic, cultural, and various fields, as well as to the development of relations with the United Nations and other international organisations.

Article 3 The development of foreign relations shall be guided by Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era and shall be carried out in accordance with the provisions, principles and spirit of the Constitution, so as to create a favourable external environment for the development of China.

Article 4 The People's Republic of China pursues an independent and peaceful foreign policy, observes the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, mutual noninterference in internal affairs, equality and mutual benefit, and peaceful coexistence, and opposes hegemony and power politics.

The People's Republic of China keeps on a path of peaceful development, stays committed to the fundamental state policy of opening up and a mutually beneficial strategy of opening up, and promotes the building of a new type of international relations and a community with a shared future for humanity.

The People's Republic of China observes the purposes and principles of the Charter of the United Nations, safeguards world peace and security, and promotes common development across the world. It advocates the settlement of international disputes by

peaceful means and opposes the use or threat of use of force in international relations. It insists on the equality of all countries, irrespective of their size, strength, wealth, and their equal right to participate in international affairs.

Article 5 Foreign affairs work upholds the centralised, unified leadership of the Communist Party of China and adheres to the Party's core role of exercising overall leadership and coordinating the efforts of all sides.

Article 6 The leading body of the Central Government for foreign affairs is responsible for decision-making and coordination of foreign affairs work, researching, formulating and guiding the implementation of national foreign strategies and relevant major guidelines and policies, and for the top-level design, integrated plan, coordination, overall promotion and supervision of the implementation of major work in the field of foreign affairs.

Article 7 State organs and armed forces, political parties and people's organisations, enterprises, public institutions and other social organisations, as well as citizens, have the responsibility and obligation to safeguard national security, honour and interests in foreign communication and cooperation.

Article 8 The State commends and rewards organisations and individuals who have made outstanding contributions to the development of foreign relations in accordance with the relevant laws and regulations.

Article 9 Any organisation or individual who violates this Law and relevant laws, engaging in activities detrimental to the interests of the State in foreign communication and cooperation shall be held liable as provided for by law.

Chapter II Functions and Powers for Foreign Relations

Article 10 The National People's Congress and its Standing Committee exercise their functions and powers in foreign relations in accordance with the Constitution and laws,

develop foreign relations, and promote communication and cooperation with national parliaments and international and regional parliamentary organisations.

Article 11 The president of the People's Republic of China is on behalf of the People's Republic of China, engages in state affairs and exercises functions and powers in foreign relations in accordance with the Constitution and laws.

Article 12 The State Council manages foreign affairs, concludes treaties and agreements with foreign countries and exercises other functions and powers in foreign relations as provided for by the Constitution and laws.

Article 13 The Central Military Commission organises and conducts international military communication and cooperation, and exercises other functions and powers in foreign relations as provided for by the Constitution and laws.

Article 14 The Central Government and state organs of the departments carry out foreign communication and cooperation in accordance with the division of responsibilities.

The Ministry of Foreign Affairs manages diplomatic affairs on behalf of the State and the Government and undertakes diplomatic activities between the leaders of the Party as well as the State and foreign leaders. The Ministry of Foreign Affairs strengthens the guidance, coordination, management and services for state organs of all departments and regions in foreign communication and cooperation.

Article 15 Diplomatic missions stationed abroad such as embassies and consulates of the People's Republic of China stationed abroad, permanent missions to the United Nations and other intergovernmental international organisations, represent the People's Republic of China to the external.

The Ministry of Foreign Affairs exercises unified leadership over the work of diplomatic missions abroad.

Article 16 The provinces, autonomous regions and municipalities directly under the Central Government conduct foreign communication and cooperation within the scope of the authorisation of the Central Government.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government handle foreign communication and cooperation affairs in their own administrative regions in accordance with their authority.

Chapter III Objectives and Tasks for the Development of Foreign Relations

Article 17 The People's Republic of China develops foreign relations in such a way as to uphold the system of socialism with Chinese characteristics, safeguard national sovereignty, unity and territorial integrity, and serve the economic and social development of the country.

The People's Republic of China develops foreign relations, forges a new form of international relations featuring mutual respect, fairness, justice, and win-win cooperation, and promotes the building of a human community with a shared future and the construction of a world of lasting peace, universal security, common prosperity, openness and inclusiveness, cleanness and beautifulness.

