

**The Role and Structural Rebuilding of  
the Local People's Congress in  
Local Governance:  
Main Issues and Prospects  
in Current China**

Yang Fengchun  
*Department of Political Science  
and Public Administration,  
Peking University  
China*



# The Role and Structural Rebuilding of the Local People's Congress in Local Governance: Main Issues and Prospects in Current China

## The Local Governance Pattern in Contemporary China and Problems

From 1949 to the initiation of the reform programs in 1978, under the highly centralized political system and command-economy, striking feature of the local governance pattern in China was the direct governance of the central government. The central government, through the hierarchy of administration system and economy plan, virtually controlled directly the resource distribution system and major projects at all levels. The local governments are only accounting units in the national budget, instead of financially independent entities.<sup>(1)</sup> Through the social mobilization and the party system with its "democratic centralism", all social members were brought into a totalitarian and uniform regime, so that a local governance pattern formed, in which the central government had complete and ubiquitous control of the social, economic life and all social members.<sup>(2)</sup> In another word, the local governance pattern in China during this period was under direct central control, which seriously suppressed the initiative and sense of responsibility of the local governments. This inevitably led to the estrangement of the local government with the local people socially, politically and economically. Accordingly, local economy, politics and social development shrunk.

Owing to this local governance pattern, the functions of local governments at various levels were, to a great extent, limited. First of all when we look at the nature of those local governments, we will see that they were practically only agents of the central government. With regard to power origination or the control of material resources, they had no independent status, but had to be wholly dependent upon the central government.<sup>(3)</sup> In the second place, as far as the structure is concerned, we will find that the structure of the local government were, in fact, considerably incomplete.

The local administrative branch, owing to their conformation with the central authority in function, was highly developed. This branch had a considerably large number of agencies and staff. While the Local People's Congress, which is the power organ and the representative of local people in the literal meaning of the Constitution and other laws, were virtually suspended in both its structure and its actual function.<sup>(4)</sup> The highly centralized system, the social mobilization pattern and the "democratic centralism" brought about the fact that; in terms of interests and social and political rights, local people had no local feature. Instead, they all conformed highly

to the interest and will represented and expressed by the central government.<sup>(5)</sup> This cut the intrinsic link between local governments and local people, led to the weakening of the local governments' status, made the central government the only origin and power base,<sup>(6)</sup> and ignored the functions of local people in the local governance system. The estrangement between local people and local governments made the power of local government very weak.

In order to correct the shortcomings of strong centralization, and to promote economic reform, ever since the initiation of the reform policies, the central government has given the local governments more independence and more benefits. The over-centralization tendency has been checked, and the local governance pattern in China has to some extent changed. The central government has transferred much of its power to local governments, so that the local governments have obtained more independence and autonomy, had more control of local finance and legislation. As such, local governments have obtained, to some extent, the status of independence entities.<sup>(7)</sup> In the meantime, the structure of the LPCs has been improved. Standing committees have been established in LPCs at the county level and higher, while the representatives of the county and township have to be directly elected.<sup>(8)</sup> The link between local governments and local people has been improved. Because of the considerable freedom enjoyed by local governments in the process of economic reform, local governments begin to have more and more influence on the political, economic and social life of the local community, and the distinctions between various localities become more and more obvious. The material benefits gained by local people in turn strengthen their "localism" consciousness. The status and functions of local government begin to make themselves felt, and are becoming increasingly important.

However, the local governance pattern in current China is mainly geared to economic reforms, with economic development as its major criterion, while relevant changes in the political system are seldom considered. Thus, the current local governance pattern, though conducive to economic reform and development, has serious shortcomings, which constitute potential problems.

First of all, the current local governance pattern fails to provide a mechanism that can supervise and constrain local governments and their staff. Without effective supervision and constraint, the power of local governments and their staff may expand, leading to political corruption. This may stunt the progress of local governance.

