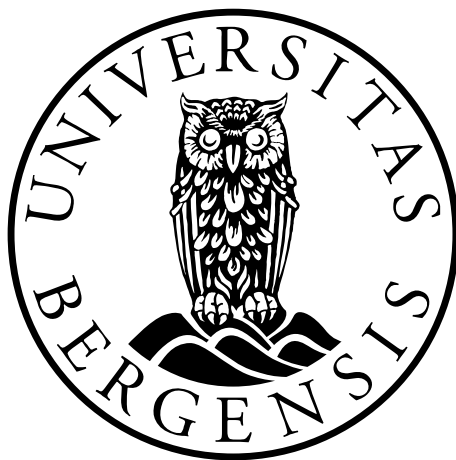


**The Accountability Function within a  
One-party Regime: The Case of China's Local  
People's Congress**

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## Abstract

This is a study of Chinese local legislatures, the Local People's Congresses (LPCs), and their accountability function within the one-party regime. The focus is to what extent, how, and why LPCs can promote political accountability in the face of the dominant Communist Party Committee as well as powerful government institutions in the reform era.

Studies of accountability relationships usually are concerned with (1) vertical relations between voters and elected representatives and (2) horizontal relations between legislatures and governments. However, we should also distinguish between relationships in different policy areas; for instance, accountability in budgetary matters compared to other policy areas. This study views the accountability function of LPCs from a holistic perspective, based on an in-depth fieldwork of four LPCs in East and middle China.

Starting with a “zero-based-monopoly model,” where LPCs exert minimal influence, this study finds that LPCs in recent years have strengthened all of the different aspects of accountability that were scrutinized. Compared to the previous monopoly model of the Chinese Communist Party (CCP), controllability, transparency, and answerability have increased over time, although electoral accountability has been relatively limited due to its political sensitivity in the eyes of the CCP and governments. Significant progress has been made in other accountability aspects, however. The main strategies adopted by LPCs and congress deputies to increase influence have been to persuade the CCP to provide support, to strategically communicate with governments, to motivate the involvement of multiple forces such as the public, social organizations, and media, and to assert influential power instruments. At the same time, the analysis indicates great variation among the LPCs, something that might be attributed to factors such as distinctive power structures among the CCP, governments, and LPCs, personality traits of the elites, political promotion from social organizations and the public, and the subsequent institutional innovations at a micro level.

One important finding of this study is that LPCs have succeeded in pioneering new mechanisms, such as the creation of a series of co-governance oriented institutional

reforms in the budgetary arena, to enhance influence and to ensure accountability. Given the dominant technical attributes and implicit political attributes of the public budget, it seems a promising route to assert accountability, compared with the sensitive electoral issue under China's current political circumstances. However, electoral accountability serves the function of potentially affecting the chain the accountability in other aspects; thus, the long-term performance of the LPC accountability still relies on the holistic development of multiple aspects. This is one crucially important accountability aspect that has been neglected in previous research.

With that said, this study also finds that the CCP still plays a key role in defining and influencing accountability functions. Stronger LPCs do not necessarily weaken the legitimacy of the CCP—quite the contrary. Concessions may actually strengthen its legitimacy by providing a more flexible system. Indeed, the CCP has supported and inspired the changes in the accountability function of the LPCs. At the same time, the CCP does not shy away from imposing constraints when reforms are seen to challenge its dominance.

To conclude, then, the obvious deviation from zero-base monopoly model that has happened in the Chinese local scene, where current authoritarian institutions have not dislodged CCP dominance. That is to say, the accountability function of LPCs is moving forward for real, but not at an overwhelming pace. In this sense, we can say that neither conservative nor fundamental changes are happening, but rather, the changes are necessary for responding to increasing governance problems as well as a way of enhancing the legitimacy of the established political system in conjunction within intensified public political consciousness.

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## List of abbreviations

CCP	Chinese Communist Party
LPC	Local People's Congress
NPC	National People's Congress
CPPCC	Chinese People's Political Consultative Conference
SC	Standing Committee

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# Introduction

*Legislatures in Asia are especially worthy of study. They have been relatively neglected in the field of academic inquiry. Through we know a great deal about Western legislatures, and there is a growing body of literature on the legislatures of the new democracies of central and Eastern Europe, we know little about Asian legislatures.*

—Norton Philip<sup>1</sup>

One basic characteristic of modern democratic governance is the development of strong legislatures. These are the main institutions securing accountability across the world. The presence of powerful and effective legislatures that represent the preferences of the electorates guarantees control and balance and prevents abuse of executive power.<sup>2</sup> Legislatures also channel the demands and interests of wide and diverse populations, thereby giving overall governance a more acceptable content.

China has made unprecedented reforms during the past 30 years in the economic as well as in the political arena. One significant political change concerns the rise of China's legislatures—the people's congresses—from an existence that previously was just to serve as rubber stamps until becoming active institutions with new and important tasks, especially in the local arenas. However, due to the specific political contexts characteristic of the one-party system, China's people's congresses cannot act similarly to their corresponding institutions in liberal democracies.

The role of the Communist Party (CCP) in China today, and during recent years, confronts us with a particular challenge in studying the gradual development towards a more accountable regime. The “opening” of Chinese LPCs as a combination of “top-down” and “bottom up” ruling is a very interesting theoretical problem to tackle and it involves very important problems for empirical research. Three distinctive features characterize the situation and this challenge:

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<sup>1</sup> Philip Norton, Nizam Ahmed, “Legislatures in Asia: Exploring diversity,” *the Journal of Legislative Studies*, Vol.4, No.4(1998):1-12, P1.

<sup>2</sup> One representative work can be seen from M. Steven Fish, “Stronger Legislatures, Stronger Democracies,” *Journal of Democracy*, Vol.17, No.1(2006):5-20.

*Firstly*, the rise or the development of China's people's congresses still is accompanied by the constraints of an authoritarian regime. In contrast to the stronger role of legislatures in most liberal democracies, the legislatures in authoritarian regimes have traditionally been understood as weaker institutions, due to the absence of any of the usual power checks and the tendency for power to be concentrated in the hands of a few individuals or personalistic factions and to be fatally misused by them. This results typically in misgovernment, corruption, weak norms of conduct, and a deterioration of legitimacy among the governing elites.<sup>3</sup> Similar constraints also exist in China—a country with a one-party authoritarian regime. The monopoly power of the CCP usually has been deemed as the most obvious obstacle that prevents legislatures from playing a positive role. Cabestan describes this kind of constraint from two aspects: on the one hand, in his opinion, the CCP still tightly controls the various elections of its membership; while, on the other hand, it makes sure that the leading bodies of these congresses are dominated by CCP leaders at the same level.<sup>4</sup> Faced with the dominant Communist party and stronger government, the legislatures at both national and local levels have tended to be quite weak in the past. They were probably fairly marginal players or just served as ritualized rubber stamps for the executive's proposals or decisions. Although changes have been made to the Chinese people's congresses, the path dependencies on the authoritarian regime still exist, and cannot be ignored when endeavoring to understand the development of people's congresses.

*Secondly*, despite the generally increasing importance of China's people's congresses, their growth paths, marked with Chinese characteristics, are bound to be different from those of other authoritarian states or liberal democracies. The crux is to discern a developmental path that matches China's situation, rather than blindly following a western pluralistic and liberalized reform model. This popular political idea in China can be clearly observed in the selected works of one of China's paramount CCP leaders—Deng Xiaoping:

*As far as democracy is concerned, we have a socialist democracy on the Chinese mainland, which is different in concept from a bourgeois democracy. Western democracy includes, among other features, the separation of the three powers and multiparty elections. We have no objection to the Western countries doing it that way, but we on the Chinese mainland do*

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<sup>3</sup> Gilley, Bruce, "The Limits of Authoritarian Resilience," *Journal of Democracy*, Vol.14, No.1(2003):18.

<sup>4</sup> Cabestan Jean-Pierre, "More Power to the People's Congresses? Parliaments and Parliamentarianism in the People's Republic of China," *Asian* 99( April 2006): S.42-69.

*not have such elections, nor do we separate the three powers or have a bicameral legislature. We have a unicameral legislature, the National People's Congress, which best reflects China's realities. As long as it keeps to the right policies and direction, such a legislative body greatly helps to make the country prosper and avoid much wrangling. Of course, if the policies are wrong, any kind of legislative body is useless.*<sup>5</sup>

Thirdly, in the rapid economic development seen today in China, the signs of development to more accountable legislatures may be more visible in the local arenas than at the national level. One of the most salient phenomena is the increasing number of institutionalized innovations initiated by local people's congresses (LCPs). This has been partly due to the rise in diversity interest demands in China's local affairs, along with the introduction of a market economy. In addition, reforms at the local level are easier to carry out and control than at a national level within a united administrative system.

The development of the Chinese people's congresses has recently begun to attract more attention from scholars. At present, two main concerns can be identified. On the one hand, the Chinese people's congresses are increasingly recognized as asserting their prerogatives and acting as potential challengers to the CCP's monopoly of power in many respects, including legislation, the selection of leaders, and supervision of the conduct of government etc.<sup>6</sup> On the other hand, some scholars argue that new phenomena that happen within China's people's congresses do not trigger substantive political development. As Gilley describes it, "in China, local and national legislatures still suffer a lot in their attempts to assert their role in supervising government work under tight party control. Since the Chinese party-state does not accept the idea of devolved political power, these legislatures are invariably weak. In those rare instances where they manage, for example, to reject a law, a nominee for office, or a government report, there is almost comical confusion about what to do."<sup>7</sup>

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<sup>5</sup> Deng Xiaoping (Core of second generation of Chinese Communist Party - the architect of China's Reform and Opening Policy), *Selected Works of Deng Xiaoping*, Vol.3, The People's Publishing House in China, 1993:220.

<sup>6</sup> See Cho Young Nam, *Local People's Congresses in China: Development and Transition*, Cambridge University Press (2009); Melanie Manion, "When Communist Party Candidates Can Lose, Who Wins? Assessing the Role of Local People's Congresses in the Selection of Leaders in China," *The China Quarterly*(2008):607-629; O'Brien KJ, "Local People's Congresses and Governing China," *The China Journal* (Review Essay), No.61, January 2009.

<sup>7</sup> Gilley, Bruce, "The Limits of Authoritarian Resilience," *Journal of Democracy*, Vol.14, No.1(2003):18-26.



Since the development of Chinese people's congresses has had a close bearing on the dramatic demands of good governance in both economic and political arenas during the past decade, this study mainly focuses on these from the perspective of accountability, rather than embarking on the direct link between the Chinese legislature and political democratization that was the concern of the scholars mentioned above. The emphasis of this study is to *assess the function of LPCs in promoting political accountability and providing good governance within the one-party authoritarian regime*. Specifically, this study attempts to answer the following questions:

- 1 *To what extent have local people's congresses in China—representative bodies of public interest—promoted development in performing the accountability function?*
- 2 *How do Chinese local people's congresses ensure the accountability to the public within a one-party regime, including the incentives, accountability forms, mechanisms, and strategies employed by them?*
- 3 *What are the driving forces that promote the development of an accountability function or that weaken the performance of accountability of local people's congresses?*

### ***Research motivations***

Without a doubt, the theory and practice of accountability is a Western product rooted in Western history and culture. It is also commonplace to state electoral accountability or to declare that the government should be accountable to legislature with regard to the principal-delegate relationship in the western democracies. Yet, what is actually meant is not always clear, as the accountability travels to a non-democratic context characteristic of distinctive institutional logic and political culture. Is the concept of accountability relevant for China?

Indeed, from the outset, focusing research on the accountability function of Chinese local people's congresses might seem a bit strange when, within a one party system, the power hierarchy and main actors are expected to follow the party lines vertically

and horizontally, rather than abiding by the basic power principle-delegate chain highlighted in the western democracy context.

However, my data show that more accountability is present now than before in the Chinese local scene even if the CCP is now stronger. Along with rapid economic development and increasing public awareness in China since 1978, LPCs, with their closer connection with the public than the National People's Congress (NPC), have gradually become more active in responding to problems relating to the demands for more accountability and governance. Correspondingly, many reforms and experiments have been introduced. Nevertheless, neither of these new practices and their influence on the function of LPCs in political process received due attention from scholars.

This study clearly observes the development and dilemmas of the accountability function of LPCs in China's one-party regime, starting with a "zero-base-model," which may be useful to illustrate the gradual development and operational process of Chinese local governance. This model portrays the situation where complete control exists within one party state, based on Marxist ideology and communist party doctrines. The idea in this type of a model simply states that the election, supervision of government activities, and internal operation of LPCs are tightly controlled by the party leadership, without a disturbing involvement. My considerations will therefore be to demonstrate deviations from this model and to investigate the circumstances and the factors that contribute to these deviations. It is indeed a paradox that these important deviations can take place while few or no signals indicate that the zero-based-model has been relinquished.

### ***A review of previous studies***

Previous research on Chinese people's congresses has revealed four evolving paradigms: institution explanation-centered studies, legislative development within established regimes, democratization-centered research, and governance-oriented

research. This review on previous research helps to clarify the subsequent efforts of my work.

### *Institutional perspective*

This was a quite common paradigm in the initial studies on people's congresses in the Chinese literature. Along the line of Leninist parliaments, related research paid more attention to the theoretical foundation, legal regulations, new institutional arrangements, operational mechanisms, and legislature development etc. For example, Dingjian Cai describes in detail the origin, organizational settings, functions, and development of the Chinese People's Congress in his monograph published in 1992.<sup>8</sup> Subsequently, Zhe Sun investigates the remodeling process of Chinese National People's Congress, centering on its institutional development and the functional changes of legislation, supervision, and representation during 1979 to 2000.<sup>9</sup> Based on this macro-level research, Junzhi He goes further to explore the operational mechanisms and to develop a model inside the Chinese county people's congress by focusing on its plenary meeting as well as its standing committee. The recovery of this institution in 1979, the establishment of the standing committee, and the influence of the new electoral rules are regarded as key variables in the promotion of the growth of the county people's congresses since 1979. His emphasis on the power relationship among local people's congress, party and government as well as institutional connection between LPCs at lower level and higher level is also instructive.<sup>10</sup>

These studies undoubtedly lay a foundation for the general understanding of the Chinese legislature institution and its embedded political contexts. However, they are limited to reflecting the actual operation of institutions at the grass roots level.

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<sup>8</sup> Cai Dingjian, *Zhongguo Renmin Daibiao Dahui Zhidu* (Chinese People's Congress system), Law Press China, 1992.

<sup>9</sup> See Sun Zhe, *Quanguo Renda Zhidu Yanjiu* (A Study of the National People's Congress of China), Law Press China, 2004.

<sup>10</sup> He Junzhi, *Zhidu Dengdai Liyi: Zhongguo Xianji Renda Zhidu Moshi Yanjiu* (System that waiting for interests: A Study on Institutional Models of Chinese county people's congress) (Chongqing Press China, 2005), 3.

### *Legislative development within established regime*

Due to the existing gaps regarding the development of specific people's congresses under new reform circumstances, scholars began to shift their attention to legislature development within the established regime.

Based on power structure embedded within the Chinese legislatures, Chen An examines the functional evolution of the three major institutions by the criterion of “checks and balances”—the Communist Party, government, and People's Congresses at central as well as local levels—in the Chinese political structure between 1978-1998. He then further measures the effect of political reforms over local legislation and policymaking during this period, the status of a legislature in hierarchical power structure and its changes over time.<sup>11</sup> In contrast, Oscar explores how and to what extent the local people's congress can constrain the powers of the local party committee and the local government, using the “rule of law” criterion. Two aspects of the local people's congresses have been examined in detail: political participation and the exercise of political power.<sup>12</sup>

The emphasis on institutional variables and their influence on power structure by these studies is insightful. However, some challenges are inevitably encountered by presuming that this legislature operates as a western-style “checks and balances” institution in a Chinese context, whereas the legislature has not grown into a full-fledged institution with strong autonomy due to the CCP's dominant role in terms of personnel, organization, and policy. Oscar's academic work shows that the selection of a “rule of law” gauge also has limitations in grasping the essence of Chinese politics with its deep tradition of the “rule of man..”

Proper strategies and skillful interactions with other political institutions under structural power relationships are regarded by many researchers as critical for the development of Chinese legislatures. Among these researchers, Xia Ming probes into

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<sup>11</sup> See Chen An, *Restructuring Political Power in China Alliances and Opposition, 1978-1998*(Colorado: Lynne Rienner Publishers,1999),14-20.

<sup>12</sup> Almen Oscar, “Authoritarianism Constrained: The Role of Local People's Congresses in China”( PhD dissertation, Goteborg University, 2005), 5-31

the developmental process of provincial-level legislatures, emphasizing the network development and strategic calculations adopted by local legislatures to institutionalize themselves and to expand their power.<sup>13</sup> Young Nam Cho identifies the increasing law-making and supervisory power of Chinese local people's congresses, and emphasizes the multiple strategies adopted by local legislatures to promote their power. He points out that sophisticated development strategies, the introduction of a market economy, and the legalization policy have been the primary determinants for enhancing Chinese legislatures.<sup>14</sup> While this provides vivid evidence to elaborate how local legislatures become meaningful players, including power expanded processes and interactive behaviors inside states, this research pays little attention to the representation arena and actors in electoral link, where remarkable changes have happened in recent years.

In addition, the improvement in organizational capabilities is argued to be one kind of indirect strategy for legislature power expansion. These improvements include, for example, the introduction of highly-qualified leaders into standing committees, the rapid growth of professional staff, the entrance of relatively young and well educated deputies, the establishment on expert consulting groups, and so on.<sup>15</sup>

#### *Democratization-oriented research*

By asking “whether the development of Chinese people's congresses will lead to China's transition towards democracy,” scholars tend to seek a direct connection between the development of Chinese legislatures and their connection with a democratic transition from different aspects. For instance, in the late 1980s and early 1990s, McCormick predicted that China might follow a collapse path of regime

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<sup>13</sup> Xia Ming, “Political Contestation and the Emergence of the Provincial People's Congresses as Power Players in Chinese Politics: a Network Explanation,” *Journal of Contemporary China*, Vol.9, No.24 (2000):185-214.

<sup>14</sup> Cho Young Nam, *Local People's Congresses in China: Development and Transition* (Cambridge University Press, 2009), 4-14.

<sup>15</sup> See Pei Minxin, “Is China Democratizing?” *Foreign Affairs*, Vol.77, No.1 (1998):68-82; K.J.O' Brien and Li Lianjiang, “Chinese Political Reform and the Question of ‘deputy quality,’” *China Information*, V2, Vol.3 (1993):20-31.

change, after investigating China's electoral reforms and people's congresses. Although he tries to illustrate a critical dilemma of Leninist state power by citing election as an example—the inconsistency between what it claims to represent and what it actually does—it is obvious, in the author's opinion, that the ritualization of the Chinese Leninist parliament is bound to take China far away from the route towards democratization. The reason is that states tightly regulate both who may speak publicly and what they may say, while the states organize "the people" to participate in elections and to make a public display of parliamentary government.<sup>16</sup> However, Womack discusses that more competitive factors and more mass opinions will give impetus to democratic development, after examining the new election law revised in 1979 and its operation.<sup>17</sup> Tanner et al. pay more attention to the enhancement of the legislative function of the National People's Congress and its influence on China's constitutional development.<sup>18</sup>

O'Brien adopts an "integrated historical-structural approach" to investigate the altered involvement of Chinese national legislature in law-making, supervision, representation, and regime support in his monograph published in 1990. According to three indicators—liberalization, rationalization, and inclusion—that can measure the change in the National People's Congress, he finds that reforms increase inclusion (referring to institutionally acknowledged social diversity and the granting of limited access and influence to nonparty forces) and rationalization (involving legalized political power and circumscribed authority of individual leaders), although these are less far-reaching than liberalization (indicating championed electoral reform and elite accountability).<sup>19</sup>

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<sup>16</sup> McCormick, Barrett L, "Chinese Leninist parliament and public sphere: A comparative analysis," in *China after Socialism: In the Footsteps of Eastern Europe or East Asia?* Edited by Barrett L. McCormick and Jonathan Unger. Armonk (NY: M.E.Sharpe, 1996), 29-53.

