

Reorganization of anti-corruption agencies in China

On January 12-14, 2016, the Central Discipline Inspection Commission of CPC held its sixth comprehensive meeting in Beijing. According to statistics released by the Commission, the total number of party officials disciplined from January 1 to November 30 in 2015 were 43,000, including 3,818 of the division chief rank and 441 of the department chief rank, increased by 45 and 123 per cent, respectively, with the numbers of 2014. For “hitting tigers”, since the 18th National Congress of CPC in 2012, more than 100 high ranking officials have been inspected and charged, including Su Rong, former Vice-President of Chinese People’s Political Consultative Conference; Xu Caihou, former Vice-Chairman of the Central Military Commission of CPC; Zhou Yongkang, a former standing member of the Politburo of CPC; and Ling Jihua, former Vice-President of Chinese People’s Political Consultative Conference.

Generally speaking, corruption cases involving high ranking officials are first investigated by the discipline inspection commission of CPC, hereafter referred to as the discipline commission. Once the facts are clear, the case is sent to the people’s procuratorate for formal investigation and indictment in accordance with the Criminal Procedure Law. Officials who are inspected and charged by the discipline commission are generally indicted by the procuratorate. Therefore, the discipline commission is in fact the main force, though not the “regular army”, in the investigation of criminal corruptions in China.

According to the Criminal Procedure Law, all occupational crimes, or corruption crimes in broader sense, committed by state workers, or public officers, shall be investigated by two investigation departments of procuratorates at all levels. They are the department of anti-dereliction of duty and infringement on human rights, and the department of anti-embezzlement and bribery. There is also a department of preventing those occupational crimes in each procuratorate. As the procuratorates are basically under the leadership of the CPC committee and the government at the same level, this system has the demerits of decentralization with both horizontal and vertical dispersion of force.

Besides the discipline commissions and the procuratorates, the police departments at all levels are also in charge of investigation of corruption crimes committed by non-state workers, or commercial bribery in private sectors.

On the whole, the present anti-corruption system in China is a decentralized model, with the feature of “controlling the waters with many dragons”. Even though the three agencies have a division of labor, there is bound to be some overlap in the investigation of corruption cases. It is not rare to see the repeated work between the discipline committee and the procuratorate or between the procuratorate and the police.

However, fighting corruptions requires establishing a homogenous and consolidated system, and building up a nation of rule of law requires the investigation of corruption crimes within the legal framework. Therefore,

reorganization of anti-corruption agencies is a must for China now, and the roadmap is from decentralization to centralization.

First, the procuratorates should reorganize their existing occupational crime investigation and prevention departments. On November 2, 2014, the Supreme People's Procuratorate announced the decision to establish a new Anti-Corruption Bureau-General. Then the three departments mentioned above merged into the Bureau-General. According to a news report on January 9, 2016, Ms Lu Xi, a former Deputy Procurator-General in Beijing, became the first Director of the Bureau-General. Now, the reorganization is going with the judicial reform to the procuratorates at lower levels in China.

Second, the functional relations between the procuratorates and the discipline committees should be adjusted. As soon as the internal structure of the procuratorates is put in order, the anti-corruption bureaus should become both the "regular army" and the "main force" for investigating corruption crimes in China. In another word, all corruption crimes shall be directly investigated by the procuratorates. Meanwhile, the discipline committees shall devote the bulk of their force to enforce the discipline rules of CPC and to prevent corruption in the country.

Third, the functional relations between the procuratorates and the police departments should be adjusted. On the basis of having completed the first stage of reorganization within the procuratorates, the investigation function with corruption crimes in private sectors shall be shifted to the procuratorial organs. Corruption crimes by state workers and non-state workers certainly do not occur in two isolated worlds, and it is more efficient to be investigated by one single organ. This adjustment will not only help to establish the homogenous and consolidated corruption crime investigation system but also help to improve the effectiveness of fighting corruptions in the country.

In the course of these reorganizations, it is crucial that the procuratorates obtain trust from both the state leaders and the public. As the old saying goes, to rectify others, one must first rectify oneself, and to forge iron, one must first stiffen oneself. For this reason, the procuratorial organ must undergo effective professional education and systems management – including to a certain degree a system of high salaries to ensure honesty, to fashion an "iron army" for investigating corruption crime.

In China today, the problem of corruption has become both severe and universal, shaking the foundations of China's state authority and poisoning the environment for social conduct, for which reason the fight against corruption has become a national priority. There is a saying in Chinese traditional medicine that for a serious illness, first treat the symptoms, and then treat the causes. Now, it is the anti-corruption strategy in China. The reorganization of anti-corruption agencies is mainly for "treating the symptoms" of corruption, while the more challenging mission is to treat the causes of corruption.

In October of 2014, the Fourth Plenary Session of the 18th National Congress of CPC laid out the general objective for the nation to build "the socialist system of rule of law with Chinese characteristics", marking the beginning of China's effort to go from treating symptoms to treating causes of corruption. The rule of law is a good way for fighting corruption, while fighting corruption is a good reason

for promoting the rule of law. China still has a long way to go for this objective.

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