After the central government changed its way of direct control, local governments especially their administrative branch and the staff therein, are facing virtually no external control in local politics. This lack of control arises because the central government drastically transferred its power and authority to local government, and gave local governments independence in administration and partly in legislation. Local governments, especially local administrative agencies and the staff, have considerably outgrown their former role as agents of the central government, and began to pursue their own interests. However the political regime has not transformed the structure of local governments correspondingly to form a local political

pattern in which local administrative agencies may be supervised and restricted. Thus after the weakening of the central power, local governments and their officials try to expand their own power out at all levels. A state of chaos arises in the relationship between local governments and the central government. Corruption appears when local governments have their own way of coping with the policies of the central government. Besides the generation of political corruption, which may compromise the pattern of the local governments, this state of chaos has a far more important consequence. If the central government can no longer tolerate the intransigence of the local governments whereby political reform may stunt the economic reform, the central government may withdraw the power it has conferred and reverted back to the centralized control system thus whereby back reform of local governance pattern. Thus the state in which local governments and their officials is now in only benefit some interest groups, which seriously interferes with the construction of a good local governance pattern.

Secondly the political status of local governments does not match their actual function and may lead to the weakening of this local governance pattern.

After the initiation of the reform programs, local governments become the principal body performing the major functions of local governance. However owing to the lack of corresponding political reform, the power conferred by the Constitution and other laws on local governments are still to be institutionalized. This state of affairs, while conducive to the rapid acquisition of power by local governments, determines that the power of local government is weak. Since the power is actually delegated by the central government through the administrative channel, the central government can withdraw its power at will. Once this happens, local governments can no longer exercise its functions in local governance. Thus the functions of current local governments do not match its actual political status. Local governments lack such power as is based on their respective communities. This kind of power, when local governments come into conflict with the central government concerning power relationship, may constitute an independent origin of power, and therefore ensure the status and functions of local governments in local governance. It has been proved that centralized system will not solve the local governance problem in China. The attempt by local governments to find alternative origins of power in the local communities will help to construct a better local governance pattern. The current local governance pattern based on the administrative delegation of power by the central government does not resolve the basic problem in the local governance in China. This pattern has only technical and partial significance, if at all.

Thirdly, the current pattern does not resolve the problem of democratization of Chinese local politics.

An important part of local democratization concerns the status and functions of local government, which are, in turn, reflected in the relationship between local governments and local people. The old political system always assumed that the interests of social members were uniform, and that the government undeniably represented the interests of social members. Thus, in the old system, the problem of representation of local people in local governments was "suspended". Within the

highly centralized regime, this state of "suspension", while suppressing the participation of local people, did not seem to affect the individual' interests very much, because in the old regime the interests of local people were seriously restricted. In contrast, after the reform programs were initiated, and after local governments and the officials become the principal bodies of local governance, local governments (and the official therein), when pursuing their own interests and the developments of local economy, become independent bodies in the market economy. Thus, the interests of local governments and their officials may readily conflict with those of the local people. At the same time, due to the current local governance pattern, power mainly originated in the administrative delegation of the central government, rather than in local communities, local governments and their officials are completely beyond the supervision and control of local communities. Thus, in general, the current local governance pattern does not allow room for the protection of the local people's interests and their participation. Evidently, without solving the problem of the status and rights of local people in local government, the problem of participation cannot be solved, and therefore their economic interests cannot be protected. Even seen from the most practical point of view, the current local governance pattern lacks completeness. And considering the democratization of Chinese politics, it may bring about serious consequences to economic development and political stability, by leaving no room for the representation of local people in the local governance pattern.

### **The Status and Functions of Local People's Congress in Local Governance**

After describing the current local governance pattern in China and analyzing its main problems, we may find that, this pattern, based on the administrative transference of power by the central government, is inadequate to cope with many problems in local governance. On the other hand, it put too much emphasis on the expansion of the administrative branch of local government. This pattern not only brings about a series of practical problems, but also set many obstacles to the democratization of local politics. What is the way out? As far as the check and balance of the local governments' structure is concerned, I think the answer lies in checking the tendency of emphasizing the importance of the administrative branch and ignoring the legislation branch. The LPCs on all levels should play their roles better as the origin of power and representative organ in local politics.