<sup>17</sup> Brantly Womack, "The 1980 County-Level Elections in China: Experiment in Democratic Modernization," *Asian Survey*, Vol.22, No.3( 1982):261-277.

<sup>18</sup> See Tanner Murray Scot, "The Erosion of Communist Party Control over Lawmaking in China," *The China Quarterly*, No.138(1994):381-403; Michael W. Dowdle, "The Constitutional Development and Operations of the National People's Congress," *Columbia Journal of Asian Law*, Vol.11, No.1(1997):1-125.

<sup>19</sup> O' Brien, Kevin J, *Reform without Liberalization, China's National People's Congress and the Politics of Institutional Change* (New York: Cambridge University Press,1990), 3-8, 157-179.

These studies provide insights that allow understanding of the development of Chinese legislatures. However, directly connecting the development of Chinese legislatures with democracy transition may seem too ambitious, as indicated by the comment from Cho, “legislative development in China is much more important than the former understanding in terms of institutionalization of the polity. But it has limited significance to act as a harbinger of China’s democratization.”<sup>20</sup>

### *Governance-oriented research*

The discussions of legislative development within an established regime will make more sense when they are used to evaluate specific system performance or the influence on power structure. In this respect, *governance-oriented research* has received more attention recently, although it is only in its infancy.

This research paradigm emphasizes the connection between the development of Chinese legislatures and local governance practices. On the one hand, the governance challenge has been treated as one emerging factor promoting legislature development. Chen An argues that strengthening the people’s congress is a key strategy for the Party committee for responding to the governance challenge in the era of political and economic reform, which is characteristic of increasing opposition and public demands for participation.<sup>21</sup> O’Brien also indicates that public demands for congress delegates to solve problems of governance increase along with rising economic inequality and official corruption in a political climate that tolerates more outspokenness.<sup>22</sup> On the other hand, the contribution of legislature development to local governance has been noticed. Xia Ming keenly realizes that provincial people’s congresses have become essential to the transformation and maintenance of governance in China.<sup>23</sup> O’Brien

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<sup>20</sup> Cho Young Nam, *Local People’s Congresses in China: Development and Transition* (Cambridge University Press, 2009): 168.

<sup>21</sup> See Chen An, *Restructuring Political Power in China Alliances and Opposition, 1978-1998* (Colorado: Lynne Rienner Publishers, 1999), 63-75.

<sup>22</sup> O’Brien, Kevin J, “Agents and Remonstrator: Role Accumulation by Chinese People’s Congress Deputies”, *China Quarterly* 138(1994): 359-380

<sup>23</sup> Xia Ming, *The People’s Congresses and Governance in China: Toward a Network Mode of Governance* (Routledge, 2008), xiv.

simplifies this matter by asking “what do local people’s congresses do, what do they not do, and what does their mixture of activism and quiescence say about how governance is changing?” Law-making, supervision, and representation are three variables that he chose for examining the matter.<sup>24</sup>

### ***The perspectives of this research***

While a governance-oriented paradigm has the potential to reflect the reality of Chinese politics, it is too rough to equate the development of LPCs directly with the transformation of local governance. In fact, we are in the middle of the road. The influence of the development of LPCs still awaits further academic assessment. Against this background, this study chooses the accountability function of LPCs as an entry point to evaluate the legislature development, as well as its influence on the change of local governance in China.

Two reasons led to the choice of the perspective of accountability: one is based on the explicit demonstration of the accountability function of legislature by Mill, where the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all acts that might be considered questionable; to censure the government if acts were found condemnable.<sup>25</sup> Another is supported by popular argument at present, where accountability is claimed as the core element of good governance, and legislature accountability is treated as the bedrock of good governance.<sup>26</sup>

In general, this study will differ from previous research in the following aspects:

First, compared with the four theoretical paradigms mentioned above, this study adopts a different perspective by assessing the holistic development of the accountability function of Chinese local people’s congresses under contemporary

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<sup>24</sup> O’Brien, Kevin J, “Review Essay: Local People’s Congresses and Governing China,” *The China Journal*, No.61, 2009:131-141.

<sup>25</sup> Mill, J.S, *Considerations on Representative Government* (Oxford University Press, 1988), 282.

<sup>26</sup> See A. Leftwich, “Governance, Democracy and Development in the Third World,” *Third World Quarterly*, No.14 (1993):605-624; World Bank, *Bangladesh Government That Works: Reforming the Public Sector* (Dhaka: The University Press Limited, 1996): XXII.



governance circumstances, instead of randomly selecting some roles involved in the LPC development. Accountability relationships embedded by the LPC accountability function can be mapped along with holistic governance structures. They are: 1) as elected representative bodies, LPCs are the interface between the voters and governmental politics and bear the accountability subject to the electoral results and input the voters' demands into the political system. 2) As the component department of the political process, LPCs take charge of the accountability for holding the executive accountable to the public. More importantly, they also control the interaction with the ruling Communist party in actual political operation. 3) The arrangement and operation of accountability structures within LPCs also have a bearing on the performance of the LPC accountability function, which should not be neglected. These accountability relationships are not mutually exclusive and neither are they necessarily exhaustive.

Second, given the fact that the decisional/influence function is perceived to be of greatest importance for assessing the strength of the legislatures' accountability,<sup>27</sup> this study pays more attention to the investigation of the accountability function of Chinese local people's congress in budgetary decision-making processes. This is one crucial arena for legislatures to perform constitutional accountability function in terms of the public purse. Budgetary decision-making processes usually involve main actors from multidimensional accountability arenas; for instance, the public as taxpayers, legislatures as purse guardians, administrative departments as budgetary applicants, ruling parties as key decision-makers to allocate the public purse, and so on. However, budgetary processes have largely been neglected in previous research on Chinese local people's congresses.

Thirdly, this study complements previous studies by providing additional first-hand data on Chinese local people's congress up to the year 2010, especially the data on latest reforms initiated by some local people's congresses in China.

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<sup>27</sup> Wang Vibeke, "The Accountability Function of Parliament in New Democracies: Tanzanian Perspectives," CMI Working Paper, 2005; Norton Philip, *Does Parliament Matter?* (London: Harvester Wheatsheaf, 1993), 8.

### *Structure of the thesis*

The whole thesis is composed of nine chapters. In addition to the first introductory part, it is organized into the following chapters to respond to the research questions described above, as follows:

Chapter two explores core concepts and theoretical framework used in this study. In this chapter, It firstly clarifies the concept of accountability and political accountability. After that, combining O'Donnell's distinction (vertical accountability and horizontal accountability) with the current literature, holistic accountability mechanisms are identified in terms of vertical accountability, horizontal accountability, and co-governance for accountability. The main variables explaining performance differences in accountability across different empirical settings are presented.

Chapter three has a special focus on the methods and strategies that allowed me to enter into fieldwork and collect data in Chinese localities where official skepticism still remains about interviews and surveys that touch on politics. Of course, this is organized around the theoretical framework identified in Chapter two.

Chapter four serves as background information that supports the main empirical chapters, involving historical evolution, the institutional structure, and the power connection between the Chinese legislature and other main power actors within a multi-dimensional political context.

The subsequent empirical chapters consist of the main parts of this thesis. These chapters are formed in terms of main accountability relationships and accountability arenas.

Chapters five and six present an in-depth study of electoral accountability at the vertical level from two interrelated aspects: the elections of deputies and the accountability linkage between congress deputies and constituents after election, respectively. Chapter five states that while the sanction ability of election is limited in CCP-centered electoral institutions, the introduction of semi-contested rules and the

expansion of direct election under the initiative of CCP since 1979 provide space for the entry of non-CCP nominated candidates. In turn, the strategic campaigning or the election dedicated by these independent candidates bring challenges to closed electoral processes, as well as the authorities who used to control the nominating and voting process. It is an obvious deviation from the election completely controlled by CCP organizations.

The accountability connection between congress deputies and the constituents under new governance circumstances is then elaborated in chapter 6. Unlike conventional wisdom, congress deputies tend to show more accountability to their constituents even without the fear of electoral sanctions. Empirical evidence indicates that role driven, interest driven, and institutional constraints, rather than re-election under western circumstances, are the main incentives for congress deputies to contact constituents in a responsible manner. Among these three types of incentives, institutional factors become prominent in shaping the responsive behavior both in terms of individual deputies and LPCs as organizations. This can be seen as one kind of supplement for limited electoral accountability.

Chapter seven mainly focuses on the accountability relationship between LPCs and governments at the horizontal level. Without a doubt, the Chinese Communist Party is a factor that should not be ignored during this process. The LPCs hold the executive and the judicial accountable and move toward a more transparent and answerable accountability regime, while the obstacles to carry out sanctions still exist. At the same time, the performance of LPCs varies in terms of institutional arrangements, the strength of standing committees, the power structure and influence among main leaders, and the Congress deputies' perceptions, respectively.

Chapter eight does with budgetary accountability touching on vertical and horizontal accountability relationships. After comparing early legal settings and empirical budgetary processes under new reforms background, the main finding is that LPCs have gradually increased their accountability function along with the institutionalized

innovations. Although LPCs in China still are unfledged, they can successfully press government to change improper budgeting proposals on some occasions by first gaining CCP support, thereby carrying out legal powers as well as adopting co-governance strategy to motivate more stakeholders. As a result, their increasing accountability function in budgetary matters contributes to the enhancement of political accountability by closely connecting electoral accountability with horizontal power checks.

To conclude, chapter nine summarizes the obvious deviation from zero-base monopoly model that has happened in the Chinese local scene, where current authoritarian institutions have not dislodged CCP dominance. That is to say, the accountability function of LPCs is moving forward for real, but not at an overwhelming pace. In this sense, we can say that neither conservative nor fundamental changes are happening, but rather, the changes are necessary for responding to the increasing governance problems as well as for preserving the established political regime.

## 2. Concepts and theoretical framework

As an essential part of democratic politics and a hallmark of good governance, accountability has become a hot topic both in liberal democracies and in new emerging countries during the past decades.<sup>28</sup> Nevertheless, despite its importance, accountability is not well defined and understood. As Schedler put it, “accountability represents an underexplored concept whose meaning remains evasive, whose boundaries are fuzzy, and whose internal structure is confusing.”<sup>29</sup> Current academic discussions leave more spaces to excavate the essence of this concept.

On the one hand, discussions on the concept of accountability are too diverse to grasp the precise meanings. The term “accountability” is often characterized by “control,” emphasizing the continuing concern for oversight and institutional constraints on the exercise of power;<sup>30</sup> Sometimes accountability is defined in terms of “responsiveness,” regarding it, for instance, as “the means by which individuals and organizations report to a recognized authority (or authorities) and are held responsible for their actions”;<sup>31</sup> This term is also used to stand for the “public dialogue” in modern governance context. It asserts that political deliberation between the various actors is at the heart of accountability.<sup>32</sup>

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<sup>28</sup> See e.g., O'Donnell G, “Horizontal Accountability in New Democracies,” *Journal of Democracy*, Vol.9, No.3(1998):112-126; Przeworski.A eds, *Democracy, Accountability and Representation* (Cambridge University Press:1999); Schedler A, Diamond L and Plattner M, F (eds), *The Self-Restraining State: Power and Accountability in New Democracies*(Lynne Rienner Publishers, Inc, 1999); Strøm.K, “Delegation and Accountability in Parliamentary Democracies”, *European Journal of Political Research*,No.37(2000):261-289; Lawson Andrew & Rakner Lise, “Understanding Patterns of Accountability in Tanzania”, OPM, Chr. Michelsen Institute and REPOA, 2005; Bovens.M, “New Forms of Accountability and EU-governance,” *Comparative European Politics*, Vol.5(2007):104-120.

<sup>29</sup> Schedler, A, “Conceptualizing Accountability”, in *The Self-Restraining State: Power and Accountability in New Democracies*, eds by Schedler A, Diamond L and Plattner M, F. Lynne Rienner Publishers, Inc, 1999:13.

<sup>30</sup> See Persson T, Roland G and Tabellini G, “Separation of Powers and Political Accountability,” *Quarterly Journal of Economics*(1997):1163-1199; Schedler, A, “Conceptualizing Accountability”, in *The Self-Restraining State: Power and Accountability in New Democracies*, eds by Schedler A, Diamond L and Plattner M, F. Lynne Rienner Publishers, Inc, 1999:13-19.

<sup>31</sup> Fox,J.A & Brown L.D (ed), *The struggle for accountability: The World Bank, NGOs, and grassroots movements*(Cambridge, MA: The MIT Press, 1998),12. In essence, there has obvious difference between the accountability and the responsibility. One representative distinction states accountability relates externally to policy justification and public explanation; responsibility relates more directly to the tasks of governing to the inner operation of offices of responsibility, see Joseph G. Jabbara and Dwivedi, O.P, eds, *Public Service Accountability: A Comparative Perspective*(West Hartford, Conn, Kumarian Press,1988), 24-26.

<sup>32</sup> Day P and R Klein, *Accountabilities: five public services*(London: Tavistock,1987), 244. Similar discussions can be observed from Mulgan R, “Accountability: an Ever-expanding Concept?” *Public Administration*, Vol.78,

On the other hand, the discussions for achieving accountability in the past decades seem solely to be connected to electoral constraints and constitutional check-and-balance problems, which are deficient for uncovering new trends in the current practice of accountability. For instance, some liberal democracies suffer from increasing accountability deficits in new governance practices, although electoral accountability is available there. This makes strengthening of the existing accountability arrangements necessary, as well as the design or addition of new ones.<sup>33</sup> Correspondingly, some non-democracies have chosen non-election routes to achieve accountability. Their practices offer opportunities to observe how accountability without election can be achieved.<sup>34</sup>

Without clear theoretical demonstrations on diverse features and new trends of accountability, as explained above, empirical explanations will also fail to be precise. Given this consideration, this chapter gives a brief but concise review of the theoretical positions of the accountability problems.

The chapter will be organized as follows: Firstly, it begins with a brief review of the literature on concepts of accountability in general and specifically on political accountability. Secondly, multiple accountability mechanisms will be identified, with emphasis on the relationships, instruments, strengths, and weakness within the present discussion of accountability. Thirdly, the factors explaining different accountability performance will be examined. The final section concludes with a discussion of how the theoretical views have implications for the accountability practices observed in non-democracies.

## ***2.1 The Definition of Political Accountability***

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No.3(2000),555-573; Nancy C Roberts, "Keeping Public Officials Accountable through Dialogue: Resolving the Accountability Paradox," *Public Administration Review*, Vol.62, No.6(2002):658-669; Erkkila Tero, "Governance And Accountability- A Shift in Conceptualization," *Public Administration Quarterly*(2007):1-39.

<sup>33</sup> See Bovens, M, "Analysing and Assessing Accountability: A Conceptual Framework," *European Law Journal*, Vol.13, No.4 (2007):447-468; Bovens M, Schillemans T and Thart.P, "Does Public Accountability Work? An Assessment Tool", *Public Administration*, Vol.86, No.1(2008):225-242.

<sup>34</sup> Some scholars from Latin American and Asian tend to summarize new accountability mechanisms from their own practices rather than just abide by the popular election accountability embedded in western democracies. Represented literature may be seen from: Wampler.B, "Expanding Accountability through Participatory Institutions: Mayors, Citizens, and Budgeting in Three Brazilian Municipalities", *Latin American Politics and Society*, Vol.46, No.2 (2004):73-99; Smulovitz G and Peruzzotti E, "Societal accountability in Latin America," *Journal of Democracy*, Vol.11, No.4(2000):147-158; Jun M, "The Dilemma of Developing Financial Accountability without Election— A Study of China's Budget Reform", *Australian Journal of Public Administration*, Vol.68, No.S1 (2009):S62-S72.

Historically, the concept originated from bookkeeping activities and financial accounting. In Dubnick's description, the contemporary conceptualization is traceable to England in the century following the 1066 Norman Conquest. With the intention of establishing and legitimizing the rule over conquered realm in England, William I ordered a detailed enumeration of all property. He demanded that every subject provide access to royal archives with lists and valuations of all holdings. Property holders were required to "render a count" of what they possessed of the sovereign's realm in the terms set by the king's agents.<sup>35</sup> This accounting relationship—holding property holders' subjects accountable to the monarchy—was gradually reversed to the strict control of parliamentary and popular government expenditure after several centuries' evolution. The background came partly from the rulers' unwillingness to produce clear statements on the increasing revenues from the taxpayers. From this point, the concept of financial (budget) accountability gained new political meaning. It emphasized holding authorities accountable to the representative bodies and the taxpayers. It also contained a requirement of explaining financial performance.

With the professional development of administration and politics, the definition of accountability expanded. Today, it is not limited to the initial financial or accounting practices. For example, the concept of *managerial accountability* became popular at the beginning of 1980s as a response to citizens' complaints of low efficiency and inappropriate government activities. This kind of accountability emphasizes efficiency and transparency properties in providing public goods and services for the citizens. In contrast, the concept of *democratic accountability* obtained an extended meaning when it is used to call for citizens to be closer to the government and its policy-making process, usually through participatory institutions.<sup>36</sup> In addition, Romzek and Ingraham have constructed four sub-definitions of accountability, with emphasis on forms to hold public agents and managers accountable. They concentrated on two variables: *source of control (internal or external)* and *the degree of autonomy (low or high)*. These accountability forms have been labeled as: i) hierarchical accountability

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<sup>35</sup> Dubnick.M.J. "Seeking Salvation for Accountability" (Paper presented at the Annual Meeting of the American Political Science Association, Boston, August 29-September 1, 2002).

<sup>36</sup> The distinction between managerial accountability and democratic accountability was quoted from Philip Hsu.S, "The Search of Public Accountability: The 'Wenling Model' in China," *The Australian Journal of Public Administration*, Vol.68, No.S1 (2009): S40-S50. It also can be seen from Bovens.Mark, "Public Accountability" in Ferlie.E, Lynne.L&Pollitt.C(eds.), *The Oxford Handbook of Public Management* (Oxford: Oxford University Press:2005)

(effectively obedience to organizational directives); ii) professional accountability (deference to individual judgment and expertise); iii) legal accountability (compliance with external mandates); and iv) political accountability (responsiveness to key external stakeholders).<sup>37</sup>

We could observe that definitions outlined above are mostly organized around the power principal-agent principle, even if they have a different focus on accountability contents as well as emphasis on diverse accountability relationships. Specifically, three general characteristics can be recognized from the concept development of accountability. First, the existence of power and the separation between power owners and power users make up the basis of accountability. Otherwise, accountability would lose its roots. Second, accountability should not be solely limited to conventional control on improper power use. More importantly, it also includes positive answerability of power users for power owners' interests. Third, examining any accountability activity through the lens of a principal agent requires identification of multiple principals, multiple agents, accountability domains, and the means for principals to control agents.

In this sense, Lindberg argues that five elements are necessary in the definition of all forms of accountability: 1) an agent or institution who is to give an account (A for agent); 2) an area, responsibilities, or domain subject to accountability (D for domain); 3) an agent or institution to whom A is to give account (P for principal); 4) the right of P to require A to inform and explain/justify decisions with regard to D; and 5) the right of P to sanction A if A fails to inform and/or explain/justify decisions with regard to D.<sup>38</sup> That is to say, an obligation has to exist for an agent—to inform, explain, justify decisions, and receive the sanction for failed performance—to ensure complete accountability.

