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Power List Reform: A New Constraint Mechanism for Administrative Powers in China

Abstract

In order to improve transparency and accountability in China the Commission Office for Public Sector Reform (COPSR) is carrying out a series of administrative reforms. The COPSR is now responsible for the rationalisation and codification of administrative powers, contributing to what we call “power list” reforms that are currently being implemented across China. One of the key objectives of these reforms is to weed out redundant powers that hinder the marketization of the Chinese economy and keep the public guessing as to the limits of local state power. Based on evidence from interviews and focus groups in five provinces we find that the main factors influencing power list reforms are central policy design, political constraints and local agency. We conclude that the tensions arising from the reform process are the result of loosely enforced listing standards, resistance to change from those who profit under the pre-reform system, and a lack of effective legal guarantees that hinder power list reforms. The evidence presented in this article contributes to broader debates about authoritarian resilience based on the CCP’s efforts to govern better and improve relations with society.

Keywords: administrative reform; China; power lists; corruption; governance

Introduction

In 2004 a corruption scandal in Hebei province shocked the Chinese public. Li Youcan, the deputy director of the provincial Foreign Trade Bureau, was sentenced to death for his part in a bribery case valued at an unprecedented RMB 47,440,000 (Cai, 2015, p. 203). In response to this case, the provincial Discipline Inspection Commission in Hebei announced plans for a new constraint mechanism for administrative powers in order to crack down on corruption by limiting the incentive structures and institutional vulnerabilities that were so readily exploited by Li Youcan. The anti-corruption drive has been accelerated under the current leadership of Xi Jinping and Li Keqiang, who have pledged to take steps to ensure greater transparency and accountability throughout China,

where power will supposedly be exercised in the full light of day to ensure that it is exercised correctly (Gu, 2015, p. 22).

A key aspect of the government's reform strategy is the empowerment of the Commission Office for Public Sector Reform (*zhongbianban*, hereafter COPSR) at local levels. The COPSR is now responsible for the rationalisation and codification of administrative powers, contributing to what we call "power list" reforms that are being implemented across China. The first power list project was piloted in Hebei province in 2005, one year after the Li Youcan scandal, and then followed by local county-level experiments in Chengan, Fuyang, Suining and Wuhou in 2008 and 2009 (Zhou, 2014). The government formally announced the new power list reforms in November 2013, during the Third Plenary of the 18th Central Committee of the Chinese Communist Party (CCP), signalling a nationwide rollout of the new policy.

The new power lists are supposed to regulate and set the parameters for local state powers by determining precisely how many administrative powers are handled by governments and by making this information publicly accessible. In the process the government is expecting to gain a better understanding of the limits of its own powers and responsibilities, whereas the public is now better able to locate and engage with specific authorities with reference to a set of clearly defined responsibilities. It is expected that the current reforms will create a more conducive environment for private enterprises, particularly in non-coastal provinces such as Guizhou, Jiangxi and Liaoning, making it easier to start businesses by promoting fairer competition and reducing bureaucratic obstacles. Prior to 2013 power list reforms were voluntary, but the new central policy design makes reform compulsory and increases the pressure on provincial governments to implement the new administrative reforms, leading to significant variance. We believe that provincial and local variation can be explained, in part, by the cadre performance evaluation system that creates disincentives for reform, as in the cases of Guizhou and Liaoning, where economic growth targets linked to state-owned enterprises supersede administrative efficiency targets. We find that local governments have a tendency to selectively interpret and implement central directives in accordance with their own priorities and interests, a situation that is made worse by the ambiguous terminology found in central policy.

Power lists are designed to ensure that no public authority exercises or assumes any powers that are not granted by law, theoretically eliminating any room for personal profiteering within government (Xinhua, 2014). Following the Fourth Plenary of the CCP Central Committee in October 2014, local governments across China's 31 provinces have been instructed to complete their power lists within two years. In 2015 Premier Li Keqiang indicated that all provincial-level governments will be required to release their power and responsibility lists, adding that "we must keep our people well informed of what powers their governments hold and put government power under public oversight to prevent the abuse of office" (Xinhua, 2015a). The listing of powers is supposed to be comprehensive, with public authorities required to publish their administrative review and approval powers (*xingzheng shenpi quanli*, hereafter ARAP) lists as well as "negative lists" (*fumian qingdan*) that determine restrictions on foreign direct investment, and "responsibility lists" (*zeren qingdan*) that set out the government responsibilities for social welfare and social security, as well as for the promotion of free markets and fair competition. In order for these reforms to be effective the government is attempting to establish new constraint mechanisms that should increase the ability of the public to hold local state authorities to account.

This article begins by introducing and debating China's current power list reforms. Using evidence from interviews, focus group discussions and Chinese language documents, we argue that the tensions arising during the reform process are the result of loosely enforced listing standards, resistance to change from those who profit under the pre-reform system, and a lack of effective legal guarantees that hinder power list reforms. Based on evidence from five provinces in China we find that the main factors influencing power list reforms are central policy design, political constraints and local agency.¹ China continues to have a highly centralised administrative system, where the overconcentration of power creates opportunities for corruption, although the current power list reforms are designed to disrupt China's collusive patronage networks by clarifying and delineating the administrative powers and responsibilities of local authorities. Reforming the power lists in China involves the separation of powers between central government and local government in a bid to improve the rule of law. The comparative evidence presented in this article contributes to broader debates about what Dickson (2016, p. 19) refers to as

the key but often neglected elements of the regime's survival strategy, namely the CCP's efforts to govern better and improve relations with society.