The LPCs, as defined in the Constitution and other laws, is the only local power organ, and is the representative agency of local people. Although the LPCs in China is not the same as the local congress in representative government, it is the only representative body of local people in China's current political system. Seen from the point of view of practical politics, the Chinese Constitution and other laws ensure a high status for LPCs in the local politics (in literal meaning), and confer a lot of powers on them. The LPCs on and above the county level can decide on important issues, appoint officials in local government, supervise the administrative branch, etc.; the LPCs of the provinces and some big cities can also make local laws and regulations. Seen from the perspective of representation, the LPCs can fairly

represent some varieties of local people, and this provides a practical channel for local people to participate in local governance. So, within the framework of current political regime, the LPCs have the potential of improving the local governance pattern. First, it can take up the responsibility of checking and controlling the local government and its officials. Second, owing to its nature as the local power organ, it can act as the origin and power base of the local government in the community. Third, as the representative of local people, it can be the agency in which all-local interest bodies can be balanced against each other and public opinions can be voiced. So, not only in the definition of the Constitution and other laws, but in feasibility, the LPCs can and should be the center of local governance structure.

However, in spite of the above mentioned legal and political advantages, the LPC is actually not the most important part within the local governance framework, but only has a ritualistic and symbolic significance. Its influence in actual politics is very limited. This contrast between the form and actuality reflects that, the old regime, although admits literally the statue of the LPCs in the local governance structure, hasn't provide a practical channel, through which the functions of LPCs can materialize.

The old regime influences the LPCs mainly in two ways: (1) there is intrinsic conflict between the centralized system and the existence of the LPCs, so that the LPCs is suppressed and oppressed. (2), The imperfectness of the LPCs system itself is also an important reason why its functions cannot be fully exercised.

***The conflict between the LPCs system and the centralized regime, restricts the development of LPCs***

Since 1949, the LPCs had undergone complicated development. As an inheritance of Soviet system in China and the continuation of all kinds of representative agencies that sprung up during the war years,<sup>(9)</sup> the LPCs were conferred a conspicuous position (in the literal meaning) in local power structure from the very start, and had such important powers as appointing and deciding local officials. Actually, however, under omnipotent control of the Party and the over-centralized system, the status and functions of the LPCs were, if any, very limited during the 50's and the early 60's. Over-centralization and Party system determined that while the formation of the LPCs had a colorful ritual and formality, the operative aspect was often ignored. During the two decades from 1949 to the Great Cultural Revolution year, the LPCs was only a "rubber stamp", in local politics. For instance, the "Local Organization Law" passed in 1954 had only a rough definition of the LPCs. It did define the rights and power of the LPCs in detail, but failed to state how to realized these powers.<sup>(10)</sup> First of all, without considering establishing a standing agency, it made the reelection and the annual session of the LPCs a mere routine, or a meeting to honor the working models of other persons, while its nature as the representative of local people was completely lost. Accordingly, the intrinsic relationship between the local governments and local people had no way to express itself. Secondly, the actual capability and working conditions of the LPCs did not match its power as defined in

the laws. The power enumerated in the Constitution and other laws did seem important and indispensable, but they were impractical power as far as the actual status of the LPCs was concerned. In fact, the LPCs not only lacked corresponding agencies, but lacked the ability and authority to discuss and decide on matters concerning them. Thus some power conferred by the Law on the LPCs were vague and inoperative. Thirdly, the Law did not give the LPCs the legislation power. When the central government was over-centralized, giving the LPCs some legislating power might even weaken the role of local governments as the agents and executing organs of the central government. So the local administrative branches, when executing the commands of the central government are not only responsible to the central government and the government immediately above them, but at the same time is also responsible to the local communities, whereby, a pattern of multiple origins of power might arise. If the LPCs had no legislative power, the tendency of the central government toward absolute centralization were accordingly strengthened, and the local governments were accordingly highly dependent on the central government, and the local government and local people were estranged. Because LPCs had no actual room for political activity, and had no linkage of power with the local government, its status was vague. All these above-mentioned facts led to the slow development of the LPCs before the Great Cultural Revolution. During the Great Cultural Revolution, these vague formalities were revoked. Thus we can see clearly that the main obstacle to the development of the LPCs system is the old centralized regime.

