



Institutionalized citizen deliberation in China

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In the last three decades, China has witnessed the development of consultative and deliberative institutions (He, 2006). An increasing number of public hearings have provided people with opportunities to express their opinions on a wide range of issues, such as the price of water and electricity, park entry fees, the relocation of farmers, the conservation of historical landmarks, and even the relocation of the famous Beijing zoo, to name a few (Zhongzhao, et al., 2004).

The key question is whether these consultative and deliberative practices will continue to develop through institutionalization. This short piece will focus on this question. It briefly describes the experiments in developing consultative and deliberative institutions, then identifies the problem of sustainability, followed by an examination of the institutionalization approach to the sustainable development of consultative and deliberative institutions.

Development of Participatory and Deliberative Institutions

China has a long-standing tradition of discussion and deliberation on community-related issues at the local community level. The introduction of *village* elections and the establishment of participatory and deliberative institutions, such as village representative assemblies since the 1990s, have changed the structure of village politics and the political behaviour of some 3.2 million “village

officials” in the 734,700 villages in China. Since the middle and latter 1990s, some villages have developed village representative meetings wherein major decisions on village affairs are discussed, debated, and decided by village representatives.

Local *urban* communities have also developed new participatory and deliberative institutions. The Chinese consultative meeting or public hearing is designed to get people's support for local projects. The popular conciliation or mediation meeting is designed to solve various local problems and conflicts. In the Shangcheng district of Hangzhou, a consensus conference or consultation meeting is held once each month. Citizen evaluation, first introduced in Shangdong and Shengyang, and then in Shanghai and Hangzhou, is designed to give the ordinary people an opportunity to rate and evaluate the performance of local cadres.

Whether village deliberation is democratic depends on whether village deliberation is empowered. That is, whether villagers have opportunities to contribute to decision-making processes and thus influence the outcome. In the 2005 survey by the Institute of Sociology, China's Academy of Social Sciences, 10 percent of respondents reported that decisions on schools and roads in their villages over the previous three years were decided by an all-villagers' assembly. 20.7 percent said these decisions had been made by village representative meetings. If we



combine the first and second responses, roughly 30.7 percent of respondents confirmed that villagers were able to influence village deliberation through an all-villagers meeting or village representation meetings. In the 2016 survey by the Rural Institute, Huazhong Normal University, 36% of villagers confirmed that major decisions were determined by all villagers' meetings (or assemblies) or villagers' representative meetings. At the same time, the percentage of villagers who believed major decisions were completely made by the village party secretary or village chief dropped from 25% to 14.3%. This indicates a small progress from 2005 to 2016.

Further, the 2016 survey offered nice empirical indicators of the level of empowered deliberation. 74.9% of the villagers had confirmed that their village disclosed village affairs and financial statements to the villagers. 21.7% and 52.5% of the villagers believed that the content of information disclosure was very reliable or relatively reliable respectively. In addition, 25.5% of villagers said they often participate in villagers' meetings or the villagers' assembly, and 46.6% of villagers said they occasionally participate in villagers' meetings or assemblies. While 43.5% of the villagers believed that their village had established a democratic appraisal system, the proportion of villagers who participated in the democratic appraisal meeting was about 33%.

The sustainability problem

The deliberative institutions discussed above have serious deficiencies. The Chinese saying goes, "when the man leaves, the tea cools off." When it comes to developing deliberative democratic institutions, once leaders go their

ways, institutions wane. The place of origin of democratic deliberations—the township of Songmen in Wenling, Zhejiang—is a case in point. Following changes to the township's party committee, the outcomes of the original discussions on the fishery were shelved. With the departure of the party secretary of a municipal party committee, the driving force for democratic deliberation was reduced. The original secretary regarded it as his "baby," nurturing it lovingly and actively promoting it. However, the incoming secretary held no such similar positive attitude. While not working against deliberative democracy, he put no great effort into promoting it, so the party secretaries at the city level did not earnestly support it, nor was any enthusiasm shown by leaders lower down at township level. These examples illustrate that citizens' deliberation is driven by elites. Its survival, and key aspects of its development, are determined by their will and determination. How has China addressed this sustainable problem through institutionalization?

Institutionalization approach

The Legal approach

In 1996, the first national law on administrative punishment introduced an article stipulating that a public hearing must be held before any punishment is given (Mang, 2004). The Article 23 of the Law on Price, passed by China's National Congress in December 1997, specified that the price of public goods must be decided through a public hearing. This was followed by the Law on Legislature, passed in 2000, which requires that public hearings be an integral part of the decision-making process for all legal regulations and laws (Quansheng, 2003).



On December 29, 1997, the Standing Committee of the National People's Congress passed the *People's Republic of China Price Law* (hereafter, *PRC Price Law*). This law required relevant enterprises to provide information and documents regarding costs and profits to the local price authorities to assist pricing (Article 22 of the PRC Price Law). It placed responsibility on the local price authorities to organize public hearings to collect opinions from stakeholders, including consumers, citizens, and enterprises, before it could set prices (Article 23 of the PRC Price Law). The National Development and Reform Commission (NDRC) has issued several policy papers since 2001 to institutionalize further the participatory and deliberative approach to price setting.¹ These include the 2002 *Methods on Organizing Participatory Pricing for Governments to Set Prices* and the 2008 revision, *Methods on Organizing Participatory Pricing for Governments to Set Prices*.