A New Constraint Mechanism for Administrative Powers

Since 2013 power list reform has become a key national policy that is expected to help the government advance its anti-corruption agenda and maintain its grip on power. There is a mismatch, however, between the principle of uniformity and coherence in central policymaking on the one hand, and flexibility in local implementation on the other. Policy reform in China, it seems, can still be analysed under the rubric of fragmented authoritarianism, although the framework is increasingly pluralistic because policy entrepreneurs are finding new spaces through which to influence the bureaucratic bargaining process, without being “snuffed out by the coercive apparatus of the state” (Mertha, 2009, p. 997). Zhou (2010, p. 48) found that some local governments attempt to cope with, and often evade, central directives by imposing their own interpretations of the rules, leading to systematic deviations from the original policy goals. There are also cases of local political-business alliances being formed in order to defy central government rules, with collusion leading to systematic abuses of power that can damage the environment (coal mining being a common case) and undermine public confidence in the CCP by rendering local people powerless in their struggle for better living or working conditions (Zhou, 2010, p. 49). In this context, power list reforms are being prioritised by some CCP members in order to regulate governmental powers and responsibilities by exposing the political system to greater public scrutiny, for example publishing records of government activity online in an effort to achieve sustainable improvements in local governance (Li & Liu, 2014, p. 11).

Power list reform focuses on improvements in governance both within the Party and in the state apparatus in order to reduce corruption and pre-empt public demands for democratisation. While new spaces for citizen input are certainly emerging in contemporary China, doubts remain as to the actual policy impact that citizen inputs have, with some critics suggesting that the new modes of public participation are merely decorative — often referred to as “flower vases” (*huaping*) by Chinese scholars — and thus lacking in substance (Zhu, 2008). By reforming the administrative review and approval process the government is seeking to establish a more competitive market-based

system and to develop organisational capacity based on the principle of “letting the market play a decisive role in resource allocation” without jeopardising the CCP’s monopoly of political power (Xinhua, 2013).

In March 2014 the central COPSRS published an official document that granted approval for 1,235 administrative review and approval powers (ARAP) across 60 central departments in the State Council, which set a national precedent and created a framework for local government reform (State Council, 2014).² Guangdong is the first province to publish its ARAP list, completing the task on 21 May 2014 (CCP News, 2014). On 26 June 2015 provincial authorities in Zhejiang completed and published a comprehensive listing of 4,236 administrative powers across 42 government departments, which increased the pressure on other provincial authorities to fall in line with central directives (Government of Zhejiang, 2015).³ The reform agenda now focuses on the development of an open and clear system to delineate all of the government powers (*qingquan*) that are subject to administrative review and approval, and then to clarify the remaining powers (*quequan*) by publishing a comprehensive power list in an accessible and transparent way. The rationalisation process requires the abolition of redundant powers and the outsourcing of administrative functions that are believed to constrain market creativity and cause inefficiencies.

Research by Yu & Xu (2014, p. 23) indicates that power lists are designed to enhance the supervision and control of local public authorities in order to improve the relationship between state, market and society. The authors conclude that the anti-corruption goals set by China’s leaders at the national level require, among other things, a combination of power list reforms and greater financial oversight of public expenses. Recent research conducted by Hu & Xu (2015, p. 68) focuses on how power list reform improves transparency. On the one hand, the government is attempting to use power lists to reduce rent-seeking behaviours (*xunzu kongjian*). For example, the Zhejiang provincial power list in 2014 stipulates that all provincial departments must put an end to their business connections with companies, which means that all forms of appropriation (including discretionary fees charged for inspections) are now forbidden. On the other hand, power lists provide a new mechanism for the public to supervise government activities in a bid to improve accountability.

In a comprehensive study of administrative reform, Yuan & Yao (2015) examine the complete process of establishing a new power list in Anhui province. They found that power list reforms are typically carried out in five steps, beginning with a provincial government announcement of a new reform proposal, which in the case of Anhui was the 2014 Notice on Implementing the Provincial Administrative Power System by the People's Government of Anhui Province (*Anhuisheng renmin zhengfu guanyu tuixing shengji xingzheng quanli qingdan zhidu de tongzhi*) that stipulated that by 2015 all provincial departments should produce their own power lists. The second step is to establish a leading group responsible for guidance and co-ordination, selecting pilot projects and assigning tasks for all departments involved in the drafting of power lists. The third step is for each department to review their own powers and responsibilities and then report their recommendations to the provincial COPS. Next, the COPS and the provincial Office of Legislative Affairs (*fazhiban*) select a panel of government officers who are familiar with Chinese administrative law to review the proposed power lists to ensure that all administrative powers are legal and do not cause any political conflicts with the central government. The fifth and final step is to make the power lists publicly accessible by publishing them on the Internet. See Table 1 below for our depiction of the power list process in Zhejiang province.

[*Insert Table 1*]

Luo (2015, p. 32) expects that the new power list reforms will help change the heavily bureaucratic nature of government in China, where mal-administration, inefficiency and deficits in accountability and responsibility are so deeply entrenched. For example, the increasingly flexible interpretation and implementation of central policy has allowed for ambitious reform experiments in places such as Shunde district in Guangdong and the county of Fuyang in Zhejiang. Shunde and Fuyang are among the first local level examples of a complete overhaul of the power list system. The purpose of this overhaul is to control and standardise administrative power so as to limit the transgressions of local governments (Zhou, 2014, p. 7). Yuan & Yao (2015, p. 31) are less optimistic, arguing that the process of establishing power lists needs to be improved by expanding public participation and modifying higher laws to give local governments more autonomy to

carry out legitimate reforms. One additional concern that we have noted is that the power list reform is a political party initiative that reflects the ambitions of the CCP to remain in power. The consequence is that the reform process remains heavily dependent on the will of the Party and serves the interests of the autocratic leaders occupying the top positions of government.

