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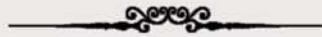
Elections *and* Governance

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UNDERSTANDING CHINESE VILLAGE ELECTIONS



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Dear Readers:

On the day the United States went to the polls and the whole world was holding its breath to see if an African American could become the next President, a group of Chinese officials gathered together in a small meeting room in the cavernous Great Hall of the People. Their purpose was to celebrate the 10th anniversary of the promulgation of the *Organic Law of Villager Committees of the People's Republic of China*. It is this law that made direct village committee elections mandatory in China. The same law also raised hope that China's long-overdue democratization through grassroots elections would eventually move from the village level upwards to higher echelons of government. The media report of the event was entitled "Ten Years of Villager Self-government: 900 Million Chinese Farmers' Real Democratic Exercise".

According to this report, as of December 2007, there were 610,000 villager committees in a nation where 2.41 million members were directly elected by the voters. Mr. Li Xueju, Minister of Civil Affairs, who guides and supervises this largest election in the world, declared that in the past 10 years there were three great accomplishments. First of all, provincial governments have supplemented the national law with provincial ordinances guaranteeing farmers' democratic rights. Secondly, under the strong leadership of village party branches, three rounds of elections were held and 85% of the villager committees have set up villager representative assemblies. Thirdly, village democracy has established a solid foundation for the political development of Chinese characteristics delineated by the 17th National Congress of the Chinese Communist Party. This report also made public that the revision of the Organic Law is now being listed into the five-year legislative agenda of the Standing Committee of the National People's Congress.

No prominent leader from the Chinese Communist Party or the government appeared at this occasion and the rhetoric from both Minister Li Xueju and the media seemed to be drastically subdued from what was said about this so-called silent revolution back in 1998 when the provisional Organic Law became official. It was more hushed even than the attention it received in 1987 when Peng Zhen, the then chairman of the Standing Committee of the National People's Congress, tried to convince a suspicious Standing Committee to adopt the Organic Law on a provisional basis. What is the current status of village elections in China? Are they still meaningful? Are they still a seminar through which a new culture of democratic procedures can be introduced into a system that does not possess anything remotely similar to "one man, one vote"? Do Chinese leaders and the Chinese elite still believe in elections as a way to launch political reform, reinvent the CCP's legitimacy, curtail corruption and introduce a new governance of choice and accountability?

These are the questions this first issue of the *China Elections and Governance Review* is designed to answer. We welcome contributions from our readers for the next issue of this online report, which will be on China's recent experiments concerning elections at higher levels. Please send submissions no later than March 2009 to cc.chinascop@gmail.com.

Yawei Liu
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Are Village Elections Leading to Democracy?

By Yawei Liu



In 1988, China began allowing villagers to elect their leaders in an experiment that democracy advocates hoped would eventually lead to more pluralism throughout the political system. Today, the Communist Party still is in firm command of the high ground and villages are still holding elections. So, what has the experiment accomplished?

This paper will offer an assessment, first looking at the various discourses on villager self-government and trying to determine if there is a consensus on the significance of this undertaking. It will then examine how this political act is transforming the political language, culture and landscape in China and aim to decide if villager self-government indeed constitutes an opening crucial for China's long overdue political reform. Thirdly, it will dwell on the questions of 1) what is democracy, 2) what is democracy of Chinese characteristics, and 3) will the current village democracy lead to a fundamental transformation from one of choice and accountability at the lowest rung and to one of choice and accountability at each and every level secured by institutions, not by moral coercion and ideological purification.

While it is hard to separate the past, present and future of a development that

is so young, this paper will focus more on the years from November 1998 when the Organic Law was amended to September 2005 when Premier Wen Jiabao repeated Peng Zhen's famous remarks to visiting foreign dignitaries: when villagers learned how to manage the village affairs they would then try to manage the township affairs.

Villager self-government: Empowerment or Emasculation?

When the NPC was debating the Organic Law, Peng Zhen, chairman of its Standing Committee, remarked that introducing villager self-government was in line with the Chinese Communist Party's goal of making common people the masters of their own affairs. It was a very effective way to conduct a democracy seminar for the peasants. When they learned how to govern their own affairs, they would then try to learn how to manage the township and county affairs. In 1989, there was a coordinated effort to discredit the Organic Law and to label it as a sinister plot derived from the Western ideas of democratization. Peng Zhen and his supporters withstood the assault and stuck firm to the need of rule of law and said that a way must be found to allow peasants to hold local officials accountable. With almost a decade-long of persistent effort by the

officials of the civil affairs apparatus, the Organic Law was finally amended significantly and adopted officially. Another eight years have passed and what is the current discourse on villager self-government?

There seems to be little change among the top leadership of the Chinese Communist Party (CCP) in their view of the nature of villager self-government although there is a detectable shift of emphasis and priority. Jiang Zeming called villager self-government one of the three crucial re-

We see a pattern of devaluating rural democracy and accelerating pragmatic measures

forms in China's countryside, as important as the beginning of the household responsibility system and the launch of village and town enterprises. In the political reports of both the 15th and 16th CCP National Congresses, Jiang identified villager self-government as the point of breakthrough for China's political reform. Since the ushering of the Hu-Wen New Deal in late 2002, growing attention was given to the solution of economic woes of the peasants and social instability in the countryside. From the campaign to promote open administration of village affairs to the elimination of taxes and fees, from the emphasis on increasing the income of the peasants to the call to build a new socialist countryside, we see a pattern of devaluating rural democracy and accelerating pragmatic measures to create better condi-

tions for peasants' access to education, healthcare and wealth.

This shift of emphasis on the top is indicative of which arguments among the watchers of villager self-government have found more responsive ears among the national leaders. As the current divergent assessments of reform and opening up, the views of villager self-government are also sharply divisive. There are those who perceive villager self-government as a miracle prescription to the chronic diseases of the Chinese countryside and the stepping-stone to the eventual modernization and democratization of China. For those who are less friendly to villager self-government, they see the alarming reemergence of the clans, the susceptibility by the broad masses of peasants to small materialistic incentives and indirect anti-government appeals, and the interruption of the development of village enterprises.

Those who are opposed to the expansion of villager self-government have been aided by two factors: 1) the lack of linkage between the growth of village wealth and the institutionalization of village democracy, the increasing misery among tens of millions of Chinese peasants and the growing sense that they are actually victims of the economic reform that has made China such an integral part of the world economy, and 2) the CCP's concern that popular choice and strict accountability could undermine the Party's legitimacy and its insistence on being the paramount decision-maker on all aspects of rural life.

