

# **Fair Trade?**

## **Institutionalization, Specialization, and Autonomy in Reforming China's Legislature**

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After thirty years of reforming its economic system and integrating its market with the outside world China's political system remains basically "resilient authoritarianism" (Nathan 2003), with its National People's Congress (NPC) deemed as a rubber stamp. However, changes have been made to the Chinese legislature for two reasons: First, there is a need for a functional legal environment so that China's vibrant capitalistic market economy won't be dragged down as a result of institutional deficiencies and constraints; and second, rampant political malfeasance needs to be checked lest the legitimacy of the Chinese Communist Party erode to a point beyond salvation. And one of the most salient components of this managed reform has been with the NPC's permanent committees. Their functions, both in the area of legislation and supervision, have been visibly invigorated (Dowdle 1997, 123; O'Brien 1990, 148-156; Tanner 1999).

However, despite the increasing importance of the NPC in general and its permanent committees in particular the legislative organ in China remains in great "Chinese characteristics," refusing to follow the footsteps set by many other previously developmental authoritarian states such as Taiwan and South Korea where the legislature bore the task of articulating interests often conflicting in nature as the society was getting more pluralistic and liberalized. Where is China's legislature headed? Will China's lawmaking body continue to be as compliant and subservient as it has been acting as an extended arm of the executive branch? Would it replicate the experiences set by its East Asian neighbors and gradually evolve into an institution which the administrative branch dares not to ignore? Is it possible that some sort of "Chinese characteristics" might materialize as it has been the case in the economic arena?

This paper tries to analyze if China's political system is becoming more specialized and institutionalized in the reform era by examining the structure of the

legislative committees. The paper examines changes made to the composition of the NPC committees since the Ninth NPC, held in 1998, when the committee system was basically formed after two decades of evolution and development.<sup>1</sup> The paper concludes that although progress has been made towards the goal of institutionalization as the committees are meeting more frequently and regularly and more rules have been enacted to facilitate the making of decisions in the legislative organ, the policy of rejuvenation has actually made it hard for the seniority system to take root. The average time served by members of committees is also on the decline, adding additional challenge to the stability of the institution. Although size of the committees has been enlarged and daily operations have been regularized, the autonomy of the legislative committees is obviously still fragile. While the party's presence might not be as palpable as before, 80% of the committee members are still party members.

In general the level of education among committee members is pretty high, but professionalism remains a distant goal. The same old rule of proportional representation under which different segments of the population is proportionally represented is still in place, sapping the efforts of professionalization. Overall, it is found that specialization and institutionalization are still restricted. In the foreseeable future, it is not unimaginable that more professionalization might accrue but it is long way off towards the goal of being a full-fledged legislature of which autonomy is an essential part.

### **Development of the NPC's Permanent Committees**

When the NPC was formed and held its first congress in 1954 there were only

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<sup>1</sup> While the number of NPC committees were increased with each NPC congress it was stabilized at nine at the 9<sup>th</sup> NPC congress.

two committees, the Ethnic Affairs Committee and the Bill Committee, to provide legal assistance to the arguably biggest legislative structure on earth. As Mao's regime became more mobilizational in orientation these two legislative establishments were pummeled just as the rest of the power structure during the tumultuous years of the Cultural Revolution. After Mao's demise, in the wake of debating writing of a new constitution in 1982 it was decided that permanent committees were to be made part of the reformulation to help with reconstructing of a new legal system that had quickly become hallmark of Deng Xiaoping's reform policies. Six committees were established in 1983 as a result of this new drive of institution-building and legalization: the Law Committee (formerly Bill Committee), the Ethnic Affairs Committee, the Financial and Economic Affairs Committee, the Education, Science, Culture and Public Health Committee, the Foreign Affairs Committee, and the Overseas Chinese Affairs Committee. During the 7<sup>th</sup> NPC Congress, held in 1988, another committee, the Internal and Judicial Affairs Committee, was created. The Environment Protection and Resources Conservation Committee (renamed Environment and Resources Committee in 1994) was added to the 8<sup>th</sup> NPC's Congress in 1993, and at last, in 1998 at the 9<sup>th</sup> NPC Congress, the Agriculture and Rural Affairs Committee was founded (Cai 2003a, 243-250; Zhou 2005).

Each committee has its own area of jurisdiction (see Table 1) but in general legislative committees are responsible for introducing and reviewing new bills and acts, scrutinizing questions and queries presented to the NPC and its Standing Committee (NPCSC), researching, making contacts, and investigating cases (Jiang 2002, 293-295). However, the division of labor among committees is not very clear-cut and their work load is not consistent. Responsibilities prescribed for the committees are not well-defined. While some committees may be made accountable to many administrative agencies, others may only have to face one or two agencies.

It is not unusual for some committees to only review a bill once every few years. This institutional weaknesses will no doubt affect the effectiveness of the NPC (Yin, et al., 2003). Among the NPC committees, the Law Committee stands out as the most important. The Committee has the power to “universally review all bills” (tongyi shengyi) after it is reviewed by a relevant committee and presented to the NPC or its Standing Committee.

[Table 1 is about here]

According to Article 35 of the NPC’s Organic Law, members of the legislative committees as well as their leadership are to be nominated by the Presidium and approved by the NPC congress. Only NPC delegates are eligible for the nomination. When the NPC is not in session, the NPCSC can only fill in “individual deputy chairman” and “part of the committee members” and candidates for these supplementary elections shall be nominated by the NPCSC Chairman’s Meeting and approved by the NPCSC plenary meeting. In reality, the list is prepared by the NPC’s CCP Party Committee and handed over to the Presidium. The Presidium will then give the list to the delegates and get finalized after discussion and “fermentation” (yunniang). The delegates will then vote on the final list (Chen 2008).