Methodology

Generally speaking, power list reforms are designed to impact on state-market-society relations by imposing restrictions on state power and creating new administrative guidelines for businesses, enterprises, organisations, and even the CCP itself. Power lists relate to administrative functions such as licensing powers, non-licensing administrative approval powers, administrative punishment and enforcement, administrative imposition power, and administrative supply, inspection, guidance, and admission powers. In order to compare the power list reform processes currently underway in provincial China we conducted research in Guangdong and Zhejiang representing the east coast of China, Jiangxi representing the central region, Guizhou from the southwest and Liaoning from the northeast region of China. We recognise the administrative complexities and inconsistencies that exist across provincial China, where for instance decentralisation has led to the fragmentation of authority under an administrative matrix that tends to generate conflicting agendas and jurisdictional overlap (Cheng & Ngo, 2014, p. 224). With these complexities in mind, we compare the power list reforms taking place in five provinces according to their responses to central policy design, the political constraints that they face and the degree of strategic agency demonstrated by local implementers and stakeholders.

Our primary data comes from 15 elite interviews and 17 focus group discussions conducted in five provinces from July to September 2014 and July to August 2015. We gained access to government officials who were directly involved in the power list reform process at provincial, city, district, and county levels. In order to arrange the focus groups we made initial contact with the provincial COPSRS, and they in turn invited participants from relevant government departments with experience in power list reform, along with representatives from the private sector and the non-governmental (NGO) sector to meet with us.⁴ All focus group participants were given the opportunity to speak about their

experiences, including what they believe to be the main achievements and shortcomings of the power list reforms. In addition, we were able to access a number of unpublished government documents related to the reform process, including summaries of rationalization exercises that led to the cancellation of a range of administrative powers.⁵

Power List Reforms in the East: Guangdong and Zhejiang

Guangdong and Zhejiang are relatively affluent and politically ambitious provinces that have experimented with a range of new administrative reforms over the past four decades (Tsai & Dean, 2014, p. 347). Guangdong has been an exemplar of change since the “reform and opening” (*gaige kaifang*) period that began under Deng Xiaoping’s leadership in the 1980s (Zhang, 2016, p. 281). Located at the centre of the Pearl River Delta, districts such as Shunde in Guangdong have been granted special rights to implement reforms (*xianxingxianshi*) and have emerged as strategic frontrunners in China’s micro-pilot schemes that are designed to achieve localised political reforms that can be replicated throughout the country. Officials in Guangdong have modernised the provincial administrative system, undertaking various reform experiments at different stages of development over the years, including minor changes to single administrative units, tentative revisions to department operations, and comprehensive structural reforms designed to allow greater innovation in government and administrative practices (Chen, 2002, p. 21).

Zhejiang, a populous and economically powerful coastal province known for private enterprise and rural industrialisation, is the site of many special initiatives to foster political and economic growth on the Chinese mainland. The coastal city of Wenzhou in Zhejiang has developed its own economic approach, now widely used as a “model” in comparative studies, by allowing small-scale private entrepreneurs to seize “vast domestic market opportunities in consumer products that opened up during the reform era” (Zhang & Peck, 2016, p. 69). Since the 1980s the Wenzhou model has undergone profound economic and political changes and requires constant renewal in the face of domestic and foreign competition. We find some merit in the argument that policy experimentation in China can be manipulated by the government in order to give the appearance of real change, while masking an aversion to change or an unwillingness to tackle major reforms, as Zeng (2015, p. 339) found in Wenzhou, although we believe that

power list reforms, however unevenly or inefficiently implemented, are a signifier of major changes in Chinese public administration and the gradual empowerment of local Chinese communities and non-state actors.

Response to Central Policy Design

When we began our research in Guangdong one of the first statements made by a provincial official was “we are accustomed to any type of reform” (*gaige yijing chengwei yizhong xiguan*).⁶ This statement seems to ring true, as officials in both Guangdong and Zhejiang set about the task of implementing power list reforms without hesitation. For instance, following the CCP Central Committee’s policy announcement in 2013, officials from Zhejiang immediately issued a Notice on Disposing Authority to Standardise Administrative Powers (*Guanyu kaizhan zhengfu bumen zhize qingli guifan xingzheng quanli yunzuo gongzuo de tongzhi*), which created a legal basis for the province to rationalise its power lists. Guangdong province then issued a Notice on the Transformation of Government Functions, Disposing Authority and Formulating Power and Liabilities Lists (*Guanyu kaizhan zhuanbian zhengfu zhineng, qingli xingzheng zhiquan he bianzhi quanze qingdan de gongzuo de tongzhi*) in January 2014, and by May 2014 had completed and published its ARAP list, making Guangdong the first province to complete this task. Two months later, Zhejiang published a complete power list including ARAPs and all of the administrative powers codified in the Administrative Law of the People’s Republic of China. By June 2014 Zhejiang had settled on a list of 4,236 powers to be exercised by 42 provincial government departments, and also introduced a principle whereby “administrative powers can only be reduced” (*xingzheng quanli zhijian buzeng*) in order to raise the standard of governance by eliminating procedural ambiguities and reducing the potential for corruption.⁷

Local pilot projects took place several years prior to the CCP Central Committee’s 2013 policy announcement. For example, in 2008 a project named “power operating in the sun” (*quanli yangguang yunzuo*) was launched in the county of Fuyang, Zhejiang, which focused on reforming the ARAP list.⁸ Within four years the number of ARAPs were reduced from 7,800 to 2,500 in order to set a precedent and provide a foundation for the nationwide rollout of administrative power list reforms. In Shunde, a wealthy district in Guangdong’s Foshan prefecture, officials formulated and published their ARAP list as

early as 2011 in the hope of streamlining licensing approvals, project management and regulations for the daily conduct of government affairs. In the process of creating the new district power lists officials set about abolishing, decentralising and transferring 363 administrative powers to social organisations (*shehui zuzhi*) and lower tiers of government.

