Liberalization without democratization: a comparative study on the legislative reforms in China, Vietnam and Laos

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LIBERALIZATION WITHOUT DEMOCRATIZATION:

A COMPARATIVE STUDY ON THE LEGISLATIVE REFORMS IN

CHINA, VIETNAM AND LAOS

by

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**Abstract:** The economic reforms in China, Vietnam and Laos have not been carried out without a series of corresponding political reforms being conducted throughout. While significant political reforms to democratize the general political system have not been seen, there is a trend towards liberalization of the legislature through the legislative reforms. This paper compares the legislative reforms in China, Vietnam and Laos, examining the rationales behind the reforms, how these socialist countries' legislatures are structured through reforms, what functions they are performing, and assessing the relationship between legislature, state, and the ruling single party. The author argues that legislative reforms will move forward because of the ruling party's political will and the need to sustain the economic reforms; more significantly, the reforms will lead the legislatures and the countries to a liberalization-without-democratization style of political setting.

**Key words:** China, Vietnam, Laos, legislature, legislative reform, liberalization.

**List of Abbreviations:**

CCP: Chinese Communist Party  
IPU: Inter-Parliamentary Union  
LNA: Laos National Assembly  
LNASC: Laos National Assembly Standing Committee  
LPRP: Lao People's Revolutionary Party  
NPC: National People's Congress  
NPCSC: National People's Congress Standing Committee  
ONA: Office of the National Assembly  
VCP: Vietnamese Communist Party  
VNA: Vietnamese National Assembly  
VNASC: Vietnamese National Assembly Standing Committee  
VOV: The Voice of Vietnam
I. INTRODUCTION

The break-up of the Soviet Union and the resulting political revolutions in East Europe around 1990 not only brought the doctrine of Marxism/Leninism to an end, but also fomented a worldwide movement of freedom of tyranny, pursuit of democracy, political pluralism, and renovating state building under the notions of constitutionalism and separation of powers (Schellhorn, 1992). This significant change of world politics has nevertheless imposed enormous amount of impacts on the remaining communist regimes especially in Asia (except North Korea), putting them under huge pressures to contemplate serious reforms on their political system one way or another in order to survive the regimes. Internally, on the other hand, the centrally planned economy failed and put those regimes on the edge of economic collapse, which inevitably forced the communist countries to undertake economic reforms even earlier than the world political changes that occurred in late 1980s. For example, China embarked on its economic reform as early as late 1970s after suffering the notorious Culture Revolution, while Vietnam, Laos, Cambodia, and Myanmar underwent various forms of economic transformations starting from mid 1980s. Unsurprisingly, the processes of economic reforms have not been coming without a certain degree of corresponding political reforms and legal reforms aiming to facilitate and safeguard the implementation of the former. This phenomenon has drawn enormous political scientists’ attentions to observation and evaluation of the post-communist countries’ political reforms. One most salient example is China. As observed by Zheng (cited in He, 2012) “[A]s China has moved away from revolution and class struggle to economic reform and construction,
the Party’s ideological work and organizational control can no longer effectively meet
the challenge of a new and dynamic economy and an increasingly diverse society. State-
building, such as revitalizing the institution of the people’s congress and enhancing the
legal system, becomes necessary, if not inevitable.” Due to the legislature's political
status, and given the legislature's supreme power, however in theory, vested in the
socialist countries' constitutions, the process and effects of reforming legislature are
deemed most critical and significant to the political reforms in general by many scholars.
Notwithstanding the fact that no such reforms by far have liberalized the one-party rule,
it is within the legislature that scholars have observed positive steps towards political
liberalization (Malesky & Schuler, 2010). Prevailing features of the legislative reforms in
the remaining communist regimes, e.g., legislatures are no longer a rubber stamp, their
political status has been heightened, functions and roles are expended, competitive
elections are held, representatives become increasingly assertive, and dissenting votes
cast against executive appointments/motions are no longer unusual any more, are
conspicuous and the impacts of reforms are widely studied by scholars, though it is also
ture that the reforms have not been without encountering challenges and obstacles.
Nevertheless, as Solomon (2007) pointed out, in the case of Vietnam, legislative reforms
"can be seen as a key barometer of doi moi in the political arena".

Presenting a full account of legislative reforms in all remaining communist
regimes may seem too ambitious and unrealistic, given the constraints on the length of
this paper and, most importantly, the unavailability of sufficient academic and empirical
research that has been done on each of those countries—scholars tend to place unequal
importance to their research into individual socialist countries largely because of, among other things, the difference in the geopolitical significance among those countries—which is quite understandable. In light of this, this paper devotes most of its attentions to three selected socialist countries in Asia, namely, China, Vietnam, and Laos, on the ground that they are not only geographically, culturally, and politically associated with each other but also have all experienced a similar trajectory of economic transformation and political reforms to some extent. However, thanks to the distinct differences among them in terms of their size of economy, international influence, width and depth of reforms, etc, tremendous academic research and scholarly debates have been devoted to China, while fewer attentions are paid to Vietnam and least of all to Laos. There is no exception in the area of legislative reforms and political reforms in general. Notwithstanding that, for each of the three countries, although literature on reforms on their respective legislature is available, however different in attentions, few comparative studies on the three have been done, nor are related research findings available. Malesky, Abrami, and Zheng (2011) contrasted the political institutions in Vietnam and China in an attempt to unearth the causes for the dramatic income inequality between the two, while McCormick (1998) compared and assessed the political prospects of China and Vietnam in the reform era. However, none of them conducted substantial analytical comparisons for the two regarding reforms on legislature, let alone including Laos in their analysis. Finally, there seems to be a lack of adequate theories guarding the development of legislatures in single-party authoritarian regimes. "The most prominent explanation linking nominally democratic institutions to regime survival
is the “cooptation theory,”” as pointed out by Malesky and Schuler (2010), who contend that cooptation theorists and proponents hold a view in that outside groups should be allowed to participate and have a formal say in policy-making process via the venue of "quasidemocratic institutions such as elections and assemblies", making this as a corrective remedy to oppressive rules and thus helping the authoritarian regimes survive. By virtue of the significance of legislative reforms to the political system as a whole in the post-communist regimes, advancing and even developing relative theories on this front do not seem unduly necessary, particularly, from a comparative perspective. This paper tries to fill these gaps, i.e., bringing the aforementioned three socialist countries together, comparing and contrasting their reforms on legislature, and attempting to lay an analytical foundation for building and construing future comparative theories on authoritarian legislature--whereas, this is clear that trying to craft a theory out of this paper is beyond the author's attention and is not the aim of this paper.

Since this is a comparative study, there should be questions raised as to what are the different driving forces to the reforms? Do the reforms hold the same objectives? Will they move forward toward a similar direction? To what extent has legislature become independent of party control? Just name a few. Furthermore, the examinations of legislatures in this paper focus primarily on the national level only, given the limitation of the length of paper as well as the complexity in the sub-national level institutional reforms. Ultimately, my arguments are that, on the one hand, legislative reforms are a non-stoppable mandate for the ruling party as both of the leadership's
political wills and the ongoing economic reforms require the continuation and perfection of the reforms. On the other hand, whilst there is no sign of achieving real, substantive political reforms ending the authoritarian rules in any given situation and in any foreseeable future, the reforms do bring some sort of liberalization in the political arena, moving the legislature, and possibly the whole political environment, toward a direction of liberalization-without-democratization. This paper also reveals that, from a comparative point of view, the Vietnamese outperforms its Chinese counterpart in reforming their legislative system, while the Laos' reforms on legislature makes the least progress.

The paper is structured as follows to answer the above questions and support my arguments. Following this section one, section two will briefly go over the history of legislative development and reforms in the three countries, providing the background for a comparative study and analysis. Since the legislative reforms are apparent and significant, one may wonder why these happened. Section three therefore addresses the rationale behind the legislative reforms. Section four compares the structure of the national legislature in terms of legislative elections, institutional settings and procedures, followed by section five where legislative functions/roles are examined. Section six demonstrates the achievements and improvements that the legislative reforms have made, while section seven targets on the challenges and obstacles that are impeding the legislative reforms. Section eight is trying to deal with a critical question--how much independent legislatures are from the ruling party's control--by giving a comparative
analysis of the three legislatures. Finally, the paper will conclude with my predictions to
the trend of future legislative developments in the three countries.

