Chinese legislation points to new intelligence co-ordinating system

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China’s new National Intelligence Law includes provisions pointing to the establishment of a new intelligence co-ordinating mechanism. Samantha Hoffman and Peter Mattis examine the significance of this development in the context of the ongoing evolution of China’s intelligence apparatus.

On 28 June 2017, China’s new National Intelligence Law took effect. The law outlined the authority to monitor suspects, raid premises, and seize property, leading it to be described as “tough” in a Reuters report on 27 June. It also laid out the authority of intelligence organs, which are responsible for “preventing and dissolving risks endangering national security”. In fact, these powers already existed in both practice and in law via the 1993 State Security Law.

As is the case with most security-relevant legislation and announcements in China, substantive change is usually not found in the most provocative language, but rather through often-overlooked euphemisms and subtext. In the Intelligence Law, the most important indicator of policy direction is found in the discussion of the organisation of the intelligence agencies’ power, which is directed at improving the integration and cohesion of intelligence work.

Legal framework

The Intelligence Law refers repeatedly to a need to ‘co-ordinate’ the division of work between China’s intelligence services. It suggested the establishment of a “state intelligence work co-ordination mechanism” under the unified leadership of the “central state security leading mechanism”.

The most specific language is found in Article 3, which states, “The State establishes a national intelligence structure system that is centralised and unified; co-ordinates the division of work; and is scientific and highly efficient. The Central State Security Leading Mechanism will exercise unified leadership over state intelligence work, formulate state intelligence work principles and policies, plan the overall development of state intelligence work, establish a robust state intelligence work co-ordination mechanism, according to an overall plan co-ordinate each domain of state intelligence work and research and decide on the important matters of state intelligence work. The Central Military Commission unifies leadership and organises military intelligence work.”

The law does not specifically name the CSSC. Instead, it describes the CSSC’s functions and refers to the institution indirectly as the Central State Security “leading mechanism”. The reason that the CSSC is not directly named is that the legislation was passed under the National People’s Congress, which sits under the state apparatus. Although formally the state apparatus does not name specific party institutions within legislation, in practice there is not a separation.

The CSSC is under the direction of the Politburo Standing Committee, part of the Communist Party of China (CPC) apparatus. The CSSC is chaired by Xi Jinping, with Politburo Standing Committee members Li Keqiang and Zhang Dejiang as vice-chairpersons.
Police officers stand guard in the old town of Kashgar, in the far western Xinjiang province, China, on 30 June 2017. The likely introduction of a new intelligence co-ordination mechanism is part of a wider effort to protect the stability of the Communist Party of China's rule of the country. (Kevin Frayer/Getty Images)

The CSSC is designed to co-ordinate work on state security. It is not like the US National Security Council. Rather, it is focused on state security as a holistic concept that is directly aimed at the protection of the CPC, not China outside of the Communist Party. Since 2014, there have been calls in state media to set up an intelligence co-ordination mechanism, with the suggested structure being in the form of a 'leading small group' under the CSSC. Leading small groups are directly subordinate to the CPC leadership.

In fact, it appears that the language of the Intelligence Law is designed to mirror the 2015 State Security Law. The first important indicators that such a body would be established were visible in that law, and through available information on the structure of the CSSC, established in November 2013. Article 45 of the State Security Law, which describes the “state security system”, notes, “The state establishes co-ordination mechanisms for state security work in key domains, planning overall co-ordination of the relevant central functional departments to advance relevant work.”
The CSSC is reportedly structured with a standing committee, responsible for day-to-day work, and several sub-committees formed on a permanent or ad hoc basis. The Annual Report on China’s National Security Studies (2014) produced by the International Strategy and Security Study Center of the University of International Relations in Beijing, which is assessed to be linked to the Ministry of State Security, set out a listing of possible sub-committees. These included: a military security committee, an information security committee, a national defence industry security committee, an economic security committee, an ecological security committee, a social security committee, a cultural security committee, a “strike hard against organised crime or terrorism” committee, and an international security committee, among others.

All of these are structured as cross-agency and cross-departmental, co-ordinating the work of various agencies and departments under one issue-focused mechanism. They also all address threats that are perceived as having a confluence of internal and external factors.

**Evolution in co-ordination**

Establishing a formal intelligence co-ordination mechanism under the CSSC – and possibly at the sub-national levels – would mark an important change in the way Beijing co-ordinates its intelligence activities. A co-ordination process centred in the CSSC and its lower levels would bring the relevant intelligence organs together at each operational level in a systematic and comprehensive fashion. Previously, the only place where the civilian and military intelligence...
agencies appeared to connect was at the top level of well-developed policy systems such as Taiwan affairs that called for whole-of-government approaches.

### Existing formats for intelligence co-ordination in China’s party-state system

- **Top-level co-ordination through ‘Leading Small Group’**
  - Bringing together civilian and military intelligence agencies on issues requiring whole-of-government approaches, most notably Taiwan

- **Working-level co-ordination between agencies**
  - Integration of personnel from different civilian and military agencies, for example through sharing operational platforms or cover organisations

- **Hybrid approach**
  - Combination of a top-level small group with the integration of personnel from different agencies into a single office, with central, provincial, and local levels

The previous systems-based approach consisted of two components. The first was the membership of select leading small groups. The Taiwan Affairs Leading Small Group, for example, brings together the positions of minister of state security, minister of public security, United Front Work department director, a Central Military Commission (CMC) vice-chairperson, and the deputy chief of the general staff responsible for foreign affairs and intelligence. The agency heads for all intelligence and intelligence-related work sit together and provide input into the policy process toward Taiwan or whatever the topic of the particular leading small group.