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This dichotomy of different perceptions of villager self-government has been in existence when the debate on what to do with the peasants in the wake of the abolition of the communes in the early 1980s. The discussion on whether villager self-government is empowering the rural residents or emasculating the Party's leadership and on whether it will make peasants feel happier or create obstacles for economic development will continue in the foreseeable future and have a significant impact on the sustainability of villager self-government.



The renewal of the direct election of local people's congress deputies in 1978 and particularly the introduction of the direct election of village committees in 1988 have introduced a new sense of political ownership and a new awareness of what constitutes political legitimacy. Real competition at the village level in places where local officials felt direct nomination of candidates and direct election of village committee members with multiple candi-

dates were the most cost-efficient way of providing "guidance" have led the residents there to overcome the initial suspicion if their votes would make a difference and begin to play the political game more and more seriously.

Political scientists who study this new rural political development began to paint a very rosy picture of this undertaking and have even hatched a new field of study. They call villager self-government a "silent revolution" that will lead to the destruction of old feudalistic heritage and the birth of new civic virtues and political activism; they feel villager self-government is the beginning of a new wave of the encirclement of the urban centers by the vast countryside; and they wonder if the least informed and educated group of the Chinese were given the right to directly elect those who make decisions for themselves, the better prepared residents in the cities should be offered more.

The echoes of the Chinese scholars have not only reverberated in the capitals and classrooms of European countries and the United States but also been heard by the top leaders inside the Forbidden City. This new language has not only crept into the speeches of the China watchers in the West but also been melded into the political jargon of the Chinese leaders. While the image-makers of China have achieved the goal of using villager self-government to prove the nascent rise of a political reform in China, the praise of it by the top Chinese leaders in 1998 at the 15th CCP National Congress led to the unprecedented experiment of a direct election of a township magistrate in Buyun, Sichuan.

If we use Robert Dahl's two attributes of democracy, 1) contestation or compilation and 2) participation or inclusion, to meas-

ure up villager self-government, it seems we may call it a curtailed democracy in a restricted geographical area that is always subject to outside forces with no capacity to resist. Villager self-government also seems to possess the feature of both internal and external efficacy. But, if we use other criteria to determine if villager self-government is democracy with other universally recognized and accepted components, the answer becomes more uncertain and even doubtful.

But, in the context of Chinese political system, both ancient and present, villager self-government can be described as meaningful democracy with Chinese characteristics, or at least, it is an embryonic form of a unique democratic practice that is different from other forms of democracy. First, it calls citizens' attention to the serious problem of the Chinese political system, i.e. the justice of the systemic design and the injustice of procedures. This injustice is caused by the woeful lack of executable procedures in choice and accountability matters and the gross manipulation of those procedures that are on the paper.

Second, villager self-government is operating in the context of a Chinese system whose center of gravity is located with the Party. The fact that a significant number of Party officials feel the cost of governance is so much lower when the right to choose their immediate leaders and make decisions on things of significant impact on their life is given to the peasants may lead to a reorientation of the belief that the Party always knows better and makes wiser decisions. In fact, practice of villager self-government has already trickled upwards and led to many trials of choice and accountability at higher levels.

Thirdly, direct village elections, its competitiveness and its real impact on political legitimacy, governance and the initiatives of those who run and get elected by the ordinary voters is a reminder to those who are contemplating political reform in China that real reform does not have to be wholesale adoption of the Western system of multiple political parties and parliamentary supremacy. The Chinese system on the paper is sufficient if the Party superstructure does not interfere with direct elections of township and county people's congress deputies and indirect elections of local officials such as township and county magistrates by the directly elected people's deputies.

Lastly, it appears villager self-government is conducive to the firming of the Party's legitimacy and likeability in the countryside. This may reduce the fear that is constantly on the lips of Chinese officials: allowing the lowly common Chinese people to engage in democratic elections and decision-making at higher levels will lead to chaos and eventually break the back of the Party.

Also by Dr. Yawei Liu

**Political reform in China: a Q&A with
Yawei Liu**

http://www.cartercenter.org/news/current_qa/china.html



Democracy Outmaneuvered: Village Self-Governance in Yunnan Province

A Case Study by Jens Kolhammar

In an area of China where the village self-governance reform has been the least implemented, Yunnan province is a region where many villagers seem unaware of the responsibilities of their village committee (VC). This study examines a VC in Yunnan province that, at the time when the fieldwork was conducted, had held only one election. The quality of the VC is a reflection of the degree of village self governance as well as a study of whether VC election laws are sufficiently established.

The study found several indications that the village election and village committee elections were far from fair and democratic. The quality of village elections was assessed as "inconsistent" and a greater effort should be done to improve the self-governance of the Chinese countryside. The below exemplifies the aforementioned "inconsistencies":

- In an interview with the chair of the VC, it became apparent that the chair and the vice chair were the only influential members out of the five members sitting on the committee.
- None of the members of the VC, with the exception of the chair and vice chair, knew the express duties of their positions.
- Lack of a clear nomination process had the government at the township level giving one explanation of procedures while the chair of the VC gave another.
- A number of indications from different sources suggested that the election of the chair had not been conducted in a fair manner. Reports on the requirements for candidates up for nominations, electing officials, and official duties were skewed to party members' advantages.

The local party branch and the ruling members of the VC used *feigned compliance*, a manner of enforcing laws in name only to circumvent new legislation to remain in power. Issues concerning the VC and its election seemed superficial – the confusing nomination procedure, the scant number of VC meetings, and the powerless lower VC members – all enforce that the power holders were skilled in the manipulating of within the institution for the benefit of their own interests. Those in power in the VCs preside over not only their formal duties; in addition, they take on informal duties not specifically given to them by law without scrutiny from the levels of higher Chinese government. Although many villagers were interested in the process of electing officials, no one, including the already elected officials knew of the precise rights that organic law guaranteed. This lack of transparency allowed for local officials to remain in control. Consequently, the equalization of power that the village self-governance reform could have brought forth did not materialize in any substantial degree in the villages that they were supposed to reform.

Research has revealed that when VC elections are undemocratic and do not bring any real effects, villagers become uninterested in these elections. Moreover, the analysis of the VC in the villages within the study illuminates that there are a number of obstacles in the way for genuine village self-governance which need to be considered. The organic law itself creates by outlining that the VC is under the rule of the party, and leaving out election procedures to be specified and carried through at the discretion of the local provinces or, as discovered in this study, by the local elite on the village level. Some of these issues could be resolved, as discussed above, by clearly formulating the procedure on how the candidates should be nominated, how and by whom the votes should be counted, how the VC meetings should be conducted, and by removing the article that states that the VC is under the rule of the party. However, a shift in power away from the corrupt party leaders towards villagers may still be able to materialize. Since its inception, the reform law has led elections in numerous locations in the Chinese countryside where old corrupt cadres have been voted out of office as well provoking instances where unfair elections have been revoked. Time itself could perhaps work in favour of more democratic VC elections.

