

More Power to the People's Congresses? Parliaments and Parliamentarianism in the People's Republic of China

Jean-Pierre Cabestan*

Summary

The Chinese Communist Party (CCP) exerts its supremacy over the local and national people's congresses in two major ways: on the one hand, the CCP still tightly controls the various elections of its members, while on the other, it makes sure that the leading bodies of these congresses are dominated by CCP leaders at the same level. Nevertheless, the very existence of these congresses, the influence they exert on and the growing role they play in administrative affairs, particularly in drafting laws and regulations, are all worth assessing, especially in the economic and social environment that is taking shape in China today. The pluralisation of economic interests and the deepening social stratification that are taking place have both had an impact on the election processes and the actual powers of the people's congresses. People's congress delegates will not only continue to act as "remonstrators," but also as participators in the government of the Party-state. However, genuine parliamentarianism has not emerged in China so far. Only when the word "people's" is dropped from the name of the congresses will China's local and national congresses really become true parliaments that democratically represent the people who are supposed to elect them.

I. Introduction

Article 2 of the Constitution of the People's Republic of China stipulates that all power belongs to the people. The National People's Congress (NPC) and the local people's congresses at various levels are the organs (*jiguan*) through which the people can exercise state power (*guojia quanli*). But what actually is "state power" in China? It's true that the current constitution, promulgated in 1982, no longer states that the NPC works "under the leadership of the Chinese Communist Party (CCP)" (*zai Zhongguo gongchandang lingdao xia*), in contrast to the constitution enacted in 1975 at the end of the Cultural Revolution (Article 16, §1). And since 1979, laws on local people's congresses and local people's governments have been adopted and revised several times in order to strengthen these elected bodies. Yet can we really

* Jean-Pierre Cabestan is Senior Researcher at the French National Centre for Scientific Research (CNRS), Institute of Comparative Law, University of Paris 1.