### **Institutionalization and Specialization**

In a pioneering work, Samuel P. Huntington (1965; 1968) tried to establish the relationship between institutionalization and political stability. To him, institutionalization is the process by which an organization and procedures “acquire value and stability.” The level of institutionalization of a political system can be defined by the adaptability, complexity, autonomy, and coherence of its organizations and procedures. Nelson W. Polsby (1968) came up with three characteristics for an

institutionalized organization: First, it is relatively well-bounded, differentiated from its environment. Its members are easily identifiable and its leaders are recruited principally from within the organization. Second, the organization is relatively complex. Its functions are internally separated on some regular and explicit basis. There is a division of labor in which roles are specified. There are regularized patterns of recruitment of roles. Third, the organization tends to use universalistic rather than particularistic criteria of conducting its internal business. Procedures and rules are followed. If an organization is autonomous enough to decide its own leadership rather than being decided by others, leadership positions are being filled internally and according to set rules such as seniority, the average term limit is relatively lengthy and members of the organization are recruited according to well-defined rules, then the organization is more institutionalized.

This paper contends the issues of institutionalization and specialization in China's NPC by examining the composition of its permanent committees. As China's market economy is becoming more complex and its integration with rest of the world heightened it is inevitable that new institutions are developed and their functions more specialized. However, institutionalization is easier in quantitative terms in the NPC as meetings are being held more regularly, more internal rules are written to facilitate smooth operations and more bills are made into laws, than in qualitative terms. Past experiences show that most newly appointed NPC committee leadership are outsiders and there is also difficulties nurturing a seniority system there (Chao 2002).

Since lawmaking requires processing wide array of information and uncertainties is virtually name of the game, specialization is important in the process as professional opinions can help reduce uncertainties. It is not efficient, nor feasible, to have the whole chamber involved in the reviewing of bills. This is why legislature is willing to delegate powers to the permanent committees where professionalism

can be derived through division of labor with sufficient channels of information and large staff at hand. The existence of functioning specialized committees has become bell-weather to gauge the status of the legislature in that political system (Gilligan and Krehbiel 1987; 1989; Krehbiel 1991).

However, scholars differ on both the definition and measurement of specialization. Frequency of communication between the legislative committees and the administrative branch, the interactions between committees and the legislative chamber, stability of the assembly and legislative performance have all been singled out as indicators. As with the permanent committees themselves some focus on the study of the committees as a whole while others choose to explore behaviors of committee members (Gilligan and Krehbiel 1997). The latter approach pays more attention to background of the members, how behaviors of committee members are affected by the interests of the constituencies, and how the work at the committees influence professionalism of the committee members, and so on (Asher 1974, 66-67). Concentrating on the composition of the legislature, Richard Sisson (1973, 17-38) argues that legislative personnel tend to have two different thinking: First, they like to emphasize the linkage between committees and the environment and hence, people with different backgrounds will have to be represented so that mobility can be maintained. Second, to keep the organization young and rejuvenated a mechanism to rotate leadership must be in place.

On the issue of specialization it is found that the average age of the NPC committee members continues to come down and this trend, along with higher level of education, suggests that the chronic problems of aging and incompetence for those committee members who often find the assignment last leg of their political career before retirement might be gradually eliminated. In the future, efforts should be shifted to recruitments who might possess more expertise so that professionalism of

the committees can be beefed up. Overall, the paper finds that a combination of reasons including a less manipulative CCP, easy access of information, departmentalism, and growing pluralistic trend in the society have all contributed to the increase of specialization at the NPC's committees.

### **Empirical Data**

Using data obtained from NPC's website ([www.npc.gov.cn](http://www.npc.gov.cn)), Renwu Online ([www.renwuonline.com](http://www.renwuonline.com)), and China Vitae ([www.chinavitae.com](http://www.chinavitae.com)) the following section attempts to delineate the characteristics of the NPC committees and in the process gauge the degree of institutionalization and specialization. Altogether, demographic data of 680 committee members were compiled and analyzed.

#### *Skewed Institutionalization*

In this paper the issue of institutionalization is basically tackled from the angles of stability, internal complexity and coherence. Specifically, the ratio between new recruits and senior members, whether seniority is considered when filling up the vacated leadership posts, the average time committee members served, and the ratio of the CCP party membership and non-party membership at the legislative committees are issues of concern.

Table 2 shows that the overall size of the committees has been on the rise, testifying to the resolve for shaping a better legalistic environment as modernization in China is in full swing. The 10<sup>th</sup> NPC committees had a membership of 235, a gain of 25 relative to the previous NPC, and the size was kept constant at the 11<sup>th</sup> NPC. It is not surprising that it is those committees which are not political in nature and whose tasks have great bearings on people's livelihood, such as the Financial and Economic Affairs Committee and the Environment and Resources Committee (gained



8 and 7 additional members respectively or roughly 30% of their total size at the 10<sup>th</sup> NPC Congress) that have been given the priority for upsizing. The Internal and Judicial Affairs Committee and the Law Committee were also benefited, gaining six and five new members respectively, as the fight against corruption has been heightened as a central task by the government. The downsizing of the Overseas Chinese Affairs Committee (lost six seats or 23% of the original membership) is understandable as the focus of the government now is rightfully domestic agenda but the same thing happened to the Agriculture and Rural Affairs Committee is somehow a conundrum. China's rural area was undergoing unprecedented restructuring at the turn of the new century in the wake of huge unrest unleashed by the humongous rates of taxes and fees imposed by the local governments, and stability in the rural sector has been of great concern to any regime in China's long history.

It is worth noting that while both members and leadership of the committees gained strength at the 10<sup>th</sup> NPC, it is the leadership (the deputy chairmen of the committees) that took the lion's share of the enlargement, acquiring eleven additional vice chairmanship in both of the 10<sup>th</sup> and 11<sup>th</sup> NPC. The development is intriguing given that membership of the committees was downsized at the 11<sup>th</sup> NPC to make room for the leadership enlargement (the 11 membership lost was exactly the number gained by the leadership). What is the rationale behind the tradeoff? What does this mean for the NPC committees in the wake of reinforcing their work? These questions remain to be answered. As far as institutionalization is concerned, the message is a mixed one. While a more refined division of work is possible as a result of the strengthened leadership, the reform also demonstrates the propensity to give more precedence to the leadership instead of the rank-and-file. It also unveils weakness in the drive towards institutional stability as the fundamental structure of the committee system remains in fluid.

