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## **Anti-Corruption Institutions and Organisations in China**

*(Translation provided by the speaker)*

As other countries and regions, China is also fighting the tough war against corruption. Since mainland China is experiencing the great transition from planned economy to market economy, its anti-corruption work faces more challenges and pressure than developed market economies. Under these conditions, what kinds of strategies and measures does China adopt to combat corruption? This is the key question that the paper tries to answer.

This paper will introduce three aspects of China's anti-corruption system, i.e., strategies, agencies and rules.

### **China's Anti-Corruption Strategies**

In 1978, the Communist Party of China decided to re-establish the Discipline Inspection Committees at both central and local levels, thus restoring China's anti-corruption system destroyed in the Cultural Revolution.

Ever since China started economic reform in 1978, the country has been dealing with corruption problem re-emerging in the reform era. In the face of smuggles and other improper behaviours of local officials, the ruling part adopted a hard-strike strategy that concentrated on investigating and penalizing corrupt activities.

As China continued combating corruption, policy makers deepened their understandings of corruption and recognized the necessity and importance of reducing corrupt opportunity through institutional reforms. In 1997, CPC decided to adopt a comprehensive approach to corruption control, targeting both the problems and the underlying roots of corruption. Based on this decision, China introduced a number of important institutional reforms, such as reform of the administrative approval powers often abused by officials. It also made a lot of anti-corruption rules. These efforts have achieved apparent effect.

The 16th Party Congress further improved its strategies, deciding to pay attention to both penalizing and preventing corruption. This move means the focus of China's anti-corruption strategy has shifted from combating corruption to preventing corruption, and more action will be taken at the roots.

In 2005, the ruling party issued a milestone document titled "Implementation Program for Building and Perfecting a System for the Punishment and Prevention of Corruption with Equal Emphasis on Education, Institution and Supervision". According to this strategic plan, China will establish a framework combining punishment and prevention of corruption by 2010. This means China has finally developed a "three-pronged" approach that emphasizes education, institutional prevention and supervision.

Based on the above facts, we can conclude that mainland China often updates its anti-corruption strategies according to changing situations. Now China has finally developed a set of balanced and comprehensive anti-corruption strategies.

## China's Anti-Corruption Agencies

It is anti-corruption agencies who implement China's anti-corruption strategies and policies. Mainland China has multiple anti-corruption agencies. They work together to fight and prevent corruption.

First of all, the ruling party has its own anti-corruption arm, the Discipline Inspection Committees system, to govern the activities of all party members.

Meanwhile, government also has its own Supervision system that governs the activities of government employees.

When the party/government anti-corruption agencies find activities of public employees and officials very questionable, they will make preliminary investigation.

If they conclude that the activities have violated China's criminal laws, they will forward the case to prosecutorial agencies, which will then continue the investigation.

If the prosecutorial agencies have enough evidence to prove that the activities are illegal, they will prosecute the cases to the courts. The court will make judgement according to laws.

Besides the professional anti-corruption agencies mentioned above, other public agencies such as police and audit agencies also make contribution to the anti-corruption work by providing information and assisting investigation.

To sum up, China has more anti-corruption agencies than most other countries and regions. These agencies have relatively clear distribution of labour, and they also work together in the investigation process. Of course, such a relatively complicated system requires good coordination to operate smoothly.



## China's Anti-Corruption Rules

The above anti-corruption agencies are responsible for implementing anti-corruption rules. Through 30 years of rule-making, mainland China has developed hundreds of anti-corruption rules. Statistics show that from 1978 to 2000, central party and government agencies alone issued more than 450 anti-corruption rules and notices.<sup>1</sup>

China's anti-corruption rules mainly consist of three types of institutions, i.e., laws, administrative regulation, and party/government disciplinary rules.

Among the three types of rules, laws have the highest level of authority. For instance, China's Criminal Law has listed three major types of corruption-related crimes, i.e., graft, embezzlement, and bribery. These legal provisions form the basis for prosecutors and judges to make decisions when they handle corruption cases. China also has a number of laws to govern public powers and public resources, such as Government Procurement Law, Administrative Permission Law, etc. These laws, by specifying how public powers should be played and how public resources should be distributed, can substantially reduce the discretionary power of officials and their corrupt activities.

<sup>1</sup> Ren Jianming, "An Empirical Study on China's Anti-Corruption Rules: 1978-2000", *Dangfeng Yuebao*, September, 2002.

Administrative regulations are another important type of anti-corruption rules, as they try to govern routine administrative decisions and activities. For example, in May 1, 2008, China's Government Information Disclosure Regulation took effect, urging government agencies at all levels to disclose non-confidential public information to the society. This is a great progress for China to achieve government transparency and accountability.

Besides the above rules, both the ruling party and the government have their own disciplinary rules to govern the activities of party members and government employees, respectively.

According to the statistical analysis of Prof. Ren Jianming, laws and administrative regulations currently account for a small portion of all anti-corruption rules. Apparently, China needs to upgrade its existing anti-corruption rules and convert them into laws, in order to achieve better effect for these rules.

Category	Law	Administrative Regulations	Department Regulations	Official Documents	Others
Number of Rules	28	17	15	388	2

### Forecast and Conclusion

Although it is hard to make any concrete prediction about China's future anti-corruption work, now some trends have been relatively clear at this point.

On the level of strategies, China will continue upgrading its anti-corruption strategies in the face of changing situations. In the future, China will continue preventing corruption through institutional reforms. At the same time, it will explore how to minimize corrupt opportunities through technological innovations. China's E-gov campaign in recent years has proved the great potentials of information technology to reduce corrupt opportunities. This is an important development to observe.

On the level of anti-corruption agencies, China needs to integrate its multiple anti-corruption agencies, improving both their information sharing and work coordination. Also, China needs to improve their capacity by providing more investigative powers, more financial resources and better training, etc.

On the level of anti-corruption rules, China definitely needs to integrate the existing rules. We certainly need less, better and more enforceable rules.

China has been fighting corruption for decades. Now many factors such as globalization, China fast-growing economy and increasingly mobile Chinese society all pose new challenges to China's anti-corruption work. The war against corruption will not be short one. We believe that with strong political will, people's support and good strategies, China will win this war eventually. 