

Public Participation in the Chinese Legislative Process

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Outline of the presentation

- China's Legislative System
- Legislative Process
- Public Participation in Legislative Process
- Main Challenges

China's Legislative System:

- **NPC:** basic laws
- **The Standing Committee of NPC:** all laws except for basic laws
- **The State Council:** administrative regulations
- **the provincial congresses and the congresses of big cities as well as their standing committees:** local statutes
- **The people's congresses of national autonomous areas:** autonomous regulations
- **Ministries:** administrative rules or statutes

Legislative Process

- Drafting procedure
- Enacting procedure

Drafting Procedure

- To make a five-year legislative plan, and the annual legislative plan
- To set up a drafting organ
- To conduct research on the legislation
- To define the objective of legislation and work out the structure of the law
- To draft articles
- To solicit comments and suggestions.
- To work out the final draft and prepare its explanations.

Enacting Procedure

- Submit the bills
 - 1. The Presidium of the NPC
 - 2. The Standing Committee of the NPC
 - 3. The 35 delegations when the NPC meets
 - 4. A minimum of 30 deputies to the NPC when it meets
 - 5. The State Council
 - 6. The Central Military Commission
 - 7. The Supreme People's Court
 - 8. The Supreme People's Procuratorate
 - 9. The nine special committees of the NPC
 - 10. The Council of Chairpersons of the Standing Committee of the NPC
 - 11. A minimum of ten members of the Standing Committee of the NPC.

Enacting Procedure (Cont'd)

- Three rounds examinations
 - The Standing Committee deliberate the bill on sitting days, and send them to special committees for detailed examination, the special committees report back to the Standing Committee (one round)
- Put the bills to vote
- Promulgate

Features

- Long history
- Inclusiveness and broad outreach
- Integration into all stages of the legislative process
- Diverse methods and techniques

Long History

- The first Constitution, 1954 Constitution
 - Within 3 months of pre-publication
 - 1,180,420 submissions collected
 - 150 million people engaged (one-third of total population)

Inclusiveness and Broad outreach

- Bill on Labor Contract :
 - Within one month of pre-publication
 - 191,849 submissions collected
- Beijing Municipality
 - Bill on “the Safety Management of Fireworks and Firecrackers”, collected 100,000 submissions
 - Bill on “Dog Control”, collected 160,000 submissions

Integration into all Stages of Legislative Process

- Solicit public input into Legislative Plan
 - In 2006 Nanjing Municipality solicited the public input into the legislative plan - 41 citizens submitted 46 proposals, out of which 23 proposals from 22 citizens were integrated into the plan.
- Public participation in the drafting procedure
- Public participation in the enacting procedure
- Public participation in the inspection on the implementation of the law

8 Standard Instruments

- Investigation and Research on Legislation
- Request for Written Submissions
- Legislative Forums (Workshops)

The above three instruments are the ones most commonly used due to their flexibility and convenience to solicit inputs from a wide range of parties while focusing on issues of major concern.

8 Standard Instruments (Cont'd)

- Pre-publication of bills
- Expert roundtables
- Attendance as non-voting members
- Recourse of legislative drafting to external research institutions
- Public Hearings

Main Challenges

- **How to engage the disadvantaged social groups in the legislative process**
- **How to ensure that ordinary citizens' voices won't be drowned out by those of organizations and experts**
- **How to work with citizens to produce meaningful, constructive inputs**
- **How to develop new approaches to promote interactions among citizens**

Main Challenges Cont'd

- **How to engage the disadvantaged social groups in the legislative process to achieve social equity and justice**

Rural Residents

Migrant Workers

Women

Urban low-income people

Main Challenges Cont'd

- **How to ensure that ordinary citizens' voices won't be drowned out by those of organizations and experts**
 - the role of experts
 - the communication across governments at all levels
 - influence of powerful organizations

Main Challenges Cont'd

- **How to work with citizens to produce meaningful, constructive inputs rather than pure emotional grievances**

Lack of organized and specialized expertise on technical matters

Respect for inputs of citizens on value-based issues

Create mechanisms to discharge emotional grievances

Main Challenges Cont'd

- **Need new approach to promote interactions among citizens**
 - Top-down Solicitation of Comments
 - Bottom-up Information Inputs
 - Lack of Interactions within the public