The augmentation of both leadership and rank-and-file members, along with other developments, suggests that the committee system was buttressed at the 10<sup>th</sup> NPC Congress. Given the pace of neck-breaking growth of the economy and the need to strike a balance between development and environmental protection it is commendable that more resources are channeled into relevant legislative committees. Furthermore, the number of committees has finally been set at nine after nearly two decades of expansion and this is a good first step in building a stable legislative committee system. However, given the huge responsibilities endowed to the committees, such as the Education, Science, Culture and Public Health Committee, the failure to gain additional resources says volume of the priorities of the government. This lends legitimacy to the accusation that China is still a developmental state which opts more for the development of its economy.

[Table 2 about here]

While gaining significantly in size especially at the leadership level the NPC committees are also losing some of their membership for various reasons in no small scale. Table 2 shows that at the 10<sup>th</sup> NPC eleven new members and fourteen vice chairmen were added to the roster. However, the newly-acquired eleven members were all lost at the 11<sup>th</sup> NPC. Table 3 shows additional membership lost when the NPC is not in session. A better fortified leadership could certainly increase legislative efficiency and it might also help with professionalization and stability but only a small fraction of those taking the new leadership posts actually came through internal promotion. The boundary of the committees is still tenure as outside penetration (especially from the CCP party) remains a common practice. This tradition bodes ill for the establishment of a seniority system.

In general, the NPC's committees are more institutionalized in terms of convening of the meetings, more regularized recruitment of members and leadership, and more rules have been written on which their daily operations are based, but problems remain abundant. One month before the holding of the 10<sup>th</sup> NPC Congress in March, 2008, three deputy chairmen, Ren Maodong, Wu Ritu, and Ni Yuefeng, were appointed, indication of lack of respect for the NPC as an institution.

[Table 3 is about here]

For the NPC committees to be stable it is imperative that a certain proportion of its membership is staying there on a longer term basis. Table 4 illustrates that the establishment of the seniority system is on the reverse trend. Overall, the ratio of senior members, as opposed to new members, not only has not increased it is actually on the decline. During the period under scrutiny it went down nearly five percentage, from a third of its membership (33.2%) in the 9<sup>th</sup> NPC to 29.8% at the 10<sup>th</sup> NPC Congress and fell further to 28.9% at the 11<sup>th</sup> NPC. Second, the nine committees are equally divided on the development of the seniority system with half of them moving in that direction and another half remain dormant. The Education, Science, Culture and Public Health Committee is the only committee that has been able to maintain a seniority ratio above 30% consecutively for all the three congresses under review. Most of other committees have only been able to do that on two terms. Both Law Committee and the Ethnic Affairs Committee have been able to keep that record only once. Given the importance attached to the Law Committee in its role to “review all bills universally” it is incomprehensible as to why the committee has not been able to catch up with the trend.

Table 5 further alludes the problem of continuity. Roughly 70% of the NPC

committee members only serve one five-year term. Only a privileged few (4.4% of the membership) has the chance to serve three terms. Even fewer (0.4% of the total membership) have the honor to continue to serve for the fourth term. None in the 9<sup>th</sup> and 11<sup>th</sup> NPC committees ever serves more than three terms. The poor state of continuity is harmful to the stability and institutionalization of the committee system.

[Tables 4 & 5 are about here]

The paper then tabulates the average time that committee members serve in their respective committees. Since the Agriculture and Rural Affairs Committee was created at the 9<sup>th</sup> NPC Congress in 1998 the data for the committee is not as complete as other committees, the tabulation covers data collected only for the other eight committees. Since a term extends a period of five years if a member serves only one month his average term is counted as 0.017 ( $1/5 \times 12$ ).

Table 6 shows the maximum, minimum, and average terms served by committee members. Data suggest all committee members at the 9<sup>th</sup> NPC finished their first term. However, some left for other appointments in the following two NPC congresses. (see Table 3) This trend highlights growing importance of the legislative committees: They are no longer a place to hoard semi-retired politicians; members might also be promoted owing to their performance at the legislature. Average time served in the committees declines from 1.4 term (or about 6.8 years) to 1.26 term (or about 6.2 years), a reduction of eight months. One member at the 10<sup>th</sup> NPC only served as short as 0.1 term, or about six months.

[Table 6 is about here]

The paper then proceeds to gauge the autonomy of the NPC committees by

tallying the percentage of CCP party members as opposed to non-party members. The findings are interesting: While the presence of the CCP has edged up slightly the same trend goes to the Democratic Parties. It is the non-party representation that has been expensed. Roughly, the ratio for the tripartite membership is about 13:2:1. It is worth mentioning that the percentage of CCP membership at the committees (hovering at about 80%) is about 10% higher than its representation at both the NPC and the NPCSC. (Cai 2003a, 220, 233) This is another proof of the resilience of the party-state structure.

[Table 7 is about here]

### *Specialization*

The paper analyzes the demographic data of the committee membership including age, education and professional background and concludes that statistically there is quantum leap of professionalization at NPC committees.

Table 8 and Table 9 show that while committee members are getting younger the dominant group has been the one with the age between sixty and sixty-nine. The trend of aging continues as nearly 61% of the committee members at the 11<sup>th</sup> NPC aged above 60. This is despite a reduction of nearly four years on average than five years earlier. This is encouraging for the NPC where huge quantity of senior politicians reaching the age of retirement takes refuge as a reward to their loyalty and service to the country. However, the trend towards rejuvenation might also compromise the endeavors of establishing a seniority system. It is argued that in order to deliberately keep the committees rejuvenated and maintain a balance between the senior and junior members even well-performed members of the NPCSC are often replaced with no other reasons but age (Jiang 2004).