Unlike the *PRC Price Law*, the 2002 Method and the revised 2008 version detail the procedures of the public hearings. Specific rules determine the selection methods of delegates (volunteers and recommendations), the composition of participants (consumers, enterprises, governmental representatives, experts, scholars, and NGOs), the procedures (mediator's introduction about pricing plans, government representative's reports on supervision and examination results, participants' presentations, and Q&As) and the corresponding responsibilities of stakeholders.

A comparison between the 2002 document and the 2008 version reveals significant changes. The first significant change is the enhancement of openness and transparency of PP. Four key changes in the revised version include: 1) there is no longer a requirement for price authorities to invite reporters and journalists to audit the event; 2) price authorities must now make public the methods of participant selection at least 30 days before the event to ensure the opportunity for voluntary registration; 3) price authorities must post selection results and participant name lists online for reference; and 4) after public hearings, price authorities must announce pricing decisions online with detailed feedback for each participant's questions. Another significant change regards information distribution, accessibility, and diversity: 1) pricing authorities must distribute information relevant to the issue to participants at least 15 days before the event to provide sufficient time for contemplation; and 2) participation must involve different interest groups to ensure diversity and representativeness, with consumers (citizens) comprising at least 40% of all participants.

Local governments' public hearing requirement

At the city level, public hearings are institutionalized through the official requirements in the governmental documents. Chinese local governments have been establishing rules to embed public consultations in their daily work routine. And establishing these rules, at least, marks a crucial step to institutionalize deliberative and consultative institutions.



1. *Code of Conduct for Governments to Set Prices (Trial) by the NDRC in 2001, Provisional Methods on Organizing Participatory Pricing for Governments to Set Prices by the NDRC in 2001, Methods on Organizing Participatory Pricing for Governments to Set Prices by the NDRC in 2002, Code of Conduct for Governments to Set Prices by the NDRC in 2006, and Methods on Organizing Participatory Pricing for Governments to Set Prices by the NDRC in 2008.*




A research team collected official public hearings documents issued by major Chinese cities during 2001-2012 (Zhang, et al., 2021). During that period, a total of 4,242 documents were issued in the 36 provincial capital cities and municipalities. Among the total 4,242 official documents, excluding all judiciary documents from the analysis, there were 3,082 official documents to be analysed. At first glance, significant regional differences stand out. Remarkably, economically developed coastal zones have moved toward deliberative and consultative policymaking, while inland provinces remain stagnant in requiring and regulating public hearings. The gap between regions has been widening over the years: in 2012, coastal cities issued a total of 280 official documents, while cities in central China issued 50 in total. The largest number of documents were issued among 36 major cities such as Shanghai, Beijing, Chongqing, and Shenzhen, whereas border areas of ethnic minorities, such as Lhasa, Ürümqi, Hohhot, and Xining issued the least amount.

All 3,082 official documents cover 15 topics. Administrative penalties and law enforcement represent the largest portion of these documents. Out of the 3,082 papers, 31% were related to issues of administrative penalties, such as the reconsideration process and compensation for improper law enforcement. Major decisions on public policies constitute the second largest body of the documents. Nearly 20 percent of documents suggest, regulate, or announce the holding of public hearings on decisions that impact a large group of people, such as infrastructure projects and expenditure. Other major categories include administrative licensing (10.2%), price adjustment (9.5%), open governance and public supervision (7.8%),

legislation (6.4%), land acquisition and house demolition (6.3%). A smaller number of documents involve rural and urban planning (3.6%), judiciary decisions (3.5%), petitions (1.3%), and community self-governance (0.5%). Most of the documents are regulations that require or urge the holding of public hearings on a variety of public affairs. One in ten documents offers specific procedural guidelines on organising such meetings. Other documents inform the public about the right to participate, announce upcoming meetings or decisions from meetings that already happened.

Scoring Method

Some local governments have developed a scoring method to enforce the official requirement of holding public hearings. As early as 2002, Wenling city in Zhejiang ruled that townships must hold four democratic roundtables per annum. There was a scoring system in the annual review of the performance of local officials. If townships held four democratic roundtables per annum, they were to be awarded four merit points. Various towns (streets) were required to develop at least one public hearing on wage issue, with real results obtained. This would be worth three merit points. The scoring task was taken on by the Propaganda Department. Chen Yimin, an officer of Wenling City Propaganda Department, devised an examination and assessment system to actively promote the deliberative democratic system. Purely ceremonial or empty shows, such as those concerned with cultural development, would not score points. Because it held no roundtables in 2005, Taiping Street Committee was docked three points, whereas Zeguo Township, which that year deployed the Deliberative Polling method, gained four points.



The Regularization and Frequency of Village Deliberation

At the village level, village leaders are required to hold regular village representative meetings. In the 2005 National Survey, only 28.3 percent of respondents reported that their villages held at least two village representative meetings and 59.3 percent of respondents were unsure of whether there was more than one representative meeting in 2004. The reported average number of village representative meetings had increased substantially to 5.9 in 2008, and by 2016 this had increased to an average of 7.2. The number of village affairs disclosures had also increased

significantly over this period, rising from 5.8 in 2008 to 8.9 in 2016, as had the number of the democratic appraisal meetings from 2.1 times in 2008 to 3.1 times in 2016.

In summary, China has made great efforts to institutionalize citizens' deliberation. Despite Xi Jinping's authoritarian tendency, today, many villages and street governments still hold regular and institutionalized public hearings, democratic roundtables, or consultative and deliberative meetings. However, institutionalization may lead to a new problem of formalism. To meet the requirement of holding public hearings, some local officials randomly find minor issues and call some citizens to attend meetings. An assessment of institutionalization needs a separate study.



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