***The imperfectness in the LPCs itself restricts the exercises of its functions in the local governance***

After the initiation of the Reform Programs (especially during the Great Cultural Revolution), the status of the LPCs has improved a lot. It was not until the third session of the 11th CPC congress that the LPCs began to materialize its role as the local power organ. After 1979, the Constitution and the Local Organization Law have been drastically revised,<sup>(1)</sup> and the agencies and powers of the LPCs have been expanded. These have paved the way for the establishment of a standing and operative LPCs. Compared with the 1954 Constitution and the former Local Organization Law with its amendments, the revised Constitution and Local Organization Law make the following significant stipulations. First, the LPCs on and above the county level should establish a standing committee, a regular meeting of the directors, specialized committees and other agencies. Second, the rights of appointing and deciding on officials are further expanded. Third, the LPCs on the province level and in some big cities are conferred the right of legislation. Fourth, the LPCs can exercise supervision rights, such as the right to investigate certain matter. Owing to new stipulations, the development of the LPCs has entered a new phase.

Among these new stipulations, the first and third items are most important. It is these two features that give the LPCs the status and significance different from those before the Great Cultural Revolution. Owing to these two changes, not only the current LPCs becomes an important body in local politics, but its nature as the local



power organ is realized, to some extent. For instance, it can make detailed regulations about execution of national laws made by the central government, and make some specific, experimental local laws and regulations on areas, which the national laws still don't cover. Changes and developments in other aspects of the LPCs are, in fact, dependent or attached to the above-mentioned two features (for example, the exercise of the rights of appointing officials and supervision is determined by how long the sessions persist and whether there are corresponding agencies). So we can safely say that, since the 3rd session of the 11th Party Congress, the establishment of standing committees in LPCs on and above the county levels, and delegation of some rights of legislation to LPCs on the province level and in some big cities, directly lead to the development of the LPCs.

Further observation will reveal that establishment of standing committees is even more significant than delegation of legislation power to LPCs. The establishment of standing committees on and above the county levels lay the legal and logical foundation for the structural construction of LPCs, while the practical exercise of the rights of local legislation is dependent upon the existence of some standing, substantial agencies. Without the agencies engaged in local legislation, there will be no real rights of local legislation. Besides, the experiences of establishing standing agencies in LPCs show that, while some standing agencies, including the standing committees, the meetings of the directors and some special committees, are set up in accordance with the laws, others are the results of the practical needs of LPCs (and their standing committees) and the results of gradual probing and experimenting<sup>(12)</sup> by the Congress and their standing committees. All these show that, the most important factor to the construction of LPCs is the establishment of standing committees on and above the county levels.

However, although the LPCs during the last two decades had achieved some extent of development, seen both from the practical state and future tendencies, the stipulation in the laws on LPCs are still imperfect. The imperfectness in the laws leads to the imperfectness of the LPCs itself. Under the current circumstances, because there are standing committees only on and above county levels, and because the functions of the LPCs itself and its standing committee overlap and juxtapose a lot, some serious problems arise. Two most significant problems that affect the influence of the LPCs in the local governance pattern are to define the legal position of the standing committees and to distribute the rights endowed by the Constitution and other laws between the LPCs and its standing committee.

As far as the actual relationship between the LPCs and its standing committees is concerned, the attitude of current laws tends to go to two extremities: either the standing committees should supersede the congress, or the functions of the standing committees are completely ignored. Evidently, both of these extremities will weaken the status of the LPCs in the local governance pattern, and affect the realization of the LPCs as the local origin of the power of local government in local communities, and as the representative organ of local people.

The first extremity is the fact that, the establishment and existence of standing committees on and above the county level considerably affect the status and image

of the LPCs itself.