[Tables 8 & 9 are about here]

The Statute Governing the Selection of the Leadership Cadres in the Party and the State (dangzheng lingdao ganbu xuanba renyong gongzuo tiaoli), promulgated in 2002, demands education be a major consideration in the selecting and recruiting new cadres for leadership posts. Table 10 shows that 86.2% of the committee members had college education and above at the 9<sup>th</sup> NPC and the figure grew dramatically at the 10<sup>th</sup> NPC to a whopping 97.5%. The trend continued to climb upward to 98.3% at the 11<sup>th</sup> NPC with 47.7% of the membership possessing post-graduate degrees. This development will no doubt work in favor of the consolidating of professionalism.

[Table 10 is about here]

Although the level of education has been visibly raised, problems arose when we were trying to gauge competence, another crucial element of professionalization, of the NPC's committees. First, since the duties of the legislative committees are only loosely defined and some committees, the Education, Science, Culture and Public Health Committee for one, have been endowed with duties in a more diversified fashion it is not easy to judge if a committee member is professionally competent. Second, it is not uncommon that an official experienced wide array of party and state duties in what is known as the cross-section appointment (jiaocha renzhi) before coming to serve in the NPC committees. This creates additional hazard for identifying profession. To overcome afore-mentioned problems this paper has acted on the followings: First, we examine the responsibilities each committee is officially prescribed (listed on Table 1) and match those state agencies whose functions might be somehow related. A corresponding network between the state agencies and

legislative committees is thus formulated. Second, among the posts that a committee member might have served previously only those at the deputy ministerial level and above are to be counted as past experiences. Third, if a member is found to have no corresponding government agency to match his professional identity then this person is given a code 0 and treated as a non-professional. In any rate, every member of the committees is provided with a code number and then a cross-tabulation is rounded out.

[Table 11 is about here]

Table 11 shows that a good proportion of the committee members are professionals, averaging over 60% at the three congresses, although there is a slight decline over the years. Table 12 is detailed breakdown of the professional background of the NPC committees. Data suggest that different committees have different makeup of professionals. Those who have worked with the State Council have good representation at all committees but the Law Committee, the Ethnic Affairs Committee, and the Overseas Chinese Committee. Considering the major task of the Law Committee is to review and make laws it is puzzling why the presence of the State Council has been so minuscule (between 5 and 12%). The only other committees which have such weak State Council influence are the Ethnic Affairs Committee and the Overseas Chinese Affairs Committee. It is interesting that people with NPC background is only valued by the Law Committee. By the same token, CCP background members are visible only at the Internal and Judicial Affairs Committee and local presence is felt only at the Ethnic Affairs Committee. Those with experience in the legal departments (the Supreme People's Court and Supreme People's Procuratorate) is appreciated only by the Law Committee and the Internal and Judicial

Affairs Committee. Even there, their influence is minimal.

[Tables 11 and 12 are about here]

But can past work experience count as proof of professionalization? John W. Kington states that a good legislative staff needs to do on-site interview, review relevant public opinions and surveys, and confer with experts outside the administration (Kington 1989, 227-241). To him, if these people could just semi-systematically seek out unaccustomed sources of information, their perspective would be considerably widened, and their decisions might be somewhat different in quality. Chinese scholar Yin Zhongqing (Yin, et al., 2003) comes up with a list who he believes might be helpful in bringing vitality to China's heretofore enervated parliamentary system: people with past experience working with the legislature; scholars and experts; representatives of social organizations; and those who have experiences with the juridical system. These people will provide the system with pluralistic opinions which will change the shape of the institution that has seen heavy party-state representation, a tradition hardly accordant with the duties required out of a watch-dog to oversee the administrative branch.

Embedded on these beliefs this paper then regroups the NPC committee members into three professions: opinion providers, party-state cadres, and those who do not have clear expertise. The opinion providers cover those who have experience with the people's congress system in the past, scholars and experts, and those who possess legal and judicial background or come from social organizations. These people might bring in more diversified opinions into the ossified system. Party-state cadres refer to the officialdom who have experiences in either the state or the party with the position of deputy-minister and above. These people might know their



respective work well and yet might not be ideal candidates to represent the people. Sensing the end of their career these people are not as motivated either.

Table 13 shows that the three types of membership are pretty much equally distributed with the non-professionals outnumber the other two categories slightly. As high as 37.4% of the 11<sup>th</sup> NPC committee members are still non-professionals, and only a third of the members are qualified as “opinion providers”. However, reforms are in the offing even though it might be limited in scope. There has been increase in membership with legal background in the Law Committee, the Internal and Judicial Affairs Committee and the Foreign Affairs Committee. The Financial and Economic Affairs Committee has brought in new blood from social organizations and business community. And scholars have been asked to join the Education, Science, Culture and Public Health Committee, the Environment Protection and Resources Conservation Committee, the Agriculture and Rural Affairs Committee, and to lesser degree, the Law Committee and the Financial and Economic Affairs Committee. (see Table 12) Evidence illuminates that adjustments have been made to improve specialization of the committees.

[Table 13 is about here]

## **Conclusion**

In their research Kevin J. O’Brien and Laura M. Luehrmann (O’Brien 1990; 1994; O’Brien and Luehrmann 1998) conclude that the reforms carried out in China’s NPC is not to be mistaken as liberalization and that autonomy and capacity do not go hand in hand. Actually, the reason why the NPC has gained more capacity over the years is because it trades off its autonomy. John R. Hibbing (1999, 162) points out that professionalization might be artificial institutionalization and is not to be equated

with the kind of institutionalization that is to increase the autonomy of an organization.

Findings of this paper echo those conclusions. What the NPC has accomplished in the areas of institutionalization and specialization is still quite restricted.