II. A Brief History of Legislative Development

Comparatively, the Chinese National People's Congress (NPC) has been
experiencing a more turbulent course of evolvement. It was first established in 1954
when the first Constitution was adopted. Though NPC had Plenary Session and relevant
committees were also set up, neither of them had sound organizational structure in
place prior to the reform era. During its nascent stage, NPC's role was to mainly serve as
an institution for the United Front purpose. However, when the subsequent social
revolutions went deep and wide, i.e., Anti-Right Movement, the Great Leap Forward,
and the Cultural Revolution, the NPC was paralyzed and totally ignored in the Chinese
political arena. It is true that before the reform era starting in the end of 1970s, the
NPC's existence was of little notice. It was functioning simply to endorse the decisions
and policies made by the Chinese Communist Party (CCP). Without being granted
minimum political power, the NPC before late 1970s was a true "rubber stamp"
parliament.

Then came the turning point when Mao died in 1976, which prompted a series of
sociopolitical reforms thereafter. In December 1978, The Third Plenum of the 11th CCP
Central Committee officially declared the "Reform and Opening Up" policy which
unveiled a society-wide reform era where political system reforms, including the
reforms on legislature, were equally triggered and carried out with unprecedented
effects on developing political entities' powers and functions. Since 1978, scholars like Kevin O'Brien (1990) observed that every year the people’s congresses were convened by party leaders, lively debate was encouraged, legislative committees were re-established with expanding functions, and NPC's involvement in "law making, oversight, representation, and regime-support activities reached and surpassed the level of the mid-1950s", "Even after the promulgation of a new constitution in 1982 and the military suppression of 1989, discussions continued on the proper role of a legislature in a socialist, one-party state and reform proposals continued to appear".

No doubt the recent rapid evolution of NPC was triggered by and large by the economic reforms--the said "Reform and Opening Up" policy, rather than by a pure political reforms per se. As a result, the rapid economic changes that are happening in China not only require a better functioning legislative system to support the economic growth, but also at the same time offer a most hospitable environment to legislative development (Xia, 1999). Today, as Xia (1999) pointed out, "The NPC has emerged as a big winner in the 20-year course of marketization and regime change", and it "has become better institutionalized and more assertive in using its power". This can be observed from the leadership's perspective, where prior to the reform era, the Chairman of the NPC took the nominal position as an important political figure, while after the reforms, Chairmen of the NPC, who usually ranked number 2 or 3 in the Chinese political power hierarchy, assumed real political powers. Leadership in NPC has been strengthened along the reforms. "It is clear that the party has taken the NPC seriously and has thus appointed a most important figure to it" (He, 2012).
Similar to the initial stage of the NPC in China, the Vietnamese National Assembly (VNA) played an unimportant, peripheral role in the Vietnamese politics as well as in the policy making process during the period between the first post-reunification election in 1975 and the reform era initiated in mid 1980s (Malesky & Schuler, 2010). When the reforms were declared in 1986 (in Vietnam, it is called Doi Moi, meaning renovation) as a consequence of a series of economic crises (Malesky & Schuler, 2010) as well as the failure of the centrally planned economy in delivering welfare to the citizens (Andersson, Granstedt, Rönnmo & Nguyen Thi Kim Thoa 2012), economic activities, first in agricultural and private sectors, then in trade and foreign investment later, were gradually liberalized. In the course of building a market-oriented economy, the political environment was also stimulated towards changes. One salient area is the legislature. Reforms were targeted on the legislative system in order to provide legal and policy supports to the economic growth. The new constitution of 1992 set forth a milestone for the National Assembly in its history of development, where the VNA was formally promoted to the highest state power position “with exclusive powers to enact laws, approve the state budget and exercise control of the executive and judiciary system” (Andersson, Granstedt, Rönnmo & Nguyen Thi Kim Thoa 2012).

The Laotian legislature experienced a very similar trajectory as the Vietnamese, in particular, due to the two countries’ close political, cultural, and economic ties in history. The very early Laotian legislature was called the Supreme People’s Assembly which was established with the foundation of the Lao People’s Democratic Republic in December, 1975. The country was thereafter under the rule of the single party—the Lao
People's Revolutionary Party (LPRP). For the first decade after the LPRP took power, the country was under the single party's rule without a constitution. Economic activities were all centrally planned, and the Supreme People’s Assembly had little legislative activities, let alone legislation and policy making.

Economic situations exacerbated in Laos till mid-1980s. The LPRP had to take actions to tackle the deteriorating problems. Ultimately, following with China and Vietnam, the Laos government in 1986 launched the new Economic Management Mechanism, a reform aiming at establishing a market economy through decentralization of control, liberalization of private sectors, and opening up trade and foreign investment opportunities. Consequently, Laos new 1991 Constitution set forth the goal of pursuing the market economy, and laid a legal basis for the market development, while single party rule was not abandoned. Nevertheless, the legislature was strengthened accordingly in an attempt to safeguard the economic development. In 1993, the name of Supreme People’s Assembly was changed to the Laos National Assembly (LNA) which was endowed with substantive powers in legislation on economic and other social life.

The most conspicuous feature of the aforementioned legislatures that one can observe is that all the reforms on the three legislatures (NPC, VNA, LNA) were triggered and driven by economic reforms. That being said, none of the legislative reforms in the three countries were cultivated and prompted from within the political arena with a solid political reason—an outside force pushing the reforms instead.
On the other hand, the role of leadership in the development of legislatures seems to be divergent considerably. In the Chinese context, the NPC’s evolvement attributes significantly to the Chairman Peng Zhen during his tenure from 1983 to 1988 and his work prior to that period, when he exerted huge amount of efforts on building the NPC into a functional and more institutionalized organization. Under his leadership, Peng Zhen made the NPC a supreme power organ in China and laid the foundation for its future expansion (Yew & Chen, 2010; Xia, 1999). Some scholars viewed the work of Peng Zhen on NPC as the result of political power struggles where Peng Zhen used the NPC as an institutional platform to counter the reform policies embraced by Deng Xiaoping (Dowdle, 1997; O'Brien, 1990). Nonetheless, Peng was situated in a historical position in terms of NPC’s development. The leadership role in the Vietnamese case is somewhat of less significance. Top leaders, such as the General Secretary Nguyen Van Linh who did advocate first that the VNA “must play a real political role in debating and questioning policies” (Solomon, 2007). However, there was no such a political figure as critical as Peng in China in the history of VNA, nor is in the Laos legislature. That being said, despite the forces of economic growth, there must be some other significant factors that have been driving the legislatures to experience dramatic changes, such as political power struggles as seen in China. The next section is devoted to exploring those driving forces behind the scene.

III. Driving Forces for Legislative Reforms
Being neglected for decades, why and how did the legislature grab the ruling party’s attention and devotion to a large extent on reforms? What are the major forces behind this dramatic developmental and reform momentum? Among other things, this paper identifies four major, interrelated factors that have been driving the legislative reforms in all the three countries.