Looking at political accountability in terms of a principal-agent relationship, Schedler further probes into the criteria regarding how principals carry out restraints on the actions of agents. He argues that accountability should embrace three different ways of preventing and redressing abuse of political power. He implies that power use

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<sup>37</sup> Romzek BS and Ingraham PW, "Cross Pressures of Accountability: Initiative, Command and Failure in the Ron Brown Plan Crash," *Public Administration Review*, Vol.60, No.3 (2000):240-253

<sup>38</sup> Lindberg, Staffan, "Accountability: the Core Concept and its Subtypes", Working Paper 1. London: Africa Power and Politics Programme(2009):15-16.



be subjected to the threat of sanctions (the capacity of principals to impose sanctions on agents who have violated their public duties), thereby obliging it to be exercised in transparent ways, and forcing it to justify its acts (the obligation of agents to inform about and to explain what they are doing).<sup>39</sup> Therefore, political accountability can be regarded as closely associated with three critical criteria: *controllability*, *transparency*, and *answerability*, which Schedler summarizes as punishment, information, and reasoning.<sup>40</sup> These criteria can serve as the scales for construction or assessment of accountability within a given setting. The core elements are shown in table 2.1:

Table 2.1 Core Elements of Political Accountability

<p>● <b>Controllability</b>: the capacity and possibility of accounting agencies to impose sanctions (including the exertion of influence) on power holders who have violated their public duties.</p>
<p>● <b>Transparency</b>: the visibility of power agencies' policy-making process, positive dissemination of public information, available channels for information access, and public participation.</p>
<p>● <b>Answerability</b>: the obligation of public officials to inform the public or their representatives about what has been done and to explain how it was accomplished, including the gap between achieved performance and power delegators' expectations.</p>

Source: Based on Schedler (1999:14), Hyden(2010:2), Przeworski(1999:8-9), Lawson&Rakner(2005:10).

To summarize, when it comes to political accountability, the priority matter is to assess if public power is held by power users on the behalf of public interests. Thus, we can separate power owners (the principals) and power users (the agents), so that political accountability will be described as “the authorities are obliged to act in some transparent ways on behalf of the public, and the public, with their representatives, can use empowered institutions, or informal rules, to get explanation or justification, and

<sup>39</sup> Schedler A, “Conceptualizing Accountability”, in *The Self-Restraining State: Power and Accountability in New Democracies*, edited by Schedler A, Diamond L and Plattner M, F (Lynne Rienner Publishers, Inc, 1999),14.

<sup>40</sup> Scholars have much discussion on predominant connotations or central criteria of the concept of accountability. More interesting, their interpretations are largely overlapping even if diverse labels are used. For instance, “answerability (transparency and justification) and enforcement (sanction)” named by Schedler; “responsiveness and transparency” listed by Rahman T; “responsiveness and answerability” tagged by Hyden G; “sanctions” given by Przeworski A, eds; “answerability” emphasized by Dwivedi OP. Because the answerability covers the main meaning of responsiveness, I will use the former instead of the latter. Comparing the evolution logic of the accountability concept with Schedler’s representative explanations, “controllability (sanction or influence), transparency and answerability” will be chosen as critical connotations. The related literature can be see respectively: Schedler A, “Conceptualizing Accountability”, in *The Self-Restraining State: Power and Accountability in New Democracies*, eds by Schedler A, Diamond L and Plattner M, F (Lynne Rienner Publishers, Inc, 1999):14-17; Rahman T, *Parliamentary Control and Government Accountability in South Asia*(Routledge,2008):11; Hyden G, “*Political accountability in Africa: is the glass half-full or half-empty?*” Working paper, January, 2010; Przeworski A, eds, *Democracy, Accountability and Representation* (Cambridge University Press:1999):8-9; Dwivedi OP, “Ethics and Values of Public Accountability and Accountability,” *International Journal of Administrative Sciences*, Vol51, No.1(1985):61-66.

sanction those who misuse public power or deviate from public interests.” Important questions then arise: Who is accountable? To whom? For what? And how? These basic questions must be taken into account in any mapping of accountability. In line with these questions, political accountability highlights holding bureaucrats and politicians accountable to the public in policy-making process and substantive policies through a series of mechanisms.

## ***2.2. The Multiple Mechanisms of Achieving Accountability***

What kinds of mechanisms are available for achieving accountability? O’Donnell’s distinction between vertical and horizontal accountability mechanisms has received broad attention.<sup>41</sup> The “vertical” refers to power relationships between the government (state) and the public, here termed as including electoral accountability and societal accountability. The “horizontal” is associated with institutional oversight, with checks and balances within the state.<sup>42</sup> However, vertical and horizontal accountability are not absolutely separated. Although some literature has noted an emerging hybrid accountability or co-governance for accountability, this remains as yet poorly explored.

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Combining O’Donnell’s distinction with the current literature, mechanisms can be identified in terms of accountability relationships and accountability instruments. These points can be summarized as shown in Table 2.2:

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<sup>41</sup> See Schedler A, Diamond L&Plattner.M, *The Self-Restraining State: Power and Accountability in New Democracies*(Lynne Rienner Publishers,1999); Kenney.C, “Horizontal Accountability: Concepts and Conflicts”, In *Democratic Accountability in Latin American*, edited by Scott Mainwaring&Christopher Welna(Oxford University Press,2003); Anderson LE, “The Authoritarian Executive? Horizontal and Vertical Accountability in Nicaragua,” *Latin American Politics and Society*, Vol.48, No.2 (2006):141-169.

<sup>42</sup> O’Donnell G, “Horizontal Accountability in New Democracies”, In *The Self-Restraining State*, eds Schedler A, Diamond L and Plattner M (Boulder, CO: Lynne Rienner, 1999),30-46.

<sup>43</sup> Representative literature can be seen from Goetz.A.M and Jenkins R, “Hybrid Forms of Accountability: Citizen Engagement in Institutions of Public-sector oversight in India,” *Public Management Review*, Vol.3, No.3(2001):363-383;Ackerman J, “Co-governance for Accountability: Beyond Exit and Voice,” *World Development*, Vol.32, No.3(2004):447-463.

Table 2.2 Main Types of Accountability Mechanisms

Types	Who Holds whom Accountable?	Instruments to Control Bureaucrats and Politicians	Strength and weakness
V E R T I C A L	<b>Electoral Accountability</b> The Voters (the public) or their representatives hold government accountable	Voting political representation Referendum Recall etc.	S: ● Votes have some deterrent power to unresponsive bureaucrats and politicians W: ● Occurring at widely spaced intervals ● Addressing only broader issues rather than specific preferences
C A S U A L	<b>Societal Accountability</b> The public, civil society, mass media, interest groups  Ombudsmen etc. make government accountable	Voice Exposure Lobbying Litigation Investigation	S: ● Bringing pressures to bureaucrats and politicians ● Voice for specific public demands at any time W: ● It could not carry out eventual sanction without the support of empowered supervisory organs
H O R I Z O N T A L	<b>Horizontal Accountability</b> * The legally or empowered supervisory agencies (legislature, Judicial branch, professional agencies, Ombudsmen ) hold government accountable	Investigation Decision making Oversight Personnel Nomination and Demotion Judicial Review Impeachment	S: ● Powerful to enforce eventual sanctions ● It can carry out continuous control W: ● Limited capability to monitor infinite government activities ● Weaker motivations
C O M B I N E D	<b>Co-governance accountability</b> Multiple stakeholders both in vertical space and in horizontal space joint together to pressure government accountable	Accountability fora in the Public sphere (Deliberative dialogues Participating, Policy networks Public hearings, Influential debates etc.)	S: ● Bringing jointly pressures ● Producing compatible incentives W: ● It still calls for the support from empowered supervisory organs

Source: Based on Smulovitz & Peruzzotti (2000:153), O'Donnell (1999:30-38), Ackerman (2003:451), Jonathan (2000:1-19).

\* Note: To focus on the basic characteristics and differences among multiple accountability mechanisms, here, the author omitted executive branches' anti-control over politicians and bureaucrats (for instance, the President's veto power over Congress's decisions) under the Presidential system.

### ***Electoral Accountability***

The most typical vertical accountability mechanism is electoral accountability. Conceptually, it is closely linked with representative democracy at large. Representative democracy points to the formal legal distinction where the established link between voters and the elected representatives is the necessary condition for employment of the sanctions. This differs from participatory democracy, a concept that is often used to describe individual behavior activity connected to the representative system as such. Participatory democracy is a means for vitalizing the representative system. The principal can act vigorously to have the agent properly run delegated affairs. In Strom's view, the delegation chain—from voters to elected representatives, from the legislators to the head of government and the heads of different executive departments—is mirrored by a corresponding chain of accountability that runs in the reverse direction.<sup>44</sup> Therefore, elections might work either as a sanctioning device that induces politicians to choose to rule in the public interest so they can retain their jobs, or as a selection device that allows the public to choose leaders who will, of their own accord, do what the public wants.<sup>45</sup>

In this sense, this concept can be described as:

*Those who govern have to answer for their actions to a wider public directly, during political contest when elected or appointed, or indirectly in acting as subordinates of the politically elected bodies. If they fail to do so they can be substituted in democratic elections. This constant threat forces the ruling government to respond to the demands of a constituency, who can thus hold their government to account.*<sup>46</sup>

As O'Donnell further puts it, citizens can punish or reward incumbents by voting for or against them or the candidates they endorse in the next upcoming election.<sup>47</sup>

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<sup>44</sup> Strøm K, "Delegation and accountability in parliamentary democracies," *European Journal of Political Research*, Vol.37 (2000):261-289.

<sup>45</sup> Przeworski Adam, Stokes Susan C and Manin Bernard, *Democracy, Accountability and Representation* (Cambridge University Press,1999),70.

<sup>46</sup> Dwivedi, O.P. & Jabbara, J, Introduction: Public Service Responsibility and Accountability. In *Public Service Accountability. A Comparative Perspective*, edited by Jabbara J; Dwivedi O.P, Kumarian Press: Hartford,1988; Romzek B & Dubnick M, "Accountability in the Public Sector: Lessons from the Challenger Tragedy," *Public Administration Review*, Vol.47(1987): 229.

<sup>47</sup> O'Donnell G, "Horizontal Accountability in New Democracies," In *The Self-Restraining State*, eds Schedler A, Diamond L and Plattner M( Boulder, CO:Lynne Rienner, 1999), 29.

Voting is thus the salient instrument for making politicians and bureaucrats accountable. Other related forms of institutional mechanisms, like recall, dissolution of legislature, government, the role of people initiatives, or referenda are supplements that ensure true electoral accountability.

What are the limits of electoral accountability? Will unfaithful agents be bound to suffer punishments from voters within non-democracies? Will the election mechanism be sufficient to guarantee real accountability in established democracies? In both contexts, the answers depend on the voters' access to information on incumbents' erroneous or bad performance. We can easily see that no necessary connection may exist between bad performance and punishment, or between good performance and re-election, especially in some developing countries without sound electoral systems.

Theoretically, some predominant weaknesses of this traditional accountability mechanism have been noticed by scholars. For instance, Adam Przeworski stresses that one of the problems facing democratic regimes is that the electoral instruments designed to control politicians are inadequate to control bureaucrats.<sup>48</sup> In the same vein, Harry Blair argues that elections are crude instruments of popular control, since they occur at widely spaced intervals, and address only the broadest issues. Citizens cannot depend on voting to indicate their likes and dislikes between elections, as well as their views on specific proposals. Thus, varied accountability arrangements are necessary for citizens to find ways to publicize their views and uncover power users' wrongdoings in local government.<sup>49</sup>

### ***Horizontal Accountability***

In view of the weaknesses of electoral accountability, another kind of mechanism—"horizontal accountability"—will be added as a potential to control bureaucrats and ensure continuous accountability especially in off-election periods. To

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<sup>48</sup> Przeworski.A, "Democratization Revisited," *Newsletter of Social Sciences Research*, Items 51(March 1997):10-11.

<sup>49</sup> Harry.B, "Participation and Accountability at the Periphery: Democratic Local Governance in Six Countries," *World Development*, Vol.28, No.1 (2000):27.

use the opinion of O'Donnell, while elections are a “vertical mechanism” of accountability, democratic institutions are supposed to offer “horizontal mechanisms”: the separation of powers of government responds to and renders accounts to citizens as well as to one another.<sup>50</sup> O'Donnell's pioneering emphasis on horizontal accountability stems from its absence and inactivity in new democracies. He defines it as follows:

*It is the existence of state agencies that are legally enabled and empowered, and factually willing and able, to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful.*<sup>51</sup>

We can see that this form of accountability pertains to the horizontal power relationship within the political system. The legal powers possessed by the principals are the necessary weapon to hold the agents accountable. The classical power division principle in political science holds that a power division exists among the executive, legislative, and judiciary factions; therefore, each plays a great role in constraining the others through the checks and balances system.

Who are the main actors in this accountability relationship? For most countries, the legislature is the one popular and crucially empowered agent in terms of carrying out horizontal accountability. In addition, a series of other agencies is evident in modern political systems, ranging from the judiciary to oversight agencies like the ombudsmen in some countries, the auditing department in others, various professional corruption control agencies in many, and even special police forces of scrutiny committees in many of them.

Horizontal accountability through the legislature will be dominated by holding bureaucrats accountable to elected representatives, rather than by holding bureaucrats directly accountable to the public. As Harry points out, local bureaucrats are arguably also accountable to the citizenry, but the more practical view is that the lines go from

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<sup>50</sup> O'Donnell G, “*Delegative Democracy?*” East-South System Transformations Working Paper, No.21 ( Chicago: University of Chicago, 1991).

<sup>51</sup> O'Donnell G, “*Horizontal Accountability in New Democracies?*”, In *The Self-Restraining State*, eds Schedler A, Diamond I and Plattner M( Boulder, CO: Lynne Rienner, 1999), 38.

bureaucrats through elected representatives and then to citizenry. This is because the elected officials are the ones who will sanction the bureaucrats in the end (through their supervisory role), whereas the voters must ultimately exert control over their representatives during elections. To be sure, bureaucrats should be responsive to citizens, but they should be directly accountable to elected representatives.<sup>52</sup>

This horizontal accountability mechanism has its discernible strengths. The main actors can use legal and empowered powers to subject incumbents to the law or to give determinate priority to public interests instead of private ones. They can also use legal powers to carry out the eventual sanctions if incumbents conduct wrongdoings or fail to perform their duties. For legislatures, the law oversight, budget control, personnel nomination and demotion, and decision-making influences are the usual instruments for guaranteeing accountability. However, some obvious challenges are apparent for achieving accountability by this mechanism, both in structural aspects and in contextual parts. According to Arkerman, structural difficulties involve the impossibility of monitoring the almost infinite number of government actions (and inactions) and the political isolation that results from these agencies' statutory or constitutional independence. Contextual difficulties include the lack of adequate funding, limited enforcement capacity, the absence of second order accountability (i.e., holding institutions of accountability accountable), and the overall weakness of the rule of law needed to enforce agency sanctions.<sup>53</sup> In addition, the motivations of authorized organizations are usually weak in pursuing horizontal accountability unless external actors (the public, mass media, or society, etc.) put pressure on them.

### ***Societal Accountability***

Traditional understanding of accountability mechanisms has largely ignored societal actors. However, accountability practices initiated by societal actors can provide some

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<sup>52</sup> Harry B, "Participation and Accountability at the Periphery: Democratic Local Governance in Six Countries," *World Development*. Vol.28, No.1 (2000):21-39.

<sup>53</sup> Arkerman J, "Co-Governance for Accountability: Beyond Exit and Voice," *World Development*, Vol.32, No.3 (2004):447-463.

hope for the countries with feeble elections and ineffective horizontal accountability. Smulovitz and Peruzzotti's pioneering study on Latin American societies support this point.<sup>54</sup> On the one hand, governmental accountability both in the vertical dimension via elections and in the horizontal dimensions through power separation is sadly lacking there. On the other hand, emerging actors, such as civil society, mass media, interest groups, and so on, tend to adopt effective measurements to improve government accountability, even though their role is largely neglected in theory. Therefore, they develop this mechanism with the intention of adding a new one to the classic repertoire of electoral and constitutional institutions for controlling government. In their opinion, societal accountability refers to:

*A non electoral, yet vertical, mechanism of control that rests on the actions of a multiple array of citizens' associations and movements and on the medias, actions that aim at exposing governmental wrongdoing, bringing new issues into the public agenda, or activating the operation of horizontal agencies.*<sup>55</sup>

Following this concept, identifying the chain of accountability, from the civil society with less power to the state with more power, is simplified. Specifically, societal actors, including the mass media, civil associations, and movements, hold bureaucrats and politicians accountable on behalf of public interests. Ombudsmen at a horizontal level also play the role in giving voice on behalf of the specific citizens' complaints and activating the operation of horizontal agencies. Thus, we can regard it as the actor at both horizontal and vertical levels. Compared with the previous mechanisms that emphasized votes and power checks, exposure and voice are powerful instruments for this mechanism of promoting bureaucratic and political accountability.

In Jonathan's opinion, this mechanism has the strength to encourage oversight institutions to act, as well as to target and weaken entrenched opponents of accountability. The instruments range from exposing abuses of power, raising

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<sup>54</sup> Smulovitz G and Peruzzotti E, "Societal accountability in Latin America," *Journal of Democracy*, Vol. 11, No. 4 (2000): 147-158.

<sup>55</sup> Smulovitz G and Peruzzotti E, "Societal accountability in Latin America," *Journal of Democracy*, Vol. 11, No. 4 (2000):147-158.



standards and public expectations of state performance to bringing political pressure to bear. It may also drive the creation of certain institutional checks and balances in the first place.<sup>56</sup> However, societal exposure and pressure are not sufficient for ultimately sanctioning the abuse of power without the support from supervisory authorities. Just as O'Donnell observed, the impact of this mechanism largely depends on the extent the properly authorized state agencies may undertake in order to investigate and eventually sanction the wrongdoings.<sup>57</sup> Even so, we still should admit that civil organizations and the media have become indispensable actors that contribute to accountability, especially in contemporary society.

### ***Co-governance Accountability***

The complex governance practices also call for increasingly more actors to become involved in accountability processes. Therefore, some sort of “combined process mechanism” to optimize accountability becomes quite necessary, which can be described as follows:

*It is usually in the form of diverse public fora participated by multiple stakeholders, for example, the public, mass media, interest groups, professional oversight organs, international organizations, legal oversight agents. During the combined process, the “account giving,” “questioning,” “justifications,” “judgments” will happen through the co-efforts of multiple actors and the influential debates among stakeholders on detailed public issues or public policies, which can produce pressure to promote accountability or carry out sanctions for failed performance.*<sup>58</sup>

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<sup>56</sup> Jonathan.F, “Civil Society and Political Accountability: Propositions for Discussion”( paper presented at the “Institutions, Accountability and Democratic Governance in Latin America” Symposium, University of Notre Dame,May8-9,2000).

<sup>57</sup> O'Donnell G, “ *Horizontal Accountability in New Democracies*”, In *The Self-Restraining State*, eds Schedler A, Diamond L and Plattner M( Boulder, CO: Lynne Rienner, 1999): 30.

<sup>58</sup> This definition mainly derives from the following literature: Goetz AM and Jenkins R, “Hybrid Forms of Accountability: Citizen Engagement in Institutions of Public-sector oversight in India,” *Public Management Review*, Vol.3, No.3(2001):363-383; Robert NC, “Keeping Public Officials Accountable through Dialogue: Revolving the Accountability Paradox”, *Public Administration Review*, Vol.62, No.6(2002):658-669; Arkerman J, “Co-Governance for Accountability: Beyond Exit and Voice,” *World Development*, Vol.32, No.3 (2004):447-463; Wampler B, “Expanding Accountability through Participatory Institutions: Mayors, Citizens, and Budgeting in Three Brazilian Municipalities,” *Latin American Politics and Society*, Vol.46, No.2 (2004):73-99; Erkkila Tero, “Governance And Accountability- A Shift in Conceptualization,” *Public Administration Quarterly* (2007):1-39.