First, although the NPC committees have been gaining in size (25 new members were added to the 10<sup>th</sup> NPC committees) and capacity of the legislative committees might have been augmented, its autonomy is not developing correspondingly. An overwhelming majority of the addition (about 70%) were new faces and most of them came to take the leadership positions. Although average age for committee members at the 11<sup>th</sup> NPC was 3.62 years younger than their counterparts ten years earlier, data show that the NPC committee members are actually serving shorter time than before. During the period under scrutiny the average term was reduced by 0.14 (or a little over eight months). This means the NPC committees are basically staffed by new members. This practice is not helpful to the establishment of a seniority system. Nor is it good if institutionalization and autonomy are of major concern. Furthermore, about 80% of the committee members at the 11<sup>th</sup> NPC are CCP party members.

Elevation of level of education has been a remarkable achievement. It has been made unwritten rule that college education is required in order to find employment in the committees. However, the percentage of those who can be termed professionals has actually declined. Professionalism has been limited to recruiting members with past experiences working in related state or party agencies or departments.

This partial institutionalization and specialization reflects the mentality that the Beijing leadership perceives towards modernization. In what has been known as the “four modernizations” rejuvenation of cadres and elevation of level of education have taken the central seat. What has happened to the NPC committees is actually a replay of the policy set by Deng Xiaoping at the beginning of the reform era. The goal is of

course to have the legislative committees play a more constructive role in enacting and reviewing acts and bills. But as the seniority system remains illusory and institutionalization incomplete at most the autonomy of the committees is still beyond grasp. This might be the reason why O'Brien and Luehrmann (1998) coined the term "embedded autonomy" while portraying the NPC's changing of role. To quote Cai Dingjian's term (2003b), what Beijing has done is to "transform the people's congress into a power structure analogous to the executive branch (lifa jiguan xingzhenghua) under an authoritarian political system."

To put it another way, the professionalism that has been associated with the NPC has been basically in the arena of capacity- and institution-building, rather than reforms to invigorate its autonomy. The legislature is treated as a bureaucracy instead of a representative organ. A change of mindset is needed to catapult the nominal representative organ into a real force to reckon with.

Table 1 Work of the NPC committees and corresponding state and party agencies

	Scope of work	Main contacting agencies in the government and the party
Law	Mandatory review of bills and acts	Supreme court, supreme procuratorate, State Council's Legal Affairs Office, Central Military Commission's Bureau of Legal Affairs, CCP Central Commission on Political and Legal Affairs
Ethnic Affairs	Issues related to minorities and governance of the self-autonomous regions	State Ethnic Affairs Commission, local leadership of ethnic minority regions.
Internal and Judicial Affairs	Civic affairs; labor as punishment (laodong); social security; judiciary; social safety	Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Supervision, Ministry of Human Resources and Social Security, Ministry of Civil Affairs, State Administration of Work Safety, Legislative Affairs Office of State Council, All China Women's Federation, All China Federation of Trade Unions, Communist Youth League, CCP Commission of Politics and Law
Financial and Economic Affairs	Review national plans for financial, economic and social developments; budgetary review; economic legislation	National Development and Reform Commission, Ministry of Finance, Ministry of Commerce, Ministry of Transport, Ministry of Railways, Ministry of Industry and Information Technology, State Administration of Taxation, State Administration of Industry and Commerce, Banking Regulation Commission, Securities Regulatory Commission, National Bureau of Statistics, General Administration of Customs, Insurance Regulatory Commission, People's Bank of China and other policy banks

Education, Science, Culture and Public Health	Review bills and acts related to education, science, culture, hygiene, physical education, population, and mass communication	Ministry of Education, Ministry of Science and Technology, Ministry of Culture, Ministry of Health, National Population and Family Planning Commission, National Food Commission, General Administration of Press and Publication (National Copyright Administration), General Administration of Sport, State Food and Drug Administration, State Intellectual Property Office, State Administration of Radio, Film and Television, CCP Propaganda Department
Foreign Affairs	Review bills and acts related to external affairs	Ministry of Foreign Affairs, Ministry of State Security, Overseas Chinese Affairs Office of the State Council, Hong Kong and Macao Affairs Office of the State Council, Taiwan Affairs Office of the State Council, Information Office of the State Council, Legislative Affairs Office of State Council, CCP International Liaison Department, CCP United Front Work Department
Overseas Chinese Affairs	Review bills and acts related to the work on overseas Chinese	Overseas Chinese Affairs Office of the State Council, Hong Kong and Macao Affairs Office of the State Council, Taiwan Affairs Office of the State Council, CCP United Front Work Department
Environment Protection and Resources Conservation	Review bills and acts related to environmental protection and resources	National Development and Reform Commission, Ministry of Land and Resources, Ministry of Environment Protection, Ministry of Water Resources, State Forestry Administration, China Electricity Regulatory Commission, Meteorological Administration, General Administration of Quality Supervision, Inspection and Quarantine
Agriculture and Rural Affairs	Review bills and acts related to villages and agriculture	Ministry of Agriculture, Ministry of Water Resources, Ministry of

		Housing and Urban-Rural Development, State Forestry Administration, Meteorological Administration
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Source: Zeng, Ping. 2004. *Yihui weiyuanhui zhidu bijiao yanjiu* (A Comparative Study of the Parliamentary Committee System). Beijing: Ph.D. dissertation of Renmin University.