First and foremost, as mentioned in the foregoing section, economic reforms initiated in China, Vietnam and Laos are the predominant factor that triggered the ensuing legislative reforms. In the course of pursuing market economy, and with the liberalization of various social and economic activities, the former Leninist government institutions were broken up, or at least undermined unavoidably. Meanwhile, different, pro-reform, democratic-style norms and practices of state organs were mandated to establish in order to guarantee and promote reforms while maintaining political stability. Strengthening legislature turned out to be the focal point of serving this end, because a functioning, efficient legislature can help boost economic growth by providing a hospitable environment via legislation on social life and economic activities, supervising and constraining government behaviors from overly intervening in market. It is evident in particular when the notions of rule of law as well as administration according to law were introduced to China and Vietnam in 1990s, where both countries' national legislatures adopted a great number of significant pro-market economy regulations and laws. The LNA passed similar legislation in order to create more foreign investment opportunities as well. At the same time, a series of systematic reforms within the legislature itself were effectuated to facilitate the economic reforms.
Secondly, leadership in the three countries has been plagued by the crisis of legitimacy for ruling which they must find a way to address. The aftermath of centrally planned economy forced them to seek alternatives and strategies to maintain their legitimacy in ruling. “[A]ugmenting the regime’s legitimacy, which is the major, if not the sole, reason for its existence in many non-democratic polities” (Hu, 1993). While economic reforms became an exclusive option, it itself in return undermines the capacities of a Leninist state, especially against the backdrop of the break-up of the Soviet Union and the social political revolutions in East Europe. How to maintain a single-party rule in a legitimate manner became a pain in the neck for many remaining socialist countries. Except for continuing propelling economic growth, certain political changes such as a strengthened and democratic-like legislature is necessary and even mandatory. Reformers acknowledge that legislature is a proper institutional platform where legitimacy can be boosted through integration of diverse social groups; re-building and promotion of party/state-society relationship via representatives’ penetration into society; and most importantly, winning supports of reforms from newly enrolled members, e.g., intellectuals, technicians, merchants, former industrialists, to check inner-party coups who are hindrances to reforms (O'Brien, 1990). On the other hand, legislative reforms contribute to not only enhancing government efficiency as a result of strengthening the legislature's supervisory functions, but also building a stronger legislature which “would help realize party policy” and “would rationalize and popularize authority and regularize one-party rule” (O'Brien, 1990). In one word, top leaders in China, Vietnam, and Laos are aware of the legitimacy crisis they are facing
with and one unanimous action they have taken was to reform and strengthen their legislatures “so as to create new forms of legitimacy” (McCormick, 1998).

Thirdly, legislature has been developed and reformed in response to an increasingly pluralist society and the demands of growingly diverse interest groups. The economic reforms in all three countries resulted in not only the emergence of civil society but also the transition to a more pluralist society. Legislative structure and policy making procedures are thus institutionalized and renovated to correspond to these changes. Take China as example, although it is hardly denied that the most crucial decisions are still being made by the party, the annual NPC Plenary Session has become more important in terms of policy debates and decision makings “due to the complexity of many socioeconomic challenges facing the 1.3 billion people today and the necessity to coordinate different interest groups even within the ruling class” (Yew & Chen, 2010). Particularly in the legislative drafting processes, it has long been discerned that a wide range of private interests and NGOs were encouraged to provide inputs in drafting laws. For instance, the All-china Federation of Trade Unions participated in drafting State-Owned Industrial Enterprise Law in 1987, and Labor Law in 1995, while All-China Lawyers Federation was brought in the process of drafting the Lawyers Law, and the All-China Women’s Federation in drafting the Women’s Rights Law (Dowdle, 2002). Additionally, regional competitions have been intensified since the economic reforms. As consequence, pluralism emerged and is reflected in the NPC delegations. Representatives started to view their own roles from an increasingly pluralistic perspective, conducting relevant legislative activities in a pluralistic way, which has led
to “pluralist delegate assertiveness”—“now a normative feature of China’s political landscape (Dowdle, 2002). Similar situations exist in Vietnam also, where intra-party dissent and divergent regional interests’ competitions require a strong, capable legislature to improve the responses to and handling with social and political pluralism.

Last but not least, a healthily, functioning legislature can enhance political stability. On the one hand, in a single party ruling setting, a strong legislature would help strengthen party leadership, effectuate party policy, and enhance government agency responsibility and capability (O’Brien, 1988). On the other hand, by strengthening law-making and promoting democratic procedures in legislative activities, political stability is realized. Specifically, delegates’ dissenting votes and abstentions, which reveal certain competing interests and conflicts within the party, are by no means unusual in the past three decades in the NPC. However, as He (2012) aptly points out, “[r]ather than harm or challenge the party’s leadership, it is intended to perfect and thus strengthen the party’s leadership”, and thus achieving political stability.

IV. Structure of the Legislature

Legislative reforms in China, Vietnam and Laos focus on the improvement of structure in terms of legislative election and procedures, as the structure reforms to a large extent reflect the political will of the legislature to "develop and rationalize its various constitutional roles into a coherent institutional framework within the significant constraints of its political environment" (Dowdle, 1997). In order to have an insight into the nature of the legislative reforms, detailed comparisons on the structure
of legislature in the three countries, i.e., legislative elections, institutional settings and procedures, are elaborated as follows.

**IV. 1. Legislative elections**

The Chinese National People's Congress is a unicameral parliamentary system. With around 3,000 elected deputies, it is probably the largest legislature in the world. Starting from 1979 when a new Election Law was promulgated, China has been reforming its legislative election procedures. New mechanisms, such as open nominations, having more than one choice among candidates, direct elections at and under county-level people's congresses, and indirect elections to provincial and national people's congresses (i.e., NPC deputies are elected by deputies to the provincial people's congress who in fact are elected by county level people's congresses deputies) were mandated in the 1979 law. Electoral campaigns were rare and even prohibited in most elections. In reality, almost all candidates were nominated by the CCP through a variety of control mechanisms at all levels. Although the election law was amended quickly three years later, it reinforced the candidate nomination and election via party controlled electoral committees, rather than allowing popular elections to take place. Anyhow, moderate improvements were even not perceived, e.g., "prevailing practices and norms, however, continued to favor party-sponsored nominees" (O'Brien, 1990). In 2004, the Election Law got amended again, where "party domination and interference, which have been pervasive in the electoral system for NPC deputies, were neither addressed nor rectified" (Yew & Chen, 2010). However, the most recent 2011
Amendment equalized the representation ratios of rural and urban NPC deputies, which was a huge step forward and a significant achievement in realizing legislative justice.

Another feature of the Chinese legislative election is the groups of representatives—a practice derived from the Chinese Organic Law—“deputies to the National People’s Congress are divided into groups based on the unites which elect them”. A new phenomenon emerged since 1990s when independent candidates began participating in local people's congress elections. Despite the fact that few of them succeeded in the election for a variety of reasons, among those who did win the elections, their roles and voices were usually suppressed. Yet, O'Brien (1990) argued that minimum representation did exist, which kept evolving even within the largely unrepresentative system. This was evident by the diversity of components of deputies as well as their advocates for their own interest groups.

The Vietnamese National Assembly (VNA) has a similar unicameral institutional setting for legislature with, however, a much smaller size of deputies (less than 500). Most remarkably, the Vietnamese legislative system might be more advanced and more democratic than its Chinese counterpart in that 1) its deputies are all elected through popular election without having party interference and control in the election process (Dalpino, 2000); 2) there are laws guarding that the full-time delegates must at least constitute 25% of the total number of the members (Abuza 2004, cited in Malesky & Schuler 2010); 3) some locally nominated delegates "maintain representative offices in their constituencies, where they conduct constituency services and receive petitions from voters" (Malesky & Schuler 2010). Another distinctive feature of the VNA elections
is that the local and central governments nominate their own candidates respectively.
Broadly speaking, the elections go through "five gates" [năm cửa]. The first gate is for the
outgoing VNA to set targets on the component of the next VNA in terms of percentage
of demographic groups, number of candidates that are to be nominated by different
institutions, and so forth. The second gate is for the relevant institutions to nominate
candidates according to their allotted target. Independent candidates are also allowed
to self-nominated at this stage. At the third gate, the central agencies nominate their
own candidates (about 1/5 of total candidates), who are usually important peoples that
will occupy important positions in the VNA after their winning the elections, while the
Fatherland Front, which is an umbrella civil organization established by the VCP to link
itself to the society, will determine who will be the other 4/5 candidates nominated at
the provincial level. The fourth gate is de facto a screening process where candidates’
neighbors and co-workers are interviewed in an attempt to assess the eligibility of the
candidates. The five stage finalizes the list of candidates who then will be assigned to
constituencies to participate in the election (Malesky & Schuler, 2008). Most noticeably,
the VCP makes every effort to make sure that the centrally nominated candidates will
win the elections in their assigned constituencies. For instance, centrally nominated
candidates never compete with each other because they are deployed to different
constituencies, where they compete against locally nominated candidates. However,
irregularity may also occur. In 2007, twelve centrally nominated candidates lost the
elections, which was an unprecedented event showing "some of the risks involved in
opening up the NA to direct election" (Malesky & Schuler, 2008). Anyhow, the
Vietnamese legislative elections are more competitive than the Chinese ones largely thanks to its direct election mechanism.