Drawing on Ackerman's appeal for "Co-governance for accountability" (emphasizing social actors' participation in the core activities of the state),<sup>59</sup> we probably can call this "combined process mechanism" as "co-governance accountability," which is characterized as the involvement of multiple stakeholders both in vertical dimension and in horizontal dimension. While detailed public issues can be initiated or advocated by one kind of actor, its own capabilities are usually inadequate to hold bureaucrats and politicians accountable, especially under current complicated governance environments. Thus, co-accountability by integrating comparative advantages of stakeholders can be used to make up for the above shortcoming.

Public fora probably include the creation of policy-networks, the building of dialogue platforms, the promotion of institutional participation and the arrangement of public hearing meetings, etc. They are the main instruments for ensuring accountability. For instance, institutional dialogues can open the black box of power via the process of "account giving," "questioning," and "justifications," which may also provide much information to allow stakeholders to form clear "judgments" and possible "sanctions" on the incumbents' acts, decisions, and performance.

An apparent strength of this mechanism is the ability to place joint pressures on the governor. Another dominant factor is its potential to produce compatible incentives among multiple stakeholders. Take participatory institutions, for example; Wampler's comments can further prove its advantages:

*The focus of the accountability debates has been on how one agent (the voters, the courts) can control another agent (elected officials, the executive branch). One weakness of such a focus is that the conceptual variants—horizontal, vertical, and societal—tend to run on parallel tracks, unable to show how citizens, the bureaucrats, politicians, and institutions may place interlocking checks on the ambitions of other actors. Participatory institutions, by contrast, tap into all three dimensions of the debates. They have the potential to act as a check on the prerogatives and actions of administrative officials (horizontal), to allow citizens to vote for*

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<sup>59</sup> Arkerman J, "Co-Governance for Accountability: Beyond Exit and Voice", *World Development*, Vol.32, No.3 (2004):447-463.

*representatives and specific polities (vertical), and to rely on the mobilization of citizens into political process as a means to legitimate the new policymaking process (societal).*<sup>60</sup>

It should be noted that this mechanism also has obvious weakness to carry out effective and complete accountability without the support of empowered agencies. The latter are still crucial for enforcing final sanctions during these combined and collective accountability processes.

Current practices in seeking budgetary accountability have showed the potential of this new mechanism. In Brazilian municipalities, for instance, participatory budgeting is regarded as a new institutional arrangement for expanding accountability by incorporating stakeholders into budget-decision making process.<sup>61</sup> This is not an isolated case. In one LPC, China, an invention termed the *Participatory budget examination through deliberative discussions* has been introduced. The unfledged Local People's Congress has successfully pressed governments to change improper budgeting proposals by adopting the mechanism of co-governance accountability. During the deliberative discussion process, budget departments and government leaders first showed their budget account, and then they gave justifications after receiving inquiries from the public, representatives, leaders from standing committee in Local People's Congress, experts, and social organizations. In the end, the stakeholders' voice in deliberative discussions and media coverage was used as the main basis to refuse improper budget applications or to punish budget programs that showed poor performance.<sup>62</sup>

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<sup>60</sup> Wampler.Brian, "Expanding Accountability Through Participatory Institutions: Mayors, Citizens, and Budgeting in Three Brazilian Municipalities," *Latin American Politics and Society*, Vol.46, No.2(2004): 73-99

<sup>61</sup> Some literature began to focus on the connection between participatory budgeting inventions and the accountability extension in Brazil, which can be seen from representative works: Wampler .Brian, "Expanding Accountability Through Participatory Institutions: Mayors, Citizens, and Budgeting in Three Brazilian Municipalities," *Latin American Politics and Society*, Vol.46, No.2(2004):73-99;SR.Osmani, "Expanding voice and accountability through the budgetary process," *Journal of Human Development and Capabilities*,Vol.3, No.2( 2002):231-250; Arkerman.J, "Co-Governance for Accountability: Beyond Exit and Voice," *World Development*, Vol.32, No.3 (2004):447-463.

<sup>62</sup> This description comes from the author's participatory observation on one LPC's reform experiment in China in November, 2009. Some Chinese scholars also began to notice the accountability practices characteristic of multiple actors' participation in the Chinese society, the representative research may see Jun.M, "The Dilemma of Developing Financial Accountability without Election—A Study of China's Recent Budget Reforms," *Australian Journal of Public Administration*, Vol.68, NoS1(2009):S62-S72; Hsu.S.Philip, "In search of Public

### 2.3. Explaining Accountability

Neither political accountability nor the multiple mechanisms mentioned above can operate in a vacuum; they also cannot automatically achieve expected ends due to their embeddedness in multiple relationships. Whether they can be effectively exercised and whether they are adequate to force bureaucrats and politicians to be accountable to the public will inevitably be affected by some crucial factors within complex accountability circumstances. One question stands out: what are the key factors that constrain or promote the achievement of political accountability?

To understand the complexities of the analysis on multiple accountability relationships, some scholars have opted to split up the effects by analyzing different variables. For instance, Vibake constructs three “external” variables (constitutional powers, external actors, and social legitimacy) and some principal “internal” variables (the committee system, party groups, and the chamber).<sup>63</sup> Others focus on accountability in general instead of as separate parts. According to Moncrieffe, the conditions for political accountability are constrained by prevailing power relations, institutional design, and political culture.<sup>64</sup> Hyden criticizes the limitations of solely focusing on formal rules and structures, and further highlights the importance of actors and embedded settings for accountability institutions.<sup>65</sup> In addition, Bovens indicates that political accountability can also be regarded as highly associated with the publicity of the decision-making process.<sup>66</sup>

In spite of the fragmented lists of variables effecting stronger or weaker accountability in the above literature, they provide a useful guideline for further identification of key causal factors. The variables—institutional factors, power

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Accountability: The ‘Wenling Model’ in China,” *The Australian Journal of Public Administration*, Vol.68, No.S1(2009): S40-S50.

<sup>63</sup> Wang Vibeke, “The Accountability Function of Parliament in New Democracies: Tanzanian Perspectives,” Working paper, in CMI Development Studies and Human Rights, 2005(2).

<sup>64</sup> Moncrieffe MJ, “Reconceptualizing Political Accountability,” *International Political Science Review*, Vol.19, No.4 (1998):387-406.

<sup>65</sup> See Hyden G, “Political accountability in Africa: is the glass half-full or half-empty?” Working paper, January, 2010, <http://www.dfid.gov.uk/r4d/PDF/Outputs/APPP/appp-working-paper-6.pdf>.

<sup>66</sup> Bovens M, “Public Accountability”, In *The Oxford Handbook of Public Management*, Ferlie E, Lynne L, Pollitt C, Eds (Oxford University Press: Oxford, 2005).

structure, perception and political culture held by actors—become more prominent in a situation where they both overlap and reinforce each other. This view is also consistent with the conviction of “historical institutionalism,” one dynamic typology of the new form of institutionalism.

## **Institutions**

Historical institutionalism defines the institutions as the formal or informal procedures, routines, norms, and conventions embedded in the organizational structure of the polity or the political economy. They can range from the rules of a constitutional order, or the standard operating procedures of a bureaucracy, to the conventions governing behaviors.<sup>67</sup> When it comes to accountability, institutions define the formal norms and rules through which accountability relationships are constructed and processed. These may involve the Constitutional stipulations, legal regulations, power limitations, electoral and recruitment rules, etc., which can empower the main actors with the institutional resources and capabilities to constrain the agents’ actions.

In general, accountability models vary with constitutional and political systems. For instance, in parliamentary systems, governments are held accountable to the legislature through parliamentary debate, questioning by opposition parties, the voters’ retrospective judgments, and ultimately by the threat of a vote of no confidence or withdrawal of support in the next election. The governing party or parties and their leaders are the ones who should be held accountable. In contrast, in the US presidential system, accountability is more diffused because power and responsibility are diffused into several institutions. The voters and interest groups often have difficulty in determining whom to hold accountable for specific decisions, and the “buck-passing” is more serious than with parliamentary systems.<sup>68</sup>

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<sup>67</sup> Hall.P.A&Taylor.C.R,“Political Science and the Three New Institutionalisms”, *Political Studies*(1996,XLIV):936-957

<sup>68</sup> See Weaver, K.R and Rockman, B.A. (Eds), *Do Institutions Matter? Government Capabilities in the United States and Abroad* (Washington D.C.: Brookings Institution Press, 1992):15-16.

The influence of different power stipulations on accountability performance is obvious. In this respect, the power to amend the budget can serve as a good example. The American Congress plays a strong role in the budget decision-making process, mainly due to the American Constitutional provision on larger budget powers possessed by the Congress. The Congress has more power to increase or decrease the government's annual budget, which inevitably increases the opportunity to change improper budget programs. However, for some countries without budget amendment power, the legislatures are usually too feeble to make minor changes on annual budget drafts submitted by the government. Under this situation, legislatures are not "strong" accountability actors, not to mention being accountable to the public (taxpayers).

### **Structural factors**

Political accountability cannot be conceived as being determined solely by institutions. In practice, it is closely associated with many relationships, ranging from intergovernmental relationship to state-society relationship. As Chabal put it, "political accountability lies not just in the constitutional and institutional devices which formally hold rulers to account for their deeds. It is also part of the wider fabric of society in relations between patrons and clients, ethnic leaders and their kin, party bosses and party members, bureaucrats and citizens, employers and employees, mullahs and believers, as well as military and civilians. Above all else, it is embodied and symbolized in the relation between the state and civil society."<sup>69</sup>

The structure of accountability plays an important role in promoting or hindering the achievement of "embedded" accountability. Structural factors mainly relate to the following variables: the actual power relationship among party, the executive and the legislature; the level of party discipline in legislature; the corresponding degree of power and accountability inside the legislature; the existence of veto points among

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<sup>69</sup> Chabal, P(ed), *Political Domination in Africa: Reflections on the Limits of Power* (Cambridge: Cambridge University Press, 1986).

multiple accountability relationships; the institutional access available for the public, mass media, interest groups and societal organizations to affect policies.

### **Actor-based variables**

The countries with more institutional powers and structural opportunities are prone to gain better accountability performance. However, these factors at a macro and meso level are inadequate to explain the difference in accountability within the same unit, not mention the distinction among similar sectors. Consequently, it becomes necessary to pay more attention to actor-based variables at the micro level.

According to historical institutionalism, political life is history- or path-dependent. As a consequence, the behaviors of the main actors will also be shaped by factors taking place within pre-established patterns of moral and causal beliefs, behavioral routines, the incentive structure, and institutional resources.<sup>70</sup> For any countries, previous ethos or traditional culture will shape the perceptions of actors regarding accountability processes and the final achievement of accountability. This is also true when it comes to the areas or departments with different ethos, ideas, and culture. Therefore, explaining accountability performance individually or organizationally should consider these variables, emphasizing the influence of actors' perceptions, cultural preferences, and path dependencies, as well as incentives in new governance environments.

### ***Conclusion: A theoretical framework for exploring accountability***

The theoretical framework we have constructed based on current theoretical reviews is as follows:

*First*, compared with the previous understanding of the accountability concept, which was solely linked to power checks, power control, and sanctions for

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<sup>70</sup> Olsen, Johan P and Peter B. Guy, *Lessons from experience: experiential learning in administrative reforms in eight democracies* (Oslo : Scandinavian University Press, 1996), 12.

inappropriate abuse of power, the recent evolution of the concept shows how a focus on transparency and answerability is crucial to give a full definition of its meaning today. That is to say, conceptually, holding government accountable should not only include a passive restraint on improper power use, but it must also involve the institutional settings of “positive” power operations with a transparent process and with rapid public response. *Controllability, transparency, and answerability* are therefore the three critical ingredients in the political accountability concept.

*Second*, election accountability is regarded as the traditional and popular mechanism for defining the qualities of democracies. Theoretical review reveals that it is neither the only mechanism nor a sufficient criterion to ensure “full” accountability. Relying on the criteria of different power spaces and prominent actors, new theoretical thinking identifies four optional mechanisms for achieving political accountability in terms of accountability relationship, accountability instruments, strength, and weakness. These are electoral, societal, horizontal, and co-governance accountabilities. Accountability can be enhanced by mutual influence among multiple mechanisms as well as by diverse actors. Just as O’Donnell said: “the effectiveness of horizontal accountability is to a significant extent contingent on the kinds of vertical accountability (including, but by no means exclusively, elections) that only polyarchy provides.” Hence, he added, “achieving a significant degree of accountability requires the coordination of several agencies, each of them subject to *divide et impera* strategies.”<sup>71</sup>

*Third*, some factors within complex accountability circumstances are particularly crucial to the ultimate achievement of “maximum” accountability. Since accountability institutions do not function independent of context and politics, ideas rising from “new institutionalism” put much stress on institutions, structural factors, and historical legacies when trying to explain the potentialities and challenges of political accountability in specific countries.

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<sup>71</sup> O’Donnell G, “Horizontal Accountability in New Democracies”, In *The Self-Restraining State*, eds Schedler A, Diamond L and Plattner M( Boulder, CO:Lynne Rienner, 1999), 45.



*Fourth*, given the above theoretical reviews, both democracies and non-democracies could contribute to the whole development of accountability theory and practices in their own wisdom. Non-democracies have developed other forms beyond the traditional election accountability rooted in democracies. For instance, China has chosen a non-election form—co-governance accountability—to hold incumbents accountable, especially when it related to budgetary decision processes.<sup>72</sup> Another example would include the practices in Latin America, which have exhibited the potential for societal accountability mechanisms in constructing their own accountability system. Citizen actions and demands by an organized civil society play a much more prominent role in decision-making venues.<sup>73</sup>

Lastly, but not least important, the different countries should be sensitive to local contexts instead of blindly transforming theoretical criteria drawn from liberal democracy models to their own country. For example, institutions and structures have significance when we talk about the factors or variables of affecting accountability. However, their impact on developed democracies and developing countries is not always uniform due to distinguishing local contexts. Specifically, a check-and-balance structure is helpful in calling for accountability in democracies. Yet, in China, with its one authoritarian society and one party, it is more challenging to achieve accountability if accountability actors try to form check-and-check relationships with the same level of Communist Party committee and government. Conversely, actors probably can promote the achievement of accountability by adopting cooperative and embedded strategies within power structure. Distinguishing local contexts perhaps can open up avenues for further research on the issues of accountability.

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<sup>72</sup> This is mainly concluded from the author's interviews and participatory observation on the accountability practices in several Chinese Local governments. See also Jun Ma, "The Dilemma of Developing Financial Accountability without Election—A Study of China's Recent Budget Reforms", *Australian Journal of Public Administration*, Vol.68, No.S1(2009):S62-S72; Hsu .S.Philip, "In search of Public Accountability: The 'Wenling Model' in China," *Australian Journal of Public Administration*, Vol.68, No.S1(2009): S40-S50.

<sup>73</sup> Some Latin American scholars began to induce new accountability mechanisms based on their own practices rather than just abide by the traditional election mechanism embedded in western democracies. Related literature can be seen from: Wampler.B, "Expanding Accountability through Participatory Institutions: Mayors, Citizens, and Budgeting in Three Brazilian Municipalities," *Latin American Politics and Society*, Vol.46, No.2(2004):73-99; Smulovitz G and Peruzzotti E, "Societal accountability in Latin America," *Journal of Democracy*, Vol. 11, No.4 (2000): 147-158.

In short, political accountability is certainly a challenging and complex issue, not only for liberal democracies but also for the newly emerging democracies, as well as for authoritarian countries. If we want to improve our understanding of this concept, both theoretical criteria derived from multiple countries and local contexts embedded by accountability should be taken into serious account. Otherwise, accountability issues will not be properly addressed and solved.

### 3. Methodological design

Since 1978, China has been taking on a new face in economic reform and opening up. However, a strong path dependence on traditional Confucian ideas of harmony and hierarchy is still evident in the political arena. Most government officials and politicians remain cautious about interviews and surveys that touch on politics. Three reasons probably lead to the popular unwillingness for openness in these areas: (1) Traditional political culture, such as “Less to say equals fewer mistakes and fewer unnecessary troubles,” is a deeply rooted mindset due to limited tolerance of political criticisms in traditional Chinese society; (2) Both government officials and politicians are afraid that the openness on their truthful political opinions will bring unexpected political risks, since they face huge political pressure once their opinions are distortedly reported by media or widely criticized by netizens; and (3) When it touches on political issues, identifying the true purpose of interviews and surveys becomes difficult, especially for those having relevance with western democracies in terms of backgrounds and funds. In fact, this has been realized by several Western scholars doing fieldwork in China—as a foreign scholar, one has to observe certain limitations both in the selection of fieldwork and in the openness and the willingness of public officials and CCP members interviewed.<sup>74</sup>

As a Chinese person familiar with Chinese culture and informal politics, I have some advantages and strategies for coping with these challenges and difficulties, especially those mentioned by Western scholars endeavoring to carry out fieldwork in China. Of course, it is worth noting that obstacles are unavoidable under any authoritarian political background dominated by a single communist party. Given the

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<sup>74</sup> See Oscar Almén’s discussion of interview limitations in his 65 interviews with Chinese where he was very aware of the challenges to contact and talk with Chinese officials. At the same time he mentioned he had to be very careful to address sensitive issues relating to the role of local people’s congresses as a foreigner: “Authoritarianism Constrained. The role of Local people’s Congresses in China” (*PhD.diss, University of Göteborg, 2005*): 11-14.

relevance between methodology adopted and research results, in this chapter, issues related to methodological strategies, the sources of data, validity and reliability, and limitations experienced by myself during the entire fieldwork process are presented. In all likelihood, this can also provide the necessary impressions for those who will engage in similar research in China.

With regard to the arrangement of this chapter, firstly, I discuss the choice of case study strategy to explore political accountability issues in a Chinese context. At the same time, the choices and sketches of four cases used in the whole thesis will be described. Secondly, strategies to cope with the challenges of fieldwork are discussed. Thirdly, the main sources of data are presented. Finally, the chapter ends with the emphasis on the limitations of my fieldwork and data collection.

### **3.1. Case study**

#### ***The choice of case study method***

Case study is a suitable method for digging out the essence of political accountability issues under present-day Chinese conditions, for three main reasons:

First, a long distance exists between formal documents and actual operation in the Chinese context, not to mention real perceptions and opinions held by the main actors. Therefore, although documents published and propagandized by local authorities provide possibilities to get a sense of formal rules, touching on actual contexts is more difficult without in-depth investigations.

Second, given the heritage for sensitivity and low openness in Chinese politics, conducting quantitative research on political issues in China is inevitably constrained by occult data, opaque politics, uncontrolled variables, political unwillingness, and so on. The in-depth information that this study needed—for instance, the information on main actors' perceptions, election experience, accountability stories, and political context—cannot be met solely by relying on this method.

Third, case study as one qualitative method has the potential to give in-depth responses to key questions in this work in terms of *how the accountability function of Chinese LPCs is on the move and why*.<sup>75</sup> In the words of Creswell, a case study can provide an exploration of a bounded system or a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information that are rich in context.<sup>76</sup> It is plausible to probe into fieldwork cases after adopting some strategies in a Chinese setting.

In addition, it is worth noting that embedded cases in particular situations within each case are useful in responding to key questions and to show the differences across LPCs.

### ***Unit of analysis***

Except for National People's Congress at the central level, bodies at local levels have multiple names, but they are all usually designated as: Provincial level people's congresses, Municipality people's congresses, people's congress in district-level cities, County-level people's congresses, and Township People's Congresses, depending on the different administration levels.