Table 2 Size of Committees (9<sup>th</sup> NPC ~11<sup>th</sup> NPC)

		Law	Ethnic Affairs	Internal and Judicial Affairs	Financial and Economic Affairs	Education, Science, Culture and Public Health	Foreign Affairs	Overseas Chinese Affairs	Environment Protection and Resources Conservation	Agriculture and Rural Affairs	<b>total</b>
9 <sup>th</sup> NPC (1998)	Chairman and Vice-Chairmen	6	6	7	7	7	7	7	6	6	<b>59</b>
	Members	13	17	13	19	27	8	19	15	20	<b>151</b>
	<i>total</i>	<b>19</b>	<b>23</b>	<b>20</b>	<b>26</b>	<b>34</b>	<b>15</b>	<b>26</b>	<b>21</b>	<b>26</b>	<b>210</b>
10 <sup>th</sup> NPC (2003)	Chairman and Vice-Chairmen	9	8	8	11	7	8	8	6	5	<b>70</b>
	Members	15	18	18	23	28	10	12	22	19	<b>165</b>
	<i>total</i>	<b>24</b>	<b>26</b>	<b>26</b>	<b>34</b>	<b>35</b>	<b>18</b>	<b>20</b>	<b>28</b>	<b>24</b>	<b>235</b>
11 <sup>th</sup> NPC (2008)	Chairman and Vice-Chairmen	8	9	9	11	10	9	8	10	7	<b>81</b>
	Members	16	18	17	21	26	10	12	18	16	<b>154</b>
	<i>total</i>	<b>24</b>	<b>27</b>	<b>26</b>	<b>32</b>	<b>36</b>	<b>19</b>	<b>20</b>	<b>28</b>	<b>23</b>	<b>235</b>

Note: There is only one chairman position in each committee.

Table 3 Change of the committee membership made by the NPCSC

		New members	Retired	Promotion or otherwise leave
9 <sup>th</sup> NPC	Vice-Chairmen	11	0	1
	Members	2	0	
	<b>Total</b>	<b>13</b>	<b>0</b>	
10 <sup>th</sup> NPC	Vice-Chairmen	19	0	4
	Members	1	4	
	<b>Total</b>	<b>20</b>	<b>4</b>	
11 <sup>th</sup> NPC	Vice-Chairmen	14	1	4
	Members	2	1	
	<b>Total</b>	<b>16</b>	<b>2</b>	

Notes: 1. Retirement does not include those who died in office 2. Data for the 11<sup>th</sup> NPC ends in July, 2010. 3. During the 10<sup>th</sup> NPC, Ren Maodong first served in the Education, Science, Culture and Public Health Committee, then he was transferred to the Internal and Judicial Affairs Committee and later on promoted as Vice Chairman of Internal and Judicial Affairs Committee.



Table 4 Ratio between the new and old members

		Law	Ethnic Affairs	Internal and Judicial Affairs	Financial and Economic Affairs	Education, Science, Culture and Public Health	Foreign Affairs	Overseas Chinese Affairs	Environment and Resources	Agriculture and Rural Affairs	total
9 <sup>th</sup> NPC	Freshmen	15 (78.9)	16 (69.6)	15 (75)	17 (65.4)	18 (52.9)	11 (73.3)	18 (69.2)	13 (61.9)		<b>123</b> <b>(66.8)</b>
	Senior members	4 (21.1)	7 (30.4)	5 (25)	9 (34.6)	16 (47.1)	4 (26.7)	8 (30.8)	28 (38.1)		<b>61</b> <b>(33.2)</b>
	<b>Total</b>	<b>19</b> <b>(100)</b>	<b>23</b> <b>(100)</b>	<b>20</b> <b>(100)</b>	<b>26</b> <b>(100)</b>	<b>34</b> <b>(100)</b>	<b>15</b> <b>(100)</b>	<b>26</b> <b>(100)</b>	<b>21</b> <b>(100)</b>		<b>184</b> <b>(100)</b>
10 <sup>th</sup> NPC	Freshmen	18 (75.0)	19 (73.1)	18 (69.2)	23 (67.6)	24 (68.6)	13 (72.2)	11 (55.0)	23 (82.1)	16 (66.7)	<b>165</b> <b>(70.2)</b>
	Senior members	6 (25.0)	7 (26.9)	8 (30.8)	11 (32.4)	11 (31.4)	5 (27.8)	9 (45.0)	5 (17.9)	8 (33.3)	<b>70</b> <b>(29.8)</b>
	<b>Total</b>	<b>24</b> <b>(100)</b>	<b>26</b> <b>(100)</b>	<b>26</b> <b>(100)</b>	<b>34</b> <b>(100)</b>	<b>35</b> <b>(100)</b>	<b>18</b> <b>(100)</b>	<b>20</b> <b>(100)</b>	<b>28</b> <b>(100)</b>	<b>24</b> <b>(100)</b>	<b>235</b> <b>(100)</b>
11 <sup>th</sup> NPC	Freshmen	15 (62.5)	20 (74.1)	18 (69.2)	25 (78.1)	22 (61.1)	15 (78.9)	18 (90.0)	19 (67.9)	15 (65.2)	<b>167</b> <b>(71.1)</b>
	Senior members	9 (37.5)	7 (25.9)	8 (30.8)	7 (21.9)	14 (38.9)	4 (21.1)	2 (10.0)	9 (32.1)	8 (34.8)	<b>68</b> <b>(28.9)</b>
	<b>Total</b>	<b>24</b> <b>(100)</b>	<b>27</b> <b>(100)</b>	<b>26</b> <b>(100)</b>	<b>32</b> <b>(100)</b>	<b>36</b> <b>(100)</b>	<b>19</b> <b>(100)</b>	<b>20</b> <b>(100)</b>	<b>28</b> <b>(100)</b>	<b>23</b> <b>(100)</b>	<b>235</b> <b>(100)</b>

Notes: The Agriculture and Rural Affairs Committee was established at the 9<sup>th</sup> NPC and therefore, there is no data there. 2. Senior members include those who are serving consecutively and those who have served in other committees as well.

Table 5 Term Limits for NPC Committees

	1	2	3	4	Total
9 <sup>th</sup> NPC	146 (69.5%)	47 (22.4%)	17 (8.1%)	0 (0%)	210 (100%)
10 <sup>th</sup> NPC	165 (70.2)	63 (26.8)	4 (1.7)	3 (1.3)	235 (100)
11 <sup>th</sup> NPC	167 (71.1)	59 (25.1)	9 (3.8)	0 (0)	235 (100)
Total	478 (70.3)	169 (24.9)	30 (4.4)	3 (0.4)	680 (100)

Note: 1. The statistics ends in July 2010.