In the case of Lao's National Assembly, the unicameral legislature is elected by direct and universal suffrage. The number of its elected members grows from 45 in the very first LNA to the most recent 132 elected to the new legislature on April 30, 2011. The ruling LPRP swept 128 seats while the remaining four went to independent candidates. Except for independent candidates emerged in the early 2002 elections, private owners have started involving in the legislative elections and even won seats (e.g., four seats were won by entrepreneurs of private companies) (IPU).

**IV. 2. Plenary Session and Procedures**

In theory, all the three legislatures were granted by their constitutions a supreme state power status above the executive and judiciary branches. The NPC's, according to the Constitution, can amend and interpret the Constitution, enact basic laws, elect and remove the President and other top leaders for central government and the Supreme Court, and declare wars. Comparatively, the VNA's powers are even greater. Table 1 reveals the duties and powers of VNA.

Table 1: The duties and powers of the National Assembly (McCarty, 2001).

1. Drawing up and amending the Constitution; making and amending laws; and deciding the programme for making laws and ordinances.

2. Practicing supreme power of supervision in order that people comply with the
Constitution, laws and resolutions of the National Assembly; examining reports on the activities of the Head of State, Standing Committee of the National Assembly, Government, Supreme People’s Court and the Supreme People’s Prosecutor’s Office.

3. Deciding on plans for the nation’s socio-economic development.

4. Deciding the financial and monetary policies of the State; deciding on the State budget and State budgetary allocations and approving the final balance of the State budget; and imposing, amending or repealing various kinds of taxes.

5. Deciding on the State’s ethnic minority policy.

6. Regulating the organization and activities of the National Assembly, Head of State, Government, People’s Court, People’s Prosecutor’s Office and local authorities.

7. Deciding on fundamental foreign policy; ratifying or nullifying international agreements, which have been signed or adhered to in accordance with proposals by the Head of State.

8. Deciding on the organization of referendums.

Unlike its Chinese and Vietnamese Counterparts, the LNA delegates much of its functions to its Standing Committee, i.e., electing and removing top state leaders, amending and interpreting Constitution. Moreover, while NPC and VNA both hold its sessions twice a year, the number of plenary sessions held by LNA varies depending on needs.
In terms of law-making process, the Vietnamese *Law on the Organization of the Government* provides how laws are adopted. When a new policy is developed by a Ministry, it must submit a bill to the Office of the Government. If the latter passes the bill, it will then submit the bill to the VNA for approval. However, the VCP has the final say on adopting or annulling the bill (McCarty, 2001). In the Chinese case, primarily, proposing legislation is twofold: ministries and commissions under the State Council draft laws which are then submitted to the Legislative Affairs Office of the State Council, where the drafts are to be reviewed and then forwarded after approval to the National People's Congress Standing Committee (NPCSC); on the other hand, the Organic Law and the Constitution authorize the rights to the deputies to submit bills to the NPC, which, however, due to the limited time for deliberating during plenary sessions, the lack of adequate expertise in review and debates, and the enormous amount of proposed bills, NPC has to delegate this function to the NPCSC, where its 155 full-time, professional members can meet more frequently. Thus, legislative powers are shared between the NPC and its NPCSC, where the former is responsible for enactment of 'basic' law (laws in relation to civil, criminal, and constitutional affairs), whereas, the latter focuses on 'ordinary' laws (laws in economic areas, etc) (Green, 2003). In contrast to the substantive legislative role the NPCSC plays in China, the work on law-making in the LVA is shared fairly equally by its Standing Committee and the six special committees.

Notwithstanding the short session period for the NPC, its bi-annual sessions do provide increasing opportunities for deputies to speak out for their concerns and
problems in their constituencies. During each of the two-week session, NPC becomes a public forum where local delegations debate candidly about their problems, discuss and vote for/against government work report and legislation, approve or disapprove changes in government personnel, so to speak. NPC is composed of 35 delegations including those from Hong Kong and Macau. Each delegation has a chief who also serves as a member of the Presidium where he or she will "communicate and explain to members important decisions made by the top leadership and convey delegates’ viewpoints to the Presidium" (Yew & Chen, 2010). Additionally, the new Organic Law and Constitution endow the rights to deputies to inquire the State Council and its subordinate agencies and require written or oral responses (O’Brien, 1988).

**IV. 3. Committees**

The NPC, VNA, and LVA are all organized into Standing Committee and some other specialized committees. Except for the NPCSC, currently there are nine specialized committees operating under the NPC, namely, Ethnic Affairs Committee, Law Committee, Committee for Internal and Judicial Affairs, Financial and Economic Committee, Education, Science, Culture and Health Committee, Foreign Affairs Committee, Overseas Chinese Affairs Committee, Environment and Resources Protection Committee, and Agriculture and Rural Affairs Committee. These committees undertake regularly legislative and supervisory activities under the NPC when it is in session and under NPCSC when the NPC is not in session. The size of committees shrank from between 40 and 100 members in the past to currently between 10 and 16
members, most of who are highly educated specialists with expertise in their fields. However, unlike their Laotian counterparts, they are not given full powers in law-making but just having the right to draft, examine and inquire legislative proposals. Plus, the chairmen of the committees are all elected from NPC through NPCSC (O’Brien, 1988).

Very similar to NPC, the VNA has seven committees in addition to the Vietnamese National Assembly Standing Committee (VNASC), they are: Law Committee; Committee for economy and budget; Committee for national defense and security; Committee for culture, education, youth and children; Committee for social affairs; Committee for science, technology and environment; Committee for foreign affairs. The establishment of the Committee for national defense and security, which the NPC does not have, may reflect the emphasis on defense and security issues by learning from its decades of wars against outside world powers. Another noteworthy setting within the VNA is the Office of the National Assembly (ONA) which provides strong and professional administrative supports to the VNA as a whole and its members as well. It also serves as a focal point between VNA and the executive branch (Andersson, Granstedt, Rönnmo, & Nguyen Thi Kim Thoa, 2012). As for LNA, its current six committees--Legal Committee; Economy and Finance Committee; Culture and Social Committee; Ethnic Committee; Security and National Defense Committee; Foreign Affairs Committee--are placed at a position very similar to the Chinese NPC committees, where they are under the control of LNA and its Standing Committee, with authorization to draft and examine bills only.
IV. 4. Standing Committee

As the legislature does not operate throughout the year, legislative and policy decisions cannot be made in a timely and efficiently manner, particularly, in the Chinese context, when there is such a large national legislative entity whose members neither get paid nor work full time. To fully perform its legislative functions, the legislature has to establish a Standing Committee that works year-round with specially trained personnel providing necessary supports.

In China, the NPCSC is de facto a powerful legislature-within-a-legislature (O’Brien, 1988). It was created along with the establishment of the NPC. With its inherent limitations, the NPC’s legislative powers are in fact, and to the most extent, vested to the NPCSC, whose powers are even guaranteed by the Constitution. The Chinese Constitution provides that the NPCSC can organize NPC elections, convene sessions, enact, amend and interpret laws and regulations except for the basic laws, and perform all NPC's work when the latter is not in session. In addition, the NPCSC can also annul "inappropriate decisions and orders of the government at the corresponding level" as well as "inappropriate resolutions of the people's congress at the next lower level" (Article 104 of the Constitution). Most importantly, it is vested the powers to supervise the work of the Central government, the Supreme Court and Supreme Procuratorate, appoint ambassadors, ratify treaties or impose martial law (state of emergency since 2004), which are exactly the kind of powers that the NPC plenary session cannot exert (Cabestan, 2006). It shares the power with the NPC. But to a large
extent, it strengthens the NPC's working core (O'Brien, 1988) and "appears the closest to a real parliament in China" (Cabestan, 2006). Especially in legislation, where it is impossible for the NPC to examine and deliberate every piece of legislation, the NPCSC is in fact the second law-making body assuming much of the law-making work.

The NPCSC is a smaller power center with only 155 full-time members. Such setting not only ensures professionalism and expertise, but also guarantees that the smaller body can meet more frequently to address many pressing legislative issues. Another noteworthy feature of the NPCSC is that the organization is headed by a 20-25 member chairmanship group whose major task is to schedule and draft the NPCSC meeting agenda, refer bills and inquiries to the NPCSC or relevant committees, and coordinate the daily work of committees and the NPCSC. Under the leadership of the chairman of the NPCSC, the chairmanship group is comprised of the NPCSC chairman and vice chairmen, the chairmen of the NPC's special committees, the secretary general, cadres of the other NPC organs. "If the NPCSC is a legislature-within-a-legislature, the chairmanship group is the working organ of the working organ" (O'Brien, 1988).