These changes may be far in the future yet, as the Ministry of Civil Affairs has purposely taken the reform of village elec-

tions slowly, for there are still many opponents to the VC election law. Reaching for too much, too soon could jeopardize the whole undertaking of villager self-governance. Contrastingly, a watered-down organic law might only, as in the case of the first election in the villages under study, create elections that are only for the sake of appearance. These cases will continue to enforce to villagers that elections have no practical use, thus undermining the original idea of self-governance.

Reaching for too much, too soon could jeopardize the whole undertaking of villager self-governance

Village dwellers are seen as the important factors that strengthen the reform of self governance in the Chinese countryside. As long as no concrete values can be demonstrated to the villagers, they will not be influential in bringing forth organic law. This essay argues that increased knowledge of organic law and a presentation of the differences in opinion with the Chinese state would give villagers a vested interest in the elections as they will become more familiar with its practical use. Research is lacking in how knowledge can be spread in places where rightful resistance has materialized and in places where the old disliked regime has managed to stay in power. Researchers must focus on how the upper-echelons of the Chinese state, grant makers and non-governmental organizations could work to give villagers insight into their new rights given by organic law.



Democracy with Chinese Characteristics: A New Look at Village Elections in China

By Xinsong Wang



While China has continually impressed the world with its flourishing economy, it has yet to show any sign of political liberalization. Although political experiments were tested on the local level, none of them were sustained or applied to a large geographic area. Perhaps the only prominent political reform in post-Mao China that has been formally institutionalized is the village elections. In the 1980s, confronted by the political vacuum after the collapse of the people's commune system and worried by the increased tension between peasants and local cadres, the Chinese Communist Party established the autonomous Villager Committees (VCs) in rural areas and permitted peasants to elect VC members every three years. Now, after 20 years of practice, village elections are entrenched in rural political dynamics and significantly influence the daily lives of Chinese peasants. Based on the data from a nationwide survey* and this author's field research, this article will assess the current state of village elections and discuss the emerging issues of democratic governance in today's rural China.

Understanding Village Elections

China has approximately 610,000 Villager Committees (VCs). Each VC is composed of three to seven members. VCs are not an independent level of state administration, instead assisting township governments to implement state and local policies while also handling village level affairs such as the allocation of land, economic policy, provision of public goods, and resolution of family conflicts.

Villager Representatives (VRs) are selected by local voters at the villager small group (*cunmin xiaozu*) meetings or by household representatives. The number of VRs selected depends on the size of a village. Typically every 5 to 15 households have one VR.

How are elected officials to be held accountable and responsive? This question became relevant in the mid-1990s when corruption and other

*The Carter Center and the Ministry of Civil Affairs of China sponsored a nationwide survey on villager self-government in 2005. The survey was implemented by the Sociology Institute of the China Academy of Social Sciences and the Beijing Center for Policy Research. The survey sample covered 3,498 peasants in 27 provinces.

illicit acts were seen among some elected village leaders, exacerbating the already tense relations between cadres and peasants. In the late 1990s, the Chinese government called for additional oversight institutions in rural China to constrain the elected VC cadres. The Village Representation Assembly (VRA) and Democratic Financial Management Team (DFMT) are two such self-governing agencies.

Research Results and Analysis

Villager Committee Elections

According to the statistics of the Ministry of Civil Affairs (MCA) of China, which supervises the village-level self-government, the first province to hold province-wide village elections was Fujian in 1982. By 2006, nine rounds of elections had been held in the province. The last province to start elections was Yunnan in 2001, and to date has held three rounds of elections. Our survey indicates that, by the year 2005, 98% of villages in China had conducted at least one election.

Since there is no national electoral law on VC elections, every province produced its own electoral rules based on the basic principles defined by the Organic Law. This measure requires open nomination, multiple candidates, anonymous voting, use of secret ballot booths, public tallying, public announcement of results, and prohibition of election bribery and forceful voting. Our survey results suggest in prac-

tice, these principles are not consistently followed. According to our survey, in 18% of the sampled villages, electoral commissions were selected by voters themselves as opposed to being appointed by incumbent village cadres or upper authorities. In 35% of the villages, voters were allowed to freely nominate candidates. 69% of the villages followed the requirement in the Organic Law to allow for multiple candidates for VC chairs. The secret ballot booth, another requirement in the Organic Law, was only used in 40% of villages. Finally, in 70% of the villages, ballots were counted publicly as opposed to being closed-door to voters.

Village elections have become increasingly standardized compared with earlier statistics and our own observations of previous elections. Our results indicate that core features of a free and fair election such as multiple candidates and open ballot counting have been widely practiced. However, the low percentage rate of complete adherence to policy suggests that there is still room for improvement in many of these criteria.

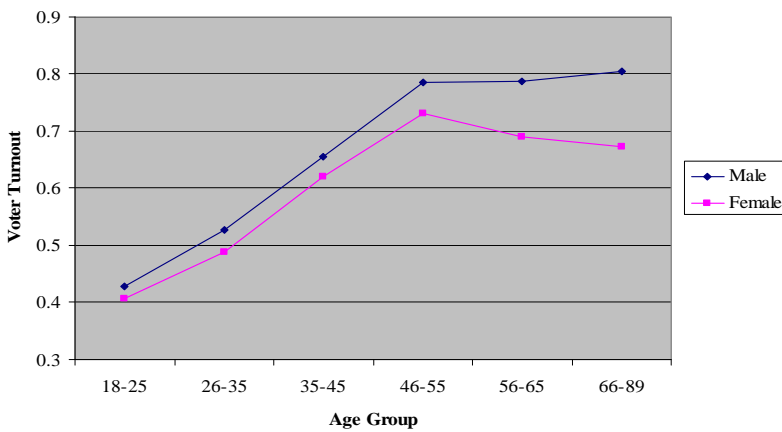
Our survey showed a turnout rate of 63%. This number is lower than that in earlier surveys due to an increase in the number of migrant workers who remain registered in their villages despite working in cities. Among the migrant workers in our sample, 81% said they did not vote in the latest village election, whereas only 24% of rural

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respondents reported not voting.

