

ASIAN DEVELOPMENT BANK

TAR:PRC 33472

TECHNICAL ASSISTANCE

TO THE

PEOPLE'S REPUBLIC OF CHINA

FOR

SUPPORT TO THE REVIEW AND PLANNING FOR DEVELOPMENT

OF THE LEGAL AND JUDICIAL SYSTEM

December 2003

CURRENCY EQUIVALENTS

(as of 14 November 2003)

Currency Unit	–	yuan (CNY)
CNY1.00	=	\$0.2108
\$1.00	=	CNY8.2770

The exchange rate of the yuan is determined in relation to a weighted basket of currencies of the trading partners of the People's Republic of China. In this report, a rate of \$1.00 = CNY8.30 is used.

ABBREVIATIONS

ADB	–	Asian Development Bank
CD	–	compact disc
EA	–	executing agency
LAC	–	Legislative Affairs Commission
NPC	–	National People's Congress
OLA	–	Office of Legislative Affairs
PRC	–	People's Republic of China
SPC	–	Supreme People's Court
TA	–	technical assistance

NOTES

- (i) The fiscal year (FY) of the Government ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

This report was prepared by X. Peng.

I. INTRODUCTION

1. At the request of the Government of the People's Republic of China (PRC) for assistance to review and planning for development of its legal and judicial system, the Fact-Finding Mission for technical assistance (TA) from the Asian Development Bank (ADB) visited Beijing from 24 to 28 March 2003. The TA was included in the 2003 country assistance plan for the PRC. The Mission held discussions with the authorities involved in the legal and judicial systems, i.e., the Legislative Affairs Commission (LAC), Standing Committee of the National People's Congress, Office of Legislative Affairs (OLA) of the State Council, and Supreme People's Court (SPC), and reached an understanding with them on aspects of the TA, including the objective, scope, cost and financing, and implementation arrangements.¹

II. ISSUES

2. Implementation of the remarkable economic reforms in the PRC has spanned more than two decades. Parallel to the economic developments are sweeping reforms of and developments in the legal and judicial system. The most important achievements in this area include (i) a constitutional amendment to include the rule of law as a guiding principle in governing the country; (ii) adoption of economic laws and regulations to transform the economy from a centrally planned one to a market based one, to restructure and transform the enterprises into corporations, and to promote foreign direct investment; (iii) change of the Government's functions through administrative and social legislation to (a) free the Government from directly managing and operating enterprises, (b) develop social and nongovernment organizations to undertake some social functions, (c) simplify and streamline procedures, including administrative permits and licensing, and (d) strengthen the accountability of the Government agencies in performing their legal duties; (iv) development and reform of the judicial system; and (v) development of an independent legal profession; legal education and training system; and uniform legal and judicial examination system for legal professionals, prosecutors, and judges.

3. The Asian Development Bank (ADB) has been an active supporter of the development and reform of the legislative, legal, and judicial system. The assistance provided by ADB has covered legislative, administrative, and judicial areas and formed an important dimension of the cooperation between the PRC and ADB. Poverty reduction is the overarching objective of ADB. Economic growth is an essential prerequisite for poverty reduction. A sound legal and judicial system is essential to make markets work efficiently. The impacts on poverty reduction will be increased through active interventions of the Government and public institutions, in which legal and judicial systems play an important role. A legislative process that uses a participatory approach, administration in accordance with law, a transparent and predictable legal system, and an efficient and impartial judicial system enhances the legal rights and interests of the general public as a whole, and such legal and judicial systems will maximize the effectiveness of pro-poor interventions.

4. Starting from 2003, all major national legislative, legal implementation, and judicial authorities are conducting a review and planning exercise to assess the progress made, review the lessons learned, analyze the issues to be solved, and formulate plans on the directions, actions, programs, and implementation activities for future development and reform in the PRC's legislative, legal, and judicial system. The timing of this review and planning exercise is

¹ The TA first appeared in *ADB Business Opportunities* (Internet edition) on 20 February 2003 under the title of "Strategic Review and Planning for Development of the Legal and Judicial System."

(i) critical because it is occurring as a new generation of leadership is ushered in with new policy agenda and emphasis; and (ii) strategically important because it will outline how the legal and judicial system will help (a) ensure the achievement of the objectives of economic and social development, and (b) develop the goals and implementation measures for the development and reform of the legal and judicial system for the next 5–10 years.