There are two reasons for this phenomenon: According to the stipulations of current laws, the standing committees are the standing agency of the LPCs on the same level in the hierarchy. The status and power of the standing committees originates in the LPCs on the same level. Seen from the practical facet of the matter, the *raison d'être* of the standing committees lies in two facts.

First of all, owing to the magnitude of the LPCs and its short session, the functions of the LPCs cannot be fully exercised. Secondly, the ordinary representative in the LPCs might be inadequate in the ability to discuss and decide on political affairs, so that the duties of the LPCs are not fully met.<sup>(13)</sup> So, without doing harm to the nature of the LPCs, a standing committee is set up to remedy its shortcomings. This practice, while achieving the expected success, virtually determines that the power of the Congress is further transferred to its standing committees. Thus, the power of representatives who are not members of the standing committees is inferior to that of the members of the committee. Evidently, this phenomenon has deviated from the representative nature of the LPCs, and will do harm to the status and image of the LPCs.

As far as the functions and actual influence of the standing committees in local politics are concerned, not only their functions nearly match those of the Congress themselves, but those functions that are operative and substantial are often concentrated in the standing committees. On the other hand, the current laws have noted the queer relationship between the Congress and their standing committees, and have thus made some stipulations to ensure the supreme power of the LPCs. For instance, when discussing the budget and plans on the economic and social development, the standing committees can only revise parts of the budget and plans, while the Congress can revise them completely. But the real significance of this stipulation and other similar ones is very limited.

According to the current budgetary system in China, the influence of the LPCs on the plans and the budget is necessarily limited in general. So, further dividing the functions of the Congress and the standing committees on this matter is not more than repeating the literal supremacy of the Congress' power. Formally, the standing committee originates from the Congress, and its power is dependent upon the Congress. However, because of the shortcomings of the Congress itself, and the various inconveniences in exercising its power, the power actually wielded by the Congress is more often than not less than that of standing committees. This is obvious if one compares the stipulations on the rights of the Congress in the Local Organization Law in 1954 and with in the 1986 revision.

During the decades, these stipulations have not undergone significant change. By contrast, although the standing committee appeared only about twenty years ago, its functions and power develop rapidly. To account for this phenomenon, there are only two kinds of explanation. Either the functions of the Congress have changed so much that it has to entrust and divert some of its power to the standing committee, or the standing committee has superseded the Congress, at least to certain extent and in certain areas. In fact, the functions of the LPCs change little, while the acquisition

of power by the standing committees is obvious. Compared with the "rubber stamp" and "place of high talk" of the 50's and 60's, the changes of the current LPCs are insignificant.

The second extremity is reflected in the fact that the LPCs on the township level has no standing committees, and this affects the exercise of the Congress' function. In contrast with the expansion and development of the standing committees on and above the county levels, the Congress below the county level is very weak and insignificant because of the non-existence of the standing committees. Theoretically, the LPCs on the township level should play an important role in the local politics, but reality is totally different from theory. The government on the township level is the grass-roots government in China. Their functions are practical, detailed, and important, while at the same time easy to be ignored.

Although everyone admits and understands the importance of this problem, the status quo is far from satisfactory. The unevenness of the quality of the cadres, the only partial understanding of the policies, the arbitrariness, aimlessness and even illegality in execution and administration, the corruption and extortion, etc. All these put a heavy burden on the back of the peasants and lead to the tense relation between the cadres and common people.

In fact, the politics on the township level need to be supervised and controlled most. The central government and other higher governments cannot cope with so many townships (and villages), with their infinite number of problems. Thus, it is very urgent and practically significant to strengthen the LPCs on the township level to form a center of supervision and control, and a foundation of power for the government on the township level. This will strengthen the link between local governments and local people to pave the way for future democratization, and also remedy the inadequacy government's supervision and control. However, the current state of the LPCs on the township level is far from meeting these aims. Owing to their short session, and the lack of specialized agencies, the duties and responsibilities of LPCs as defined in the laws cannot be fulfilled and thus fail to supervise the local government effectively. Other political functions of the Congress in the political community cannot be fully exercised. Then, how can the weakness of the township level LPCs be overcome so as to perform better duties?

