The Chinese Communist Party’s Experiment With Transparency

Unpacking the CCP’s new regulations on “open party affairs.”
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In an environment of tightening control over information flows, the Chinese Communist Party (CCP) for the first time adopted rules requiring itself to be more transparent. The “Regulations of the CCP on Open Party Affairs (for Trial Implementation),” adopted in December 2017, aspire to improve the CCP’s governing ability and promote its exercise of power “in the sunlight.” The regulations require the CCP Central Committee — and other party organizations at all levels, including the anti-graft body that has led a wide-ranging anti-corruption campaign — to disclose certain information to party members and, in some circumstances, to the general public.

The “Open Party Regulations” institutionalize the CCP’s call for making party affairs more transparent, a priority that was reaffirmed in General Secretary Xi Jinping’s speech at the 19th National Party Congress in October 2017. In addition to enabling party members to better understand and participate in party matters, transparency is seen as a means to better advance the CCP’s theories and policies. The regulations mostly codify existing practices and, thus, may not shine much additional light into the black box of political and economic decision-making at the top leadership levels. Nonetheless, they impose basic disclosure obligations on party organizations and
party members working in CCP and state organs, enterprises, universities, social organizations, and the military.

The CCP has promoted transparency initiatives for nearly three decades, beginning with “open village affairs” (cunwu gongkai) and then “open government affairs” (zhengwu gongkai). In 2007, the pioneering State Council “Open Government Information” (OGI) Regulations were adopted, requiring that government records be disclosed both proactively and on request. China’s Supreme People’s Court has promoted “open judicial affairs” (sifa gongkai), leading to an increase in open trials, decisions, and enforcement actions, as well as the creation of the world’s largest judicial information database, which now includes over 42 million searchable court decisions. Similarly, the nation’s top legislative body, the National People’s Congress (NPC), adopted an “open-door legislation” initiative that requires publication of draft laws for comment by the general public, as well as greater outside expert involvement in drafting and reviewing proposed laws.

Former General Secretary Hu Jintao officially introduced the concept of “open party affairs” (dangwu gongkai) in 2004, as a component of democratic centralism and intraparty democracy. Revisions to the CCP Constitution in 2007 added the requirement that party organizations at all levels practice open party affairs, and the CCP reportedly established a central leading small group on open party affairs in July 2009. In 2010, the Central Committee issued guidance directing primary-level party organizations to disclose a variety of information about the organizations and their activities. Numerous local implementing instructions and successive CCP documents have called for advancing open party affairs, and for party members as well as ordinary citizens to be accorded the rights to know, participate in, and supervise party affairs. Those same rights are referenced in the new Open Party Regulations. Other intraparty regulations also require disclosure of certain party-related information and activities, such as open selection of cadres, discipline inspection results, and cadre accountability. Party disciplinary regulations threaten to punish party members and their superiors for infringing the public’s right to know by not disclosing party, government, factory, and villager and urban resident committee affairs.

The Open Party Regulations are part of the CCP’s intraparty regulation system, which, along with various policies and instructions, governs the behavior of party organizations and members as the “law within the CCP.” The CCP’s charter, referred to as the CCP Constitution, is the most fundamental intraparty regulation. As part of his law-based governance initiative, Xi Jinping has sought to enhance CCP self-governance through strengthened intraparty regulations, while emphasizing that CCP activities and intraparty regulations themselves must conform to the State Constitution and law, as well as to the CCP Constitution.

Broadly speaking, “open party affairs” refers to disclosure within the CCP — or to the public — of information on party leadership activities and party-building work. More
specifically, party organizations are to disclose their implementation of the CCP’s basic theories, line, and strategies; their leadership over economic and social development; how they carry out their responsibility to comprehensively and strictly govern the CCP and strengthen party building; and their functions and institutional structures. Party organizations are directed to “let power operate in the sunlight” by strengthening their constraints and opening them to greater public supervision. Exempted from disclosure, however, are matters deemed as party secrets, which are not defined, or state secrets. Nor may disclosure of party-related information endanger political, economic, military, cultural, social, or homeland security or the safety of the people.

The Open Party Regulations prescribe basic rules for disclosure to party members or the general public, based on the degree of relevance to a particular audience. Information concerning the party’s economic and social development leadership and the general public’s production and livelihood is to be publicly disclosed. Major issues of party building, the duties and rights of party members, and other compliance requirements are to be disclosed to the entire party. Party affairs relating to a specific region, department, or unit, or to a particular organization or person, however, should be disclosed only to that group or person.

The new regulations further specify matters that party organizations and associated bodies at the central, local, and primary levels should emphasize for disclosure. Central party organizations should publish information about CCP theories, lines, principles, and policies; CCP and state governance decisions and plans; speeches and instructions by the general secretary; important meetings and activities; and the appointment and removal of officials by the Central Committee. Local party organizations are responsible for publicizing local economic and social development plans, major reforms and responses to major emergencies; how they are fulfilling their responsibility to exercise strict self-governance; and major conferences, events, and official appointments and removals within their jurisdictions.