In an ambitious bid to increase provincial oversight, authorities in Guangdong explicitly list the CCP's powers and include the Party in all of the province's government supervision mechanisms.⁹ Given that most other provincial power lists focus solely on administrative powers, the Guangdong effort to regulate and reform the CCP's powers can be considered ground breaking, even if the actual political impact remains unclear. Zhejiang has created its own "responsibilities list" (*zeren qingdan*) that includes powers as well as social responsibilities, essentially committing the government to a new standard of public service that includes promises to improving local conditions and to address specific issues such as the duty of care for women and children. Officials in these two provinces are ambitious although they accept that there are political limits to reforms and they do not want to be seen to be directly challenging the CCP. Ultimately, during the process of rationalising provincial administrative powers, it was necessary to establish new responsibility lists to clarify the government's responsibilities for citizens, social organisations and private enterprises (*minying qiye*), as well as to clearly establish the parameters of local state power.

In July 2014 the Zhejiang government proposed the "construction of three lists and one network" (*sandan yiwang jianshe*), namely the power list, the negative list and the financial fund allocation list that records and publishes the allocation of funds each year in the hope of creating a more transparent mechanism to reduce corruption. A new online e-government service network was also established in 2014 in a bid to increase efficiency, for example by allowing for electronic tax returns, marriage registry and the issuing of small business licences.¹⁰ The county of Fuyang, which has played a pioneering role in the power list system reforms since 2008, was again selected as a local pilot for more advanced reforms, and the COPS in Fuyang reports that local authorities are in full compliance, having completed their power list, responsibility list and negative list.¹¹ During the process of establishing new power lists, officials in Fuyang found that some administrative powers have not been used for many years, and thus referred to them as

“dead powers” (*jiangshi quanli*). For example, an official from the agricultural department in Fuyang found that they have redundant administrative powers related to non-existent grasslands and beaches, so they decided to establish one list to highlight all of the lawful but inactive powers (*feichangyong quanli*) in the county and a second list, known as the common power list (*changyong quanli qingdan*), to strengthen those administrative powers that have a direct relevance to, and impact on, people’s daily lives.¹²

Political Constraints

In an attempt to legitimise the power list reforms, officials in Guangdong province insist that all changes are based on public consultation (*gongzhong zixun*) and are made in accordance with the rule of law (*fazhi*). Similar claims are being made in Zhejiang, where think tank and research institute recommendations, as well as general public opinion, are given consideration by local governments.¹³ Every administrative power included in the new provincial lists must first be reviewed and approved by the Office of Legislative Affairs. In the Chinese system the legislative supervision of administrators has always been of vital importance, although given the nature and extent of the CCP’s traditional control over all state organs and administrative functions, there is good reason to doubt the independence of the Office of Legislative Affairs (Palmer, 2006, p. 170). The current power list reforms should allow greater public participation and oversight as part of the provincial commitment to “open the door to reform” (*kaimen gao gaige*), as President Xi Jinping put it after a visit to Guangdong in 2014 (CCP News, 2014). For instance, during the reform process citizens were encouraged to provide comments and suggestions by using a forum called “people talk: what the government should and should not do” (*baixing tan: zhengfu gaigan shenme bugai ganshenme*).¹⁴ These initiatives can be framed as a part of the CCP’s survival strategy, contributing to what Teets (2014, p. 26) calls consultative authoritarianism, where certain limited concessions to non-state actors are made while the indirect methods of state control continue to expand. Although the concessions are limited, “people talk” forums represent a gradual and meaningful shift toward greater public participation in local governance and political affairs.

In Shunde, the district government has approved of a new Public Decision-Making Consultative Committee (*gonggong juece zixun weiyuanhui*) that includes representatives

from the academic and legal community, government, private enterprise, and civil society who have an interest in public policy reform. To date, we found that the Shunde government has established 38 of these committees and claims to have adopted at least 1,230 of their recommendations. In support of the claim that Shunde is an exemplary “endogenous innovation model” of reform, an official suggested, rather controversially, that the people of Shunde have the right “genes” for reform (*gagie de jiyin*), with specific reference to the Han Dynasty era, when Shunde was a penal colony.¹⁵ According to this logic, exiled criminals in Shunde were forced to adapt to new and difficult situations and had to create a liveable environment, thus explaining why local people are known for their resilience and aggressive characteristics (*ganpin ganchuang de xingge*). While the people of Shunde may have the correct genetic predisposition for reform, some government officials admitted that they “are confused about what the power lists are really for”, citing concerns about the hasty nature of the reforms, and the discrepancies between central reform objectives and the actual impact that power lists are having on the quality of governance and the scale of corruption in local settings.¹⁶ For instance, after publishing their new power lists online, local officials complained that they did not find any immediate substantive difference, creating discontent within the COPS and related agencies that have been tasked with such a large-scale, resource-intensive administrative overhaul.