The unit of analysis in this study is the Chinese local people's congresses (LPCs), both at county-level (counties, cities and district) and district-level administrative units. Focusing on LPCs at these levels is mainly based on the following considerations:

On the one hand, the last few years have seen substantial change in the local legislatures due to a series of institutional reforms and certain degree of autonomy. Within the framework of the Constitution and related specific laws, much room is wielded for individual interpretations and autonomy to adapt to local needs. Thus, the

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<sup>75</sup> According to the study of Yin, case studies concentrate on answering "how" and "why" questions. For the further discussion on the choice of case study and the type of research questions, see Yin. Robert K, *Case study research: design and methods (3<sup>rd</sup>)* (Sage Publications. Inc, 2002),14-25.

<sup>76</sup> Creswell J W. *Qualitative inquiry and research design: Choosing among five traditions* (Thousand Oaks, CA: Sage, 1998),61.

local legislatures are relatively vigorous in practice when compared to the National legislature.

On the other hand, the local people's congress at the county and district levels, as the middle layers in China's four local administrative units (province, district-level cities, county and township), are the vital nexuses of institutional reforms and gathering nodes of social contradictions upwards and downwards. Their development can first and foremost indicate the changes in Chinese governance processes due to closer connection with the public and other multiple actors, vertically and horizontally. Local people's congresses at these levels, in contrast to provincial-level legislatures that are well equipped with power authority and township legislatures that are less well equipped with bureaucratic agencies and personnel to carry out legal roles, are relatively appropriate for this study.

### ***The sketch of four LPC cases in my work***

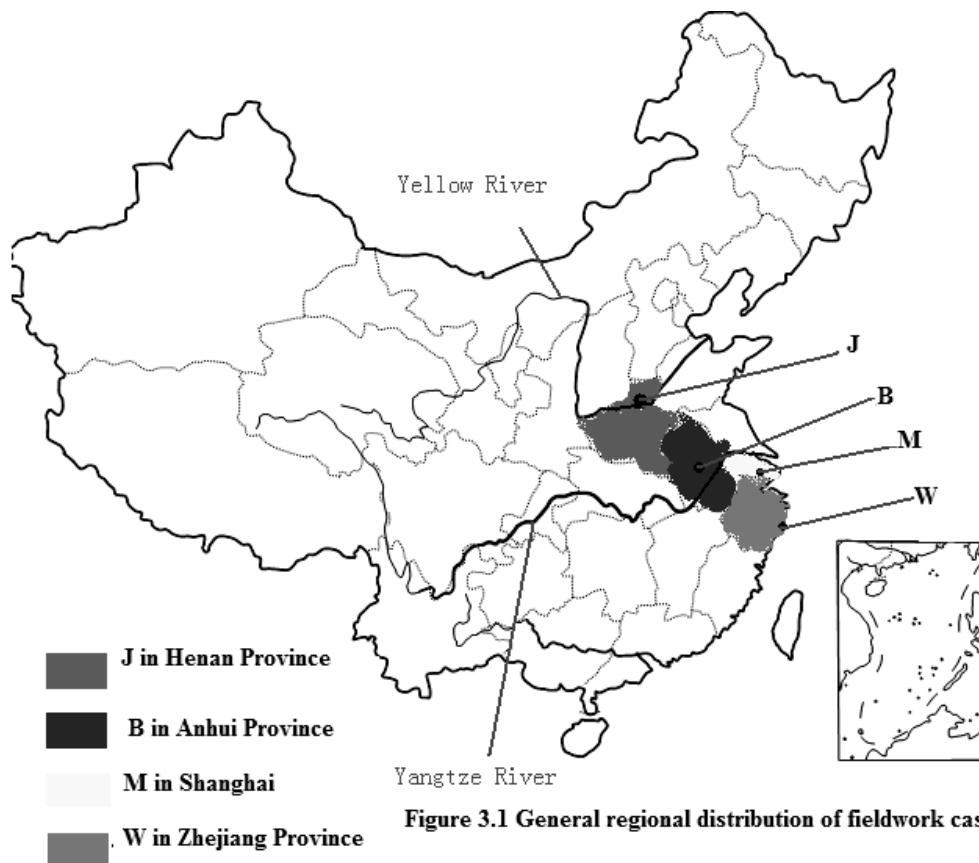
While united political systems that are regulated by the Constitution and laws exist without regional borders in China, the factor of geographic diversity is considered in the selection of local people's congress cases for district-level and county-level cities. This is partly due to the argument that performance differences exist between LPCs in economically prosperous areas compared to less developed areas.<sup>77</sup> To challenge the conventional wisdom that coastal LPCs with more wealth are more active than those in poorer inland areas,<sup>78</sup> I chose cases in developed areas with relatively poor economic development and cases in less developed areas with better economic development levels. At the same time, other factors such as establishment time of LPCs, the level of economic development, and democratic atmosphere were also involved in the selection process. Based on these considerations, four different cases having a great spread and

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<sup>77</sup> Related discussions can refer to the literature: Cho Young Nam, *Local People's Congresses in China: Development and Transition* (Cambridge University Press, 2009), 14-15; Oscar Almen, "Authoritarianism Constrained: The Role of Local People's Congresses in China" (PhD diss., Goteborg University, 2005), 8-9.

<sup>78</sup> Cho has a deeper discussion on this point. Please see Cho Young Nam, *Local People's Congresses in China: Development and Transition* (Cambridge University Press, 2009), 14-15.

diversity of empirical experiences were selected (see the map in figure 3.1). To avoid violating the anonymity principle, as promised to the interview units, LPCs in my fieldwork are designated as different capital letters. I will abbreviate the overview of LPC cases as follows:



- a) W people's congress, one county-level city People's Congress in Zhejiang province. It has a population around 1.5 million and its average per capita GDP was about \$6000 in 2010.
- b) M people's congress, one county-level district People's Congress in Shanghai. It has a population of about 2 million populations and around a \$8000 per capita GDP in 2010.
- c) B people's congress, one county-level district People's Congress in Anhui province. It has a population of about 1 million populations and about a \$6000 per capita GDP in 2010.

d) J people's congress, one district-level city People's Congress in Henan province. It has a population about 3 million and its average per capita GDP was below \$5000 in 2010.

Among these cases, the W people's congress and the M people's congress are regionally located in coastal areas in the relatively prosperous areas of China. The B people's congress and the J people's congress belong to middle regions where economic conditions are usually poor but not at the very lowest economic strata in China. Economic development in W city and M district ranks just at the middle level compared to cities at the same level within prosperous Zhejiang province and Shanghai. The selection criteria for case B were precisely the opposite: it belongs to a rich district within Anhui province—one of the relatively poor provinces in China. This can be seen from the per capita GDP statistics for 2010; B area in the relatively poor region seems somewhat wealthier than W city in the prosperous areas.

When it comes to the history of these LPCs, the W people's congress and the J people's congress have a long history since their establishment. In contrast, the M people's congress began to rise at the beginning of 1990, while the B people's congress was established in 2002 with a new administrative division and is the youngest among the four. However with regard to LPC reforms, the W people's congress in Zhejiang province and the M people's congress in Shanghai have attracted wider attention from mass media and scholars.

### **3.2 Fieldwork**

Given the high relevance between the settlement of these problems and the effectiveness of subsequent data collection, I examined several major issues encountered by myself during the process of fieldwork in this part.

#### *Access to fieldwork*

The main part of my fieldwork research was conducted in four LPCs located in four different provinces in China from March 2009 to January 2010. The distance between



any two of these is at least six hours by high-speed train. I had been shuttled among them for the whole period while seeking chances to collect data. The process was not a smooth one.

Firstly, key contacts within the research field are necessary through private relationships before planned investigations. My access to the M people's congress and the B people's congress relied on this strategy: my PhD supervisor in China introduced me to one leader of the CCP committee in the M district to help me after I failed to contact authorities by introducing myself; this provided further access for me to the M people's congress. The access to the B people's congress was carried out under the help of one of my Chinese PhD classmates, who had worked for a CCP committee department for many years in Anhui province and had more work contacts with lower level administrative units (the B district belongs to one of their lower level units). Even so, unexpected difficulties to approach the planned interviewees still existed. For example, my experience in M district in Shanghai, the leader recommended by my Chinese supervisor agreed to make appointments with persons on my interview list and told me to await his response in March, 2009. I got the first chance to interview one commission director to the standing committee in M people's congress after waiting for three weeks, but I failed to carry out my planned structural interviews due to the interviewee's political sensitivity to some questions. At the same time, I was told that it was very difficult to make further appointments with leaders and members of standing committee in the M people's congress due to their unwillingness to be interviewed by an outsider.

Secondly, the strategy of "transforming outsider into insider" seems useful to approach the targets. My initial challenge encountered in the M district confirmed that Chinese officials affected by traditionally closed culture continue to keep certain degree of vigilance when confronted by strangers, in order to avoid unnecessary trouble. This kind of culture becomes especially noticeable when it comes to certain sensitive topics or issues from their perspectives. To cope with this challenge, I was

recommended to enter the M people's congress as an intern with a formal letter of introduction from my Chinese supervisor and the CCP leader in the M district. This allowed me the chance to continue my fieldwork there.

Thirdly, "making use of formal work contacts to gain trust and chances" is also workable. Before I entered into the W people's congress in Zhejiang province, I was concerned about my lack of private relationships and key contacts there. Fortunately, I was granted permission to go with one commission to the standing committee in the M people's congress when they went to the W people's congress to exchange reform experiences on budget accountability during my internship. I made use of my professional advantage to give some statements on budget accountability in developed countries during the meeting, which gained me the chance to establish preliminary contact with the W people's congress. Later, I asked one of my master's teachers to formally introduce me after I learned at an academic meeting of his status as a reform consultant in W city. These two chances provided me with the possibilities to contact some members of the standing committee in the W people's congress. The snowball method was then used to find more informants to answer my research questions. Some of these persons introduced me to the deputies at my request while others refused my request.

Fourthly, other informal contacts are also useful. The access to the J people's congress in Henan province was easier than access to the other three: on the one hand, my previous internship and fieldwork experience in the J city Finance department in 2006 had laid a solid foundation of relationship. Due to the close connection between the Finance department and the People's congress in terms of public budget issues, I was already familiar with some of the leaders and members of the standing committee in the M people's congress at that time. On the other hand, J city is near to my hometown and my familiarity with local dialects and customs provided possibilities to alleviate the sensitivity of members of the J people's congress.

### *Gaining trust*

The access to fieldwork is just the first step in carrying out fieldwork. Trust from fieldwork units and informants within them have a close bearing on the further collection of valid and reliable data. My main approaches to cope with mistrust in political scenes can be listed as follows:

First, “one must learn to give sincerely in advance if you want to take something from others..” This challenge was encountered in the first interview with one official in the M people’s congress and it impressed me, especially his emotionally words—“no benefit and even harm or trouble will befall me if I tell you my true feelings, which are favorable to your research..” Inspired by his words, I did not dare to start any formal interviews before establishing a trusting relationship with them. Instead, I first tried to communicate with them sincerely. For instance, I set my main task as reading some archival material, chatting with different people, and providing necessary help for those in need in the prior several weeks during my internship in the M people’s congress. I always opened my office door to welcome anyone who wanted to talk with me. Some leaders dropped by my office for a number of reasons, such as curiosity about my experiences, interest in how to apply successfully to universities abroad, and experience sharing about legislature reforms abroad. Several staff who were pursuing graduate degrees used to visit me to ask questions about writing their master’s theses. Having lunch with the leaders and staff in the office of the standing committee every day, participating in recreational activities with them after work, helping some of them revise their master’s theses, holding some courses for their children, and accompanying them to speak English were main activities in the preliminary phase of my internship. Soon, some leaders and members of the standing committee began to talk to me about my research on their own initiative because I was different from other greedy young people, from their perspective. I was also regarded by them as a friend rather than my original nickname—“spy.”

Second, showing an appropriate status description to informants to alleviate mistrust was critical at the self-introduction phase. I found one contrasting attitude held by Chinese officials and politicians towards foreign or persons who have an abroad background during my fieldwork: on the one hand, some persons expressed their appreciation or curiosity towards foreigners or persons who have an abroad background. On the other hand, a strong sense of suspicion was prominently held by others. Against this context, adapting to different informants who held distinctive opinions was necessary. I had been suspected and questioned many times due to my status as a PhD student abroad. Except for the nickname of “spy” in the M people’s congress, my PhD classmate, who was in charge of contacting with the B people’s congress for me, kindly reminded me that it was not worthwhile doing fieldwork on Chinese LPCs under financial support of foreign institutions, because it would be at the cost of sacrificing my future in China. One vice chairman of a standing committee and one congress deputy in the B people’s congress asked me if I obtained foreign donations to conduct this research when I introduced myself as a Ph.D. student from Bergen University. Given a similar political recognition within one region, I learned to introduce myself as a lecturer focusing on the issue of China’s LPCs in a university in Shanghai in the B district (I had a formal job offer from a university in Shanghai at that time), which was useful in alleviating their suspicions due to the higher social value extended to university teachers.

Additionally, gaining trust is possible by being courteous. One of my techniques was to send small but unique gifts to informants. These types of gifts are usually esteemed as a form of emotional expression to show respect and, in the Chinese context, they characterize a long tradition of courteous civilization, which sometimes would make people who were unwilling to answer questions change their attitudes. Some people were also glad to introduce other colleagues to me due to the respect they felt during the contact process. Another technique was to be a good listener. Interruption with direct intention usually injured the feelings of informants and the process of smooth

investigation. Of course, conducting guides were strategically applied when the informants were off topic.

### **3.3 Data collection**

Data come from numerous sources, and with each of these sources come assets as well as certain weaknesses or liabilities. To enhance the general validity and reliability of this research study, the data were a combination of interviews with main actors, questionnaires to congress deputies and constituents, observation, a fieldwork diary, archival records, documents, internet information, media reports, and scholarly sources.

#### *Interviews*

The interview is a very important data source in the writing of my thesis. During 2009 and 2010, I conducted 83 interviews with leaders and members of standing committees, ordinary congress deputies, people's congress staff, government officials and staff, and researchers. Except for a few researchers and government staff, most of the interviewees came from four LPCs regionally across Shanghai, Zhejiang province, Anhui province, and Henan province. To avoid unnecessary interruptions, more than 90% interviews were carried out with only the interviewee and myself in interviewee's office. However, for interviewees who shared an office with others, group interviews were conducted. I was requested by most interviewees to keep their names and regions anonymous, so the list of interviews in the appendix of this thesis presents only general information.

The design of the interview questions is guided by a theoretical framework of vertical and horizontal accountability, to explore and assess the accountability role of the local people's congress under the current Chinese governance process. The overriding aim is to observe to what extent LPCs have made improvements in performing their accountability function, how, and why. The focus was placed mainly in two areas: First, how the electoral institution transforms candidates into congress

deputies and how elected deputies show their accountability vertically to constituents; and secondly, how congress deputies as an institution and individual deputies hold the authorities accountable in terms of horizontal supervision and budget decision-making. The accountability performance of LPCs was generally assessed in terms of controllability, transparency, and answerability. The differences in accountability performance would be expected to be explained by institutional, power structure variables, and actor-based variables mentioned earlier in the theoretical chapter (Chapter 2).

The semi-structured questions focused on the perceptions of interviewees toward the main questions. Deputies were encouraged to elaborate about their elected experience, stories connecting with constituents after elected, successful or failed influence on the authorities during the process of holding them accountable, and roles played in budgeting accountability, as well as main variables that affected accountability performance. Compared to ordinary deputies, the leaders and members of the standing committee were good at demonstrating their experience with power games among CCP, government, and LPC behind institutional innovations and reforms as well as in personnel appointments. Thus, specific focus was given to these topics during the interviews. For government officials and staff, and the researchers interviewed, the focus was placed on their perceptions of LPCs accountability performance and driving forces.

Most interviews took about one and a half hours. Several interviews extended to three hours or concluded in about forty minutes. Although Oscar argues that, in his case, the informants were sometimes even reluctant to allow him to take notes, a tape-recorder would certainly have been out of the question,<sup>79</sup> for me, a tape-recorder was allowed in where strong trust had been established, but not at all LPCs. However, note taking was typically acceptable throughout the whole interview process across all

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<sup>79</sup> Oscar Almen, *Autoritarianism Constrained: The Role of Local People's Congresses in China* (PhD dissertation, Goteborg University, 2005), 13.

my fieldtrips. All interviews were immediately transcribed by me at their conclusion. The language used was Mandarin Chinese and local dialects to keep it authentic. Finally, the interviews were categorized according to distinctive aspects of accountability.

The effectiveness of interviews is evident when noting that the interview results were able to cover the most essential questions in my design, while some sensitive but critical issues had to be discarded as they were avoided by the interviewees.

### *Questionnaires*

To reduce subjective judgments in the analysis of interview materials, one questionnaire was conducted on congress deputies in the M people’s congress in July 2009. I designed it to grasp deputies’ perception on the performance of accountability in terms of contacting with constituents, pressing the authorities to respond to constituents’ voices, budget accountability, personal appointment and removal, influential strategies, incentives, and obstacles faced by LPCs as an institution. However, it was sent in the name of a financial economics working commission to the standing committee rather than through me, in order to avoid deputies’ sensitivity about a stranger. Excluding those interviewed, 220 questionnaires were sent as letters to the resting deputies and 106 responses were received. The response rate was 48%. The females in the final result accounted for 38.7%. Due to the characteristics of an amateur for most congress deputies in China, the sketch of 106 deputies’ professions could be seen from the following table. Related analysis results for these data were used in Chapters 5, 6, and 7.

Table 3.1 Deputies’ professional structure in the 2009 questionnaire conducted in the M people’s congress

Profession	Civil service	Staff in public institution	Cadres in village or resident committee	Enterprise staff	Business managers	Retired staff	Others	Total
Frequency	27	23	38	2	35	13	1	139
Percentage(%)	19.42	16.55	27.34	1.44	25.18	9.35	0.72	100

Source: the questionnaire conducted by the author in 2009 in M people's congress.

With regard to the accountability relationship between congress deputies and constituents, another survey was co-conducted in June 2010 with one commission to the standing committee in M people's congress. That commission intended to measure the performance of "deputy-constituent contact institution" since its initial implementation in 2008. By taking advantage of this chance, I added my questions in terms of deputy-constituent accountability relationships to the questionnaire. They ultimately shared their response data with me. Specifically, 139 congress deputies and 256 constituents participated in the survey. Their professional information is presented in Table 3.2 below. The discussion on the link in accountability between congress deputies and constituents in the M people's congress in Chapter 6 relies strongly on these data.

Table 3.2 Congress deputies' professional structure in the 2010 questionnaire conducted in the M people's congress

Profession	Civil service	Staff in public institution	Cadres in village or resident committee	Enterprise staff	Business managers	Retired staff	Others	Total
Frequency	27	23	38	2	35	13	1	139
Percentage (%)	19.42	16.55	27.34	1.44	25.18	9.35	0.72	100.00

Source: the questionnaire jointly conducted by one commission to the standing committee in M people's congress and the author in 2010

Table3.3 Constituents' professional structure in the 2010 questionnaire conducted in the M people's congress

Profession	Student	Workman	Individual businesses	Private entrepreneurs	State-owned managers	Collective-owned managers	Civil servants and Staff in public institutions	Peasant	Freelance and jobless	Retired People	Total
Frequency	2	44	2	2	11	7	25	12	6	144	255
Percentage (%)	0.8	17.2	0.8	0.8	4.3	2.7	9.8	4.7	2.4	56.25	99.6

Source: the questionnaire jointly conducted by one commission to the standing committee in M people's congress and the author in 2010



### *Participant-observation data*

I was fortunate to obtain an internship inside the M people's congress for several months and could thus collect participant-observation data on key events that happened for different accountability aspects. I spent one month on average at the other three LPCs to seek interview chances, which also provided possibilities to observe institutional innovations in LPCs, the behaviors, perceptions, and performance of congress deputies toward accountability issues. I was also able to collect important data on the political influence of congress deputies, on individual motivation, on how reforms and interaction among LPCs, governments, and CCP that occurred while attending meetings and during multiple investigations. For instance, participation at public budget hearing meetings, participatory budget considerations, standing committee meetings every two months and special investigations toward governmental branches as well as courts provided clear snapshots on the issues of accountability. These data were used to complement and verify the data obtained from individual interviews.