The survey indicates that turnout was higher among males than among females: 67% of male villagers voted in the last election compared to 60% of females. Moreover, between the age of 18 and 55, older male and female peasants were more likely to vote than younger peasants. Female turnout rate in the two oldest age groups was lower than their younger counterparts because older females became less interested in politics or because of their poor physical conditions. Male turnout rate was slightly higher in older age groups (Figure 1). As many young people are looking outside for economic opportunities or have left the countryside,

Figure 1 Age and Voter Turnout



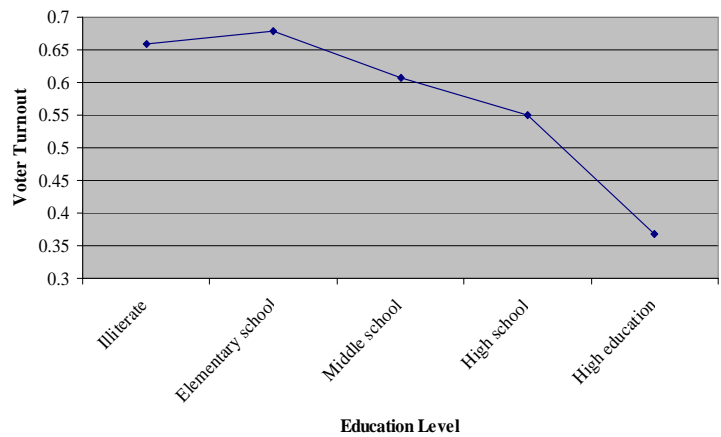
older peasants became the center pillar of village politics. Since they have higher stakes in village elections, they are more likely to vote than younger peasants. This is further proved by the fact that 88% of the elected VC chairs are between 36 and 56 years old.

Whereas more educated voters are more likely to vote in Western societies, in Chinese countryside, peasants with higher

education levels are less likely to vote than less educated peasants. This result mirrors trends in other studies of Chinese voter turnout (Figure 2). The result holds true when other conditions such as individual wealth and level of election’s competitiveness are held constant.

According to the Ministry of Civil Affairs (MCA), the education level of village ca-

Figure 2 Education and Voter Turnout



dres has gradually increased, with a marked improvement in the number of VC chairs with associate degrees or higher. Our survey shows that the majority (85%) of VC chairs have completed middle or high school, with 10% having completed an associate degree or more. The percentages of VC chairs with associates or more are the highest in Beijing, Jilin and Jiangsu - 50%, 50% and 32% respectively. In comparison, about 13% of VPB secretaries had associate degrees or higher and 84% had completed either middle or high school education.

The Organic Law requires that women should be given a “proper” number of seats in VC, but the political arena re-

mains male-dominated, with only 2% of the sample villages having a female chair and 44% having no women on the committee. Similarly, only about 4% of VPB secretaries are females and only 38% of VPBs have one or more female members.

Examining Oversight Agencies

Both the Organic Law and the CCP's national circular require that VC and VPB consult with and obtain approval from the VRA before any decisions on substantial issues are made. In many villages, any public expense over 5,000 *yuan* (\$694.44) needs to be approved in advance by the VRA. In 15% of the surveyed villages, the VRA had ever vetoed VC proposals. Due to the fact that VRs are unpaid, the motivation for fulfilling their jobs is not always high. In fact, in order to encourage VRs to attend meetings¹, some VCs pay each VR 5-20 *yuan* (\$0.70-\$2.78) per meeting. Also, since there is little supervision by fellow villagers, VRs have the potential to be co-opted by village cadres to approve budget or bills that are against the peasants' interests.

The major task of the DFMT is to make sure that public money is not misused or embezzled by VC and VPB cadres. A DFMT consists of five members who are selected among VRs. The DFMT members meet once a month to go through the public expenditure and make judgment on whether any line items are reasonable and permissible. They can be as meticulous as pinpointing a dinner bill paid by village

cadres and demanding an explanation. Should they decide that the dinner was unnecessary, they may decline to impress the DFMT's seal. Since the township government can check village accounts regularly and villagers also can inspect public accounts at any time, an unsigned monthly ledger book would not only reflect poorly on the cadres, but also may cost them their jobs. With DFMT checking and monitoring public expenditures regularly, cadres are less likely to engage in abusive spending or appropriating public money.

However, DFMTs are flawed due to the fact that peasants have little control over them. For example, although 70% of the villages in the survey had DFMTs, 74% of the interviewed peasants said that they did not know anything about the village financial conditions. The power of DFMT is further foiled by its internal conflicts. There is not a set procedure to resolve member disagreement on financial inspection results. Voting is a seemingly legitimate solution but not always effective and fair, especially since members of the DFMT could be bought out by village cadres. An extremely indigenous resolution was seen in a mountainous village in Guizhou, in which the DFMT seal was cut into five pieces. Each DFMT members held one piece and, when they agree on financial inspection results, they would piece together the seal and authorize their approval². Since each DFMT member held effective veto power, the "Five Piece Seal" method could prevent the circum-

¹ Any resolution to be passed at VRA meetings has to be approved by at least half of VRs.

² Wang Yuanbai, Wang Yongquan and Wang Bin, "yimei qite de yinzhang - jinping xian guiyue cun minzhu licai xiaojì?" *Guizhou Daily*, November 3, 2007.

tance in which some DFMT members' opinions might be hijacked by others' through voting or persuasion. But it also may risk setting a village in paralysis if the DFMT members never reach an agreement. A more legitimate solution is to expand the voting body to the VRA and give all VRs the power to vote on controversial issues.

Exploring Villager Committee/Village Party Branch Interactions

The relationship between VC and VPB has long determined the quality of village governance. The Organic Law is ambivalent by stating that “the grassroots organization of the CCP”, referring to the VPB, should take “the leadership and center role” in village management, but at the same time needs to “support and guarantee villagers to adopt self-government and exercise democratic rights”. In reality, it is hard for a democratically elected committee to get along with a branch nominated by the upper-level party committee and approved only by party members in the village. As a result of fighting between VC and VPB over power, many villages are plunged in paralyzed governance conditions. Overall, the survey data show that VPB secretaries still held a more important position than VC chairs. When asked “who do you think are the most powerful and trustworthy people in your village”, 59% of the respondents chose “VPB Secretary”, but only 12% of them made “VC Chair” their first choice³.