Local Agency

When pursuing reforms in contemporary China, there is a sense that “the further you go, the more obstacles you encounter that hinder economic development and the functions of the administrative system”, and so in some provinces there is the motivation to overcome these obstacles by tackling the institutional constraints and vested interests that exist in various manifestations at local levels.¹⁷ The policy environment in China’s eastern region is known to be relatively market-oriented and flexible. According to one informant who conducts business throughout China and has invested in several different regions, Zhejiang and Guangdong are the most “rules-based” provincial governments he has ever encountered.¹⁸

Members of the Shenzhen Mahong Foundation, a social organisation founded in 2011 in order to promote economic development and market reform, add that as a

consequence of the power list reform process a number of financial and political restrictions in Guangdong have been removed, creating new opportunities for social organisations to provide public services and carry out administrative functions.¹⁹ The announcement in 2013 by the governor of Guangdong province, Zhu Xiaodan, that “all administrative powers that restrain social and market creativity will be revised or removed” is certainly a popular reform and seems to be welcomed by local stakeholders, although the governor’s pledge has yet to be fully realised.²⁰

Another popular reform is the “negative list” that refers to the economic sectors that are strategically closed to foreign investment (Li, X., 2015, p. 267). A major goal of the negative list reform is to improve investor confidence by making all restrictions on foreign direct investment clearly available in a single document. In 2014 the county of Fuyang published its new negative list that imposes 19 restrictions on projects, particularly in high-polluting and energy-intensive industries. All other industries can be registered through a new filing system (*gaozhixing beian zhidu*) without being subjected to cumbersome administrative review and approval processes. This is a market-oriented reform policy that is welcomed by private enterprises in Guangdong, although there are concerns that their legal business entities will not be recognised by other provinces where the old administrative review and approval processes are still in use. The question of legality is problematic for local governments as well, whose efficiency and rapid implementation of power list reforms puts them at risk of violating the national administrative laws of China that grant the central government ultimate control over administrative review and approval powers. One government official from Zhejiang expressed concerns about the likelihood that the reforms being carried out are “technically illegal”, citing the fact that local reforms are implemented relatively quickly but without the proper authorisation to do so because the central government is slow to modify administrative laws and regulations.²¹ Despite these concerns, Guangdong and Zhejiang continue to surge ahead with power list reforms, increasing the pressure on less compliant provinces such as Jiangxi, as discussed in the next section.

Reforms in the Central Region: Jiangxi

The “red” province of Jiangxi, with strong links to the early revolutionary movement of Mao Zedong and the CCP, is located in the lower-middle reaches of the Yangtze River,

adjacent to coastal Fujian province. Prior to the reform era in the early 1980s, both Fujian and Jiangxi registered similar levels of economic development. By 1989, as a result of aggressive economic restructuring, Fujian led Jiangxi in every economic indicator, and the gap continued to grow in the decades that followed (Tan, 2002, p. 741). Senior officials in Jiangxi were thought to be overly cautious, weak and risk averse, and unlike their counterparts in Fujian, did not forge strategic political connections with the central government, thus limiting their leeway and bargaining power (Tan, 2002, p. 742). Indeed, in 1986 the province made history when Ni Xiance became the first governor to be publicly removed by the CCP for offences related to corruption (Xia, 2000, p. 195). In 2014 Jiangxi's economy was ranked 18th in China and thus represents a typical middle level provincial economy, whereas Fujian was ranked 11th (NSBC 2014a). By most measures however Jiangxi is still lagging behind. Residents of Jiangxi have a tendency to relocate to more developed provinces such as Guangdong, citing a general dissatisfaction with the slow pace of reform in their home province, as well as the negative impact of local state interference and the continuation of backward policies that hinder progress and distort the distribution of resources (Murphy, 2000, p. 243).

Response to Central Policy Design

At the beginning of 2014 the Jiangxi Provincial Administrative Review and Approval Reform Office organised twelve working groups to carry out ARAP list reforms as mandated by the provincial COPS. We found that after just 64 days the working groups completed their task, creating a new power list for all of the 55 provincial departments, and in the process they transferred or abolished at least 260 administrative powers. The final ARAP list that was made public contains 392 powers including licensing criteria, project approvals and administrative charges. The Jiangxi government planned to issue a local administrative law to regulate ARAP reform, but to date this has yet to be introduced. The authorities in Jiangxi seem highly motivated to carry out reforms but are facing a number of constraints and challenges that are delaying their efforts.

The twelve working groups in Jiangxi have encountered significant resistance since 2014, particularly when they attempted to rationalise the number of administrative powers in the province.²² The director of the Jiangxi provincial COPS who leads the process told us that the reforms “were beset with difficulties” and that “some officials from

COPSR felt that it was a real fight when they were cleaning up administrative powers”.²³ Administrative powers are a traditional source of financial gain and political clout for local authorities, and ARAPs are particularly contentious because they represent the main government mechanism for regulating private enterprises, and as such are strongly linked to patronage and rent-seeking. The COPSR in Jiangxi is not alone in the fight to clean up public administration through power list reforms. Premier Li Keqiang has in fact criticised several local governments for “secretly holding onto powers that should be delegated,” just as a driver may “release the handbrake while pressing down on the footbrake” (Government of China, 2015). Nevertheless, as a result of the sustained resistance to reform, officials in Jiangxi have yet to complete their provincial power list or their negative list (limiting foreign direct investment), and in this respect they are lagging behind Guangdong, Zhejiang and other more prosperous provinces.

Political Constraints

Despite the early enthusiasm that the Jiangxi provincial government showed in its approach to the ARAP list reforms, the province is now lagging behind and seems to lack sufficient internal impetus to overcome the various institutional constraints and vested interests that they are facing. The main reform measures in Jiangxi were introduced from the top down, in contrast to the innovative bottom up initiatives that took place in Guangdong and Zhejiang. For example, the Jiangxi ARAP list is based entirely on the format and classification standards of central government, and provincial authorities did not really introduce any new policies with locally specific features.