2. For those who come or leave before the term formerly starts or ends are counted as serving one term.

Table 6 Average term served by NPC committees (minus the Agriculture and Rural Affairs Committee)

	Longest term	Shortest term	Average
9 <sup>th</sup> NPC	3	1	1.40
10 <sup>th</sup> NPC	4	0.10	1.31
11 <sup>th</sup> NPC	3	0.14	1.26

Table 7 Party affiliation for committee members

	CCP (%)	Democratic Parties (%)	Non-partisan (%)	Unknown (%)
9 <sup>th</sup> NPC	166 (79.0)	26 (12.4)	15 (7.1)	3 (1.4)
10 <sup>th</sup> NPC	192 (81.7)	30 (12.8)	13 (5.5)	0
11 <sup>th</sup> NPC	190 (80.9)	32 (13.6)	13 (5.5)	0

Note: Those who are both the CCP and the Democratic Parties members are counted as CCP party affiliation.

Table 8 Average age for committee members

	Oldest	Youngest	Average
9 <sup>th</sup> NPC	73	37	63.27
10 <sup>th</sup> NPC	70	39	60.74
11 <sup>th</sup> NPC	68	40	59.65

Table 9 Age distribution for committee members

		30~39	40~49	50~59	60~69	70~79	<i>Total</i>
9 <sup>th</sup> NPC	Number	4	7	25	162	12	<b>210</b>
	%	1.9	3.3	11.9	77.1	5.7	<b>100</b>
10 <sup>th</sup> NPC	Number	2	25	40	163	5	<b>235</b>
	%	9	10.6	17	69.4	2.1	<b>100</b>
11 <sup>th</sup> NPC	Number	0	19	73	143	0	<b>235</b>
	%	0	8.1	31.1	60.9	0	<b>100</b>

Table 10 Education for committee members

	9 <sup>th</sup>	10 <sup>th</sup>	11 <sup>th</sup>
Elementary school	0	0	0
Junior high	7 (3.3%)	3 (1.3%)	0
High school	18 (8.6)	2 (0.9)	4 (1.7%)
college	39 (18.6)	32 (13.6)	23 (9.8)
university	110 (52.4)	136 (57.9)	96 (40.9)
Master's	16 (7.6)	31 (13.2)	59 (25.1)
Doctoral degree	16 (7.6)	30 (12.8)	53 (22.6)
unknown	4 (1.9)	1 (0.4)	0
<b>Total</b>	<b>210</b> <b>(100)</b>	<b>235</b> <b>(100)</b>	<b>235</b> <b>(100)</b>

Table 11 Professionals vs. non-professionals (%)

	professionals	Non-professionals	<i>total</i>
9 <sup>th</sup> NPC	66.2	33.8	<b>100</b>
10 <sup>th</sup> NPC	60.0	40.0	<b>100</b>
11 <sup>th</sup> NPC	62.6	37.4	<b>100</b>

Table 12 Background breakdown for NPC committee members (%)

		State Council	Experience with People's Congress	Legal Profession	CCP	Universities and research associations	Mass Organizations, Business community	Local Leadership	None	<i>total</i>
Law	9 <sup>th</sup> NPC	5.3	21.1	5.3	5.3	15.8	0	0	47.4	<b>100.0</b>
	10 <sup>th</sup> NPC	4.2	29.2	4.2	0	16.7	0	0	45.8	<b>100.0</b>
	11 <sup>th</sup> NPC	12.5	20.8	8.3	0	20.8	0	0	37.5	<b>100.0</b>
Ethnic Affairs	9 <sup>th</sup> NPC	0	0	0	0	4.3	0	65.2	30.4	<b>100.0</b>
	10 <sup>th</sup> NPC	0	0	0	0	0	0	53.8	46.2	<b>100.0</b>
	11 <sup>th</sup> NPC	3.7	0	0	0	3.7	0	51.9	40.7	<b>100.0</b>
Internal and Judicial Affairs	9 <sup>th</sup> NPC	15.0	5.0	5.0	5.0	5.0	30.0	0	35.0	<b>100.0</b>
	10 <sup>th</sup> NPC	15.4	3.8	7.7	3.8	7.7	26.9	0	34.6	<b>100.0</b>
	11 <sup>th</sup> NPC	23.1	7.7	11.5	11.5	3.8	11.5	0	30.8	<b>100.0</b>
Financial and Economic Affairs	9 <sup>th</sup> NPC	42.3	3.8	3.8	0	15.4	3.8	0	30.8	<b>100.0</b>
	10 <sup>th</sup> NPC	38.2	5.9	0	0	17.6	11.8	0	26.5	<b>100.0</b>
	11 <sup>th</sup> NPC	25.0	6.3	0	0	15.6	18.8	0	34.4	<b>100.0</b>
Education,	9 <sup>th</sup> NPC	35.3	0	0	0	41.2	11.8	0	11.8	<b>100.0</b>

Science, Culture and Public Health	10 <sup>th</sup> NPC	31.4	2.9	0	0	34.3	11.4	0	20.0	<b>100.0</b>
	11 <sup>th</sup> NPC	30.6	2.8	0	2.8	52.8	0	0	11.1	<b>100.0</b>
Foreign Affairs	9 <sup>th</sup> NPC	33.3	6.7	0	6.7	0	13.3	0	40.0	<b>100.0</b>
	10 <sup>th</sup> NPC	33.3	0	5.6	5.6	0	5.6	0	50.0	<b>100.0</b>
	11 <sup>th</sup> NPC	15.8	5.3	10.5	5.3	5.3	10.5	0	47.4	<b>100.0</b>
Overseas Chinese Affairs	9 <sup>th</sup> NPC	3.8	3.8	0	0	0	34.6	0	57.7	<b>100.0</b>
	10 <sup>th</sup> NPC	5.0	0	0	0	0	15.0	0	80.0	<b>100.0</b>
	11 <sup>th</sup> NPC	10.0	0	0	5.0	0	25.0	0	60.0	<b>100.0</b>
Environment Protection and Resources Conservation	9 <sup>th</sup> NPC	19.0	4.8	0	0	28.6	19.0	0	28.6	<b>100.0</b>
	10 <sup>th</sup> NPC	32.1	7.1	0	0	35.7	0	0	25.0	<b>100.0</b>
	11 <sup>th</sup> NPC	21.4	0	0	0	32.1	3.6	0	42.9	<b>100.0</b>
Agriculture and Rural Affairs	9 <sup>th</sup> NPC	30.8	0	0	0	34.6	0	0	34.6	<b>100.0</b>
	10 <sup>th</sup> NPC	12.5	0	0	0	25.0	4.2	0	58.3	<b>100.0</b>
	11 <sup>th</sup> NPC	21.7	4.3	0	0	17.4	4.3	0	52.2	<b>100.0</b>