The Vietnamese National Assembly Standing Committee (VNASC), a small group of about 15-18 full-time members comprising the chairman and vice chairmen of the VNA, is vested significant powers by the Vietnamese Constitution as well. Similar to its Chinese counterpart, the VNASC is responsible for approving ministerial appointments, making laws between plenary sessions, while orchestrating activities and legislation of the NA.
The Laos National Assembly Standing Committee (LNASC) assumes the LNA’s role between the LNA sessions. Its functions include convening the LNA sessions, interpreting and explaining Constitution and laws, proposing legislation to the President of Laos, supervising the executive and judiciary organs, approving or dismissing the vice chief of the Supreme Court and the General Prosecutor and the judges at all levels, overseeing the committee activities, and making sure the LNA to carry out its work as specified (LNA).

It is apparent that the settings of the three national legislatures are much alike. While there are meaningful differences in the area of elections, the Standing Committees set up in each legislature takes on a central position of powers and carries out the core and primary legislative functions, which are the focus of the next chapter of this paper.

V. Legislative Functions

In the Western democracies, it is widely acknowledged that legislature undertakes four major functions, i.e., law-making, supervising, budgeting, and representation. The nature of the socialist countries determines that their representation function, however democratic in rhetoric, is doomed to be weak. Additionally, budgeting function is not as prominent as in the Western parliaments because there is no such a checks-and-balances system in place where different state apparatus, and party politics more often than not, are engaged in the budgeting process to check each other. As a matter of fact, the budgeting function is normally imbedded in
the supervisory process. Not surprisingly, the powers of the legislature in legislation and supervision in the remaining socialist countries are growing. These two functions have become the core functions of the legislature.

V. 1 Law making

The NPC and its Standing Committee resumed their legislative powers after 1979 following almost twenty years' lapse of law-making. The leadership realized that building a sound legal system so as to safeguard the economic development became an urgent need. Since then, the NPC's law-making function was reinforced and expanded substantially. Despite the fact that, through two decades' legislative efforts, China is said to have established basically a sound legal system that follows the notion of rule of law, one outstanding feature of the NPC’s legislative process is that it has become a place for intra-party bargaining and negotiating as well as a public forum to solicit citizens' inputs in the process of legislation. In law-making, the NPCSC, the Committee on Law and the Legislative Affairs Commission, in particular, play a dominant and active role in "clarifying and elaborating general directives and in modifying laws to ensure their feasibility and implementation"(O'Brien, 1990).

There are evidence showing that the NPC, when in the process of law-making, enjoys much autonomy, especially in the field of legislating economic-related laws (e.g., the Securities Law, see Green, 2003). However, when referring to some other ideologically sensitive legislation (e.g., the Property Law) and the legislation aiming to constrain government (i.e. administrative law), the law-making process becomes
prolonged and contentious. It took more than 13 years for the NPC to pass the Property Law in 2007 after consensus was reached among party leaders, officials and academia. The Supervision Law even experienced more than 20 years' debates before it was passed in 2006. Most contentious is that the more significant Administrative Procedure Law has been on and off the NPC legislative agenda for over 20 years, but still not clear when it will be accepted by the NPC for debate in a foreseeable future. Nevertheless, the law-making function of the NPC does contribute to the augmentation of the Chinese legal system and the development of its economy.

The VNA is the highest State organ that is responsible for law making. Among its committees, the Legal committee plays a pivotal role in assisting with the law-making. At the initial stage, laws are drafted by respective executive ministries who then submit their drafted bills to VNA for consideration, revision and approval. According to a Vietnamese media (VOV), between 2007 and 2011, the VNA and its Standing Committee passed 89 laws and ordinances, of which 79 were introduced by the executive branch.

In Laos, the aim of creating a functioning market economy consequently led to massive legislative efforts since 1986 (Radetzki, 1994). The LNA is empowered to enact laws and amend the Constitution. By the end of 1993, a series of economic-related laws, such as the Foreign Investment Law, the Contract Law, the Civil Procedure laws, and laws associated with property, insurance, accounting, labor, and so forth, were promulgated. Since the reform was launched in 1986, about fifty laws were adopted by the LVA (Stuart-Fox, 2005). However, one weakness, compared to China's NPC, is
evident in that the general public lacks channels to know of new and existing laws, let along participate in the law-making process, and thus less possibility for them to claim their rights (Stuart-Fox, 2005).

V.2. Supervisory Power of the legislature

The NPC's supervisory powers are witnessed to have grown dramatically. It exercises the powers to examine and approve state plans, national budgets, and other work reports from state organs. In addition, it has powers to undertake investigation, to appoint and remove officials from state organs, and to supervise law enforcement. Although these activities do not amount to legislative supervision in the West democracies, "in a weakly institutionalized system with a very strong executive, they served similar ends" (O'Brien, 1990). It has been also observed that the NPC's supervisory powers have grown more robust mainly because "the delegate body shows itself to be increasingly unwilling to blindly acquiesce to the claims and manipulations of the CCP and the State Council" (Dowdle, 1997).

More specifically, in the 1980s, the NPC exercised its supervisory powers in three major areas: 1) criticizing the officials of the State Council and its ministries; 2) inspecting local governments and enterprises; 3) overseeing subordinate administrative agencies (O'Brien, 1990). Later on, the NPC and the NPCSC's focuses of supervision were concentrated on three major fields: 1) financial oversight over the national budget-this function has been strengthened since the Commission for Budget Affairs was created under the NPCSC, which is responsible for scrutinizing the state budget proposed by the
Finance Ministry; 2) legislative oversight over local regulations. This was achieved through setting up the Legal Work Commission in 2004 to screen local regulations. Prior to that, the promulgation of the Legislation Law was a milestone in solidifying the supervisory function of the legislature over local legislation; 3) supervision over activities of the courts. Empowered by the Article 104 of the Constitution, the NPC is eager to exert its powers to supervise the courts and the procuratorates, however little impact in reality this power has on the courts day-to-day work (Cabestan, 2006).

In Vietnam, the supervisory powers of the VNA have also increased over the years, to some extent even exceeding its Chinese counterpart. The major oversight activities include: 1) questioning executive officials--most notably, members of the VNA interrogate ministers on live television program, which mostly attracts nationwide attentions and interests; 2) checking laws and regulations proposed by the executive branches. The VNA can reject the executive proposals if they deem them to hinder economic growth. For instance, the VNA continuously delayed passage of the Enterprises Law, Law on Investment, laws for closing a bilateral trade agreement with the United States, and laws to help Vietnam seek World Trade Organization membership (Kroenig & Karan-Delhaye, 2011); 3) generally supervising and overseeing the activities of the administrative and judicial organs according to the Constitution. In the case of Laos, the LVA is tasked with oversight responsibility as to approve budget at the central and provincial level, oversee the activities of the executive organs, the people's courts, and the Office of the Public Prosecutor, in general.
VI. Achievements within a Constrained Political Environment

Legislative reforms in China, Vietnam and Laos have not only enhanced the capabilities of the legislature in institutional building, but also strengthened its functions in law-making and supervision as well as promoted the legislature’s political status and political influence in such a unique, constrained political setting. Achievements reached in the reforming era are so prominent that they can be easily discerned in three areas, in particular, i.e., the legislative elections, changes in membership composition, and growing assertiveness in members’ legislative behavior.