5. ADB's support will (i) help increase the transparency of this important policy-making process; (ii) facilitate the exchange of views on issues of strategic significance in the selected areas of the legislation, administration, and judicial system; and (iii) help deepen the understanding about the interaction between rule of law and economic growth and social development, and develop criteria to measure the effectiveness of the support in legal and judicial areas.

6. The TA is an attempt to facilitate the use of a participatory approach in this important policy formulation process and to make the process transparent. This is the first time that the three highest national legislative, administrative, and judicial authorities are willing to involve ADB in a review and planning exercise, which traditionally has been an internal working process. In the past this exercise has had limited direct participation of stakeholders outside these authorities. The results of the exercise were not made available to the public in a systemic way, but were provided to the public through piece-by-piece ad hoc news releases.

7. ADB's support may facilitate broadening the direct participation by the stakeholders in this process. The stakeholders who will participate in the reviewing and planning process with ADB's assistance will include legislative, administrative, and judicial authorities at the local levels; academic and professional groups; and nongovernment organizations interested in legal and judicial system development and reform. The bilateral and multilateral assistance agencies that have been providing support to the PRC in these areas will also be invited to attend the seminars or symposiums. International and domestic experts specialized in general PRC law or in the specific legal areas will be involved in the process as consultants or resource persons. The result of this exercise will be contained in a series of reports authored by LAC, OLA, SPC, and the consultants and the reports will be distributed at a seminar at the conclusion of the TA. If the reports are of an adequate standard, they will be published in Chinese and English.

8. Involvement through the TA in the review and planning process will give ADB an opportunity to exchange views with the legislative, administrative, and judicial authorities on important issues in economic law, administrative law and reform, and judicial system reform and to provide advice to these authorities during the process of shaping the reform agenda.

9. **Economic Laws.** The National People's Congress has set a target of establishing in 10 years a legal framework suitable for a market economy. To achieve this target, continued efforts are needed to prepare and adopt new legislation of strategic importance and to adjust the existing laws and regulations for a market economy. The important laws to be put in place during this period will include (i) amending the Company Law and Securities Law, and (ii) adopting a state assets management law, an enterprise registration law, a bankruptcy law, a social security law, and banking laws.² Creation of equal opportunities is important policy

² The ongoing ADB-funded TA for Development of Economic Laws (ADB.1999. *Technical Assistance to the People's Republic of China for Development of Economic Laws*. Manila [TA 3279-PRC, approved in 1999 for \$1.4 million]) is supporting the draft work for amendment to the company law, enterprise registration law, bankruptcy law, and social security law; TA for banking laws and regulations (ADB.2002. *Technical Assistance to the People's Republic of China for Banking Laws and Regulations*. Manila [TA 3890-PRC, approved in 2002 for \$800,000]) is supporting the legislative work of banking laws and regulations.

objective in the economic reform. This requires developing a uniform and consistent regulatory framework governing all types of enterprises and establishing and maintaining an environment of fair competition. The legislative work that can help achieve this objective may include (i) making the company law suitable for all types of corporate enterprises; (ii) phasing out other laws governing the corporate organizations based on the ownership, i.e., different laws governing respectively, state-owned, collectively-owned, and privately-owned enterprises; (iii) unifying the foreign investment laws and narrowing and removing the differences in corporate governance and organizational structure between the laws for domestic enterprises and those for foreign investment enterprises; and (iv) initiating research on a competition policy and preparation of a competition and antimonopoly law.

10. **Administrative System Reform and Administrative Law.** The major objectives of administrative system reform are to achieve efficiency and administration in accordance with law. Accomplishing the first objective involves changing the administrative agencies' functions and restructuring them. The legal and judicial system reform will directly contribute to administration in accordance with the law, focusing on the legal obligations of administrative agencies to perform their official duties, the legal constraints that prevent these agencies from misuse of their authorities, procedures to redress such misuse, and remedies for wrongdoings by the administrative agencies. Administrative legislation should clearly define the authorities and duties of administrative agencies and the procedures for exercising the authorities and the legal consequences of misusing their authorities and failing to perform official duties. Through application and enforcement of the administrative laws³, (i) administrative agencies will be held accountable for carrying out official duties and exercising their authority, (ii) the legal rights and interests of citizens and legal entities will be protected, (iii) the wrongdoings of administrative agencies and officials will be corrected, and (iv) compensation will be provided to the citizens and entities who suffered the damage due to such wrongdoings.