Table 13 three typologies towards professionalization (%)

	Plural opinions providers	Party-state background	Non-professionals	Total
9 <sup>th</sup> NPC	36.2	30.0	33.8	100
10 <sup>th</sup> NPC	32.8	27.2	40.0	100
11 <sup>th</sup> NPC	34.9	27.7	37.4	100

## Reference

### Chinese

- Cai, Dingjian. 2003a. *Zhongguo renmin daibiao dahui zhidu* (The Institution of the Chinese People's Congress). Beijing: Falu chubanshe, Fourth Edition.
- Cai, Dingjian. 2003b. "Renmin daibiao dahui zhidu gaige yu xianzheng fazhan (Reforms of the People's Congress System and Development of Constitutionalism)." *Aisixing*. March 3.  
<http://www.aisixiang.com/data/31725.html> (July 25, 2010).
- Chao, Chien-min. 2002. "Zhonggong dangguo tizhi xia lifa jiguan de zhiduhua (The Institutionalization of Legislature under PRC's Party-State System)." *Zhongguo Dalu Yanjiu* (Journal of Mainland Chinese Studies) 45 (5): 87-112.
- Chen, Sixi. 2008. "Guojia jiguan lingdao renyuan shi ruhe chansheng de (How Is National Leadership Chosen)." *Renmin ribao*, 16 March.
- Jiang, Jinsong. 2004. "Quanguo Renda Changweihui de Daibiaoxing Tantaoyao (A Discussion of the NPCSC Committees)." *Zhengfa Luntan* (Forum on Political-Legal Affairs) 22 (6): 19-31.
- Yin, Zhongqing, Zhihong Ai, Zhifeng Tu, and Yan Zhao. 2003. "Wanshan quanguo renda zhuanmen weiyuanhui de goucheng (Perfect the Composition of NPCSC?)." *Xuexi Ribao*, 2 June.
- Zeng, Ping. 2004. *Yihui weiyuanhui zhidu bijiao yanjiu* (A Comparative Study of the Parliamentary Committee System). Beijing: Ph.D. dissertation of Renmin University.
- Zhou, Wei. 2005. *Geguo lifa jiguan weiyuanhui zhidu bijiao yanjiu* (A Comparison of Legislative Committee System). Jinan: Shandong Renmin Chubanshe.

### English

- Asher, Herbert B. 1974. "Committees and the Norm of Specialization." *Annals of the American Academy of Political and Social Science* 411: 63-74.
- Dowdle, Michael W. 1997. "The Constitutional Development and Operations of the National People's Congress." *Columbia Journal of Asian Law* 11 (1): 1-125.
- Gilligan, Thomas, and Keith Krehbiel. 1987. "Collective Decision-Making and Standing Committees: An Informational Rationale for Restrictive Amendment Procedures." *Journal of Law, Economics and Organization* 3: 287-335.
- Gilligan, Thomas, and Keith Krehbiel. 1989. "Asymmetric Information and Legislative Rules with Heterogeneous Committee." *American Journal of Political Science* 33: 459-490.



- Gilligan, Thomas, and Keith Krehbiel. 1997. "Specialization Decision within Committee." *Journal of Law, Economics and Organization* 13 (2): 366-386.
- Hibbing, John R. 1999. "Legislative Careers: Why and How We Should Study Them." *Legislative Studies Quarterly* 24 (2): 149-171.
- Huntington, Samuel P. 1965. "Political Development and Political Decay." *World Politics* 17(3): 386-430.
- Huntington, Samuel P. 1968. *Political Order in Changing Societies*. New Haven: Yale University Press.
- Jiang, Jinsong. 2002. *The National People's Congress of China*. Beijing: Foreign Languages Press.
- Kington, John W. 1989. *Congressmen's Voting Decisions*. Ann Arbor: The University of Michigan Press. Third Edition.
- Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor: University of Michigan Press.
- Nathan, Andrew J. 2003. "Authoritarian Resilience." *Journal of Democracy* 14 (1): 6-17.
- O'Brien, Kevin J. 1990. *Reform without Liberation: China's National People's Congress and the Politics of Institutional Change*. New York: Cambridge University Press.
- O'Brien, Kevin J. 1994. "Chinese People's Congress and Legislative Embeddedness: Understanding Early Organizational Development." *Comparative Political Studies* 27 (1): 80-109.
- O'Brien, Kevin J. and Laura M. Luehrmann. 1998. "Institutionalizing Chinese Legislatures: Trade-offs Between Autonomy and Capacity." *Legislative Studies Quarterly* 23 (1): 91-108.
- Polsby, Nelson W. 1968. "The Institutionalization of the U.S. House of Representatives." *American Political Science Review* 62: 144-168.
- Sisson, Richard. 1973. "Comparative Legislative Institutionalization: A Theoretical Exploration." In *Legislature in Comparative Perspective*, ed. Allan Kornberg. New York: David Mackay Company, Inc, 17-38.
- Tanner, Murray Scot. 1999. *The Politics of Lawmaking in Post-Mao China: Institutions, Processes and Democratic Prospects*. Oxford: Clarendon Press.