The history of LPCs formation on and above the county levels, both before and after the 3rd session of the 11th Party Congress, shows that, the most effective way to cement the status of LPCs is to strengthen its standing committees. So, in order to promote the status and functions of the township level LPCs should be the establishment of standing committees. But then, the stipulation of the laws comes into conflict with the practical need and historical experience. Although the township level LPCs urgently needs to set up a standing committee which once established, will greatly promote the functions of the Congress, the current relevant laws have no such provisions. It is precisely because of this that the power of the township level Congress is greatly weakened. Not only such powers as regular supervision, check and balance against the administrative branch cannot be realized, but also the nature of LPCs as the local power organ and the representative body of local people are

seriously compromised. The Congress should have been the center of the grass-root governance. But now this position is doubted and it will surely damage the whole governance in the countryside.

Thus, either the standing committee overshadows the Congress itself, or the non-existence of standing committee weakens the functions of the Congress. So, the LPCs system, while achieving much development after the third session of the 11th Party Congress, urgently needs some improvement. How to reform the LPCs system to the appropriate occasion, is a problem that we must face up to.

### **How to Improve the Local People's Congress**

The current LPCs system has to be reformed. We can safely say that further clarification of the power and functions of the LPCs is the foundation and starting point for putting the relationship between the Congress and standing committees in good order and improving the LPCs system.

The current stipulations on the power and functions of the LPCs as written in the Constitution and other laws have two features. Firstly, these stipulations are comprehensive. Secondly, the official powers of the standing committees on and above the county levels are very similar with those of Congress themselves. In other words, some powers wielded by the standing committees are actually the powers of the Congress. These two features determine the development tendency of the reform in LPCs system.

The comprehensiveness of the stipulations is conducive to the actual exercise of those powers. However, the current problem is that, in spite of the comprehensiveness of powers, some of them are vague and not feasible. In reality, they have only literal and symbolic meaning and nothing else. There are also other official powers that do not match with the powers and duties already owned by the LPCs and thus cannot be realized. For example, the Constitution and other laws stipulate that the LPCs has the power of executing national laws and regulations. However, the sessions of the Congress are rather short, and some Congress does not possess the right to make local laws and regulations. Thus, it is not clear whether the Congress should realize its executive function through supervising the executive and judicial branches, or it should perform this duty by itself. The inevitable result is that either this function cannot materialize, or it overlaps with other functions. Let me give another example. The LPCs has the duty to protect the legitimate rights and interests of the citizens. However, the protection of civil rights involves the stipulations in the Constitution on the basic rights and duties of citizens, and thus belongs to the area of national legislation. It is impossible for the LPCs to go beyond the limits set by the Constitution and other laws to revise the stipulations themselves concerning civil rights. It can only protect the rights and interests of the citizens by supervising the executive and judicial branches. So this is essentially a matter of supervision. If this duty implies that the LPCs should supervise the executive and judicial branches, then it is possible to materialize. However, if it implies that the LPCs itself should take up the responsibilities to protect civil rights of the citizens, then it is impossible

to materialize. There are numerous other examples. These impractical stipulations can make little positive contributions to the development of the LPCs system.

The second feature of the relevant stipulation is that the official powers of the standing committees on and above the county level is very similar to those of the corresponding Congress. The standing committees have its own executive agencies. Although the stipulations in the Constitution and other laws on the official rights of the standing committees are still vague, compared with those of the Congress, they are easier to realize. In fact, the actual operation of the standing committees after its establishment shows that those stipulations are rather practical. Evidently, these can complement the impractical powers of the Congress itself.

After analyzing the official powers enjoyed by the LPCs, we can see that, if the LPCs is to exercise its functions, it can only do so through the operation of the standing committees, rather than through those stipulations, which seem comprehensive but are hard to materialize. At the same time, owing to the similarity in powers, we can say that there should be a mechanism in the LPCs, through which the Congress elects and authorizes the standing committees. The congress can only wield its power through this mechanism. In other words, although, theoretically the Congress is the more authoritative agency, which entrusts some powers to the standing committees, it is the actual operation of the standing committees that ensure the status of the Congress.