11. **Judicial System.** An impartial and efficient judicial system is a guarantee for fairness and justice throughout a society. To ensure impartiality and increase efficiency is a key objective of judicial system reform. Impartiality relies on (i) judges whose qualifications meet requirements of the Uniform Legal Qualification Examination, introduced in 2002; (ii) procedural safeguards so that the judges hear and decide cases solely in accordance with law; and (iii) institutional assurance or redesign to maintain independence of the judicial organs in performing their duties, involving reform of human, financial, and material resources management and separation of judicial adjudication work from administrative affairs. The efficiency of the judicial system will be improved through (i) capable and professionally qualified judges and administrative personnel, (ii) separation of adjudication work from administrative affairs, (iii) improvement of working procedures and the case management system, and (iv) effective enforcement of decisions.

12. The past two decades in the PRC have shown a positive correlation between the development of the legal and judicial system and economic growth and social development. A systematic and comprehensive review of the development and reform of the PRC's legal and judicial system will help (i) identify the elements in the legal and judicial system that have direct impact on economic growth and social development, (ii) enrich the knowledge about the factors in the legal and judicial system of the development and reform that are of general application, and (iii) create criteria to measure the impacts of the development of legal and judicial system on economic growth and development of a value system. Such criteria are independent of the

³ Such laws include the Administrative Punishment Law, State Compensation Law, Administrative Reconsideration Law, Administrative Litigation Law, and Administrative Licensing Law. The Administrative Licensing Law was prepared with the assistance of ADB through TA 3279-PRC: Development of Economic Laws (footnote 2).

performance indicators for the economic growth and will measure the development of legal and judicial system. The review and planning exercise may constitute a critical part of such a study.

III. THE TECHNICAL ASSISTANCE

A. Purpose and Output

13. The TA will help reinforce rule of law in the PRC through development and reform of the legal and judicial system by (i) supporting the legislative, legal, and judicial authorities in (a) reviewing the achievements, issues, and lessons learned in developing and reforming the legal and judicial system; and (b) developing reform plans for the future; (ii) broadening the participation and increasing transparency of the decision-making process and involving the stakeholders in public discussions of the strategic issues; and (iii) exchanging views on selected issues of strategic importance and providing professional advice in forming the policy and work agenda for economic legislation, administration in accordance with law, and development and reform of the judicial system. The TA framework is in Appendix 1.

B. Methodology and Key Activities

14. The review and planning exercise supported by the TA will include (i) workshops attended by the relevant local officials, professional groups, academics, and other stakeholders; (ii) preparation of draft reports by LAC, OLA, and SPC; (iii) based on the draft reports, preparation of one or more reports by the consultants; (iv) workshops to review and comment on the draft reports; and (v) publication of the reports based on the review and depending on the acceptance of the content, quality, and standards by LAC, OLA, SPC, and ADB, to make the results available to the public.

C. Cost and Financing

15. The total cost of the TA is \$462,000 equivalent, including \$189,000 in foreign currency and \$273,000 equivalent in local currency cost. The TA will provide \$350,000 to finance the total foreign currency cost and \$161,000 equivalent in local currency cost. The TA will be financed on a grant basis by ADB's TA funding program. The funds provided by ADB will finance international and domestic consulting services; resource persons; costs of workshops, including participants' support and logistics; equipment; and publishing costs, including translation and editing. The Government's contribution of \$112,000 equivalent will cover the costs of counterpart staff; office accommodation for international and domestic consultants; investigation activities; local communications and transportation, interpretation and translation; the venue, organization, and administration of workshops; and general administration. The detailed breakdown costs and financing plan for the TA are shown in Appendix 2.

D. Implementation Arrangements

16. The executing agencies (EAs) for the TA are (i) LAC, for the economic laws and other legislation for a market economy; (ii) OLA, for administration in accordance with law; and (iii) SPC, for judicial system development and reform. A senior official (director general level) from each EA will provide overall guidance and leadership for implementing its component of the TA. A working group will be set up in each EA, led by a project director. OLA will act as a coordinator among the EAs on the matters concerning them, such as notifying LAC and SPC of meetings to be held with the consultants or ADB review missions or determining meeting venues.

17. Services of international (6.5 person-months) and domestic (3 person-months) consultants will be required. The international consultants will be experts in the PRC law and legal system or in a particular or relevant PRC legal area covered by the TA. The domestic experts should have expertise in areas relevant to economic laws, administration in accordance with law and development, and reform of the judicial system. Appendix 3 provides an outline of the services of the consultants and resource persons, the required qualifications, working experience, and tasks to be undertaken by them. The consultants will be engaged on an individual basis and resource persons will be invited by ADB, all in accordance with ADB's *Guidelines on Use of Consultants* and other arrangements satisfactory to ADB for recruitment of domestic consultants. The equipment to be provided to support TA implementation will be procured by the EAs in accordance with ADB's *Guidelines for Procurement*. An advance payment facility will be provided for the workshops. The TA is expected to commence in December 2003 and be completed in September 2004.