Problems tend to arise when local reformers are overly reliant on central directives and when administrative laws and regulations are not modified or replaced in a timely manner. One excuse given by local officials for the lack of progress was that “according to the existing administrative laws and regulations, there is limited space for us to implement reforms”.²⁴ At present, for city and county level governments without legislative power or special authorisation to act autonomously, approximately 80% of the administrative powers are regulated or governed by the State Council, leaving only 20% of the powers under the authority and control of local governments. Officials in Jiangxi may have the impetus to carry out further reforms, although they are facing “legal impediments” (*falv zhangai*) which means that they are unable to transfer or abolish

further powers because they lack the authority to do so.²⁵ Accordingly, provincial authorities have repeatedly suggested that “to reform further is to break the law”, while at the same time failing to implement the power list reforms is considered a breach of the rules and thus is also technically illegal, creating a paradoxical dilemma that has yet to be resolved.²⁶

Local Agency

The response from some social organisations in Jiangxi is that power list reforms, especially in the area of social responsibility, are too slow and, in some areas, virtually non-existent.²⁷ For example, in order to promote development, the provincial government in Jiangxi initiated a program in 2013 to reform the social management system, which refers to the institutional arrangements to deal with social welfare and social stability by means of legislation (Li, Y., 2015). The new system was to be completed by 2015 but during our field research we found that substantive work in this area had yet to even begin.²⁸ In addition, we found that while some provinces have reformed the registration procedures for social organisations in accordance with the central government’s directive in 2013 — which allows the chamber of commerce, industry associations, science and technology associations, urban and rural community service associations and charity associations, among others, to be registered directly by the civil affairs department without administrative review and approval — this policy has yet to be implemented in Jiangxi. According to our findings, government officials in Jiangxi still hold concurrent positions in social organisations despite the fact that this practice has been forbidden since 1998 because of the patronage and corruption that results from such arrangements.

Some respondents working for private enterprises suggest that the current changes in Jiangxi will bring trouble and risks for the market if an increasing number of administrative powers related to public security and personal safety are cancelled during the reform of power lists. For example, one respondent from the shipping industry said that Jiangxi has cancelled an administrative review and approval power named “captain qualification” (*yinhangyuan zizhi*) which means that the captain of a vessel is no longer required to get authentication from the government in order to be involved in the shipping industry.²⁹ The captain’s position is obviously of great significance for the industry, and without government review and approval there is greater risk for companies that now

have to run their own checks on a prospective captain's credentials. Much like the two provinces discussed below, Jiangxi has struggled to make any substantive headway with the power list reforms, being overly reliant on central directives and procedural guidance, and failing to encourage local innovation of the type found in the county of Fuyang, Zhejiang, or in Guangdong's Shunde district.

Reforms in the Southwest and Northeast: Guizhou and Liaoning

The southwest and northeast regions have fallen behind schedule with their power list reforms. Both regions are facing different financial and political pressures but still have enough in common to warrant their pairing for the sake of comparison. As part of the "old northeast industrial base" (*dongbei laogongye jidi*), more than 60% of the enterprises in Liaoning province are state-owned enterprises. Liaoning may be in relative decline now, but the province has a long and celebrated history of industrial development, for instance enjoying one of the highest growth rates in China from 1952 to 1978 under the leadership of Mao Zedong (Wei, 1998, p. 513). China's first jet aircraft was built in Shenyang, the provincial capital, and the province is credited for many advances in military weaponry and hardware, and for developing some of China's first fully mechanised processes for manufacturing.³⁰ Liaoning experienced a downturn in the 1980s, however, and is believed to be suffering from the legacy of the socialist planned economy (Wang, 2008, p. 22). In the early 1990s Liaoning was significantly behind Guangdong and Zhejiang in terms of the diversification of industry and sources of economic development, being heavily reliant on state-owned enterprises and in need of fresh ideas and new economic incentives to spur growth and dynamism (Schueller, 1997, p. 107).

Guizhou province, with its mountainous, karst terrains, limited arable land and inadequate transport infrastructure, is located in the southwest region of China (Zhan, 2013, p. 82). It is an underdeveloped province with the lowest GDP per capita (RMB 26,437) in China (NSBC 2014b). As part of the contentious Western Development Project (*xibudakaiifa zhanlue*) that began in 1999, Guizhou has been on the receiving end of massive infrastructure development projects and the infusion of much-needed capital in order to boost the local economy and ensure the stable transfer of electricity from western to eastern China (Oakes, 2004, p. 468). Nevertheless, Guizhou is still known as one of the major tobacco growing regions of China, and thus remains heavily tied to the internal

tobacco economy, which is led by state-owned enterprises that have monopolised cigarette production in the province (Cheng & Ngo, 2014, p. 225). Cases such as Guizhou and Liaoning seem to reinforce the economic orthodoxy that state-owned enterprises are inefficient and a hindrance to development, although in China it is difficult to clearly separate state and non-state control because of the variety of forms of informal boardroom guidance and involvement in executive decision-making that the CCP exercises (Goldfinch, 2016, p. 403).

Response to Central Policy Design

Among the three provinces (Heilongjiang, Jilin and Liaoning) in northeast China, Liaoning has made the most progress so far, with officials showing a willingness to undertake practical measures to complete the power list reforms. By contrast, the COPSR in Guizhou has not made any real headway with its provincial power list, although officials in Guiyang, the provincial capital, have managed to reform all city-level government departments, drastically reducing the ARAP list from 1,295 to 88 powers in 2014.³¹ Commenting on the lack of reform impetus at provincial level, an official from the Guizhou COPSR suggests that “the national reform program appears not to be acclimatised at the local level”.³² The Guizhou government is not currently in a position to embrace administrative reform, so the argument goes, and must instead prioritise developmental policies and become more economically competitive.³³ Officials in Liaoning province also lack the incentive to fully pursue power list reforms at a time when resources are overstretched and when government departments are facing a range of additional burdens and pressures. Nevertheless, the process of coordinating ARAP reforms and the rationalisation of local government functions goes on, and officials in Liaoning remain committed, in principle, to a full review of local laws and regulations.