Article 18 The People's Republic of China develops global partnerships and promotes an all-round, multi-tiered, wide-ranging and three-dimensional layout of its external work.

The People's Republic of China promotes coordination and cooperation among major countries, develops relations with its neighbouring countries in accordance with the concept of amity, sincerity, mutual benefit and inclusiveness and the policy of forging friendship and partnership with neighbours, unites and cooperates with developing countries following the correct viewpoint of righteousness and benefit and the concept of truthfulness and sincerity, upholds and practices multilateralism, and participates in the reform and construction of the global governance system.

Article 19 The People's Republic of China upholds the international system with the United Nations at its core, the international order based on international law, and the basic norms of international relations based on the purposes and principles of the Charter of the United Nations.

The People's Republic of China adheres to the concept of global governance based on mutual consultation and cooperation for shared benefits, participates in the formulation of international rules, promotes the democratisation of international relations, and makes economic globalisation more open, inclusive, balanced and beneficial for all.

Article 20 The People's Republic of China adheres to the concept of common, comprehensive, cooperative and sustainable global security, strengthens international security cooperation and improves the global security governance system.

The People's Republic of China fulfils its responsibilities as a permanent member of the United Nations Security Council, maintains international peace and security, and safeguards the authority and unity of the United Nations Security Council.

The People's Republic of China supports and participates in peacekeeping operations authorised by the United Nations Security Council, adheres to the fundamental principles of United Nations peacekeeping operations, respects the territorial integrity and political independence of sovereign states, and maintains a fair position.

The People's Republic of China upholds the international arms control, disarmament and non-proliferation system, opposes the arms race, opposes and prohibits all forms of weapons of mass destruction-related proliferation activities, fulfils its relevant international obligations and carries out international cooperation on non-proliferation.

Article 21 The People's Republic of China adheres to the global development concept of fairness, inclusiveness, openness, cooperation, comprehensive coordination and innovation, builds a global partnership for development, and promotes coordinated advances in the economic, social and environmental fields and well-round development

of individuals.

Article 22 The People's Republic of China respects and safeguards human rights, adheres to the principle of the universality of human rights in conjunction with national realities, promotes the comprehensive and coordinated development of human rights, carries out communication and cooperation in the field of human rights based on equality and mutual respect, and promotes the healthy development of international human rights cause.

Article 23 The People's Republic of China advocates that all countries in the world transcend national, ethnic, cultural and ideological differences and promote the common values of peace, development, equity, justice, democracy and freedom for all mankind.

Article 24 The People's Republic of China adheres to the concept of equality, mutual learning, dialogue and inclusiveness among civilisations, respects the diversity of civilisations, and promotes communication and dialogue among civilisations.

Article 25 The People's Republic of China promotes global environmental and climate governance, strengthens green and low-carbon international cooperation, jointly pursues global ecological civilisation construction, and promotes the building of a fair and reasonable global environmental and climate governance system with win-win cooperation.

Article 26 The People's Republic of China develops foreign trade, promotes and protects foreign business investment, encourages foreign economic cooperation such as outward investment, promotes the high-quality development of the "Belt and Road", uphold the multilateral trading system, opposes unilateralism and protectionism, and promotes the building of an open world economy.

Article 27 The People's Republic of China provides foreign aid in the form of economic, technical, material, human resources and management assistance to promote the

economic development and social progress of developing countries, enhance their capacity for autonomous and sustainable development and promote international development cooperation.

The People's Republic of China provides humanitarian assistance to help the countries concerned cope with humanitarian emergencies.

In providing foreign aid, the People's Republic of China insists on respecting the sovereignty of other countries, not interfering in their internal affairs and not attaching any political conditions to its foreign aid.

Article 28 In accordance with the need to develop its foreign relations, the People's Republic of China conducts communication and cooperation in the fields such as social, scientific and technological, military, security, rule of law, education, health and sports.

Chapter VI The Legal Regime for Foreign Relations

Article 29 The State promotes the rule of law at the national level and the rule of law relating to foreign affairs in an integrated manner, strengthens legislation in foreign-related areas, and enhances the construction of a foreign-related rule of law system.

Article 30 The State concludes or accedes to treaties and agreements in accordance with the Constitution and laws, and performs the obligations under the relevant treaties and agreements in good faith.