The second was the integration at the working level of different intelligence and influence organisations in mature policy systems. These agencies shared cover and front organisations, placing the individual intelligence officers in proximity with one another and, in some cases, in the same meetings involving their targets. Sharing operational platforms meant that, at the very least, each agency had to inform the others of what they intended to do.

Importantly, the Foreign Affairs Leading Small Group would not qualify as the pinnacle of a mature policymaking system. Although the CMC vice-chairperson and deputy chief of the general staff participated, the foreign affairs apparatus lacked the subordinate shared infrastructure described as the second element of co-ordination. The identifiable cover organisations for conducting
operations against the United States do not share the same features of those working against Taiwan, and instead seem to be service-specific rather than joint.

A hybrid approach to co-ordination emerged with the 610 Office structure created to pursue the outlawed Falun Gong movement in 1999. This hybrid approach is marked by a top-level small group composed of relevant department heads and the integration of intelligence personnel from multiple agencies into a single office; the 610 Office reported to a central leading small group led by the chairperson of the Central Political-Legal Affairs Committee. Other leaders, including the chiefs of propaganda, United Front Work, and the intelligence and security agencies, also served on the leading small group.

The 610 Office had a hierarchal structure mirroring state ministries at the central, provincial, and local levels. At each level, intelligence officers, police, and other security officials were seconded to the local 610 Office. This arrangement forced co-operation through a kind of inter-agency task-force structure and allowed co-operation to occur through individuals’ ability to reach back into their home agency.

Uncertain military role

The Intelligence Law’s unusually speedy passage – a mere six weeks after the draft was quietly released – suggests that the People’s Liberation Army (PLA) accepted or acquiesced to the law. The PLA has approached co-ordination mechanisms with caution in the past and probably sabotaged a previous crisis management project.

After the Taiwan Strait crises of 1995–96, Beijing looked closely at an integrated crisis management mechanism similar to the US National Security Council (NSC) staff system. Then-President Jiang Zemin (1993–2003) tasked his confidant, Deputy Chief of the PLA General Staff Department for intelligence Xiong Guangkai, to direct a formal study. The task went to Chen Zhiya, secretary-general of the PLA-linked China Foundation for International and Strategic Studies, who ran a series of conferences and workshops in China and abroad to examine crisis management.

The resulting National Security Leading Small Group ended up being a duplicate of the Foreign Affairs Leading Small Group – what the Chinese call “one office, two signs”. The reported reason for the failure was that the PLA quashed any proposal that changed the basic command arrangements.

The PLA only reported to the civilian party-state through the CMC, upon which the party general secretary sits, possibly along with one other civilian leader (in the last two leadership successions, this person was the next party general secretary). An NSC-like policy system would have broadened the PLA’s reporting and co-ordination requirements to include a much broader swathe of the government, subordinating the PLA to the influence of lesser ministries, such as the Ministry of Foreign Affairs.

That the Intelligence Law passed as quickly as it did signals that the PLA leadership was sufficiently comfortable with the law’s contents to let it pass without public objection or an internal bureaucratic fight. It is highly likely that this is related to the law’s provision in Article 3 to leave the CMC in charge of military intelligence.
Splitting intelligence co-ordination between the “central state security leading mechanism” and the CMC does not resolve the larger problems of intelligence policy. Intelligence collection resources are delicate and finite, and the PLA has devoted a great deal of its modernisation effort to improving intelligence collection and processing.

Through its land, air, sea, and space-based intelligence platforms, the PLA now possesses one of the world’s most robust imagery and signals intelligence apparatuses. These capabilities and the information that they might provide do have a bearing on the decisions of the party’s central leadership.

The emblem of the Chinese People's Liberation Army (PLA) is visible atop the Central Barracks building in Hong Kong. The PLA controls the majority of China's technical intelligence capability, meaning that its relationship with any intelligence co-ordination mechanism will be a key factor in determining such a mechanism's success. (Dale de la Rey/AFP/Getty Images)

Before the reforms initiated by Xi at the end of November 2015, all military intelligence flowed upward through the General Staff Department and, specifically, its deputy in charge of foreign affairs and intelligence. Under the general staff, the deputy chief controlled the PLA’s human intelligence, overhead imagery, signals and electronic intelligence, as well as a large analytic staff. The Chinese military was therefore the only organisation capable of providing a genuine all-source assessment to the leadership.

However, the reforms to the PLA begun in 2015 split up the intelligence-related departments. Clandestine and overt human intelligence operations, as well as analysis, stayed with the Intelligence Bureau of the Joint Staff Department (the successor to the General Staff Department).

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### Outlook

The passage of the Intelligence Law marks a significant shift in how China manages intelligence across the breadth of the party-army-state. Although the new CSSC-led system may not do away with Taiwan or Hong Kong and Macau Affairs as self-contained intelligence and policy systems, it creates the potential for coherent national intelligence policy. A clear public announcement to confirm the existence of a CSSC-centric intelligence co-ordination mechanism is improbable. The CSSC is a party organisation and, like the Central Committee's leading small groups, it is rarely referred to in official media or publicly available government documents. The public profile of such groups, regardless of the sensitivity associated with intelligence, is limited, but they are occasionally mentioned in published government documents, or are otherwise traceable through other open sources. The most likely sources will be official meeting notices accidentally posted online, summaries of provincial or local state security commission meetings, and similar unintended leaks. Such data are already providing an outline of how and where the CSSC and its subordinate commissions perform their work. Whether Beijing’s efforts to centralise intelligence policy and integrate it into China’s comprehensive state security operations succeed will almost certainly be determined by the military.

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