

China Officials' Property Publicity: A Long Way to Go

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Abstract

Officials' Property Publicity system is considered to be the basic element of the modern democracy, as a weapon against corruption and to promote clean government, so Chinese people's desire for the unveiling of related policy is getting more and more intense. All regions in China have actively carried out pilot exploration work in succession, whereas many problems have been exposed. American Officials' Property Publicity System is representative of the world's perfect anti-corruption legal system, which after careful examination may have positive significance on the construction of the legal system of our country.

Key words: Property publicity; America; Pilot work; Enlightenment

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INTRODUCTION

Officials' Property Publicity System is currently an important measure of China to deepen the reform of the political system and to carry out anti-corruption, which is recognized as sunlight bill against corruption worldwide and is strongly supported in most countries and is put into generally successful operation. This paper analyzes the current situation of China's Officials' Property Publicity System, and then studies the system of officials' property

of the United States, on the basis of which this paper may make some preliminary suggestions on the improvement of China's Officials' Property Publicity System.

1. THE STATUS QUO OF CHINA'S OFFICIALS' PROPERTY PUBLICITY SYSTEM

Since the Eighteenth National Congress of the Communist Party of China, communist party and government of China have improved the work style, and have strengthened the anti-corruption work system innovation and have constantly promoted clean government. The Third Plenary Session of the Eighteenth Central Committee of the Communist Party of China proposed to improve the legal system of anti-corruption, and to carry out pilot work of the publicity of related matters of the new promotion of leading cadres. This provision has laid an important foundation for the deepening of the anti-corruption construction, which is a positive response to the appeal of the community.

1.1 The Party and Central Government Are Promoting This Policy Gradually and the Local Government Step Up Its Fully Implementation

With the development of market economy in China, conflicts of interest are becoming increasingly apparent, and the reform of the political system has been deepened, the party, government and people of the public have paid more attention to the Officials' Property Publicity. Early in 1995, in order to prevent corruption, enhance the integrity honest of officials and maintain credibility of the government officials, the Central Committee of the Communist Party of China and the State Council of the People's Republic of China issued the *Regulations on the Declaration of Leading Cadres at the County Level and above in Party and Government Organs* (referred to as *Regulations* hereinafter). Which became the first

normative document with the character of property declaration system, since then, the development of Chinese Officials' Property Publicity System gradually embarked on a track of scientific, standardization and legalization. In 2010, the *Regulations on the Leading Cadres Reporting Personal Affairs* issued by the General Office of the Central Committee of the Communist Party of China and the State Council of the People's Republic of China have cleared the specific provision of the main body of property declaration, and further improved the accountability of Officials' Property Publicity System and the main body of property declaration system. In recent years, Aletai, Cixi, Zhejiang, Guangdong and other places have carried out pilot exploration, and part of cities and countries have implemented the officials' property publicity in China with the Officials' Property Publicity System gradually introduced.

1.2 The Main Content of Current Officials' Property Publicity System

Much improvement has been made to the Officials' Property Publicity System of China, especially in terms of officials' property declaration. The declaration mainly includes township section level and county division level cadres, with the scope of the subject expanded from leading cadres themselves to cadres and their lineal relatives. Officials' property declaration mainly includes personal property and real estate, claims and debts. Declaration accepting organizations include the discipline departments and personnel departments and supervision departments of the unit of reporting subjects. Meanwhile, the declaration shall be reported to discipline organizations and superior personnel departments, supervision agencies for the record. Officials' Property Publicity is within limits, which mean officials' declarations are known only by a few leading people, unknown to the rest.

1.3 There Is Difficulty of Promoting Officials' Property Publicity System

Firstly, publicity system is confronted with resistance from the subjects of system. To implement the property publicity system, it needs firm confidence of official subjects. However, at present, Officials' Property Publicity System of China is facing great resistance from subjects of property publicity system, who give false declaration or use their power to conceal their real personal property. Officials' property system will have a certain impact on, to a certain extent, the vested interests of the officials, thus it encounters resistance of officials. Moreover, the traditional culture of the country, especially the "official standard" in which the core thought is to regard individual interests as value orientation, has a negative impact on the construction of service and honesty of the government.