Treaties and agreements concluded or acceded to by the State shall not contradict the Constitution.

Article 31 The State takes appropriate measures to implement and apply treaties and agreements.

The implementation and application of treaties and agreements shall not undermine the sovereignty, security and social public interest of the State.

Article 32 On the basis of compliance with the fundamental principles of international law and the basic norms of international relations, the State strengthens the implementation and application of laws and regulations in foreign-related fields and takes law-enforcement, judicial and administrative measures in accordance with the law to safeguard national sovereignty, security and development interests, protects the legitimate rights and interests of Chinese citizens and organisations.

Article 33 The People's Republic of China has the right to take necessary countermeasures and restrictions in accordance with the law against acts that violate international law and the basic norms of international relations and endanger the sovereignty, security and development interests of China.

The State enacts the necessary laws, administrative regulations and departmental rules, establishes corresponding working systems and mechanisms, and strengthens coordination among departments to determine and implement relevant countermeasures and restrictions.

Article 34 In order to promote friendly communication and cooperation between China and foreign countries, the People's Republic of China establishes and develops diplomatic and consular relations with all countries in the world based on the One-China Principle and in accordance with the Five Principles of Peaceful Coexistence.

The People's Republic of China has the right to take necessary diplomatic actions such as changing or terminating diplomatic or consular relations in accordance with the treaties and agreements concluded or acceded to by it, the fundamental principles of international law and the basic norms of international relations.

Article 35 The State takes measures to implement the relevant binding sanctions and decisions adopted by the United Nations Security Council under Chapter VII of the Charter of the United Nations.

The Ministry of Foreign Affairs announces the sanctions and decisions referred to in

the preceding paragraph in the form such as public announcements. The relevant departments of the State and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government take measures to implement the sanctions and decisions within their respective spheres of competence.

Individuals and organisations shall observe the announcement of the Ministry of Foreign Affairs and the relevant measures of the respective departments and regions, and shall not engage in acts that violate the above-mentioned sanctions and decisions.

Article 36 The People's Republic of China grants corresponding privileges and immunities to foreign states, international organisations and their officials and representatives in accordance with relevant laws and regulations and the treaties and agreements concluded or acceded to by the People's Republic of China.

Article 37 The State takes necessary measures in accordance with the law to protect the security and legitimate rights and interests of Chinese citizens and organisations abroad and to protect the State's overseas interests from threats and infringements.

The State establishes a system and working mechanism for the protection of overseas interests.

Article 38 The People's Republic of China protects the lawful rights and interests of foreigners and organisations within its territory in accordance with the law.

The State has the right to permit or refuse the entry, stay or residence of foreigners, and to regulate the activities of foreign organisations in its territory in accordance with the law.

Foreigners and organisations within the territory of China shall observe Chinese laws and shall not endanger China's national security, harm the social public interest or disrupt social public order.

Article 39 The People's Republic of China carries out international cooperation with foreign countries and international organisations in the fields of law enforcement and justice following the principle of equality and reciprocity and in accordance with the treaties and agreements concluded or acceded to by the People's Republic of China or on the basis of reciprocity. No foreigner or organisation may carry out law enforcement and judicial activities in the territory of China without the approval of the relevant departments of China.

The State deepens and expands the working mechanism for foreign law enforcement cooperation, improves the institutional mechanism for judicial assistance in China, and promotes international cooperation in the field of law enforcement and judicial assistance. The State strengthens international cooperation in anti-corruption.

The State strengthens multi-bilateral dialogue on the rule of law and promotes communication on the rule of law with foreign countries.

Chapter V Capacity Building and Safeguard for the Development of Foreign Relations

Article 40 The State improves the comprehensive safeguard system for foreign affairs work and enhances the ability to develop foreign relations and safeguard national interests.

Article 41 The State guarantees the funds required for foreign affairs work and establishes a mechanism for guaranteeing funds commensurate with the needs of developing foreign relations and the level of national economic development.

Article 42 The State takes measures to cultivate, use, manage and assure specialists in foreign affairs work.

Article 43 The State promotes public understanding and support for foreign affairs work through various forms.

The State promotes the capacity of international communication and enhances the soft power of national culture and the influence of Chinese culture.

Chapter VI Supplementary Provisions

Article 44 This Law shall come into force on .