During my field research, I found two main patterns of VC-VPB relationship leading to opposite village governance conditions. The first pattern was a “Strong-Strong” combination. When both the VC chair and VPB secretary had strong personalities, family background, kinship support, economic resources and external relations, chances are that certain degree of disorderliness was underway or a crisis of such was looming. The stable and peaceful villages I saw were all governed by a “Strong-Weak” combination model. The strong person could be either the VPB secretary or the VC chair. As long as one of the position holders was “weak”, in the sense that he had a mild personality, had less or no kinship support, and had no massive personal economic resources or external *guanxi* (personal connections) resources, the “stronger” person would take advantage of the “weaker” person by having more decision-making power and expecting fewer obstacles from the “weaker”. In this scenario, the “weaker” person basically acted as an assistant to the “stronger” one under an intended or unintended agreement of division of labor. Often the “stronger” person took care of “foreign relations”, dealing with upper-level governments, bargaining for more funds, and developing relations with other money-givers. On “domestic” issues, the “stronger” person made decisions only but let the “weaker” implement them. In some villages, the “stronger” person took control of everything with the “weaker” being a figurehead. Such a model of compromise and cooperation proved to be beneficial to villagers because it reduced the likelihood

³ These respondents were from the villages in which the positions of VC Chair and VPB Secretary were held by different persons.

of leadership conflicts and the mess they would cause to the villages.

In order to curtail the negative effects of the VC-VPB duel, a “two-ballot system” (*liangpiao zhi*) has been tried in some places. The system requires that the VPB candidates pass the majority “votes of trust” (*xinren piao*) cast by all voters before they are eligible to be voted by CCP members. The “two-ballot system” seemed to increase the legitimacy of the VPB members; however, it did not resolve the conflicts between the VPB and VC. A more effective solution is called “*yijian tiao*”, meaning that the positions of VPB secretary and VC chair are undertaken by one person. In some villages, the VPB secretary was nominated as a candidate and then elected as the VC chair. In others, an elected VC chair was nominated by the upper party committee to be VPB secretary and then approved by party members. By any of these means, the VPB and VC were united to avoid their conflicts. The survey data show that 24% of the sampled villages had *yijian tiao* and 15% of the sampled villages had the same people on both the VC and the VPB. *Yijian tiao* has been suspected of causing more corruption and authoritarian rule in the villages because power is monopolized and dominated by the single leader. This was seen in some rare cases but there has not been studies based on a large number of cases to confirm this speculation. Our survey data do not show a significant association between *yijian tiao* and the quality of governance. In any case, a more explicit and detailed regulation needs to be installed by the Chinese government to fix the relationship between VCs and VPBs.

Challenges of Village Democracy

Widespread Bribery

Although village elections are being practiced in a more standardized way than before, they face some chronic and widely existing problems such as election bribery. Vote buying has been so common that it has become the norm in some village elections. During my interviews, I could tell from the peasants’ matter-of-fact tone that it was not unusual that candidate sent gifts, gave money, and provided free meals to voters before elections.

In general, two types of election bribery were commonly seen. The first was *de facto* bribery before elections. In some cases, the candidates’ acolytes stopped by each household, dropped the bribe (such as cigarettes, liquors, or hard cash), and asked a verbal guarantee from the voters to vote for the candidates.

In others, the candidates designated a restaurant in the nearby town and invited all voters to go for a free meal. In this type of bribery, the candidates could not guarantee that the bribe-takers cast the right votes. In fact, some voters still voted for their

favored choice despite taking bribe from the other candidate. In a rare case in suburban Beijing covered by the mainstream Chinese news media, the candidates asked their assistants to buy voter ID cards from voters so that, on the election day, they could use these ID cards to get ballots and

Related reading: Chinese official admits bribery increasing at grassroots elections
<http://www.chinaelections.net/newsinfo.asp?newsid=18767>

cast proxy votes (*weituo toupiao*)⁴. The competition for voter ID cards became so intense that some voters raised the price of their voter cards. One voter put up a note on his door, “600 *yuan* (\$83.33) for my voter ID card. Firm Price!”⁵

The candidates who were engaged in the first type of election bribery risked violating the Organic Law and being sued. Thus many have changed their strategy by giving money or gifts to the loyal voters after the election. They make promises to the voters in their campaigns but there is no real act of bribery before the election. The Organic Law does not define what election bribery is and whether the second type of irregular electoral behavior is classified as bribery. In sum, a detailed legal code on election bribery and the corresponding punishment is missing in China.

A detailed legal code on election bribery and the corresponding punishment is missing in China.

A more serious concern is that vote buying has become so rampant that many peasants started to take it for granted. In fact, some peasants use village elections as an opportunity to earn extra cash, and they are even annoyed if bribes are not available. During an election in a Fujian village, both VC chair candidates went to the village temple and vowed before the

God of Guan that they must not use bribery as a means to compete for votes. Local news reporters were attracted by the fact that local religious belief was tangled with the election and went for a news story. They were surprised to find that the villagers were very unhappy about the candidates’ oath because they would lose several hundred RMB in bribery money. “That’s a loss of more than a thousand *yuan* for my family!”⁶

The rampant act of bribery in village elections prompts the consideration of motivations behind such acts. Why would a

candidate spend two million *yuan* to be a VC chair (an infamous vote buying case in *Laojiaoton* village in Shanxi covered by *Fazhi Xinwen* or *Legal News*, Issue 3, 2003)? An immediate answer from the peasants I interviewed was,

“They will earn it back!” However, being a VC chair is not a high paying job. The survey indicates that the average monthly salary of a VC chair was 357 *yuan* (\$50), far below the national average. Therefore, the value of being a VC extends beyond the salary. For a peasant who has family business, being VC chair means that he could possibly make regulations that are favorable to his business by imposing fewer fees if his business takes up the village’s public land. Moreover, he would have more opportunities to interact with town and even county government officials, which is beneficial for developing

⁴ The local electoral rule regulates that each voter can cast proxy votes for three other voters who cannot make it to the election. The voter needs to bring the voter ID cards of those who cannot attend the election to receive ballots from the election workers.

⁵ Li Liqiang, “*cunli huanjie xuanju qian youren laishou xuanmingzheng*” (Some Came to Buy Vote ID Cards before the Village Election), *Xin Jing Bao* or *The Beijing News*, June 23, 2007.

⁶ Li Mo, “*zhi buixuan, fa budi baishen*” (Fighting Vote Buying, Law is Less Effective than God), *Xiaokang* or *The Well-off*, March 16, 2007.

business ties, obtaining external funding, or asking for beneficial government policies. If a village is near an expanding urban center, being VC chair means handling a huge amount of compensation for the sold farmland and working on new development projects in the village, which creates opportunities to receive kickbacks from the contractors. In a coal-rich village, being VC chair means taking control of the village-owned coal mine and pocketing millions of income every year. For ordinary villagers who have no control of the village cadres, taking cash for their ballots seems to be a rational choice.