One explanation for the lack of progress in Guizhou and Liaoning is the somewhat vague terminology used by the central government in 2014, where power list reforms could be interpreted as a voluntary policy choice (*changyixing zhengce*) for provincial authorities. The first central government directive included terms such as “we encourage” (*guli*) local governments to reform their power lists, or that local governments “should” carry out this policy as soon as possible, and the reforms did not become mandatory until 2015 (Government of China, 2014). This language allows for a degree of flexibility and

variance across China's 31 provinces, and also limits the contradictions between the CCP Central Committee's demands for administrative reforms and the commitments made by the State Council to the "comprehensive economic revitalisation" of the old northeast industrial base, including Liaoning (Xinhua, 2016).³⁴ An official from Guiyang city indicates that the reform process is slow in Guizhou because of overlapping directives coming from above, for instance as soon as the first power list was completed his office received instructions from the provincial government to formulate a new list covering all administrative powers and responsibilities.³⁵ In effect, Guiyang had to start the whole process again, leading to frank admissions that the first power list exercise "was a large waste of time and resources".³⁶

Political Constraints

The mainstream view in Guizhou and Liaoning is that economic growth and development imperatives far outweigh the need for administrative reform, although this argument overlooks the fact that administrative reform is designed to be a driver of economic growth because of the potential for innovation, the removal of bureaucratic obstacles, the elimination of redundant governmental powers, and the potential for reduced rates of crime and corruption that comes with greater transparency and public accountability. When the power list reforms were formally announced in 2013 proactive districts such as Shunde in Guangdong were already ahead of the curve, and took their own initiatives in what can be called an "endogenous innovation model" (*neisheng donglixing*), whereas in less developed districts and counties the responses were more reactive, with local authorities biding their time and waiting for central directives to become compulsory in what can be called an "exogenous pressure model" (*waizai yalixing*). In contemporary China the performance evaluation system fundamentally shapes the behaviour of Chinese cadres and officials, and performance is calibrated to local conditions, so the risk of failing to meet short-term economic growth targets in the southwest and northeast regions far outweighs the risk of failing to meet administrative reform targets, even if in reality they are mutually dependent.

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Premier Li Keqiang recently complained that “a small number of government employees behave irresponsibly; shocking cases of corruption still exist; and some government officials are neglectful of their duties, holding onto their jobs while failing to fulfil their responsibilities” (Xinhua, 2015b). Specifically, the premier has condemned the excessive bureaucracy in China that requires a private enterprise to collect over 100 stamps from different governmental departments to get a single project approved (Xinlang Business News, 2014). Even though this process is being streamlined, lengthy procedures drive up the cost of starting a business and dampen the public’s enthusiasm for innovation and reform. Indeed, one informant from the cement industry claims to have waited for five years to get a new project approved by the government in Guizhou.³⁷ In general, underdeveloped provinces continue to rely heavily on state-owned enterprises, and in recent years there is evidence of a large-scale exodus (*taoli*) of private enterprises and skilled workers from Guizhou and Liaoning, with many looking to the east coast of China for new opportunities. Although new measures to support private enterprises are being introduced, the provincial authorities in Guizhou still prefer to encourage state-owned enterprises from other provinces to invest in resource intensive sectors, particularly mining, which perpetuates the resource curse and limits the space for private enterprises to operate.³⁸ Our observations in Guizhou and Liaoning lead to the same conclusions about the continued power and influence of a highly inefficient but resilient state-owned enterprise sector.

Conclusion

Within a decade of the Li Youcan bribery scandal in Hebei province the central government has designed and implemented a new set of administrative power list reforms. Central and local governments throughout China are undertaking power list reforms in order to reduce corruption and improve the quality of governance through a process of rationalisation, delegating some powers to lower-level governments and transferring some administrative functions to social organisations. The current reforms are aimed at ARAP lists, responsibility lists and negative lists, each of which plays an important role in the process of changing the relationship between state, market and society by encouraging new modes of public-private engagement that have the potential to enhance marketization, political participation, and improve livelihoods throughout China. There

is still a long way to go before these goals will be realised, however, as some policies and measures are not being satisfactorily implemented, while others are proving to be inappropriate in some local settings where the performance of cadres and officials is tied to economic growth rather than administrative reform.

We found that central policy design, political constraints and local agency affect the outcomes of power list reforms to varying degrees in different provinces. Central policy design is a fundamental factor that provides a framework for local governments, for instance by offering guidance on timelines, contents and standards for reform. Generally speaking, when the central government announces a compulsory policy (*qiangzhixing renwu*), local governments try to implement the policy within the prescribed time because of the strength of China's centralised system and the ways in which performance evaluations and promotion incentives shape the behaviour of Chinese cadres and officials. We found however that political constraints are a significant obstacle to power list reform. Local governments must rationalise, abolish or transfer administrative powers in order to reduce corruption and improve governance while facing uncertainties about the legality of their actions. The urgency surrounding these reforms has been a source of anxiety for the staff of provincial COPSRs and their coordinating departments and agencies, so it is unavoidable that in some local cases officials are establishing new power lists just for the sake of having power lists in compliance with central directives, as opposed to creating genuine constraint mechanisms for administrative powers as first envisioned at the Third Plenary of the 18th Central Committee of the CCP in November 2013.

In general, our research findings from five provinces reveal considerable challenges preventing the full implementation of power list reforms. It can be argued that the economically advanced coastal provinces of Guangdong and Zhejiang, with their extensive experience in pilot projects and experimental reforms, have taken the lead with the new power list system, sometimes even surpassing the central government with the breadth, depth and pace of changes introduced since 2013. By contrast, provinces such as Guizhou, Jiangxi and Liaoning have made less progress with their power list reforms, in part because of their dependence on state-owned enterprises and the vested interests these enterprises represent, and also as a consequence of the lack of incentives to push through contentious reforms.