### *Fieldwork diary*

Interviews were not carried out every day, as these heavily depending on the arrangement of work and meetings with the interviewees. I also talked with people informally or randomly took part in their supervising activities when no interview appointments were scheduled. I wrote my observations down in fieldwork diaries every day, and these diaries were used heavily to pin down scattered information and genuine impressions during the fieldwork period. They also served to control many of my observations.

### *Other sources*

Archival data on the background of individual congress deputies were collected systematically from three main sources for the four LPCs: internet information on

Congress name lists, working reports related to congress deputies' activities, and secret data on deputies' social background, education level, job experience, party status, and contact with the office regarding the personnel appointments, removals, and representative commissions to standing committees. This information was useful for analysis of the relevance among individual's perception, performance, and concrete background.

In addition, unique file data were collected from 2008 to 2010 regarding institutional contact between 255 elected deputies and constituents from the M people's congress. The file provided tracking information about the elected deputies' focus on constituents' affairs and their influence on the authorities in solving constituents' issues. Their performance during this period was assessed and these file data were mainly used in chapter 5 to assess congress deputies' accountability to constituents in the M people's congress. Another unique data set on chairmen's internal meetings within the M people's congress was allowed to be copied due to the familiar trust relationship I had established, and these data provided critical information on LPC decisions and internal power structure.

I had also access to the official websites of LPCs, research websites relating to LPCs institutions, media reports, documents, annual working reports, and literature. These multiple sources of data made it possible to emphasize the actual development of LPCs' accountability function at both the individual and the organizational levels.

### **3.4 Limitations**

Although unique data were collected from LPCs via private contacts and use of plausible strategies, two limitations should be pointed out that affected my data collection:

On the one hand, the collected data collected were uneven across four fieldtrips, which probably led to the difficulty to generalize the fieldwork observations. For instance, similar survey research was refused in three LPCs even though sending of

questionnaires to deputies and constituents in the M people's congress was acceptable, since I had stayed for more than four months as an intern. Similarly, while I was allowed to handle the information on petition letters, budget accountability, and electoral materials for both in the M people's congress and the W people's congress, it was difficult to get corresponding data for the other two people's congresses. Therefore, I had to make use of multiple data to make up for this deficiency.

On the other hand, the anonymity principle and official reviews of the planned questionnaire inevitably affected the control of validity and variables. My case is not a singular case. Some foreign scholars, for instance Oscar and Manion, also encountered similar problems. In the words of Manion, interviews, however skillfully and cleverly designed, must practically always be conducted with Chinese in localities that are not selected according to any principle of random selection but chosen partly for convenience and always subject to the approval of the Communist authorities.<sup>80</sup> However, it is worth noting that cooperation with official organizations also seems necessary to carry out a certain scale of surveys or to obtain useful data under the current Chinese context, especially when it comes to political issues relating to power relationships among the CCP, the government, and the people's congress at the same level.

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<sup>80</sup> See Oscar Almén, *Authoritarianism Constrained. The role of Local people's Congresses in China (PhD, diss., Göteborg University, 2005)*, 9-14; Manion Melanie, "Survey Research in the Study of Contemporary China: Learning from Local Samples," *The China Quarterly*, No.139(1994):741-765, P 741.

## **4. Institutional structure and political context for LPCs**

With the intention to understand the accountability functions of Chinese local people's congress within a one party regime, this chapter endeavors to provide some background information about Chinese politics before entering into the subsequent empirical chapters. Therefore, the institutional evolution that contributes to the current profile and operational rules of LPCs will be introduced, followed by the institutional structure and political context of LPCs.

### **4.1 Institutional evolution of LPCs in China**

The institutional evolution of the Chinese local people's congress underwent three distinctive development stages: initial establishment in 1954, a stagnation period (1966-1978), and a gradually institutionalized stage since 1979.

#### *4.1.1 Initial establishment in 1954*

Most legislatures in liberal democracies arise from intense conflicts of interest and strong public demands, but this was not the case in China. Instead, enhancing political legitimacy and expanding political mobilization were the main dynamics that promoted the initial formation of Chinese people's congresses in 1954. Specifically, this event in 1954 can be considered to represent a combined product of soviet experimentation and the political situation at that time.

On the one hand, representative organs adopted by China germinated in the Soviet model. Since the first day of establishment of the Chinese communist party, it was prepared to follow the road of the Soviet as one country under the leadership of communists, based on Leninist discipline that highlighted strict adherence to the dictates and norms of the Party organization. When it comes to the arrangement of political system, the Chinese Communists also regarded Soviets as their example. For instance, as early as 1931, they borrowed a system of administration headed by the Congress of Soviets from the 1924 Soviet constitution, with regional and local soviets

below it, indirect election of higher congresses, exclusion of the bourgeoisie from elections, and representation ratios weighted against peasants. Although the congress was empowered to discuss and decide on laws and future development plans, in practice, it usually failed to exercise supreme power and formally subordinated administrative bodies made policy.<sup>81</sup>

On the other hand, Mao Zedong formed new ideas regarding China's congress institution after winning the leadership position of the CCP in 1935; his intention was to broaden the revolution's popular base and build support for Communist rule. That is, a system of popularly elected people's congresses, from township to nation, could lay a foundation for a New Democracy and universal suffrage would ensure proper representation for each revolutionary class according to its status in the state.<sup>82</sup> In this sense, the Chinese people's congresses became an important arena for mobilizing all classes and for collaboration with non-Communist forces in the revolutionary period, including progressive non-Communists, political parties, social groups, petty bourgeoisie, national bourgeoisie, and so on.

Until the founding of new China in 1949, Mao's ideas mentioned above still had an obvious impact on the design of the people's congress system. The precursor of people's congresses—Representative conferences of the people of all circles—is a good example. According to the stipulates of “The Common Program of the Chinese People's Political Consultative Conference(CPPCC)” passed on 29 September 1949, the Representative Conference of the people of all circles was charged with the authority of people's congresses as a transitional form, before establishing a universal suffrage-based political institution. The Representative Conference of the people of all circles was convened by the government. On the basis of a recommended election, this representative conference was largely organized by the principle of professional

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<sup>81</sup> O'Brien KJ, *Reform Without Liberation: China's National People's Congress and the Politics of Institutional Change* (Cambridge University Press,1990), 20-21.

<sup>82</sup> Mao Zedong, On New Democracy, *Selected Works of Mao Tse-tung*, Vol.2 ( Peking:Foreign Languages Press: 1975): 352, Cited from O'Brien KJ, *Reform Without Liberation: China's National People's Congress and the Politics of Institutional Change* (Cambridge University Press ,1990), 22.

sectors, mainly involving workers, farmers, soldiers, students, business, education, women, patriotic personages, and culture sectors. It should be noted that the generation of conference representatives was very cautiously carried out at that time under the sponsorship of the CCP and government: the representatives could be generated through democratic election meetings where local mass organizations existed and the government had the capability to control the situation; for those places that having no mass organizations and capable government, the representatives were usually selected by ways of nomination, quotas, recommendation, and invitation.<sup>83</sup>

Further legalization of Communist rule was obtained by the representatives of CCP, who had asked for Soviet Union's guidance in establishing a system of popular assemblies in 1952. Stalin's response revealed the urgency for setting up a Chinese people's congress under this kind of international circumstance: "If you do not enact the Constitution, do not introduce election, the enemy can fight against you by publicizing to the workers and peasants in two ways: first, your government is not elected by the people; second, there is no Constitution in your country. They can say your government is based on the bayonet and is self-proclaimed because of the unelected characteristic of Chinese People's Political Consultation Council (CPPCC). In addition, the common program is proposed just by one party rather than being passed by an elected people's congress. It may also say that there is no law in your country."<sup>84</sup>

Against this background, Chinese people's congresses both at national level and at local levels were initially established with the passage of the Election Law of the People's Republic of China on the National People's Congress and Local People's Congresses in 1953 and the Constitution in 1954. An initial outline of Chinese people's congresses can be identified as follows:

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<sup>83</sup> *The W County-level City People's Congress Annals* (Beijing: Zhong Hua Book Company, 2000), 76.

<sup>84</sup> Liu Shaoqi, "The telegram on the talks with Stalin to Mao and the Central," Liu Shaoqi's Presentation Since the Founding of Chinese State (1952.1-1952.12) (Beijing: Zhongyang Literature Publisher, 2005), 533-535.

- 1) Due to close relationships with the People, People's congresses have the highest authority among state organs. As Article 2 in 1954 Constitution stipulates, "All power in the People's Republic of China belongs to the people. The organs through which the people exercise state power are the National People's Congress and local people's congresses at different levels."
- 2) The system of combination of legislative and executive powers was adopted at local levels: The standing committee was the permanent body of the National people's congress plenary meeting during the intersession. However, the local level did not copy the system of the National people's congress. It was the People's committee of government that held the authority and acted as the executive body of local people's congresses at the same level during the intersession.<sup>85</sup> According to the speech of Liu Shaoqi—the vice president of central government at that time—if it set up a permanent body within the local people's congresses under that condition, it would inevitably cause an overlapping of local organizations and related inconvenience.<sup>86</sup>
- 3) The People's congress was held at least once annually. Congress deputies in the town peoples' congress were elected directly by the voters for two year terms; congress deputies in each people's congress at or above the county were indirectly elected by the people's congress of the level below, for two-four years (the county-level term was two years). Most congress deputies were part-time amateurs, who left their regular jobs for a few days when congress plenary meetings were held.
- 4) The most salient operation principle was dual democratic centralism: for one thing, the National People's Congress, local people's congresses at different levels and other state organs applied the principle of democratic centralism, demanding the

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<sup>85</sup> People's committee was the name of Chinese local government at all levels during 1954-1966, which was the executive body of local people's congresses at that time.

<sup>86</sup> Literature Compilation of People's Congresses in the People's Republic of China(1949-1990) (Beijing: China Democracy & Rule of Law Publishing House ,1991),85.

subordination of lower congresses to the higher congresses; for another, people's congresses as state power organs had to obey the CCP's leadership, which implemented the principle of democratic centralism.

#### *4.1.2 Stagnation period during 1957-1978*

In practice, the defects in the local people's congress institution designed in 1954 were quickly exposed. Specifically, these were: 1) The 1954 Chinese Constitution and the Rules of local governance were written in a language that could indicate a broad framework of accountability and "democratic centralism," but the basic ideological principles ruled the control of the system in a different way. For instance, a more centralized and less democratic emphasis reduced the autonomy of the LPCs in the system operation, subjecting them to the CCP and higher people's congresses most of the time; 2) The institutional design where the government held the executive authority for the LPCs during the intersession impeded the implementation of the LPCs' oversight of government. Although, legally, the local people's congress should be convened by government for regular meetings, the actual operation was not that case. Most of the time, the government was willing to decide the issues by itself rather than solve problems through convening people's congresses; sometimes the government was too busy to convene congress meetings. Under the circumstances, neither statutory powers nor functions of people's congresses could be effectively exercised or fully displayed,<sup>87</sup> not to mention holding accountability to the voters.

These defects exposed in practice triggered discussions about further improving the LPC system. A major focus of the reformists had been to establish standing committees inside the LPCs, to strengthen the supervision of government and to enhance the link between congress deputies and the voters. Specifically, two important propositions should be mentioned.

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<sup>87</sup> Cai Dingjian, *Zhongguo renmin daibiao dahui zhidu* (The Institution of the Chinese People's Congress) (the fourth edition) (Law Press, 2003), 232.



One happened on 1957. Following the proposal of “expanding people’s democracy and improving socialist under the rule of law” in the eighth CCP national congress, a party group of the National People’s Congress standing committee submitted to the CCP central committee a report for improving the system of LPCs, in which they proposed “the establishment of the standing committee at or above the county level,” “the transferring of legislative powers from the hands of people’s committee in government to standing committee in LPCs,” “the allocation of a range of legislative authority to people’s congresses and their standing committee at the province level,” and so on. However, the occurrence of an Anti-Rightist Movement across China at that time put this report aside.<sup>88</sup>

The other occurred in 1965. The CCP central committee and the NPC standing committee reconsidered the issue of establishing a standing committee at or above the county level. The driving forces came from two aspects: 1) with the intention of meeting the needs of socialist revolution and construction, older veterans in government were to be arranged to work in the standing committee in people’s congresses while installing a group of younger figures in the government; 2) Setting up a permanent body within LPCs was favorable for timely decision-making on major issues during the adjournment, particularly in the conduct of regular supervision of government.<sup>89</sup>

However, the outbreak of the Cultural Revolution in 1966 caused this proposal to be ignored. More seriously, people’s congresses were almost defunct during this period. Although, in 1975, the congress ratified a new version of the constitution of the People’s Republic of China, empowering the revolutionary committees as permanent fixtures of LPCs, they were not given any role in the supervision of government or in

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<sup>88</sup> See Liu Zeng and Cheng Xiangqing, *Renmin daibiao dahui zhidu de lilun yu shijian (The Theory and Practice of the System of People’s Congress)*(Beijing: China Democracy & Rule of Law Publishing House,2003),125-127.

In addition, the Anti-Rightist Movement, instigated by Chairman Mao Zedong in the 1950s and early 1960s, officially referred to those intellectuals who appeared to favor capitalism and class divisions and against collectivization.

<sup>89</sup> Pu Xingzhu, “*Renda yiyuan shuangceng jiegou de youxiao tuozhan ( The effective expansion of unicameral and two tiers of Chinese people’s congresses )*,” *Tansuo yu zhengming (Exploration and Contending )*, Vol.12(2009):10-14.

the formulation of policy. Because revolutionary committees—the organs that were originally tasked with the representation of the Cultural Revolution's mass organizations—were just the products of a dramatic combination of powers under the circumstances.

#### *4.1.3 Institutionalized reforms since 1979*

While the proposal for improving people's congresses repeatedly encountered setbacks, it laid a solid foundation for subsequent institutional developments. As a consequence of drawing lessons from the Cultural Revolution in the 3rd Session of the 11th CPC Meeting, democracy and rule of law became the main guiding principles in the reform era. Conforming to these principles, the reforms and development of Chinese people's congresses became prominent in serving the CCP's agenda of building a socialist democratic and legal system. In May 1979, Pengzhen, the director of the NPC law committee at that time, proposed three options to the CCP central committee for carrying out reforms in terms of people's congresses: first, fixing the Revolutionary Committee as permanent body of the LPCs through legislative procedures; second, restoring the People's Committee and abolishing the Revolutionary Committee; third, setting up a standing committee in the LPCs at or above the county level, and reinstating the People's Committee as the executive organ. Lastly, Deng Xiaoping proposed to adopt the third option after the CCP central leadership's review of Peng's report.<sup>90</sup>

Hence, one significant system reform involved the stipulation of establishing a LPC standing committee in the 2<sup>nd</sup> session of the 5<sup>th</sup> NPC meeting in 1979, along with the amendment of the Local Organization Law and Election Law. Until the end of 1981, 29 provincial and 3000 sub-provincial people's congresses across the country had held congress plenary meetings on the basis of direct elections by the voters and had then

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<sup>90</sup> Pu Xingzhu, “*Renda yiyuan shuangceng jigou de youxiao tuozhan (The effective expansion of unicameral and two tiers of Chinese people's congresses)*,” *Tansuo yu zhengming (Exploration and Contending)*, Vol.12(2009):10-14.

elected their permanent organ—the standing committee.<sup>91</sup> To ensure effective supervision, the Constitution and related laws stipulated that members of standing committees at any levels would not hold offices in state administrative, judicial, and prosecutorial bodies. Admittedly, at first a tension remained between the operation of standing committees at the local level and depreciations from some government cadres, which mainly consisted of retired party cadres who had passed the age limit for party and government officials. Yet, compared with the previous system of executive-dominating characteristic in LPC daily affairs, this new arrangement of political-executive relative independence, in terms of organizational settings, provided the requirements for implementation of the LPCs' legal functions. These functions included the links between deputies and the voters, supervision of the government, the deliberation of the law, decision-making on important issues, appointment and removal of leading officials of government organs, and so on.

Another sign of LPC institutional reform was the sharp increase in laws or amended rules governing the normal functioning of the LPCs, which was one kind of rectification for the destruction of legalization during the Cultural Revolution. Since 1979, a series of laws relating to LPC functions was promulgated or amended. Most remarkable were the Local Organic Law in 1979, the new Election Law enacted in 1979 and revised in 1982, 1986, 1995, 2004, the Representation Act issued in 1992, the Budget Law promulgated in 1994, the Legislation Law of 2000, and the Supervision Law enacted in 2007. All of these laws brought about many changes to LPCs in their institutional operation but also provided a critical basis for LPCs to assert power.

In addition, with the intention of securing the effectiveness in dealing with increasing public affairs, standing committees of LPCs gradually developed their

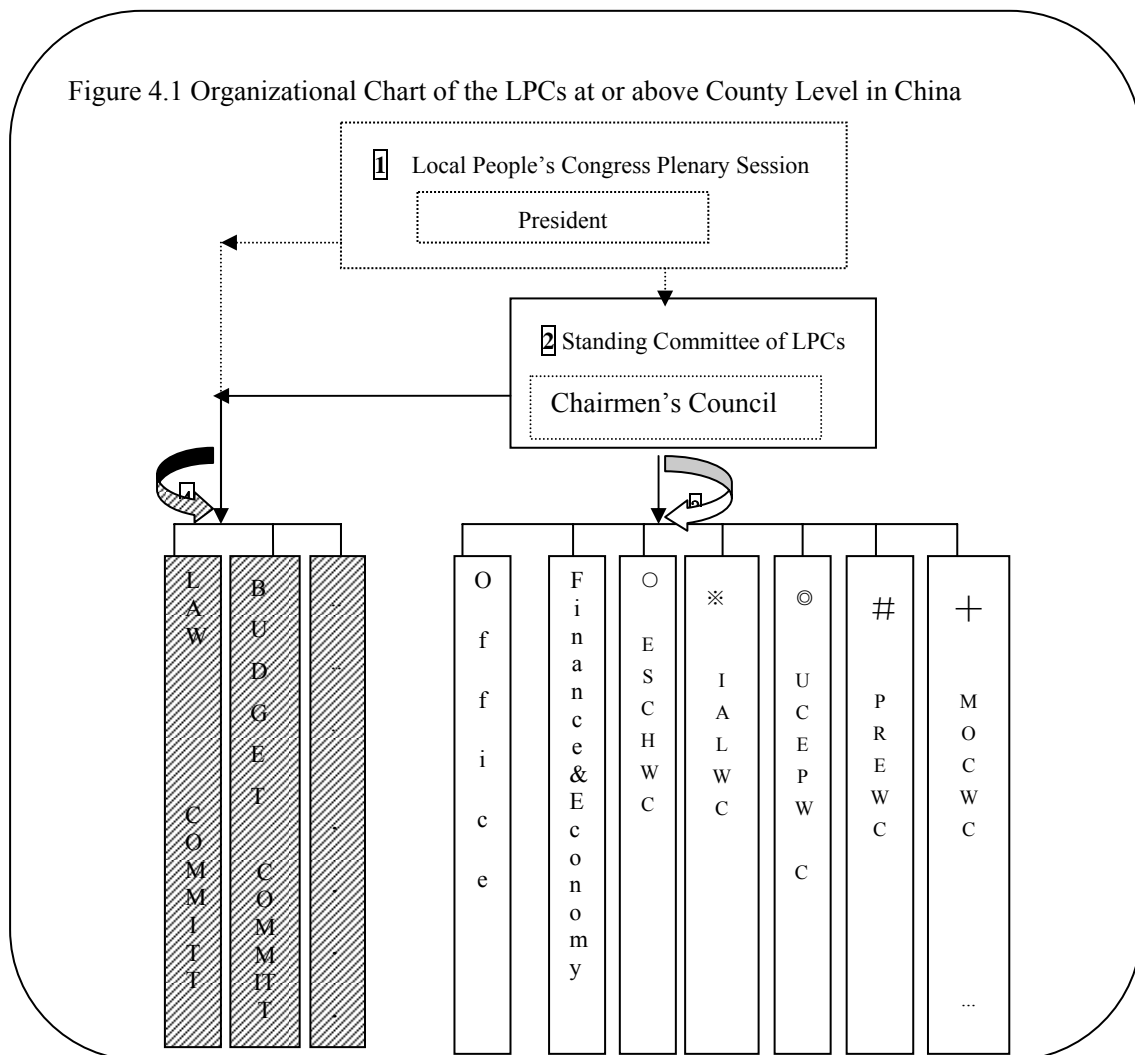
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<sup>91</sup> Yin Zhongqing, "Difang renda changweihui de jiannan yunyu (*The difficult birth of standing committee in LPCs*), Zhongguo renda xinwen wang (the Website of NPC News), Accessed February 2, 2000, <http://www.people.com.cn/zgrdxw/news/200003/02/102.html>.

supporting organizations by setting up diverse special committees and Working Commissions beginning in the 1980s.

