

Codification Symposium in Beijing

by Phil Berwick and Wei Luo

Receiving a Grant from U.S.-China Legal Cooperation Fund

When President Bill Clinton and Chinese President Jiang Zemin visited each other's countries in October 1997 and June 1998, they made a commitment to enhance bilateral cooperation in the field of law. In recognition of the importance of this commitment and support for Chinese legal reform, the U.S.-China Business Council established the U.S.-China Legal Cooperation Fund (<http://www.uschinalcgalcoop.org>) funded by donations from members of the U.S.-China Business Council.

In November 1999, we were awarded a grant from the U.S.-China Legal Cooperation Fund to support our proposed project on Comparative Studies of the U.S. and China's codification systems with the Legislative Affairs Office (LAO) of the State Council of the People's Republic of China. China does not have a true subject code comparable to the United States Code. We chose the LAO as our project partner because this office is responsible for drafting, promulgating, recording, and compiling administrative regulations, drafting laws on the behalf of the Chinese executive branch, and consolidating and compiling national laws as well.

Project Purpose

Since 1978, when China began its ambitious economic reform, China has produced a complex infrastructure of thousands of central and local laws, administrative regulations, orders, circulars, and other policy pronouncements. However, the country still lacks a law codification system; the written laws are not codified

but compiled by various agencies chronologically under different subjects. When searching Chinese law in one subject, a researcher has to have substantial knowledge of Chinese law and has to read through all the legislation related to the subject, which may have been compiled in many volumes, to make sure that he has found all the related legal sources. Therefore, it is quite difficult to find current Chinese laws in a given subject area. It is clear that

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establishing a Chinese codification system will make Chinese law more transparent and accessible to its ordinary citizens and foreigners who need to know Chinese law.

The United States has a refined codification system for its statutes and regulations. This review of the U.S.'s codification system and the Chinese law compilation system was undertaken to



Pictured (left to right) are Zenqi Liu, Director of the Foreign Affairs Department of the Legislative Affairs Office; Phil Berwick, Associate Dean for Information Resources at Washington University School of Law; Song Dahan, Deputy Director of the Legislative Affairs Office; Wei Luo, Director of Technical Services at Washington University School of Law Library; Wei Zhao, Association Director of the Law Compilation Department; Feng Qing, Director of the Law Compilation Department of the Legislative Affairs Office.

determine whether the U.S. system can be used as a model either to improve the Chinese law compilation system or to formulate a codification system for China according to Chinese characteristics.

The Symposium in Beijing

On June 15, 2000, the Symposium commenced and included Chinese government officials from the Standing Committee of the National People's Congress, the Ministry of Justice, and a number of Chinese law professors.

Phil Berwick presented his paper on the "United States Codification System" to explain how a piece of US legislation is codified after it is enacted by the U.S. Congress and the scheme of the Code of Federal Regulations. Wei Luo presented his study on the topic of the "Advantages of Codification and Some Suggestions for

Creating a Chinese Codification System." Zhao Wei (Vice Director of the Legislative Compilation Department of the LAO) gave an introduction of how Chinese laws and regulations have been consolidated and compiled. An official from the Legislative Affairs Commission of the National People's Congress presented a paper on the "Introduction of the Legislation of the

Contract Law and the Progress of the Legislation of the Civil Code from the Point of View of Law Compilation and Codification."

As a result of the symposium and the roundtable discussion that followed, it was clear that the Chinese Legislative Affairs Office realized that China needed to codify its laws and regulations to make its laws more readily available; therefore, it decided to continue to work with us to study the U.S. codification scheme and eventually create a Chinese version. In October 2000, the Chinese LAO is going to send a delegation to visit Washington University Law School. The delegation will also visit the Joint Committee on Legislative Research of the Missouri General Assembly, the Office of the Law Revision Council of the U.S. House of Representatives, and the Office of the Federal Register.

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