Secondly, due to the lack of institutional norms, the content of property that should be reported is

controversial. At present China has not yet issued strict norms of laws and regulations for publicity of officials' property, and the content of property is not clearly defined, on which there is differences and disputes from area to area. The property that is supposed to be known by the public, though mainly contains personal property and part of the family property, is defined differently in each pilot unit. For example, property in Liuyang of Hunan province includes all annual income and housing estate, vehicles and other property, whereas property of Altay of Xinjiang province contains wages, allowances, bonuses, gifts accepted by officials themselves and their close relatives. Instead of reporting all the property, including real estate and gray income, the content of officials' property is limited to the personal property of the officials, thus it is obvious the property that is reported cannot accurately reveal officials' real financial situation.

Thirdly, there are imperfections in the supervision mechanism. To implement a system, it needs a set of perfect supporting measures, however, the Officials' Property Publicity System is lacking relevant supporting measures currently. The biggest problem of China's Officials' Property Publicity System in places of the pilot works is that the supervision mechanism is not perfect, for publicity without accountability and supervision is meaningless.

2. AMERICAN OFFICIALS' PROPERTY PUBLICITY SYSTEM IS OF ENLIGHTENING MEANING TO CHINA

American Officials' Property Publicity System, which is gradually perfected and becomes an important part of the United States legal system, has its great reference value to other countries. By comparing the system of China and the U.S., we may learn from the successful experience of the latter. In the reflection of China's system, it may give some clue to how we can improve China's system, so as to promote China's "sunlight bill".

2.1 Comparison Between the Officials' Property Publicity System of China and the U.S.

American Officials' Property Publicity System has been implemented for more than 30 years, so compared to the system of China which is still in the process of exploration and has not yet formed a formal specification system, the system of the U.S. is a more mature one. Comparing the system of the two countries, we may observe following differences:

Firstly, the legal basis of two systems is different from each other. According to the legal system of the United States, especially the act of *Ethics in Government Act*, the government has made detailed provisions on the property of the United States officials, including the main body, the contents of the declaration, the reporting period, the

punishment of violation of the declaration, and so on. China's Officials' Property Publicity System is lack of appropriate legal policy, therefore local pilot work is only guided by local regulations, with the absence of specific legal documents. Because of the lack of legal protection, the promotion of the act is solely relied on the leadership of the administrative departments. For instance, the declaration system in Altay, Xinjiang, along with the death of Wu Weiping, went to an end.

Secondly, the subjects and the content of the declaration are different. U.S. officials, including those in the positions of the three agencies of the legislative organs, administrative organs and judicial organs, regardless of the level of official positions, shall declare their property in accordance with the law. The content of the declaration include personal and family income and property, such as personal savings, real estate, vehicles, securities, bonds, pensions, wages, commissions, service fees, speech submission fees, and other labor compensation, etc. (Wang, 2013). In China, according to the *Regulations*, the property declaration subjects are officials of county (department) level and above (including county-level cadres) in party and government organs, social organizations, and institutions, and officials who are in charge of large and medium-sized enterprises (Chen & Yu, 2013). China's administrative system is huge, however the officials that are included in the system are in the minority. What makes matters worse is that the property declared in the pilot work is limited to part of the property, thus it is obvious that property publicity range is narrow.

Thirdly, there are differences in the reporting period and the form of declaration between the two systems. In the U.S., Officials in-service, candidates and staffs that are relieved are requires different publicity period by the U.S. government. The declaration of senior officials shall be in a public web site for a period of six years. In China, the reporting period is short, and the content is unknown to the public. For example, Liuyang in Hunan Province intended to promote 75 leading cadres, therefore they are required to declare their property. However, the property, including annual income, real estate, vehicles etc. is merely online for three days of publicity. (Promotion) Publicity in other pilot work is conducted among officials themselves, that is, they declare their property merely to relevant authorities and peers at the same level of leadership.

Fourthly, the property declaration accepting institutions are different. In the U.S., there is a special agency to accept declaration, that is, the U.S. Office of Government Ethics (USOGE), of which regional offices that are responsible of declaration and verification are attached to them in all the states. However, a corresponding agency to be responsible for declaration and verification of officials' property has not been set up by Chinese government. In fact, officials of all regions now only declare to the

personnel department of related level and supervision department which are both internal organs of local agency. Therefore, it may lead to confusion between the various departments within the agency and cannot achieve fair and impartial supervision.