With reference to the wider debates surrounding the resilience of the CCP, we find that the intention of the power list reforms is to create a constraint mechanism for the exercise of administrative powers in China, fighting corruption and improving governance without actually threatening the CCP's monopoly on political power. In his analysis of the CCP's grand strategy for survival, Dickson (2016, p. 19) highlighted a number of key but often neglected elements of authoritarian resilience that include efforts to improve governance and state-society relations. For example, by creating new structural channels for citizen participation such as the "people talk" forums and consultative committees in Shunde district, Guangdong, the government is attempting to strike a balance between repression and responsiveness. As long as the autocratic leaders of the CCP feel confident that the power list reforms are not jeopardising the integrity of the party-state, we expect local authorities, led by the relevant COPS, to continue to weed out obsolete powers that are hindering the marketization of the Chinese economy and that keep the public guessing as to the limits of local state power.

Notes

¹ These are similar to the factors proposed by Ahlers & Schubert (2015, p. 395) in their study of effective policy implementation in China.

² COPS document entitled Summary List of Administrative Approval Items of the Departments of the State Council (*Guowuyuan gebumen xingzheng shenpi xiangmu huizong qingdan*).

³ We were told that during the rationalisation process an estimated 8,000 administrative powers in Zhejiang were transferred or abolished. Interview with the director of the provincial COPS, Zhejiang, 8 August 2014.

⁴ For example, we arranged focus group discussions in Guangdong with 7 members of the provincial government, 10 members of the Shenzhen city government and 15 representatives from private enterprises and NGOs in July 2014. We had a similar participant ratio in Zhejiang, with 6 provincial government officials, 9 members of the Fuyang county government and 11 private and NGO sector representatives in August 2014. The private sector and NGO participants that we met

enjoy close relations with the government, although they were still very keen to offer constructive criticism for the sake of improving the local social and business environments.

⁵ We collected official documents such as the Directory of Fuyang's Power List Reform (*Fuyang quanli qingdan gaige mulu*).

⁶ Interview with Liang Weidong, secretary of the Shunde District CCP Committee, Guangdong, 23 July 2014.

⁷ Focus group discussion led by the provincial COPSr, Zhejiang, 18 August 2014.

⁸ Interview with the director of the Fuyang COPSr, Fuyang, Zhejiang, 19 August 2014.

⁹ Interview with Chen Xiaofang, director of Guangdong provincial COPSr, 21 July 2014.

¹⁰ Interview with the provincial COPSr, Zhejiang, 19 August 2014.

¹¹ Focus group discussion led by the provincial COPSr, Zhejiang, 19 August 2014.

¹² Focus group discussion led by the Fuyang government, Zhejiang, 19 August 2014.

¹³ Interview with provincial COPSr officials, Zhejiang, 19 August 2014.

¹⁴ Focus group discussion led by the provincial COPSr, Guangdong, 21 July 2014.

¹⁵ Interview with Liang Weidong, secretary of Shunde District CCP Committee, Guangdong, 27 July 2014.

¹⁶ Interview with the director of the Shunde Economic and Technology Bureau, Guangdong, 6 August 2015.

¹⁷ Focus group discussion led by Sun Fujin, deputy director of the Shenzhen COPSr, 3 August 2015.

¹⁸ Interview with an informant from the Shenzhen Sea Container Company, 25 July 2014.

¹⁹ Interview with members of the Mahong Foundation, Shenzhen, 25 July 2014. The Mahong Foundation was established in honour of the late Ma Hong, a highly regarded Chinese economist who is credited with the introduction of market economics in China, and who founded a number of high-profile policy think tanks in Shenzhen.

²⁰ Interview with Cai Xin, member of the Guangdong Development and Reform Commission, 21 July 2014.

- ²¹ Interview with members of the Administrative Service Centre, Zhejiang, 19 August 2014.
- ²² Interview with the director of the Nanchang municipal COPSr, Jiangxi, 27 August 2014.
- ²³ Interview with He Jianfeng, deputy director of the Jiangxi provincial COPSr, Nanchang, 24 August 2014.
- ²⁴ Interview with Liao Tao, deputy director of the Jiangxi provincial COPSr, Jiangxi, 25 August 2014.
- ²⁵ Interview with the director of the Nanchang Municipal Legislative Affairs Office, Jiangxi, 25 August 2014.
- ²⁶ Focus group discussion led by the Nanchang municipal government, Jiangxi, 25 August 2014.
- ²⁷ Focus group discussion led by the Ji'an Social Organization Evaluation Centre, Ji'an, Jiangxi, 27 July 2015.
- ²⁸ Focus group discussion with provincial government officials, Nanchang, Jiangxi, 24 August 2014.
- ²⁹ Focus group discussion with private enterprises and NGOs, Nanchang, Jiangxi, 26 August 2014.
- ³⁰ Interview with the director of the Liaoning Provincial Government General Office, Shenyang, 28 July 2014.
- ³¹ Interview with the director of the Guiyang Office of Legislative Affairs, Guizhou, 13 August 2014.
- ³² Interview with an official from the provincial COPSr, Guizhou, 11 August 2014.
- ³³ Focus group discussion led by the director of the General Office of Guizhou province, Guiyang, 12 August 2014.
- ³⁴ According to the 2016 State Council policy on development called *Guanyu quanmian zhenxing dongbei diqu deng laogongye jidi de ruogan yijian*.
- ³⁵ Focus group discussion led by the director of the Guiyang Development and Reform Commission, Guiyang, 13 August 2015.
- ³⁶ Interview with the director of the Guiyang Municipal Organizational Structure Committee, Guiyang, 13 August 2015.

³⁷ Focus group discussion with private enterprises and NGOs, Guiyang, Guizhou, 14 August 2015.

³⁸ Interview with a Taiwanese businessman working in property development, Guiyang, Guizhou, 14 August 2015.

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