In my opinion, the reform and improvement of the relationship between the LPCs and its standing committees should be approached in the following ways.

- i. The stipulation in the Constitution and Local Organization Law on the official powers of the LPCs should be revised, the powers of the Congress should be clarified, and those vague, impractical powers should be omitted, so that the stipulations have real meanings.
- ii. The standing committees and its agencies on and above the county levels should be strengthened, to fully exercise the functions of a power organ.
- iii. Because the LPCs on and above the county levels further entrust its powers to the standing committees, the status and powers of the Congress itself are weakened. So, the large but insignificant Congress itself should be gradually revoked, and the standing committees should transform into the new Congress, effective in functions and proper in magnitude, so that the real state of the LPCs system can match the stipulations. This will not only make the LPCs more efficient, but will ensure the prestige and authority of the People's Congress system in China.

We can improve the relationship between the Congress and its standing committees from an alternative direction, i. e. , the standing committees can be cancelled, and, at the same time, the LPCs itself can be reformed basically. (1) The number of the members of the Congress should be drastically reduced, so that the Congress has a proper magnitude. While the members of the Congress should be highly representative, the Congress should not be so large as to make it difficult to meet and the members should be able to communicate with each other successfully. (2) The Congress should be standing, and the

members should have specialized duties, so that the LPCs and its members can constitute a substantial part in the local governance pattern. (3) The sessions of the Congress should be considerably prolonged, so that the Congress might have ample time to exercise its duties. One major defect of the current LPCs is that the sessions are so short that the Congress has not enough time to consider the problems at issue. (4) The political nature of the members of the LPCs should be revised. Instead of a symbolic and honorific title, the Congress members should be the representatives of local people and professional politicians, which are a part of the local politicians including the local officials in local government. (5) The structure of the Congress members should be changed, so that, only those people who are local citizens and are not government officials can be Congress members. Government officials in office and others on specialized political positions (i.e. the Party cadres) should not be allowed to be Congress members. This is because of two reasons. First of all, there is only a very restricted channel for common people to express their interests, so the LPCs should become the major system for local people to form and express their interests. On the contrary, government officials and other people on political positions already have enough channels through which their interests are formed and expressed. Secondly, for the nature and status of the LPCs within the local governance structure, the importance of the LPCs is precisely based on its power to supervise and control the local government and its officials. So, it is difficult to imagine how the LPCs can wield its power, when the Congress members are at the same time government officials in office.

- iv. The Local Election Laws should be revised to pave the way for the direct or indirect election of members of LPCs standing committees (i.e. the future Congress members). Only when the Congress members are highly qualified and have the needed specialized expertise, can the position of the Congress be cemented, the functions of supervision, check and balance be fulfilled. In the transformation of the election of Congress members, direct elections should be carried out as soon as possible. At the same time, the election process should be strict and more transparent to outer observations, so that the election will become an important integrating factor in local governance. Now, the direct election of Congress members are only confined to the levels of county and township, elections on other levels are still indirect. Indirect election greatly weakens the authority of the LPCs in the local governance structure. Indirect elections not only affect the current local governance in China, but will come into conflict with the interests of the central government. The history since the initiation of the reform program has shown that, while the policies of the central government are often in line with the interests of local people, these policies have to be implemented by local governments and their officials. Thus, it is possible for local governments and officials to mix their own interests in implementing the policies, and even pursue their own interests at the expenses of the general interests of the central government. If direct elections

are practiced, the local people and the central government may form an alliance. This will surely, to some extent, restrict the inefficiency, the contortion in policies resulting from the local governments and their officials' pursuit of their own interests.

- v. The standing committees on the township level should be established as soon as possible and it should, on appropriate occasion, merge with the Congress. The important of local politics on the township level is self-evident, and the LPCs on the township level is a significant factor which nobody can ignore. The sooner the Congress is reformed, the better. The better exercise of the political function of the LPCs on the township will lay a good foundation for the political democratization in China.