Knowing that there are so many means for village cadres to seek personal gains with public power, one may wonder what the VRA and DMFT are doing. Are they not supposed to restrain the predatory and corrupt behavior of elected officials? On the one hand, one should note that not all the means through which village cadres aggrandize personal interests necessarily involve acts that compromise villagers' interests. For example, if a VC chair takes advantage of the public position to develop a personal business relationship with the local governments, it is not necessarily bad for villagers. In fact, villagers like this kind of cadre. If a cadre has the capacity of developing external relations, he might be able to obtain more funding from the local governments for village public projects. On the other hand, the oversight institutions could completely fail and could even be utilized by cadres to legitimize their selfish behavior. For example, when asked whether he would remove the current mining contractor of the village-owned coal mine and give the con-

tract to himself, the VC chair of *Laojiatou* village, who spent two million *yuan* to win, said, "It's a matter of whether the VRA will approve it." It is not difficult to imagine that a person who was successful in buying out hundreds of voters could also co-opt a dozen villager representatives.



Legal Moderation

The issue of rampant vote buying illustrates the lack of adequate legal protection in the village election process. Although the electoral and oversight institutions have been established in rural China for a long time, a law that enforces the running of these institutions has yet to be put into place. Particularly, there is not detailed regulation with regard to punishment of illicit electoral acts such as bribery, violation of electoral rules, and other electoral disputes, or effective legal procedures to resolve electoral disputes. The Organic Law holds that villagers could resort to local people's congresses or civil affair offices for resolution of illegal or controversial election issues. However, these offices do not have judiciary power and are very limited with enforceable resolutions. Part of the criminal law in China regulates illicit acts in elections of people's

congresses but not in village elections. We have seen many cases in which local courts refused to accept cases involving irregular electoral behavior. As a result, village conflicts were exacerbated and chaos deepened.

Legal regulation on cadres' governing behavior also needs to be complemented. Although the oversight agencies can partly check and balance the power of the elected cadres, there is very little means for the agencies and villagers to punish the cadres if villagers' interests are substantially lost due to their abusive acts. Impeaching the elected cadres is mentioned in the Organic Law but, in reality, is very hard to carry out due to the deficiency of collective action and the stumbling blocks erected by the power holders.

An outstanding issue lies in the fact that there is a legal and administrative vacuum in regulating the non-party cadres. Party members have to observe the CCP rules or are subjective to punishment by the CCP Discipline Inspection Committee. Non-party members, however, are not covered by such rules. Furthermore, since village committees are self-governments and not a level of state administration, non-party village cadres do not fall into the regulation of the Supervision Department (*jiancha bumen*), which checks the ill behavior of government officials. Therefore, unless the non-party cadres commit crimes (then they may be prosecuted and trialed through legal procedures), they can avoid punishment. Unfortunately, they may damage a village's interests by other actions, like an erroneous public project decision, that hold no punitive conse-

quences. In order to address this problem, local governments have adopted some innovative policies. For example, in Ruian, a city in Zhejiang, the VC candidates are required to sign a responsibility agreement before elections. The agreement dictates that, if an elected cadre causes massive damage to the village's interests during his term, he is required to undertake the civil responsibility and compensate the loss out of his own pocket. This local rule is particularly relevant to Ruian's situation because the city's countryside has shrunk due to urbanization and every nearby village has been working on selling village farmland, distributing compensation, renovating the old village buildings and developing new housing projects. These projects can be so lucrative that village cadres dive for personal profits at the expense of the villagers' interests.

Conclusion

Seen from both government reports and scholarly studies, it is safe to say that village election has taken root in rural China after 20 years of development. Whereas a few years ago we read news reports about village election being denied by township governments, today village elections are held in China's countryside regularly. From the institutional perspective, the Chinese government has spared no efforts to protect peasants' rights, better off peasants' lives and maintain rural stability by launching various institutional reforms. In addition to the fact that village elections are practiced in a more standardized way, other institutional requirements such as VRA's approval on substantial village affairs, DFMT's regular check of village fi-

nancial transactions, regular VC work reports to villagers, and frequent use of public board to disclose village management information, were all pushed forward by the government to hold elected cadres accountable.

At the same time, due to insufficient legal protection, these institutions have suffered from some degrees of dysfunction. For example, election bribery has seriously affected the fairness of village elections. Rampant vote buying behavior in many places of rural China has caused voters to be indifferent to village elections. Some peasants have even accepted election bribery as a normal act. The incubation of the vote buying culture can discount the value of village election as a means to generate trustworthy village leaders and create new wave of conflicts between cadres and peasants. A more comprehensive and detailed national law on villager self-government is in order as soon as possible⁷ to provide more detailed guidance and regulation on village election methods, provide a punishment mechanism towards irregular behavior in village elections such as vote buying and make it possible for villagers or election commissions to submit cases to local courts and, if necessary, higher courts, for judicial arbitration, and delineate a clearer relationship between VCs and VPBs.



⁷ A legislative proposal of establishing a national law on village elections was denied by the National People's Congress (NPC) in 2006. Instead, NPC has been working with the relevant government agencies, particularly the MCA, to revise the Organic Law. The revision process started in 2006 and has yet to finish.

Background reading:

History and Analysis of the Chinese Organic Law of the Villagers Committees

By Jens Kolhammar



Historical background

The development of the 1987 Organic Law governing village elections in China was motivated by fear among Chinese officials that the countryside was spinning out of control. This lack of control began when the commune system was dismantled in 1983, villagers became more independent from the state and village cadres lost some of their previous power. Villagers were given greater opportunities to disobey party officials who enforced unpopular policies such as birth control and tax collection. Further infuriating the peasants was the fact that the cadres were becoming increasingly corrupt as economic reforms provided them with abundant opportunities for illegal activities. Due to these divisions, local institutions were poorly managed and chaotic.

With the rural areas increasingly disorganized, Chinese leaders thought that it was imperative to construct new political institutions in the countryside. However, the nature of these necessary changes was widely debated. In 1984, Peng Zhen, the chairman of the Chinese Communist Party, decided that elections would make the cadres more accountable to the villagers,

therefore making it easier to govern in the countryside. Peng Zhen, together with the Ministry of Civil Affairs (MCA), started to work on a law that permitted village committee (VC) elections. The law was seen as controversial, and it was not until four years of political debate that the preliminary Organic Law was finally passed.

The most noteworthy parts of the law are articles 11 and 12, which mandate that China's almost one million villages conduct elections in order to choose village committee members:

“Article 11: the chair, vice chair(s) and members of the village committee are to be directly elected by the villagers. No organization or individual is allowed to appoint, designate, remove or replace members of the village committee.

Each term for a village committee is three years. At the end of the term, new elections should be held promptly. All members of the village committee can be elected for multiple terms.