To start with, though none of the socialist legislatures are totally free from the single ruling party’s control, the trend of incorporating more representatives who come with non-party background and who would represent diverse, pluralist interests reveals a prominent achievement of the reforms. In the Chinese context, the emergence and inclusion of new elites—private entrepreneurs, intellectuals, legal practitioners, and active social activists—in the legislature, particularly at the sub-national levels, are not unusual any more. Up to mid-1990s, the number of intellectuals and technocrats in the legislature rose from 28 to 50 percent, whereas, the more traditional representatives such as workers, peasants, and officers of the People’s Liberation Army dropped significantly to half of the size from a combined total of 62 percent (Dalpino, 2000). More excitingly, the liberalization of the political environment as well as the pluralism of

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1 The lack of presentation of the achievements obtained in Laos here in this chapter does not mean that the legislative reforms in Laos gained no improvements. It is largely because the relevant information on this in Laos is in scarcity. I believe Laos achieved somewhat similar improvements as what China and Vietnam did.
social interests has prompted more individuals to seek winning seats in legislature—although currently at the lower level of legislature only (Cabestan, 2006). Altogether, these new group of people, though small in numbers and still weak in policy-making influence, forms a substantive political force who have become more and more assertive to speak out for their concerned interests and problems, and have an increasingly important say on their legislative mandates. On the other hand, it is also true that the independent candidates, due to the party’s serious suppression, appear at the local level legislative elections only. Their successes are nonetheless rare and even after winning the seats, their impacts are meager (Yuan, 2011). At any event, the inclusion of multi-background representatives serves the goal of strengthening the strategy of “United Front” and securing legitimacy as well. Table 2 illustrates the composition of the 9th and 10th NPC.

**Table 2. Membership Composition of the 9th and 10th NPC**

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Member</td>
<td>%</td>
<td>Member</td>
</tr>
<tr>
<td>Workers&amp; farmers</td>
<td>563</td>
<td>18.89</td>
</tr>
<tr>
<td>Intellectuals</td>
<td>628</td>
<td>21.07</td>
</tr>
<tr>
<td>Cadres</td>
<td>988</td>
<td>33.16</td>
</tr>
<tr>
<td>Members of democratic parties and non-partisan patriots</td>
<td>460</td>
<td>15.44</td>
</tr>
<tr>
<td>PLA</td>
<td>268</td>
<td>8.99</td>
</tr>
<tr>
<td>Residents of Hong Kong</td>
<td>35</td>
<td>1.21</td>
</tr>
<tr>
<td>Residents of Macau</td>
<td>12</td>
<td>0.4</td>
</tr>
<tr>
<td>Residents of Taiwan</td>
<td>13</td>
<td>0.44</td>
</tr>
<tr>
<td>Returned overseas Chinese</td>
<td>37</td>
<td>1.24</td>
</tr>
<tr>
<td>National minorities</td>
<td>428</td>
<td>14.36</td>
</tr>
</tbody>
</table>
Similarly to its Chinese counterpart, the composition of the VNA changed dramatically along with the changing role of the organization during the reform era. Table 3 below manifests the composition of the VNA. There are also some other significant changes in the VNA demonstrating the improvements since 1986. For instance, the government delegates nominated by the ONA outnumbered those nominated by the central ministries who would serve in the legislative committees or in the provincial governments; number of state-owned enterprises delegates dropped significantly from 13% to lower than 2% in 2007, whereas, the makeup of scholars, medical practitioners, lawyers, and business elites from private sectors grew up strikingly, which also contributed to the increase of professionalism and expertise in relevant areas within the assembly (Malesky & Schuler, 2010).

Table 3: Composition of Vietnamese National Assembly by Career Type

<table>
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<th></th>
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<tbody>
<tr>
<td></td>
<td>N</td>
<td>Share (%)</td>
<td>N</td>
<td>Share (%)</td>
</tr>
<tr>
<td>Central</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central government</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Ministerial Offices</td>
<td>38</td>
<td>9.6</td>
<td>58</td>
<td>12.9</td>
</tr>
<tr>
<td>- Office of the National Assembly</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>(ONA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State-owned enterprise</td>
<td>20</td>
<td>5.1</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Central party</td>
<td>19</td>
<td>4.8</td>
<td>14</td>
<td>3.1</td>
</tr>
<tr>
<td>Central military</td>
<td>13</td>
<td>3.3</td>
<td>16</td>
<td>3.6</td>
</tr>
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Source: Cabestan, 2006
## Table:

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<th>Organization Type</th>
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<th>Row 2</th>
<th>Row 3</th>
<th>Row 4</th>
<th>Row 5</th>
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<th>Row 7</th>
<th>Row 8</th>
</tr>
</thead>
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<td>Private enterprise</td>
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<td>0</td>
<td>1</td>
<td>0.2</td>
<td>4</td>
<td>0.8</td>
<td>3</td>
<td>0.6</td>
</tr>
<tr>
<td>Journalist</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>1.6</td>
<td>8</td>
<td>1.6</td>
<td>7</td>
<td>1.4</td>
</tr>
<tr>
<td>Mass organizations</td>
<td>0</td>
<td>0</td>
<td>16</td>
<td>3.6</td>
<td>18</td>
<td>3.6</td>
<td>17</td>
<td>3.4</td>
</tr>
<tr>
<td>University/research</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>1.6</td>
<td>8</td>
<td>1.6</td>
<td>6</td>
<td>1.2</td>
</tr>
<tr>
<td>Religious</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>1.1</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>0.4</td>
</tr>
<tr>
<td>Province/local</td>
<td>305</td>
<td>77.2</td>
<td>317</td>
<td>70.4</td>
<td>361</td>
<td>72.5</td>
<td>354</td>
<td>71.8</td>
</tr>
<tr>
<td>Local government</td>
<td>135</td>
<td>34.2</td>
<td>120</td>
<td>26.7</td>
<td>119</td>
<td>23.9</td>
<td>147</td>
<td>29.8</td>
</tr>
<tr>
<td>- People’s Committee Leaders and Cadres</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Office of the National Assembly (ONA)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>1.2</td>
<td>3</td>
<td>0.6</td>
</tr>
<tr>
<td>Local party leaders</td>
<td>44</td>
<td>11.1</td>
<td>32</td>
<td>7.1</td>
<td>44</td>
<td>8.8</td>
<td>39</td>
<td>7.9</td>
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<tr>
<td>Mass organizations</td>
<td>41</td>
<td>10.4</td>
<td>57</td>
<td>12.7</td>
<td>80</td>
<td>16.1</td>
<td>53</td>
<td>10.8</td>
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<tr>
<td>State-owned enterprise</td>
<td>31</td>
<td>7.8</td>
<td>18</td>
<td>4</td>
<td>12</td>
<td>2.4</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>High school/college</td>
<td>15</td>
<td>3.8</td>
<td>25</td>
<td>5.6</td>
<td>32</td>
<td>6.4</td>
<td>36</td>
<td>7.3</td>
</tr>
<tr>
<td>Military</td>
<td>13</td>
<td>3.3</td>
<td>25</td>
<td>5.6</td>
<td>30</td>
<td>6</td>
<td>27</td>
<td>5.5</td>
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<tr>
<td>Public health</td>
<td>8</td>
<td>2</td>
<td>15</td>
<td>3.3</td>
<td>17</td>
<td>3.4</td>
<td>13</td>
<td>2.6</td>
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<tr>
<td>Public security</td>
<td>8</td>
<td>2</td>
<td>13</td>
<td>2.9</td>
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<td>2.8</td>
<td>12</td>
<td>2.4</td>
</tr>
<tr>
<td>Religious</td>
<td>7</td>
<td>1.8</td>
<td>3</td>
<td>0.7</td>
<td>2</td>
<td>0.4</td>
<td>4</td>
<td>0.8</td>
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<tr>
<td>Cultural institute</td>
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<td>4</td>
<td>0.9</td>
<td>2</td>
<td>0.4</td>
<td>1</td>
<td>0.2</td>
</tr>
<tr>
<td>Journalism</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0.4</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0.4</td>
</tr>
<tr>
<td>Private enterprise/business associations</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0.7</td>
<td>3</td>
<td>0.6</td>
<td>12</td>
<td>2.4</td>
</tr>
<tr>
<td>Regional military</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>395</td>
<td>100</td>
<td>450</td>
<td>100</td>
<td>498</td>
<td>100</td>
<td>493</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Malesky & Schuler, 2010

The amendment of the Chinese Election Law in 2004 was deemed to be a response to the new phenomenon. A few changes were made into the law, including mechanisms to ensure final list of candidates to be generated in a more transparent and open manner; authorization for the first time by law for the candidates to meet voters
in person; improvement on the procedures for recalling candidates; and the reinforcement of tougher penalties for violating the Election Law (Cabestan, 2006; Yuan, 2011). The amendments have no doubt in return boosted the enthusiasm of individuals to participate in elections and seek bigger roles in the legislative processes. Vietnam and Laos even went further by allowing independent candidates to be elected to the National Assembly (while in China, independent candidates have never appeared in the NPC).