IV. THE PRESIDENT'S DECISION

18. The President, acting under the authority delegated by the Board, has approved the provision of technical assistance not exceeding the equivalent of \$350,000, on a grant basis, to the Government of the People's Republic of China for Support to the Review and Planning for Development of the Legal and Judicial System, and hereby reports this action to the Board.

TECHNICAL ASSISTANCE FRAMEWORK

Design Summary	Targets Performance	Monitoring Mechanisms	Assumptions and Risks
<p>Goal</p> <p>Support for development and reform of legal and judicial system.</p>	<p>Legislative Affairs Commission (LAC), Office of Legislative Affairs (OLA), and Supreme People's Court (SPC) undertake a review and planning process for development of the legal and judicial system.</p>	<p>Technical assistance (TA) completion report and review missions.</p>	<p>Government commitment; in comparison to the wide range of areas and time limit, the review and planning may not provide in-depth coverage; other political, social, economic, administrative and institutional factors may limit the effectiveness of the planning exercise.</p>
<p>Objectives</p> <p>Review achievements of the past 5 years, and planning for further development and reform in the next 5 years in the following areas: (i) economic laws and other legislation for a market economy, (ii) administration in accordance with law, and (iii) development and reform of judicial system.</p>	<p>Review the progress achieved and the lessons learned, identify and analyze the remaining issues, and propose solutions for the coming 5-year period.</p>	<p>Review missions; consultation with the Government; and TA completion report.</p>	<p>Commitment of LAC, OLA, and SPC, in staff time and other resources, to provide required inputs to the TA-financed review and planning activities.</p>
<p>Outputs</p> <p>Reports covering the review and planning in</p> <p>(i) economic laws and other legislation for a market economy, (ii) administration in accordance with law, and (iii) development and reform of the judicial system.</p> <p>A summary report on the review and planning process and the development of legal and judicial system.</p>	<p>(i) A report by LAC to review and plan for preparation of economic and other legislation for a market economy. (ii) A report by OLA to review and plan for development of administrative laws and their implementation. (iii) A report by SPC to review and plan for the development and reform in the judicial system.</p> <p>A report by the international consultants to summarize the review and planning exercise and assess the development of the legal and judicial</p>	<p>Review and comment on the draft reports. Workshop proceedings.</p>	<p>Limited inputs are provided from LAC, OLA, and SPC to the report preparation.</p> <p>The reports do not meet the required standards.</p>

Design Summary	Targets Performance	Monitoring Mechanisms	Assumptions and Risks
	<p>system.</p> <p>The reports will be made available to the public by distribution to participants in a seminar at the conclusion of the TA. If the content of these reports is acceptable to LAC, OLA, SPC, and the Asian Development Bank (ADB) and the quality is good, these reports will be published.</p>		
<p>Inputs and Activities</p> <p>Investigation activities, including workshops and meetings.</p> <p>Support for reports preparation, based on the investigations, by officials and staff of LAC, OLA, and SPC, and by domestic consultants.</p> <p>Workshops to review, discuss, and comment on the draft reports with participation of professionals, academia and stakeholders.</p> <p>Support by domestic and foreign consultants in finalizing the reports and translating the reports into English.</p> <p>Provision of international experts to draft an overall summary report.</p> <p>Workshops to review and revise the draft reports with participation of LAC, OLA, SPC other relevant government agencies, and professionals, academia, and other stakeholders.</p>	<p>To obtain the views from the stakeholders, such as professional groups, academia, and civil society, on the achievements in the legal and judicial areas and the demand for development and reform in these areas.</p> <p>Draft reports.</p> <p>Participants' support and funding for conference logistics and materials will be provided.</p> <p>2 person-months' international and 3 person-months' domestic consultants will be provided.</p> <p>4.5 person-months' international consulting services will be provided.</p> <p>Participants' support and funding for conference logistics and materials will be provided.</p>	<p>Workshop proceedings and reports.</p> <p>Draft reports.</p> <p>Review of final reports.</p> <p>Review, discussion, and revision of the draft reports.</p> <p>Review, discussion, and revision of the draft reports.</p>	<p>Sufficient resources and effective organization devoted to the investigation activities.</p> <p>Effectiveness of the modality and form for such investigation activities.</p> <p>Capacity and other constraints of LAC, OLA, and SPC and the domestic experts to drafting the reports meeting ADB requirements.</p> <p>Knowledge, experience, and mastery of cultural, administrative, and institutional features of the international experts engaged to write the reports.</p>