#### 4.2 The structures of LPCs in contemporary times

The basic structures of LPCs took shape after undergoing institutionalization in the past decades. They are as follows (see fig 4.1).



Sources: this figure was made by the author. The sources are the combination of interviews and the information from LPC websites in China.



Notes: The arrangement of Working Commissions in LPCs at or above county levels is similar, with minor differences. Here, several common Working Commissions will be listed.



○ “ESCHWC” refers to Education, Science, Culture and Health Working Commission

※ “IALWC” represents the Internal Affairs and Legal Working Commission

◎ “UCEPWC” means Urban Construction and Environmental Protection Working Commission

# “PREWC” stands for Personnel and Representative Election Working Commission

- + “MOCWC” is the abbreviation of Minority and Overseas Chinese Working Commission
- Dashed portion (-----) in the figure indicates that it does not exist in the period of LPCs’ adjournment.
- Solid lines (—) in the figure indicate the standing bodies.
- Special committees marking with “” in the figure mostly exist in LPCs at the provincial level, sub-provincial city and larger municipalities with legislative power. Four cases in my study are LPCs at lower levels; these do not have standing bodies except for the standing committee. They are marked with “”. Bodies supporting the standing committee and accepting its leadership are called working commissions.

First, China has shaped unicameral local congresses characterized by two tiers, named the plenary meeting and standing committees (SC) of the LPCs at or above county level ( and  in above figure).<sup>92</sup> A deputy attending the plenary meeting on average represented 2285 people at the county level and 1,0965 people at the municipal or large district level.<sup>93</sup> The plenary meeting meets once annually for up to about 8 days since most congress deputies have other full-time jobs to do, and the latter meets 6-7 times per year (members are elected by full deputies at the plenary meeting and about 50% of the members are full-time professionals). While the plenary meeting participants are all elected congress deputies in session (varying from 120 to 450 according to population size at county or district level), the standing committee—the permanent power organ during the adjournment—has relatively small numbers of congress deputies (about 15-35 at the level county, autonomous county, city not divided into districts or municipal district). The huge population of China is the main driving force for adopting this dual institutional arrangement. That is, a large number of deputies is favorable to reflect democracy although it inevitably brings about many difficulties in performing functions. The establishment of a SC with a lower number of deputies during the adjournment can improve the efficiency of exercising powers, and also can make up for other disadvantages caused by large numbers of part-time deputies. Even more important, a strong accountability relationship needs to exist between these dual structures. The standing committee emerging as a consequence of the election by all

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<sup>92</sup> There has not established standing committee at township level LPCs in China.

<sup>93</sup> Manion Melanie, “*Chinese Congressional Representation As An Institution*” (paper presented at the 2009 Annual Meeting of the American Political Science Association, Toronto, Canada, September 2-5, 2009).

congress deputies at the plenary meeting should make reports and hold accountability for the plenary meeting.

Second, the Presidium at the plenary meeting at session and the Chairmen's Council are leading organs at the intersession. The members of the presidium at the plenary meeting is equal to about 15% of the congress deputies in total numbers, and is composed of the CCP leadership, the SC chairman, the SC vice chairmen, directors of multiple-democratic parties and associations of industry and commerce, chairmen of working commissions and the SC office, directors of people's organizations and people's armed forces departments, representatives of entrepreneurs and villages, and heads of delegations. The latter assists by the working commissions over which the SC vice-chairmen preside. They are mainly composed of SC chairman, SC vice-chairmen, working commission chairs, and vice-chairmen. Members of the Chairmen's Council are main components of the SC. The chairmen's council is widely believed to be the power center dominating important decision-making processes in the LPCs. Xia Ming shows one good explanation about this when he talks about the National People's Congress:

*The NPC has been developed into a hierarchy with concentric circles (the chairmen group, standing committee, delegation meetings, and plenary session). To some extent, their power relationship can be explained thus: the plenary is like a huge ship; the delegation meetings are numerous separate compartments; the standing committee is its crew; the chairmen group is the captain. As for decision making, it usually happens within the small circle of the chairmen group, particularly among the chairmen who are Communist Party members, who form the ruling elite with the leaders in the CPC and the government in the Chinese political system.<sup>94</sup>*

Third, working commissions and special committees (3) and (4) in Figure 4.1) are permanent organs in LPCs. However, it should be noted that an authority limitation exists for various levels of people's congresses to set up special committees. Usually, LPCs above county level have the right to set up special committees, just as stipulated in article 30 of the Organic Law: The people's congresses of provinces, autonomous

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<sup>94</sup> Xia Ming, "China's National People's Congress: Institutional transformation in the process of regime transition (1978-98)," *The Journal of Legislative Studies*, Vol.4, No.4(1998):103-130.

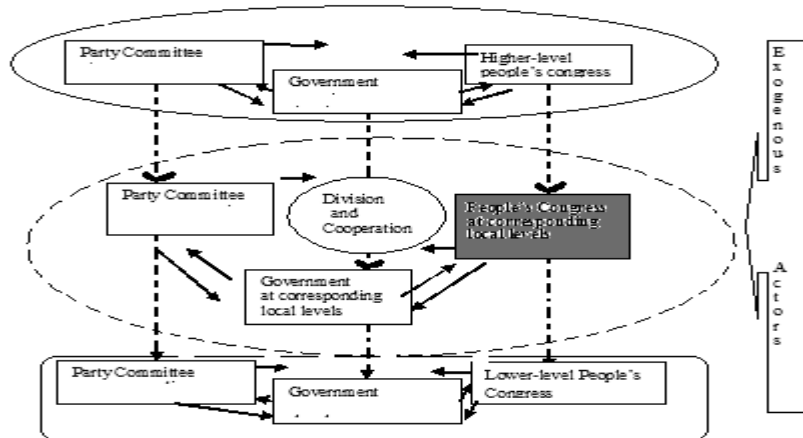
regions, municipalities directly under the Central Government, autonomous prefectures and cities divided into districts may, where necessary, establish special committees such as legislative (political and law) committees, finance and economic committees, and education, science, culture and public health committees. The chairmen of special committees are elected by full congress deputies at the plenary meeting and work under the direction of the respective people's congresses; they work under the direction of the standing committees of the people's congresses when the people's congresses are not in session. When it comes to county-level people's congress, working bodies are popular organizations for assisting standing committees, which are established revolving around distinguishing supervision functions of LPCs. The chairmen of these working bodies are elected by full deputies at the plenary meeting. The membership of each working commission is composed of congress deputies with related professional or occupational backgrounds. Each working commission includes about 8-15 part-time members who have full-time jobs.

Lastly, but most important, based on the idea of popular sovereignty, the chain of arrows in figure 4.1 is mirrored by a corresponding chain of accountability that runs in the reverse direction. The whole structure of LPCs at various levels is designed to serve the interests of the public, both directly and indirectly.

### **4.3 Political context for local people's congresses**

Despite the fact that significant institutional development is evident for Chinese LPCs, the exploration of their statutory functions still cannot be separated from the political context to which they belong. Compared with the western "checks and balances" relationship among main political institutions, "division and cooperation" can be seen as one significant governing principle in the Chinese integrated political system. In detail, four major contexts will be examined by grouping them into two categories (see figure 4.2): endogenous contexts (CCP and LPC relationships, LPC and government

relationships, the relationship between LPCs at higher and lower levels) and exogenous variables (actors such as the public, media etc).



**Figure 4.2 Political Context for Chinese Local People's Congresses**

Note: this figure is made by the author, based on participatory observations in fieldwork

*4.3.1 Power relationship between the CCP and people's congress: leadership with a clear division of authority?*

The CCP's leadership has become one critical tenet to ensure stability and development in Chinese society, especially after the era of the turmoil of the 10-year Cultural Revolution. As early as 1981, Deng Xiaoping warned: Without Party leadership there definitely will be nationwide disorder and China will fall apart.<sup>95</sup> China further established formal rules to clarify how to balance the CCP's leadership and the authority of other political organs. Nevertheless, in real politics, it should be noted that the CCP used to expand its power and control over other organs, even beyond the due boundary.

The relationship between the CCP and the people's congresses can be summarized as follows: according to China's one-party political system, people's congresses must adhere to the leadership of the CCP; but legally, people's congresses have the highest authority. The CCP should operate within the framework of the Constitution and laws enacted by people's congresses and subject to the supervision of the people's

<sup>95</sup> Deng Xiaoping, *Selected Works of Deng Xiaoping 1975-1982*(Beijing: Foreign Languages Press, 1984), 369.



congresses as representatives of the people. More detailed discussion on this relationship can be seen from the speech of Chinese President Hu Jintao at the celebration on the 60<sup>th</sup> anniversary of the NPC<sup>96</sup>:

*“People’s congresses and their standing committees should obey the Party voluntarily...Leadership by the Party mainly refers to its political, ideological, and organizational leadership... Acting on the principle that the Party commands the overall situation and coordinates the efforts of all quarters, the relations between Party committees on the one hand and people’s congresses on the other hand should be standardized. The Party will support people’s congresses in performing their functions as organs of state power according to law...Important matters which fall into the jurisdiction of People’s congresses and should be observed by people nationwide, the Party should make suggestions to National People’s Congress where it turns the Party’s will into national will, through legal procedures. Leading officials of state organs should be elected and appointed by people’s congresses through legal procedures and subjected to the supervision of people’s congresses and their standing committees.”*

However, the relationship between these two units is more complex in actual Chinese politics. The development of LPCs is accompanied by the CCP’s support and control. On the one hand, the development of people’s congresses benefits substantially from the CCP’s support during the process of establishing a socialist society ruling by law and carrying out market economy in the era of reform. To restrict the arbitrary exercise of state power by party cadres, the CCP tends to show its respect to legal institutions and seek for laws to be weapons against those who misuse power. However, it should be noted that the main purpose of the CCP was to not to make the legislature become a truly powerful and autonomous institution. Tanner’s arguments shed light on this point: people’s congresses were poised instrumentally as a vehicle to promote institutional impetus for sustaining and accelerating economic reform, rather than intrinsically as a proper way to make policy. For the main CCP leaders, granting people’s congresses more power just aimed at criticizing state bureaucrats who resisted reform or committed malfeasance.<sup>97</sup>

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<sup>96</sup> Sun Ying, “Constraining or Entrenching the Party-state? The Role of Local People’s Congresses in PRC China”, *Hong Kong Law Journal* (2010): 838, accessed November 6, 2009, [http://big5.china.com.cn/policy/txt/2009-09/21/content\\_18562275](http://big5.china.com.cn/policy/txt/2009-09/21/content_18562275).

<sup>97</sup> Tanner, Murray Scot, “The erosion of Communist Party control over law-making in China,” *China Quarterly*, No.138 (June 1994):381-403, P385.

On the other hand, the rising of people's congresses was still accompanied by the tightening control from the CCP. Although legally there has been a clear definition of the CCP's leadership and the jurisdiction of people's congresses, in practice, the CCP usually tries to take into its own hands all the substantial powers by becoming involved in increasingly more affairs of the people's congresses, even at the cost of exceeding the domain of its jurisdiction. One prominent example is the tension between the CCP's power to manage cadres and people's congresses' power to appoint leading officials of state organs. According to political and ideological evaluation, the CCP at the corresponding level used to determine who should be elected as government leaders before the list of candidates goes to the LPCs or their Standing Committees for discussion and vote. When people's congresses disagree with the CCP's determination concerning the legal aspects of the cadres' performance, the CCP tends to seize possible ways to make the latter subject to its expectations, although the CCP is not always successful under contemporary conditions in China (ints.13, 31, 48, 62).

In practice, three salient ways exist through which the CCP can strengthen its leadership or exercise control over people's congresses at the corresponding level.

First, setting a party group in people's congresses at various levels is a traditional way for the CCP to guarantee its leadership. The Communist Party charter states that members of party groups are appointed by the CCP committee rather than elected by a party plenary meeting, and should be subject to the CCP's leadership. At the same time, the party group is in charge of carrying out the CCP's will by giving proposals to chairmen's committees or standing committee in people's congress. Due to highly overlapping members between party group and chairmen committee—the leader core of the standing committee in people's congress—this way is very convenient for the CCP to be involved in people's congress's activities or to transfer its will into the people's will through legal procedures.

Second, controlling elected officials is another way for the CCP to dominate people's congresses. This can be observed from two aspects. On the one hand, most

key officials in people's congresses were selected by the CCP based on nomenclature authority or the principle of party managers' cadres before they were put into the election procedure. In other words, their appointment and promotion have a close bearing on their administrative rank and status in party's own hierarchy, rather than on their performance to be accountable to the voters. On the other hand, the vast majority of elected deputies are composed of CCP members. In this regard, most members in the people's congresses have double principles: they are both Party members nominally subjecting to Party discipline and congress deputies legally representing the interests of voters. Hence, they probably face dilemmas to show loyalty to the state or be accountable to the voters once the conflicts arise.

Third, the reform that allows the Party chief to hold concurrently the position of congress standing committee chairman at local level is a new trend for the CCP to enhance its influence. The 15<sup>th</sup> Party congress in 1997 showed an obvious increase in the numbers of Party chiefs concurrently holding positions as congress standing committee chairmen in China's LPCs. For example, in 31 provincial level people's congresses, there were 3 cases at the end of 1997 and 7 cases at the end of 1998; however, by 2006, 24 out of 31 committees were chaired by Party chiefs at the corresponding level. At the beginning of 2011, 23 provinces still were adopting this leadership model; the exceptions were Shanghai, Guangdong, Beijing, Tianjing, Xinjiang, Guangdong, Chongqing, and Jiangsu (the new Party chief just took office and the position of congress chairman is temporarily vacant), where Party chiefs are mostly members of central politburo.<sup>98</sup> Most municipal and county people's congresses also followed this model.

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<sup>98</sup> The data from 1997-2006 comes from Yi Tian, Wen Duan "Renda de xin xingshi: sheng dangwei shuji jianren renda changweihui zhuren ( *New situation of People's Congresses: Provincial Party Chief co-chairs Congress Standing committee* )", 21<sup>st</sup> Century Business Herald, 6 Mar 2003; He Junzhi, "Zhongguo renmin daibiao dahui zhidu de sange yanjin jieduan (*Three evolution stages of Chinese people's congress institution*)", the Journal of Exploration and Contention [*Tansuo Yu Zhengming*], 2010(12); and the latest data on 2011 (up to 12 January 2011) is calculated by the author from the websites of 31 Chinese provincial-level people's congresses.

Although official statements said this leadership arrangement stemmed from a consideration to promote the governing process of rule by law through enhancing the CCP's support toward LPCs, some insiders deemed it as a reaction by the CCP to reduce increasing disagreements between Party and people's congress at the corresponding levels. In the author's interviews, respondents generally felt that this leadership arrangement strengthened the constraints rather than enhanced support for the LPCs to perform legal functions on many occasions. Moreover, some localities below the province level gradually gave up due to the fact that the disadvantages outweighed the advantages. According to personal experience, one informant interviewed during the author's fieldwork explained his disapproval as follows:

*“According to the model of our province, we adopted this arrangement in 2002, quite early than other regions. After so many years' practice, we found this arrangement is completely unnecessary. Why? First, the CCP is in charge of the overall work in our country, and LPCs must work under the unified leadership of the CCP. So the CCP can completely depend on the Party group in the LPCs to ensure that its views are embodied. Concurrently holding the chairman's position of a people's congress standing committee by a Party chief is a performance of no confidence. Second, the work of the LPCs was affected under this leadership arrangement. In accordance with our culture of obedience to superiors, the standing vice chairman has to report or request to the Party chief as chairman with regard to important issues or daily activities within the LPCs. Without his consent, it is difficult to carry out any work, not mention to implement new reforms. If the Party chief and chairman of the people's congress is not the same person, the latter just needs to have regular reports with the intention to seek the Party's understanding and support. Of course, the prerequisite is to arrange LPC activities that surrounding the Party's strategy focus. In contrast, this new arrangement inevitably increases the working procedures and decreases the efficiency of the LPCs. Third, a lot of political jokes are spread about this phenomenon. For instance, the four major leaderships—Party chief, government chief, chairman of people's congress standing committee and Political Consultative Conference—usually attend together and deliver a live broadcast when it comes to important occasions. For those areas adopting the policy of a Party chief concurrently holding the chairman's position of people's congress standing committee, only three leaders appear (no seat is prepared for the standing vice-chairman of people's congress according to bureaucratic ranking in China). You know, the public used to observe power distribution through seating arrangements of its main leaders. These kinds of seating arrangements inevitably transferred the wrong impression to the public: the importance of the people's congress is minimal. All of this also reduced the status of people's congress as an organization.*”

*Therefore, I personally think the CCP should trust the members of people's congress, and believe that our cadres, party members in LPC, will act in accordance with the principles of our Party; I even feel a little bit sad about this so-called new reform that formalizes the relationship between the CCP and LPC. The LPC chairman's position had never been occupied by the Party chief in the past. Along with the acceleration of the democratic process, it unexpectedly does so now. In general, this is kind of sad, it indicates a kind of distrust towards our comrades, and a performance that lacks self-confidence. I consider that it will certainly be changed (int.37)."*

#### *4.3.2 Power relationship between people's congress and government: blending supervision into support, or the reverse?*

Chinese LPCs have legal authority to exert supervision upon the government, courts, and the procuratorate, with the intention of holding them accountable to the public. Compared with the "separation of power and check" relationship widely advocated in western democracy, the relationship between the people's congress and government should be deemed as a kind of "division of labor" under the unified leadership of the Party, in the Chinese context. In this regard, the relationship between people's congress and government is closely dependent on the Party's attitudes or will. Furthermore, the Party acts as the final arbiter when these two units conflict with each other.