Secondly, members of legislature have become more vocal and assertive. Take casting votes as an example. Since 1988, dissenting votes, abstentions, and non-unanimously elected committees have been a common phenomenon within the NPC. Bills no longer gained automatic passage, either. As early as in 1985, for the first time a bill (the Bankruptcy Law) was voted down by 56 to 54 in the NPCSC. Three years later in July 1989, the bill on public demonstrations submitted by the Ministry of Public Security, as a result of the crackdown on the pro-democracy movement, did not get approved by the NPCSC. A third bill on Highway lost endorsement of the NPCSC in 2000, too (Cabestan, 2006). Ney votes were increasingly cast against government work reports (for instance, the Supreme Court and the Supreme Procurator’s Work Reports) more frequently than against proposed bills. Dissenting votes have become common (usually more than 10 percent) on government personnel nominations. For instance, during Li Peng’s re-election as the Prime Minister in 1993, there were 330 dissenting votes, accounting for 11.4 percent of the total (Yew and Chen, 2010). Most remarkably, when votes was cast for decision on the construction of the Three-Gorge Dam in 1992, the
dissenting votes and abstentions constituted one third of the final votes, setting a record high in the NPC voting history, though the motion still got passed with legal number of approval votes. However, despite the fact that vetoes against proposed bills and official nominations did happen from time to time, they are in reality rare and seldom change the policies and political intentions set up by the party (it requires over 50 percent of the ney votes to deny a bill or personnel nominations). At any event, this change in members’ legislative behavior cannot be denied as improvement. Nonetheless, the voting behavior of the members during the reform era has changed the image of the NPC as a “rubber stamp” legislature. Another example can be seen in Vietnam. In June 1988, the party’s nominee for the Premier received about one-third dissenting votes in the National Assembly (O’Brien, 1990). In 1997, the legislators voted down the re-election of the chairman of the central bank nominated by the party (Dalpino, 2000).

At the same time, members of the legislature in China and Vietnam are also authorized by Constitution when exercising their oversight functions to inquire to the government. However, in China, the scope and procedures of inquiry are set in writing to prevent excessive probing and criticism (O’Brien, 1988), while in Vietnam, the inquiry process is broadcast on TV programs and often time, tough and embarrassing questions are imposed to government officials under inquiry. In general, members of the VNA have gained additional authority “through the increase in full-time membership as well as its ability to alter laws and question government officials who are not performing effectively” (Malesky & Schuler, 2008). The full-time legislators, with more information
and “a greater stake in their roles as representatives”, carry out their legislative representative functions more seriously, e.g., they are “three times more likely to ask questions and criticize ministers, and twice as likely to reference local issues in their speeches as their peers”, which altogether, illustrate the strategy of cooptation as well as the leadership’s careful management in bringing different inputs in their policy-making through “carefully designed electoral and assembly rules” (Malesky & Schuler, 2010).

One may question whether these outstanding achievements may facilitate the development of independence of the legislature in the authoritarian polity. This question will lead us to the next chapter where independence is assessed.

VII. The Obstacles That Legislative Reforms are Facing with

Despite the noticeable achievements that have been made, in the process of legislative reforms, there have not been without obstacles that are hindering the reforms and preventing the legislatures from growing to a strong, powerful state organ. The biggest problem for the NPC is its long-standing, never-seems-to-be-resolved structural obstacles that are preventing meaningful legislative liberalization from taking place (O'Brien, 1988, 1990; Yew & Chen, 2010). These structural obstacles include, but not limit to, excessively large chamber size, non-free and manipulated legislative elections, inadequate plenary session time, weak committees, inefficient staff support, and undeveloped procedures (O'Brien, 1988, 1990). Moreover, What have long been embedded in the legislative structures and in the mindsets of the legislative leadership
are those traditional legislative functions inherited from Mao's time, such as
propaganda, mobilization, and education, still in place (O'Brien, 1990), making it an
obstacle truly impeding the NPC from transforming into a modern, popular,
representative legislature.

Specifically, the overly sized plenary session (with nearly 3,000 members) and
the part-time, unpaid members as well, relegate representation, making the legislature
less likely to function as, and develop into, a true legislature. Further, unlike the
Vietnamese legislators who have their own constituency offices, the Chinese NPC
deputies do not have such privileges. What seems to be worse is that there are rules
confining deputies' debates in their own delegations rather than permitting them to
speak out in the plenary sessions. This really hampers the role of deputies and the
functions of the NPC as a whole. Another major obstacle is within the NPCSC. As a core
committee of the NPC, despite its strong intentions to turn into a true legislature, its'
dependence on the CCP and the lack of "democratic legitimacy" undermine its power
and diminish the role of the NPC as a whole (Cabestan, 2006).

As for Vietnam, the major obstacle is from the party, whose cadres'
unwillingness to give up their power and privileges not only hinders the organization of
truly competitive elections but also prevents the VNA from transforming to a desired
political entity set forth in the Constitution (McCormick, 1998). The party's influence and
control result in maintaining a still ceremonial parliament which "has never vetoed a law
and has defeated a VCP nominee for a ministerial or leadership position only twice in its history" (Malesky & Schuler, 2010).

The biggest obstacle for the LNA may be with its weak capacity in making laws and supervising the implementation of laws. It lacks strong leadership and capable, adequate staff supports in pushing the parliament to improve its work in an all around way. By and large, the Laos National Assembly is of little notice and understood by the general public (Stuart-Fox, 2005), let along the effective law-making and law enforcement.

VIII. Legislature, Party, and the State-How Far Is the Legislature from being Independent?

Evidence reveals that the socialist legislatures, with their continuous efforts on reforms and development, and despite their eagerness to seek powers and to transform themselves into a true parliament, play a predominant, significant role in regime support (O'Brien, 1990), i.e., making sure the ruling party's political wills will be effectively channeled into the legislative activities and outcomes. Therefore, the influences and control of the party are still being exerted upon the legislature.

VIII.1 Role in Regime Support

The economic reforms brought dramatic social changes that had forced the Chinese leadership to reconsider and seek legitimacy for party ruling. This desire became severely urgent especially after the crackdown on the 1989 Tiananmen pro-
democracy movement. The then Chinese top leadership was trying to "build up the NPC as a nonparty organization composed of socially prestigious individuals who expressed support for party policy and worked for its implementation" (O’Brien, 1990). This mechanism reinforced the legislative function of "United Front". As O'Brien (1990) pointed out, the party was seeking to show its willingness to include a diverse social interest in the legislative processes, thus cultivating a firm supporter base for socialism and party rule. In return, deputies were expected to carry out the responsibility of "penetrating society, building legitimacy among doubters, and contributing to system maintenance". However privileges and rights the deputies and the NPC as a whole have been given, the legislature, as O'Brien (1990) contends, was "never more than a helpmate to the party" and meaningful political competition kept being rejected by the party.

Additionally, NPC deputies have become more vocal and assertive to exert their legislative powers. Voting against government work reports, proposed bills and personnel appointment are common in both national and sub-national level legislature. This can be seen as another layer for supporting the regimes by giving chances for corrections rather than undermining the regime. More significantly, according to recent studies, the NPC has become, and moved to the trend of, more independent in making policies on its own, thinking of both the party and the executive, and even being able to oppose them from time to time with the increase of its supervisory function over the State Council (Green, 2003). However, though these constraints on the executive are as
a matter of fact somewhat limited, it reflects the CCP’s will to have the legislature oversee the executive so as to empower the regime's legitimacy.

In Vietnam, incorporating non-traditional professionals into the Assembly is a strong signal for the strategy of cooptation conducted by the VCP to uphold the authoritarian regime (Malesky & Schuler, 2010). Such a cooptation serves to reducing the likelihood of civil conflicts, creating a more stable economic environment for investors, and thus strengthening the regime’s survival with the economic growth continuing (Malesky & Schuler, 2008). In Laos, the stricter, more comprehensive control of the ruling LPRP over all state organs, including the LNA, renders the LNA to serve a sole purpose—maintain the power of the ruling party and support the regime to survive under the party’s ruling (Stuart-Fox, 2005).