Fifthly, the supervision and accountability mechanisms are different. U.S. officials of the property system, in addition to the supervision by the USOGE, are supervised by the community. The United States legal system clearly provides severe sanctions for officials who are not fulfilling the obligations of property reporting. Moreover, the court may fine those people a certain amount of money. In addition, the judiciary can also launch a criminal lawsuit against those officials who fail to fulfill the obligations. The Civil Service Commission may require a censure or discipline to officials who provide false property declarations or do not register their property or do not mention changes to their property or do not provide explanation or do not declare foreign gifts (Liu & Hao, 2011). In China, however, the social supervision receives less expected effect. All the pilot work come to the same result: zero complaint, zero query, no strong social repercussions. For failures to declare or false declaration, subjects are disciplined by Party committee or discipline inspection departments, that is they shall be ordered to report, correct, and may give criticism and education or disciplinary sanctions accordingly. The punishment, without involving civil liability or criminal punishment, is light and powerless.

2.2 The Enlightening Meaning of American Officials' Property Publicity System to China

(a) It calls for Property Publicity legalization in China. In China, the publicity of the officials' property is facing with many obstacles because of a lack of legal support, therefore it is necessary to establish laws and regulations to ensure the development of property reform, so that the Officials' Property Publicity System may have a legal environment needed to develop. Anti-corruption depends on the rule of law, and the key is to develop three laws: the *Major Decision-Making Procedures Ordinance*, the *Government Public Law* and the *Administrative Organization Law* (Ma, 2013). In this way, the officials' property system may step into the legal system.

(b) It needs institutional and technological support. On the one hand, the property publicity system needs to be specific. Based on the law and the requirement of the system, the basic elements of a design of complete and scientific property declaration system can be summarized as "four links" and "three ranges" (Ren, 2009). "Four links" means to declare, to be open, to supervise and to verify. "Three range" refers to the range of the subject, the range of family and the range of property (Zhang, 2010). To perfect property system, all four links are important and necessary, which needed to be carried out as a whole. Deyun Han, deputy to the National People's Congress,

believes that the officials' property declaration subjects should be expanded to

officials in positions above the deputy leadership of county level in the civil service, and positions above chief clerk in the civil service, and officials who served in leadership positions in the civil service and officially retired less than five years. Meanwhile, the parents, the parents-in-law, spouse, off-springs and other family members need to declare their property. (Qin, 2008)

What's more, the property range should be expanded to the income and all other properties of officials. The publicity shall be in the range of society. Furthermore, the period of publicity needs to be set accurately and reasonably.

On the other hand, it requires a certain technical means to support the system. First of all, the establishment of civil service information database is necessary. Such database allows officials' property information to go public automatically, rather than be provided by the officials themselves. Such database requires a lot of efforts. For example, financial real-name system should be established. Secondly, it would be necessary to establish a trans-sectional information sharing platform, which allows the publicity of officials' property of the deposit, real estate, stocks, securities and other property information timely. Any person on the network can always understand the property status and trends, and the regulatory authorities can verify the property of the officials at any time (Wang, 2012).

(c) The establishment of verification mechanism, and a improvement of the supervision system are needed. It is beneficial to establish a set of scientific and legal system in which the mass, the press can supervise the government and officials. In this case, a supervision department that is independent and standardized, which is selected in People's Congress and is responsible to the Congress, is a department necessary. This department shall be of independent right of supervision and verification, so as to form a comprehensive supervision system.

(d) To strengthen the construction of integrity, especially the construction of officials credit mechanism. The Property Publicity system which should factually reflect the status of officers' property, otherwise it will lose it's original meaning of publicity and down the drain of prevention of corruption. The current state of Chinese social morality is frankly atrocious and integrity is lack of, which also exist among the civil servant troops, being an obstruction of the publicity of officials' property. To strengthen construction of honesty and faithfulness,

it's necessary to educate the officers on the concept of integrity, carry out the integrity standard of a civil service, make the establishment of a credit archives of civil servants as a key task on the construction of civil servants credit system. Meanwhile, putting the integrity included in the assessment content and implementing it at ordinary times and annual assessment, to ensure incentive for the integrity performance and punish the dishonest acts, thus to form the effective mechanism of credit.

CONCLUSION

All in all, China's Official's Property Publicity System is undergoing continuous development in various parts of the pilot, referencing to United States advanced experience of property publicity, making up the deficiency during practice, which making the Official's Property Publicity System into a track of more standardization, scientific and legalization, and proceed to the next step of the building-up of a powerful and civilized modern democratic socialist country.

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