Article 12: any villager over 18 years old has the right to vote and be elected, regardless of ethnicity, race, gender, occupation, family background, religious belief, educational level, financial situation or length of residence, except for those who are deprived of political rights by law [...].”

In addition to describing how the committee members should be elected, the law

also outlines the responsibilities of the VC. These duties include dealing with public affairs and services in the village, supporting and organizing villagers to develop cooperative economical enterprises, taking care of the public resources, settling disputes among villagers, and maintaining public order.

Implementing the Organic Law

After the approval of the provisional VC election law, there was still a lot of work to be done before the law could be put into practice. China's political system is rather fragmented; a decision made at the top of the hierarchy is not necessarily enforced at the grassroots level. Consequently, “a whole string of mutually-reinforcing decisions are required in order to keep any one initiative on track.” So the MCA, the organization which promoted the village elections, was forced to skillfully maneuver within the Chinese governing structure to implement the law.

Government officials had varying opinions on the implementation of village committee elections, which were dependent upon their respective government positions. Many cadres in higher levels of government seemed indifferent to the reform since it was supposed to strengthen the Party's control of the countryside. The strongest opponents to village elections came instead from the bottom of



Cover of the Organic Law

the state structure: from the county, township, and village officials. Since they could be voted out of office, village cadres had natural objections to elections.

The MCA used “a foot-in-the door approach of concealing aims, separating the reforms from each other, and pushing for only one change at the time.” They applied a two-step approach to change institutions and cement village elections in the countryside. The first stage focused on convincing local officials to agree to conduct the elections. The importance of whether the elections were democratic was deliberately understated by MCA officials. Wang Zhenyao, an MCA official, described the reasoning behind this approach:

“We knew there were strong incentives for the local bureaucrats to manipulate the elections. But no matter what we did at that time, there was no way for us to prevent such manipulation from occurring. [...] If the standard were set too high, there would be open confrontation between officials in the civil affairs system and leaders in prefectural and county government who could always veto the proposed reforms. [...] We were confident that ordinary peasants would be mobilized by the electoral reform to defend their own interests. We therefore instructed our local bureaus to do only two things. The first was to make sure to organize elections and the second was to honor the results of those elections”.

As village elections were more widely accepted, it became harder for opponents to protest the process

Although many local cadres and peasants did not take the elections very seriously, in some elections corrupt officials were voted out and new leaders took power. Stories about these occurrences spread, peaking peasants’ interest and changing local cadres’ opinions on elections. When they saw that it was easier to govern the previously unruly countryside, local cadres began to see that this benefit outweighed the new vulnerability of their elected positions.

As the village elections were more widely accepted, it became harder for opponents to protest the process. Strengthened by this fact, the MCA started the second stage of implementation: to act for widespread functioning of village elections and stress that they are held in a fair manner. They began to underline that there should be more candidates than the number of positions and that the candidates should be nominated by villagers instead of by the government. Tianjian Shi argues that the “approach pursued by the reformers has succeeded up to now, and the power of their opponents has been diminished.”

Analyzing the Organic Law

The 1987 experimental version of the Organic Law contained 21 articles. In 1998, the law became permanent and was extended to 30 articles. Although a number of improvements were made, the law is still lacking in several respects.

First of all, the VC's autonomy is limited by the Chinese Communist Party (CCP) who should, according to article 3 of the VC election law, "play a core role in leadership". According to several researchers, this vaguely formulated segment is the law's greatest weakness, as it undermines the democratically elected committee's independence.

Secondly, the law has unclear formulations on how the elections should be conducted, resulting in election procedures that vary greatly between and even within provinces and counties. The revised 1998 law improved the standardization of village elections by giving more details on election rules. It specified that the candidates should be nominated by voters, that there must be a larger number of candidates than number of positions, and that the voting should be secret. However, nomination procedures and the selection of the candidates are not clearly articulated. As village self-governance is a new political institution, it is vital to have standardized rules. A vaguely written law gives much power to local authorities to outline the final election rules and procedures in their area while providing few opportunities for voters to question unfair elections. This ambiguity contributes to the variation between provinces and makes it harder for local authorities as well as villagers to know how the election should be conducted.

The Ministry of Civil Affairs has drafted a newly revised Organic Law with 52 articles. This more developed law changes the terms for VC members from three years to five years, further outlines the

role of the VC and village elections committee, and gives greater details on how to recall VC members. However, the law has been sent to the state council's legal affairs office which has yet to submit the law to the National People's Congress standing committee, the *de facto* legislative body in the Chinese governing apparatus. The future of the Organic Law will depend on the willingness of the CCP to deepen village election reforms.

Suggested readings

Linda Jakobson. "Local governance: Village and Township Direct Elections", in *Governance in China*, edited by Jude Howell (New York: Rowman and Littlefield, 2004).

Tianjian Shi. "Village Committee Elections in China: Institutional Tactics for Democracy", in *World Politics* vol. 51, issue 3 (1999): 385-412

Qingshan Tan. "Building Institutional Rules and Procedures: Village Election in China", *Policy Science* vol. 37, issue 1 (2004): 1-22

Also by Jens Kolhammar

Village self-governance in China: A case study

<http://www.chinaelections.net/newsinfo.asp?newsid=18374>



The Status and a Few Problems of Village Committee Elections

By Mei Yongsheng, translated by Sean Ding



When it comes to the problems of village committee elections in China, much emphasis has been given to the electoral procedures and techniques. However, the main principles concerning the overall system have been frequently understressed. As a consequence, it is difficult to resolve the current conundrum in which extensive efforts dedicated to the electoral process produce only unsatisfactory and undemocratic results.

The main form of China's grassroots democracy, village committee elections have received great attention in recent years. From a legal perspective, the Organic Law has been implemented for less than a decade, thus it is inevitable that village elections will encounter various difficulties. While efforts have been made to address these problems, records show that instead of seeking the fundamental and structural causes, people have focused overwhelmingly on issues at the procedural and technical levels, for instance voter eligibili-

ty, setting up of secret ballot booths, design of the ballot, layout of polling centers, and certification processes. Hence, it is reasonable to argue that if people failed to address the fundamental problems of the elections, any technical design, no matter how perfectly executed, would be utterly meaningless. Based on the author's long experience in working on villager self-governance, the following are the prevailing issues, often understressed or even ignored.

1. The basis for conducting village committee elections is relatively weak because:

a) Many villagers lack the basic awareness of democracy and rule of law. Without active participation and the villagers' strong sense of defending their rights, elections would easily become a mere formality. Unfortunately, we regret to see that a significant portion of villagers, especially those living in poor areas, are lukewarm or indifferent toward village committee elections.