**VIII.2. Party Control**

Although there are occasions where the ruling communist party did relax its control, for instance, in drafting the Securities Law, the NPC secured huge autonomy in the drafting process (Green, 2003), the party control over the legislature is prevailing, albeit not overwhelming. In the Chinese case, major mechanisms the CCP utilize to exert control over the legislature include: 1) dominating the Presidium to rein the NPC sessions by setting agendas, deciding policy issues that are to be discussed, picking up deputies to debrief them, and making decisions on all matters; 2) controlling the NPCSC through appointing loyal party cadres to important positions, i.e., the chairman of the NPCSC is usually a member of the Politburo of the Central Committee, and the members
of the NPCSC are all appointed by the party's Organization Department; 3) overseeing and approving legislative agenda and activities; 4) designing and manipulating legislative elections to make sure elected deputies comply with party policies and party wills, and will not overturn party leadership (to achieve this end, the party members among NPC delegates are the majority and the percentage is going up instead of the other way round (Cabestan, 2006)); 5) strengthening the control of local peoples' congresses by appointing same level party chiefs to chair the local legislatures. Scholars have different views on the nature of the formerly labeled "rubber stamp" legislature. Some contend that the NPC has transformed into an independent, more autonomous, and influential political force in China. The feature of "rubber stamp" does not apply any more (Dowdle, 1997; Xia, 1999; Green, 2003). Others disagree in that as long as the NPC is dominated by the CCP and its powerful Politburo, it is hardly to remove the label of "rubber stamp" for it (Yew & Chen, 2010). However, because of the increasing importance on law-making, "the CCP gradually released its control on NPC’s law-making procedure, which left it a space within which structure and behavior enjoyed an unprecedented freer environment to expand" (Yan, 2011). This is an obvious institutional compromise that the CCP has made in order to exchange for maintaining its hegemonic power in the Chinese political arena (Dowdle, 2002). Nonetheless, the party's control is still strong and effective and, as long as this domination continues, the NPC is set to be overshadowed and less likely to be empowered.

In the Vietnamese case, although its legislative elections are less manipulated and more competitive, the VCP can diminish the risk of getting undesired candidates to
win the seats through mechanisms such as: 1) control of the vetting process, i.e., reducing the competitiveness of the district for preferred candidates (Malesky & Schuler, 2010); 2) control of the parliamentary rules that help create certain preferred non-spoken-out delegates and thus diminish the risks in delegates’ proposing dangerous initiative or voting for undesirable motions (Malesky & Schuler, 2010); 3) maintaining a dominating body of party members in the legislature despite the increase in the number of nonparty social and economic elites (Gainsborough, 2005).

Set forth in the Laos’ Constitution, the LPRP’s leading role in the country is secured. The ruling party performs a broad-based function in policy-making as well as in law-making (Reyes, 1990). Control of the legislature is without exception. Laos legislative election and the LNA itself as a whole are under complete and tight control of the ruling LPRP, under the banner “National Assembly and all other state organizations are established and function in accordance with the principle of democratic centralism” written into the Constitution. Specifically, in order to successfully pick the preferred representatives, the party not only screen the candidates beforehand, but allows candidates to be nominated only by the party’s mass organizations at various levels, or similar to the case in Vietnam, by the government under LPRP’s approval (Dommen, 1994). In general, the LPRP enjoys much power in deciding legislative matters, government policy-making, and personnel appointment.

These three legislatures demonstrate that, although they may enjoy a certain degree of freedom in areas such as law-making, and have developed certain autonomy
by incorporating professionals in decision/policy-making processes, which is partially reflecting the competition with the ruling party and the executive, they are in effect functioning to serve a common goal, i.e., support the regime under the single party rule. Moreover, under the party’s effective controlling mechanisms in elections and assembly institutional settings and procedures, it is far from telling that a completely independent legislature is emerging, at least not possibly in a foreseeable future.

IX. Conclusion

Huntington (1971) points out that legislature constitutes one of the components of political system and its changes should be counted into the process of political development. In reality, studying a country’s legislature opens a window to examine the relations between the ruling political parties and the society as well as the political and policy changes within the system. There are no exceptions when studying the post-communist countries in this regard. By tracing the Chinese legislative development, O’Brien (1990) contends that “we gain insight into the trajectory of Chinese political development and consider recurring choices that confront leaders of an illiberal polity as they seek to modernize”, and most importantly, “[f]rom one position in the political system, we assess where the nation has been and where it may be heading”. This notion applies to Vietnam and Laos as well.

The legislative reforms launched by the respective authoritarian governments were triggered primarily for the urgent need to facilitate the economic reforms starting in the mid-1980s (with the Chinese case a bit earlier in late 1970s). However, the
ultimate objective of the reforms is to sustain the authoritarian regime under the single party’s ruling. Though a series of legislative reforms have led these countries to a certain degree of political liberalization, the strong and prevailing party control and influences over legislative processes and activities, together with the legislature’s inherent structural problems, are hampering the legislatures from moving towards a meaningful, modern parliament. This can be seen, though in theory and based on their respective Constitution, the NPC, VNA and LNA are granted supreme political status and political powers overriding other state organs, in reality however, they are relegated to a secondary position subordinated to both the party’s leadership and the executive branch.

On the other hand, research has suggested that whatever achievements the legislative reforms have made, the ruling parties have no intentions to lose their grips on the control over the legislatures, notwithstanding the possibility of letting dissenting political ideas be put forward through popular votes, as is in the case of Vietnam (Andersson, Granstedt, Rönnmo, & Nguyen Thi Kim Thoa. 2012). In addition, the reforms did not render legislature substantial powers to constrain the central decision makers, either (Malesky, & Schuler, 2008).

Despite the setbacks, the legislative reforms have nonetheless brought positive changes to the legislative entity and the political system as a whole. For instance, while members of the VNA have only the right to vote on party-drafted laws, their counterparts in Beijing may introduce legislation, which is deemed to be more
“democratic” in a sense (Dalpino, 2000). The more competitive elections held in Vietnam may help boost the representation function of a member and his or her responsiveness to his/her constituents, which is a step forward towards meaning legislature. Moreover, more competitive elections, as were observed in China at the grass-roots people’s congresses, have channeled new thoughts and initiatives to the upper level congresses and even to the NPC (Cabestan, 2006). These ties between representatives and their constituencies will increase as the elections are inevitably affected by an increasingly pluralist society and the competing interests out of it. However constrained in the political environment, the legislatures are trying to utilize the available resources and authorities endowed by the constitutions to gain more autonomy and have bigger say in decision/policy-making when interacting with the ruling party and its executive arms. Finally, apart from the limitations on the electoral rules and procedures, which make the members less likely to fully represent their voters and upgrade the legislature to conduct true checks-and-balances functions, the growingly competitive and consistent elections may serve as an educational tool to broaden future voter basis and enhance voters’ political consciousness, which can be hopefully laying a foundation for future changes towards more meaningful democratic practices and settings. Comparatively, while the Laos legislative reforms achieved fairly moderate improvements, the Chinese and Vietnamese ones appear to be more encouraging.

As the legislative reforms generate up and down effects on the legislative development, a foresight of the prospect of the legislature is not an easy task. The
foregoing chapters reveal that the rationales behind the legislative reforms are similar in China, Vietnam and Laos. Their legislative structures and functions are much alike, with variations most likely in the degree of competition in legislative elections as well as the degree of party control. Relatively, the Laos legislative system is under stricter party control, while the Vietnam’s legislative reforms may have resulted in its gaining greater legitimacy and security than China, which may also leave it in a better place to experience an institutional transformation towards democracy (McCormick, 1998). However, the process of transformation may have to be carried out in an incremental and cautious fashion. Ultimately, because legitimacy will be the most essential concern of the ruling party, driving economic growth while opening up some sort of political liberalization will serve this end. In light of this, the leadership in those three countries has seen the benefits of liberalizing the legislatures in order to help realize the party’s political wills. As consequences, the reforms on legislature will continue, and most likely will move towards an institutional transformation into a liberalization-without-democratization type of political setting.
Bibliography