#### Notes

- (1) For instance, during the first "5-year Plan", the financial income of the central government is 80% of the national financial income, and the expenses by the central government constitutes 75% of the nation expenses. See Guan Shan and Jiang Hong: *The Broken Economics*, Ocean Press, Beijing, 1990, p. 2. (in Chinese).
- (2) Stephen White, etc.: *Communist and Post-communist Political System: An Introduction*, Third edition, 1990. Published by Macmillan Education LTD, p. 172.
- (3) In 1956, Mao Tse-dong pointed out the seriousness of this problem, and advocated that "the local governments should have more independence". See *The Selected Works of Mao TSe-dong*, volume v, the People's Publishing House, Beijing, 1977, p. 275. (in Chinese).
- (4) See Jing Yan-nian and others: *Local People's Congress in the Contemporary China*, China Democracy and Law Press, Beijing, 1991, pp. 35-36. (in Chinese).
- (5) See the relevant observation of Anthony Giddens on totalitarian states in *The Nation-state and Violence*, Life-Reading-Knowledge Trinity Press, 1998, p. 352. (Translated into Chinese).
- (6) Mao Tse-dong always advocated that, "the central government must have a strong leadership, there must be uniform plan and uniform discipline all around the country. Any attempt to do harm to this necessary uniformity is not allowed." these ideas of his became the political principles at that time. See *The Selected Works of Mao TSe-dong*, volume v, the People's Publishing House, Beijing, 1977, p. 276. (in Chinese).
- (7) The acquisition of the status of a substantial entity by local government is related to the reform of the financial system and the expansion of the power of local government to regulate local economy.
- (8) The Bill on the Revision of provisions in the Constitution of the People's Republic of China and Local Organization Law passed on the 2nd session of the 5th National People's Congress in July, 1979, stipulated the above-mentioned changes.
- (9) See Xie Qing-kui and others: *Contemporary China's Government*, Liao Ning People's Press, Shenyang, 1991, pp. 30-35 and 41-43. (in Chinese).
- (10) Refer to the relevant provisions in the Law on the Organization of LPCs and local government on Various Levels in the People's Republic China, which was passed on September 21, 1954, by the first session of the first National People's Congress. In the subsequent Local Organization Law, these stipulations have not changed a lot.
- (11) Laws concerning the LPCs passed after the 3rd session of the 11th Party Congress include: Law on the Organization of Local People's Congress and Local Governments on Various Levels in the People's Republic of China (passed on July 1, 1979 by the 5th NPC standing committees), the Bill on the Revision Local Organization Law (passed on

December 10, 1982, by the 5th sessions of the 5th NPC), and another Bill with the same name (passed on December 2, 1986, by the 18th session of the 6th NPC).

- (12) See the Research Center of the Office of the NPC standing committees: *Documents of the NPC of the People's Republic of China (1949-1990)*, China Democracy and Law Press, 1990, p. 585 and pp. 611-612. (in Chinese).
- (13) For this matter, see Jing Yan-nian and others: *Local People's Congress in the Contemporary China*, pp. 92-98; Xie Qing-kui and others: *Contemporary China's Government*, pp. 254-256.

#### References

- Selected Works of Liu shao-qi*, The People's Publishing House, Beijing, 1977. (in Chinese).
- The People's Congress System in 40 years*, compiled by the Research Center of the Office of the National People's Congress' Standing Committee, China Democracy and Law Press, Beijing, 1991. (in Chinese).
- How the Local People's Congress Exercise Their Powers*, compiled by the Research Center of the Office of the National People's Congress' Standing Committee, China Democracy and Law Press, Beijing, 1992. (in Chinese).
- Xie Qing-kui: *The Local Governments in China: An Introduction*, China Broadcasting and TV Press, Beijing, 1998. (in Chinese).
- Cai Ding-jian: *The People's Congress System in China*, China Democracy and Law Press, Beijing, 1992. (in Chinese).
- Tang Xiao-kui and others: *A Comparative Research on Local Legislation*, China Democracy and Law Press, Beijing, 1992. (in Chinese).