Primary-level party organizations face more detailed requirements, which are similar to those in the 2010 Opinions. In addition to information about their study and implementation of Central Committee decisions, they must release information about their work plans and execution of key tasks; political and ideological education; how they are serving party members and the people; term elections; new party organizations; party member development, democratic appraisal, and rights protection; the collection, use, and management of membership dues; and internal disciplinary actions.

The Open Party Regulations also stipulate obligations for the Central Commission for Discipline Inspection (CCDI), which oversees party member discipline and is leading Xi Jinping’s signature anti-corruption campaign. The CCDI must release information on investigations of “unhealthy tendencies” and corrupt practices that violate the CCP’s anti-graft provisions; cases of serious discipline violations by party members and leading cadres, their examination, and resulting dismissals from the CCP; and how party
members and leading cadres have been held accountable for serious dereliction of duty and misconduct. The CCDI is already publicizing all of this information, at least on a selective basis. Although actual CCDI investigations are conducted in a shroud of secrecy, including through the much-criticized intraparty “shuanggui” or “double designation” detention system, the CCDI has begun to release its rules, procedures, results, and statistics.

Notably, however, the new regulations do not address the sensitive issue of disclosing party cadres’ personal assets. Since 1995, personal wealth and other matters relating to cadres and their families must be reported annually to the CCDI and, in response to public pressure, the party has experimented sporadically with releasing certain financial information about newly appointed or transferred lower-level officials. To date, however, these experiments have not been institutionalized.

CCDI transparency requirements and practices may become even more important in the near future. Proposed reforms to the supervision system will replace the CCDI’s state counterpart, the State Council Ministry of Supervision (MOS), with a new National Supervision Commission that will share responsibilities and procedures with the CCDI. At present, the MOS investigates and recommends disciplinary action against nonparty civil servants. The MOS and CCDI, which merged in 1993 and share office space, personnel, and organizational structure, as well as a website, and are an example of what the Chinese call “one institution, two nameplates.” Nonetheless, the MOS is treated as an administrative agency ostensibly subject to the OGI Regulations, pursuant to which it publishes a brief annual report and budget, both of which also cover the CCDI. Their joint website includes a catalog of information, as required by the OGI Regulations, listing and linking to organizational structure, work procedures, and meeting materials.

The new Supervision Commission — which will merge the functions of the present MOS, the National Corruption Prevention Bureau, and relevant departments of the Supreme People’s Procuratorate with the CCDI — will enjoy expanded jurisdiction over all public personnel who exercise public power, including party members. This commission will nominally report to the NPC, but it will carry out the dual functions of discipline inspection and supervision and be led by, located with, and share the work procedures of the CCDI. Since this commission will reportedly not be an administrative agency, but rather a political body, it will not be subject to the OGI Regulations or other administrative laws. The NPC released for public comment the first draft of the law that will establish the commission, stipulating that the commission should publicly disclose the decision to file and investigate a case and, more generally, information on its supervision work “in accordance with law.” While the Open Party Regulations may apply to at least the CCDI functions within the new Supervision Commission, it is not clear what disclosure obligations state law might impose on the commission’s work.
The new regulations also prescribe various methods for proactively disclosing party information, including through meetings, reports, websites, press conferences, and news outlets, with priority given to party media. Party committees and their work organs, including those of the CCDI, are encouraged to install spokesperson systems, which the CCP pioneered in 2010. The CCP has established its own website, where it posts leaders’ speeches, news items, and many (although not all) of its intraparty regulations. Some organizations, like the CCDI and the Central Committee Organization Department, which recently started publishing annual statistical reports on the CCP, maintain dedicated websites. The Open Party Regulations further call for party organizations to prepare and disclose within the CCP — and to the public “in accordance with provisions” — catalogs listing party-related information to be disclosed. These organizations must also report annually to party members and the general public on their transparency work.

Party propaganda organs have framed the release of the Open Party Regulations as a “great measure” reflecting the Central Committee’s enhanced self-confidence in committing to greater transparency for itself, as well as lower-level organizations. Yet, the new regulations were issued on a trial basis, signaling a lingering tentativeness, even with years of experience under the 2010 Opinions and other transparency-related policies. Unlike the OGI Regulations and the 2010 Opinions, the Open Party Regulations do not establish a channel for requesting information that has not been proactively disclosed. Nor do they stipulate any appeal channels to seek disclosure of information. Instead, the main forms of accountability for satisfying disclosure requirements are through annual reports; including open party affairs work in assessments of lower-level organizations and their principal staff; and imposing party discipline where transparency violations cause adverse consequences.

In spite of their limitations, adoption of the Open Party Regulations institutionalizes the open party affairs project and strengthens the “cage of regulations” into which Xi has vowed to place the exercise of power. Its passage also signals the CCP’s continued — albeit cautious — support for using transparency to modernize the Chinese governance system.

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