COST ESTIMATES AND FINANCING PLAN
(‘000)

Item	Foreign Exchange	Local Currency	Total Cost
A. Asian Development Bank Financing^a			
1. Consultants			
a. Remuneration and Per Diem			
i. International Consultants	101	0	101
ii. Domestic Consultants	0	15	15
iii. Honorarium and Per Diem for International and Domestic Resource Persons	5	15	20
b. International and Local Travel	45	2	47
2. Equipment ^b	15	0	15
3. Workshops and Symposiums ^c	0	15	15
4. Participants' Support ^d	0	74	74
5. Publication Cost	0	20	20
6. Contingency	23	20	43
Subtotal (A)	189	161	350
B. Government Financing			
1. Counterpart Staff	0	60	60
2. Office Accommodation	0	1	1
3. Local Transportation	0	1	1
4. Local Communication	0	1	1
5. Interpretation and Translation	0	1	1
6. Investigation Activities	0	31	31
7. Seminar and Symposium			
a. Venue	0	10	10
b. Organization and administration	0	3	3
8. Administration	0	4	4
Subtotal (B)	0	112	112
Total	189	273	462

^a Funded by the Asian Development Bank's technical assistance funding program.

^b Includes desktop and notebook computers and softwares.

^c Includes logistics and materials' cost.

^d Covers travel expense and per diem of the workshop participants.

Source: Asian Development Bank estimates.

OUTLINE TERMS OF REFERENCE

A. International Consultants

1. Individual international consultants, including People's Republic of China (PRC) law experts and a report coordinator, will be engaged to provide 3 person-months' inputs in (i) preparing consultants' reports; and (ii) facilitating the report preparation by the Legislative Affairs Commission (LAC), Office of Legislative Affairs (OLA), and Supreme People's Court (SPC) which are the executing agencies (EAs), and convert the reports into English.

1. Consultants on the Law of the People's Republic of China (4.5 person-months)

2. **Qualifications and Working Experience.** The PRC law experts will, under the supervision of the Asian Development Bank (ADB), prepare the consultants' reports on the development and reform of the legal and judicial system in the PRC. The PRC law experts will have the following qualifications and working experience: (i) education in the Chinese language, culture, or history; (ii) specialization in the PRC law and legal system; (iii) working experience in the PRC law and legal system (researching, teaching, or practicing); and (iv) in-depth knowledge of the PRC law and legal system reflected in publications or experience with other relevant professional activities. People who have worked in the PRC and dealt with the agencies involved in the technical assistance (TA) are preferred. The consultants should also have written and/or published works on the PRC law or legal system.

3. **The Reports.** The consultant's reports will provide an overall background, putting the areas covered by the review and planning exercise under this TA into a broader legal system context. The consultant's reports will summarize and analyze, from the writer's point of view, the issues discussed and analyzed in the EAs' reports. The consultant's reports will point out the lessons to be learned and suggest what needs to be done.

4. The substantive areas to be covered by the consultant's reports should include the following:

- (i) Based on a review of the legal and regulatory framework established through economic legislation, (a) point out the most important accomplishments; and (b) suggest the policy direction of the economic reform for the next 5–10 years, so that economic legislation to be passed and implemented can ensure the accomplishment of the policy change.
- (ii) Based on a review of the development of the administrative law system, discuss and propose the measures, including making new legislation and/or improving implementation of the existing laws and regulations, to (a) reform the functions and focus of the administrative system, (b) increase the efficiency and transparency of the administrative authorities, and (c) increase the accountability of the administrative authorities under the law.
- (iii) Review the development and reform of the judicial system, analyze the issues impeding the achievement of the objectives of impartiality and efficiency of the judicial system, and propose reform measures for the judicial system's development and reform.

5. In addition, the PRC law experts will make special efforts to (i) identify the elements in the legal and judicial system that have direct impact on economic growth and social development; (ii) enrich the knowledge about factors of general application to the development and reform of the legal and judicial system; and (iii) attempt to formulate criteria to measure the impacts of the development of legal and judicial system on economic growth, and develop a value system. The criteria will be independent of the performance indicators for economic growth and will measure the development of the legal and judicial system itself. The views in the consultant's reports should be balanced, the analysis done in a professional and academic manner, and suggestions made with a realistic and constructive approach.