On the election day, they either excuse themselves from polling centers, or ask someone else to cast the ballot for them; their preference may be easily manipulated, sometimes by just a casual dinner or a pack of cheap cigarettes. When their own democratic rights are violated, they often choose to compromise instead of fighting back because they do not want to be seen as troublemakers. In every village committee where the authorities received letters from the villagers complaining about illegal manipulation of the election results, when these complaints were mishandled, villagers chose to leave the issue unsettled rather than turn to legal channels.

Certainly, the lack of awareness of democracy and rule of law has its cul-

tural and historical roots. Nevertheless, it is undeniable that as supervisors and organizers of village committee elections, we have done too little in educating the villagers, and have not shown seriousness and sincerity.

b) Human and financial resources dedicated to village committee elections are unguaranteed. A national project involving a large population, sufficient funding and human resources is crucial to the successful implementation of village committee elections. However, the status quo is that many villages are experiencing a signifi-

cant shortage of capable election organizers. According to the Organic Law, village cadres are the immediate organizers of elections, but they often lack the appropriate education and experience; township officials are responsible for supervising the elections, but these officials are disinterested in village committee elections (many even show a strong resistance). Even if the officials do “supervise” the elections, the primary focus would be on how to manipulate the election so that its result satisfies “the intention of the organization”. In regard to county leadership and those leaders above the county level, it is even more difficult to designate personnel to the organization and supervision of village committee elections.

In terms of funding, it has become clear that many villages simply can’t afford elections. In most cases, a village committee election requires approximately 3000 RMB (750 US dollars). Although this is not a great deal of money, it remains a tremendous difficulty for many villages that are in debt or do not have any collective economy. As a result, elections in these villages are conducted in a poor manner with simplified procedures and the minimum requirements. While the Organic Law does ask local governments to provide financial support to villages that lack funding, the reality is that almost

We have done too little in educating the villagers, and have not shown seriousness and sincerity

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no county or township government will spend money on village elections.

2. Based on the author's many years of observation, the incumbent village cadres are the strongest opponents to village committee elections (including village Party branch elections), therefore becoming the biggest obstacle of successful implementation of village committee elections. The primary reasons include:

a) They are afraid of losing the election. In the previous system, village cadres were appointed by their superiors. Thus, their priority was to please the higher leadership instead of serving the villagers. Some village cadres would even sacrifice the villagers' interests in order to be "consistent with the higher leadership". Such cadres resist strongly to committee elections because they are well aware that they would undoubtedly lose office once an election is held.

b) They fear the exposure of their misdemeanors. Prior to the introduction of villager self-governance, village cadres could do whatever they wanted as long as they settled with their superiors. For instance, the author was informed by a village cadre that he barely had any household expenditure, because he charged public funds for all his purchases including even grocery. Once a democratic election was held, these misdeeds would be exposed and the officials involved might face charges. Because of the above concerns, many incumbent village cadres are resistant to democratic elections, some even tried to obstruct the elections from being held.

Since village cadres are the immediate organizers of committee elections, it is extremely difficult for an election to be conducted in a democratic manner without their support.

3. Township leadership, the immediate supervisor of village committee elections, lacks enthusiasm due to the following reasons:

a) The absence of internal motivation. In the current political system, township leaders are in fact appointed by their superiors, despite that indirect elections are held as a formality. Consequently, the political career of a township official depends only on his or her ability to coddle the higher leadership instead of answering to public demand. These officials would never spend time and energy on supervising village committee elections in accordance with the law, because public opinion reflected in the elections means very little, if anything, to their own career.

b) The township leadership is concerned that democratically elected village cadres may be hard to control. As we know, prior to the implementation of villager self-governance, township leaders had absolute authority over the selection and removal of village cadres, who at the time were the same as the leaders' personal servants. However, once introduced, democratic elections deprived the township leaders' power of appointing village cadres, thus making them worry about their own political future: Will democratically elected cadres listen to my orders? If they don't, will it jeopardize my political career? A

township leader once sullenly complained to the author: “Now you are holding these elections which made it impossible for me to even manage a few village cadres. What power do I have left? Why the heck would I still want to be a leader?”

c) Township leaders worry that the existing interest ties between the village cadres and them may be disrupted. As discussed above, in villages where self-governance is not thoroughly implemented, the appointment of village cadres is determined solely by “the intention of the organization”, namely the intention of township leaders, who themselves are also appointed based on the preference of the higher leadership. Such a system has created shared interests between township and village officials. In order to secure their own position, village cadres give monetary contributions, in many cases out of the public budget, to their township superiors on a regular basis, while at the same time township leaders return the favor by passing incentives down to the villages. Such shared interests have over time reinforced the abnormal, yet stable relationship between township and village cadres, who see democratic elections as a dangerous challenge to their interests.

In addition to the cadre system and interest ties, township leadership often fails to proactively support village committee elections because of several misconceptions. First, many of them think that democratization is moving too fast in China and is not suitable for the country’s current conditions. I often ask these arrogant township leaders “where do you think

China’s democracy should take its first step? If not in villages, should we start with electing our parents?”

Second, many township officials assume that villagers do not possess the quality of electing their own leaders. This is blatant discrimination against the peasants. It is true that Chinese peasants know little about science and technology, but it is senseless to argue that they can’t even choose a leader from their fellow villagers. Indeed, if we wholeheartedly returned the right to vote to the villagers and provided adequate support, they would be completely capable of electing their own leaders.

The villagers are hesitant to believe in the legitimacy of the elections

Third, they believe that villagers themselves are indifferent toward elections and will not enthusiastically participate. This is again not the truth. While we do see many lukewarm villagers who are disengaged and do not go to polling stations, this by no means suggests a lack of enthusiasm. According to the author’s in-depth observation, the reason why many villagers are disengaged is that they are hesitant to believe in the legitimacy of the elections, and cannot trust that the right to vote will be so easily returned to their hands. Indeed, many village committee elections are so loosely organized and poorly conducted that they can hardly demonstrate any legitimacy. How can we ask villagers to be enthusiastic about these elections, when they still sense strongly the existence of the “intention of the organization”?

The problems discussed above have little to do with the technical and procedural details of the elections; nonetheless, they are vital components of the fundamental problems facing village committee elections. Any person involved in directly working with village committee elections knows clearly that it is already a significant accomplishment for a county to even have a few decent window dressing village elections—we are, after all, still waiting for the breakthrough at the institutional level. While it is beyond the scope of this article to discuss structural change, it is fruitful for us to admit that only when the principle issues are addressed can village committee elections become truly meaningful.

More translations by Sean Ding

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