6. Before the start of the drafting work, the PRC law experts will participate selectively in the investigation, drafting of reports, and review workshops, to update themselves on the latest developments in the areas covered by the TA and become familiar with the specific focal areas of the review and planning activities of the EAs. The PRC law experts may use these opportunities to clarify with the EA officials the issues; underlying meanings of the terms; and expressions, intentions, and findings of the review and planning activities.

7. On the basis of the investigation, draft reports, and review workshops, the PRC law experts will prepare an outline of the consultant's reports and submit it to ADB and the EAs for review and comment. A meeting may be held to discuss this outline. Based on the comments of ADB and the EAs, the PRC law experts will draft the consultant's reports.

8. A meeting will be held for ADB and the EAs to review and comment on the draft consultants' reports. The draft consultants' reports will be finalized by incorporation of the comments by ADB and the EAs. The final consultant's reports will be submitted to ADB in five hard and five soft copies saved in three compact discs (CDs) using Microsoft Word 2000 software.

2. Report Coordinator (2 person-months)

9. **Qualifications and Working Experience.** The report coordinator must (i) have education background in the Chinese language, culture, or history; (ii) be specialized in the PRC law and legal system; (iii) have had working experience relevant to the legal and judicial areas covered under the TA; and (iv) have strong English-Chinese bilingual skills, being fluent or close to fluent in reading and speaking both languages and able to write excellent English that is of publishable standards.

10. **Tasks.** The main task of the report coordinator is to (i) coordinate with the domestic consultants, in particular in their work as rapporteurs for the workshops held by the EAs, guide them in preparing and finalizing the proceedings of the workshops, and collect and submit the proceedings to ADB; (ii) help the EAs produce high quality, publishable reports by discussing with them the goals of the reports and this TA, the methodology for the research (including investigation workshops and discussions) behind the reports, the kind of analysis that needs to be in the reports, and the structure of the reports; and (iii) help the EAs write their reports in a style and in language that effectively presents their findings and ideas to ADB and the general public outside of the PRC, including native English speaking readers.

11. The report coordinator will participate selectively in the investigation workshops, assist the EAs in the report preparation process, and interact with the authors of the EAs' reports in reviewing and commenting on the outline and the draft of each EA's report to make the reports

reader-friendly, interesting, and informative to outside readers, including ADB and PRC specialists. As part of this process, the report coordinator will point out the words, terms, expression, writing style, methodology, or structures that need to be revised for the intended audience.

12. The report coordinator will translate the EAs' reports and the summaries or presentations into English. The report coordinator will translate the original Chinese text, and provide overall presentation and structure.

13. The English translation of the EAs' reports will be completed within 3 months after the submission of the Chinese version of the reports. The English version must be of publishable quality and be submitted to ADB in five hard copies and in soft copies saved on three CDs using Microsoft Word 2000 software. The report coordinator will ensure that the Chinese version be submitted to ADB in five hard copies and in soft copy on CDs using Microsoft Word 2000 software.

14. A secondary task for the report coordinator is to proofread the Chinese translation of the consultant's reports and make the necessary corrections.

B. Domestic Consultants (3 person-months)

15. Three individual domestic consultants will be engaged, each providing 1 person-month's service. The domestic consultants will be qualified legal experts, with specialties in economic law, administrative law, or the judicial system. They will be fluent in oral and written English.

16. Under the supervision of the report coordinator, each domestic consultant will be designated to be responsible for assisting one EA. The specific tasks include (i) assisting the EAs to conduct their workshops by undertaking organizational work concerning the use and reimbursement of the TA funds for the workshops; (ii) attending the workshops as rapporteurs, preparing a report on the workshop proceedings, and, based on the review and comment of the EAs, submitting the workshop reports or proceedings to the report coordinator (in English) for submission to ADB; (iii) helping the EAs prepare their reports; and (iv) assisting the report coordinator with the English translation of the EAs' reports.

C. Resource Persons

17. The domestic resource persons will (i) be required to make presentations and lead discussions at the workshops; and (ii) only may express the views of different stakeholders on the specific areas of legislation, administration, and enforcement of law covered by the workshops.

18. The resource persons will participate in the workshops to review and comment on the draft reports of the EAs and consultants. These resource persons should be experts in the PRC's laws and legal system and/or the legal areas relevant to the topics of the reports.

19. The resource persons will be invited to contribute background information, presentations, or analyses on the selected topics to be included in the publications containing the reports.