Hence, it is popularly recognized that the government is the Party's government and the congress is the Party's congress, and all members work together for the Party's career and people's interest. However, this recognition also can be used as an excuse for government to play games with the people's congresses. Against this background, the word "supervision" was politically sensitive during the 1980s and the word "support" (zhichi) had to be used in combination with supervision every time it was used because of fears that the administrative structure would not accept supervision.<sup>99</sup> While most governmental officials still want more support and less supervision and claim that people's congresses should integrate supervision into support toward the government, the LPC officials think that blending support into supervision is more

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<sup>99</sup> Almen Oscar, "Authoritarianism Constrained: The Role of People's Congresses in China" (PhD dissertation, Goteborg University, 2005), 54.

appropriate under current circumstances. The typical perception of one informant provides proof for this point:

*“The priority for LPCs is to supervise government and hold it accountable. We should not avoid talking about this word now. After all, supervision does not mean fault-finding or find fault with others. The concept perhaps has a bearing on our traditional culture, regarding supervision as confrontation. Therefore, it is normal to mention blending support into supervision over government. After all, both supervision and accountability are consistent with legal functions of people’s congresses (int.14).”*

Along with this relationship framework, two institutional constraints should be mentioned that refer to specific supervision practices.

One is the unbalanced political status of political leaders in the government and people’s congress. The government carries out a Chief Executive Responsibility system. According to Party’s ranking system, the chief of the government has a higher position than does the chief of the local people’s congress: the former usually co-chairs the position of Party committee vice-secretary and is in charge of leadership work of the people’s congress as well as its standing committee, whereas the chairman of the people’s congress rarely acts as a member of the local Party committee, except under the condition when it is concurrently held by Party chief. Letting those “to be led” to oversee “the leader” inevitably brings about a supervision dilemma.

Another constraint can be seen from the improper arrangement of purse strings power. Contrary to Western countries, in China, the government rather than people’s congress itself has a decisive role in the budget proposal of people’s congress. When working expenses in standing committees and other expenses in people’s congresses cannot be resolved by the budget, the people’s congress has to argue with the government to apply for more money to carry out its accountability functions. Under this condition, budget leverage is sometimes used by government as a weapon to reduce supervision activities. According to one informant, one chief of government had talked with the leader of LPCSC when considering that the people’s congress carried out too much supervision on governmental affairs: why not spend much time on travel

outsider rather than focusing on governmental activities? We are willing to allocate a larger budget to these items next year if you agree with this (int.59).

A similar arrangement—governmental control over the budget of court as well as the procuratorate — indirectly dampens the supervision by the people’s congress at the corresponding level. According to China’s constitution and laws, the judiciary also should be supervised and be accountable to people’s congress on behalf of public interest. However, in reality, the people’s congress usually finds problems of inadequate implementation by the judiciary, especially with regard to administrative cases like the public suing government. For the judiciary, one main dilemma encountered is between accountability to the public or being subject to the government is in charge of their budget arrangements.

#### *4.3.3 Power relationship between higher-ranking and lower-ranking people’s congresses: supervision and guidance?*

People’s congresses were established as the highest power organ at various administrative levels in China. According to the administrative hierarchy from the top down, they can be briefly listed as the National People’s congress (NPC) and local people’s congresses (LPCs). The latter covers people’s congresses at the provincial, municipal county and township levels. Compared with the tight control from the Party committee at the horizontal level, the institutional linkage between LPCs at higher and lower levels takes distinctive shapes as a consequence of decentralization reforms, defining institutional spaces for the accountability performance of local people’s congresses in China.

From the perspective of political decentralization, unlike the Party and government affairs system, adjacent people’s congresses are formally autonomous in China. They receive no direct leadership nor do they show absolute obedience to superior orders in the people’s congress system. While numerous LPCs still expect that the NPC exercises leadership over them since the 1982 Constitution was promulgated, the NPC

has properly rejected the expectation due to the consideration of accommodating local accountability and conditions. Chairman Peng Zhen of the 6<sup>th</sup> NPC Standing Committee, the most persuasive leader to oppose this expectation of leadership, pointed out that people's congresses differ from political party organizations or executive agencies. As elected representative assemblies, people's congresses are accountable to no persons other than constituencies. Subordination of lower people's congresses to higher ones violates the principle of representative democracy.<sup>100</sup>

However, this does not mean that there is an absolutely loose relationship between them. The formalized ties between LPCs at higher and lower levels can be understood in three aspects: there are oversight relationships in regard to legislation, contact relationships in regard to business and guidance relationships in regard to work. In accordance with these relationships, higher-ranking congresses can carry out extensive supervision over lower people's congresses, by issuing approvals of regulations or annulling inappropriate resolutions passed by congresses at the next lower level, setting the broadest guidelines concerning election rules and other professional questions, and exchanging experience or information, rather than interfering in their everyday conduct.<sup>101</sup>

In addition, the decentralization reform of the fiscal system also influences the autonomy of local people's congresses although this is indirect. As one important strategy to eliminate the obstacle of excessive centralism and to promote local initiative, China has carried out a series of fiscal reforms since 1980 through which local authorities have obtained more power to decide on taxes, policy, and public affairs, etc. These provide autonomy for political actors at the local level to test new reforms for coping with emerging local affairs. Local people's congresses are one of the critical actors for assessing or voting on local budgets, plans, and public affairs decisions.

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<sup>100</sup> Jiang Jinsong, Jack R. Van Der Slik, *The National People's Congress* (Foreign Languages Press, 2003), 495.

<sup>101</sup> See O' Brien KJ & Luehrmann LM, "Institutionalizing Chinese Legislatures: Trade-Offs between Autonomy and Capacity," *Legislative Studies Quarterly*, Vol.23, No.1(Feb,1998):91-108, p94.



Lastly, it should be recognized that power relationships between higher-ranking and lower-ranking people's congresses have a dual nature under China's unitary and hierarchical political system. On the one hand, both political and fiscal decentralization enhances the autonomy of local people's congresses, which also provides a good context for local innovations, even if without the consensus from the higher people's congress. This autonomy does not exclude seeking close ties between adjacent people's congresses. O'Brien, for example, argues that tight coupling between these has some appeal with some LPC leaders and staff because it offers opportunities to mobilize entwined support, expand jurisdiction, boost organizational capacity, and improve the oversight of the government, court, and procurator. In contrast, representatives of higher congresses often want to avoid increasing conflict with Party committees. He continues to give a specific case, where an LPC may occasionally need informal assistance from higher levels when a territorial Party committee fails to allocate sufficient funds, or when a local Party organization department attempts to ram its candidate through in a rigged election.<sup>102</sup>

#### *4.3.4 Exogenous actors and people's congress: critics or partners?*

Public orientations toward the legislature—for instance, Public perceptions, media reports, or the opinions from social organizations—consist of cultural roots of people's congresses. In the past,

the public and media were both used to criticize Chinese people's congresses by calling them “rubber stamps,” mostly owing to their weak strength in affecting governmental policies and in absorbing public demands. In other words, the main function of people's congresses was to provide legitimacy to the Party-state instead of undertaking their own constitutional accountability.

At present, the prestige of Chinese people's congresses, especially LPCs, seems to

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<sup>102</sup> O' Brien KJ & Luehrmann LM, “ Institutionalizing Chinese Legislatures: Trade-Offs between Autonomy and Capacity ,” *Legislative Studies Quarterly*, Vol.23, No.1(Feb,1998):91-108.

be on the rise, although it is still limited. Firstly, one study of public attitudes toward LPCs in Zhejiang province, according to surveys done in 2000 and 2010 by a standing committee of Zhejiang provincial people's congress, shows that 67.5% and 68.84% of respondents, respectively, said that the status of the people's congress had been enhanced. Moreover, 52.96% of the respondents in 2010 said they would seek the help of congress deputies when they encountered problems in their daily lives; however, this percentage had been barely 27.5% in the survey done ten years previously.<sup>103</sup> This is a signal illustrating the growing influence of people's congresses in expressing the demands of the public. Similar results also can be seen from the survey done by the standing committee of Wuxi city people's congress in 2004, where more than 90% of respondents agreed that the role of LPCs had been greatly increased.<sup>104</sup>

Increasing attention on LPCs by the media and social organizations is another signal of their rising prestige, which also is good for further promoting the attention of the public on people's congress institutions. Due to the lack of related quantitative data, a specific case can provide some intuitive information for this argument. Taking a budget hearing held by the standing committee in M district people's congress, Shanghai, on 9 December 2009 as an example, more than 20 news organizations took part and provided tracking reports. After 5 days, People Daily Online, one of the more influential networked media in China, carried out a survey on public perception of the budget hearing innovations initiated by the M district people's congress, involving 4,1503 netizens. At the same time, one prestigious think tank—the World and China Institute—also had continuous coverage via its website.<sup>105</sup> In practice, LPCs have realized the importance of partnership with the public, media, and public organizations,

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<sup>103</sup> lin Long, “Baixing xinmu zhong de renda zhidu: diaocha yu sikao” (public perception of Chinese local people's congresses in Zhejiang province: survey and consideration), *The Journal of Zhejiang's Legislature in China* (2010), Vol.5.

<sup>104</sup> Lu Jiebiao, “Wuxi shi renda zhidu wenjuan diaocha fenxi” (The Questionnaire on Wuxi City People's Congress Institution), *the Journal of China's Legislature* (2004), Vol.12:39

<sup>105</sup> The source of this case is a combination of the author's participatory observation in M district people's congress, media coverage, the web of the World, and China Institute (<http://www.world-china.org/>).

with the intention of expanding the publicity as well as enhancing the effectiveness of performed functions.

In general, the transitional reputation of LPCs benefits from two factors: on the one hand, institutional evolution of LPCs in past decades improves their assertative capability in institutional interaction with CCP committee and government at the corresponding level, which laid a solid foundation for the performance of their functions in practice. On another hand, the development of a market economy and the rise in public self-interest consciousness inevitably produced more public demands. The LPCs happen to provide an institutional window to solve the conflicting demands as well as to absorb public opinions. More importantly, perception from these exogenous actors is favorable to the performance of LPCs' accountability functions under current circumstances.

#### **4.4 Conclusion**

Four important points are underscored in this chapter.

First, from a normative perspective, the institutional evolution of Chinese people's congresses has been matched by a corresponding development in the institutional power, organizational strength, and staff after several decades of evolution. According to personal experience, one respondent reveals this as follows:

*“We have held one congress plenary session every 3-5 years since 1954. The session is usually chaired by the government at the same level. In 1978, the establishment of standing committees in LPCs at or above county level changed that situation. Shanghai County, the predecessor of our present district, was still a pilot unit at that time. We had seven or eight members when the standing committee was set up. Most of these were older persons who moved back from government leadership positions. They played very limited roles during the actual working process of the LPC, although it should not be denied that they had some prestige. We have six Working Commissions and dozens of members, most of these are younger now, after three decades of development(int.2).”*

Second, the institutional development of Chinese people's congresses has dual characters: on the one hand, it benefits from CCP's support by emphasizing the rule of

law; while at the same time, its development also faces constraints imposed by the CCP. Against this backdrop, this institution was not originally designed to create an accountable legislature; rather, it is more symbolic in real politics. Just like the CCP has since 1949 ruled in “the name of the people,” but offered no, or very limited, opportunity to “ask” the people what they wanted at that time.

Third, when it comes to contemporary institutional arrangements of Chinese people’s congresses, they have several core and unique characteristics that distinguish them from the corresponding institutions in liberal democracies: 1) Unlike the co-existence of multiple parties in most liberal democracies, LPCs are subject to the leadership of the CCP committee and abide by democratic centralism that requires strict adherence to the dictates and norms of the Party organization; 2) a “division and cooperation” relationship exists between Chinese LPCs and other state organs instead of the “power separation and checks” popularly adopted by western legislatures; 3) Elected LPCs are the organizations combining of legislative and administrative powers rather than organizations advocating their separation, and the exercise of any powers should be in the name of the people; 4) Unlike professional congressmen with fixed terms in western countries, elected LPCs in China are mainly composed of part-time congress deputies on the basis of career and class. The people enjoy the power to recall congress deputies when they misuse their power.<sup>106</sup>

In practice, most local officials have clear recognition on this distinction of political principles between western democracies and China practically. As one LPC official illustrates:

*“When we discuss new reform plans with external expert groups, they strongly recommend us to enhance the accountability capability of our LPC by copying western models. Not surprisingly, western models are appreciated by most experts due to their advantages, especially for those who had studied abroad. For us, we know that western models stemming from their contexts will confront challenges if we apply them to Chinese*

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<sup>106</sup> He Junzhi, *Zhongguo renda zhidu yanjiu de lilun shenshi* (Theoretical Review on China’s legislature study), Working Paper (2010), Fudan University in Shanghai, China; Dingjian Cai, *Zhongguo renmin daibiao dahui zhidu* (*The Institution of the Chinese People’s Congress*) (Law Press, 2003), 134-137.

*practices. This is a problem that we are trying to avoid in our current reforms. After all, the political situations in the West and China are quite different. Our political system strongly emphasizes the leadership of the CCP rather than separation and checks on power, which shapes our distinguishing focuses and strategies: first, how to improve the institutional performance of LPCs under the existing political framework? Second, as long as not contrary to the leadership of the CCP and related policies, we can first give some voice on local affairs or carry out some reforms, then give more voice or implement more innovations, and gradually grow into one of equally important players—just like the CCP and government—in local governing process. This is a possible development strategy for us by adapting to China’s current circumstances(int. 4 ).”*

Lastly, but most importantly, the accountability performance of LPCs in practice depends on whether they can strategically take advantage of the political context that they belong to. Specifically: 1) The CCP’s leadership cannot only be presented in the form of a monopoly, but it must also provide fundamental support to LPCs, although the kind of rigid compliance with ideological and policy dictates that were inherited from the revolutionary period have come into question in contemporary governance; 2) the relationship between the LPC and government at the corresponding level inevitably encounters institutional dilemmas, and also has a strong dependence on the CCP’s will or attitude due to its role as the dominant player or arbiter between them; 3) the relationship between the LPC at higher-ranking and lower levels is more intertwined even if formal regulations empower more autonomy to them; hence, it is possible for them to cooperate to gain more strength; 4) the favorable motivation and support for the development of LPCs may come from the maturation of the exogenous actors under current circumstances. Due to the principle of people’s sovereignty in China, both the Party and LPC need to seek legitimacy in terms of public interest. Under this condition, it is possible to obtain the CCP’s acquiescence for LPCs through cooperation with these exogenous actors.

In short, the established institutional framework and political context are meaningful for understanding institutional opportunities as well as possible routes faced by LPCs in a non-democracy context. Based on this premise, more detailed analysis of the

actual actors and strategies that contribute to the strength of the LPC accountability function will be explored in the subsequent chapters.

## 5. Exploring New Developments in Electoral Accountability in LPC Elections

In line with the principle-agent chain, elections of congress deputies that assume some degree of accountability by the legislators to those who elect them can serve as a starting point for observing and assessing the accountability function of the LPCs. It is also generally thought that the electoral systems that limit the power of central party leaders in choosing candidates produce more responsive legislators.<sup>107</sup> In this chapter, I will primarily be concerned with the actual practices of elections to LPCs and their impact on changes of accountability in contemporary Chinese local politics in recent years.

For a long time, the election of deputies to Chinese LPCs emphasized consultation and deliberation rather than western-style competition. Excessive control by the CCP in this arena leaves fewer options for voters in their choice of deputy candidates. Both scholars and practitioners have realized the influence of this CCP-centered electoral system. For instance, Young Nam Cho pays little attention to election and the deputy-constituents connection in his monograph on Chinese LPCs. He considers that LPCs are marginal in terms of the electoral arena due to the monopoly of the CCP.<sup>108</sup> According to the “zero-based-model” defined in the introductory chapter, we can portray this conventional situation by claiming that election to LPCs is taken care of by the CCP, without disturbing involvement from below. Specifically, the CCP’s nomination of both ordinary and leadership positions to congresses is consequential for electoral success.

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<sup>107</sup> See Donald L. Horowitz, “Electoral Systems: A Primer for Decision Makers,” *Journal of Democracy*, Vol.14, No.4(2003): 115-127, P117; Strom Kaare, “Rules, Reasons, and Routines: Legislative Roles in Parliamentary Democracies.” In *Members of Parliament in Western Europe: Roles and Behavior*, ed. Thomas Saalfeld and Wolfgang C. Muller. London(1997); Mark P. Jones eds, “Amateur Legislators—Professional Politicians: The Consequences of Party-Centered Electoral Rules in a Federal System,” *American Journal of Political Science*, Vol.46, No.3(2002):656-669.

<sup>108</sup> Cho Young Nam, *Local People’s Congresses in China: Development and Transition* (Cambridge University Press,2009),4.

However, things are changing. The modification of the election law in 1979, the study on the rising of independent candidates (informal or self-nominated candidates) in the current electoral setting, the increasing loss rates of candidates nominated by the CCP in the elections of congress deputies and government leaders, and so on, are part of these changes.<sup>109</sup>

The studies mentioned above provide inspiration for the deliberation on new phenomenon in the election to LPC bodies. My considerations will therefore be to demonstrate deviations from the zero-base monopoly model featured with no or reduced accountability. Therefore, the main question of this chapter becomes: *To what extent and how does the new electoral phenomenon restrain the excessive power of CCP and governments, as well as contribute to the accountability strength of LPCs?*

Following this main question, this chapter is arranged as follows. First, I describe the institutional setting of the election for deputies to local people's congresses in China, and introduce the changed electoral rules and procedures under contemporary circumstances. Second, I present detailed case descriptions of the emergence and features of independent candidates in direct elections in several historical periods, including their identities, why they run for congress deputy positions, and how they succeed or fail to interact with authority. Third, the visibility of "opposition" (i.e., voices) under tight control in indirect elections will be analyzed. Fourth, I will address their influence on institutional rules and power structure using related data. Finally, I conclude by assessing the contribution and limitations of these new phenomena to the accountability function of Chinese LPCs.

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<sup>109</sup> Related literature can be seen from: Brantly Womack, "The 1980 county-level elections in China: Phenomenon in Democratic Modernization," *Asian Survey*, Vol.22, No.3 (1982):261-277; He Junzhi, "Independent Candidates in China's Local People's Congresses: a Typology," *Journal of Contemporary China* (2010), Vol.19, No.64:311-333; Melanie Manion, "When Communist Party Candidates Can Lose, Who Wins? Assessing the Function of Local People's Congresses in the Selection of Leaders in China," *The China Quarterly*, (2008):607-629; Melanie Manion, "The Electoral Connection in the Chinese Countryside," *American Political Science Review*, Vol.90, No.4(1996):736-748.



### **5.1 Institutional changes of deputies' election to Local People's Congresses**

Both nomination and voting in LPC deputy elections were highly symbolic before China's reform era. Voters had fewer chances to deviate from organizational arrangements and to vote for their true preferences, due to the no-contest election rule (the numbers of candidates equal the numbers of seats) stipulated by the 1953 electoral law; thus, voting results were usually consistent with the CCP's pre-arrangements while they underwent the motions of legal election procedures. Only at the township level—the lowest one within five administrative levels in China—did voters have the right to vote directly for their deputies. Usually, voters had no idea about who their congress deputies were, due to the closed election and limited rights. The selection of congress deputies relied heavily on the criteria of being a party member so that the elected official did not always have the required quality to be a congress deputy in practice.

New rules governing the election of LPCs in China began to take shape after 1978, which was triggered mainly by the CCP leaders' demands to re-establish legitimacy: on the one hand, the CCP found that elections—even if still ritualistic to a high degree—were a different route from Mao's political radicalism, as well as a useful tool to bring Chinese citizens into the political process to reduce political dissatisfaction; on the other hand, strengthening the people's congresses was a key strategy for the CCP to foster a countervailing force against antireform party cadres.<sup>110</sup> At the same time, the CCP gained more legitimacy after transferring its political willingness into laws via the procedures of the LPCs.

Specifically, changes began to happen along with China's amendment to the election law in 1979, which laid new rules for subsequent elections to people's congresses. Three important changes in terms of institutional stipulations were as follows: (1) it expanded the scope of direct election from the town level to the county level. The

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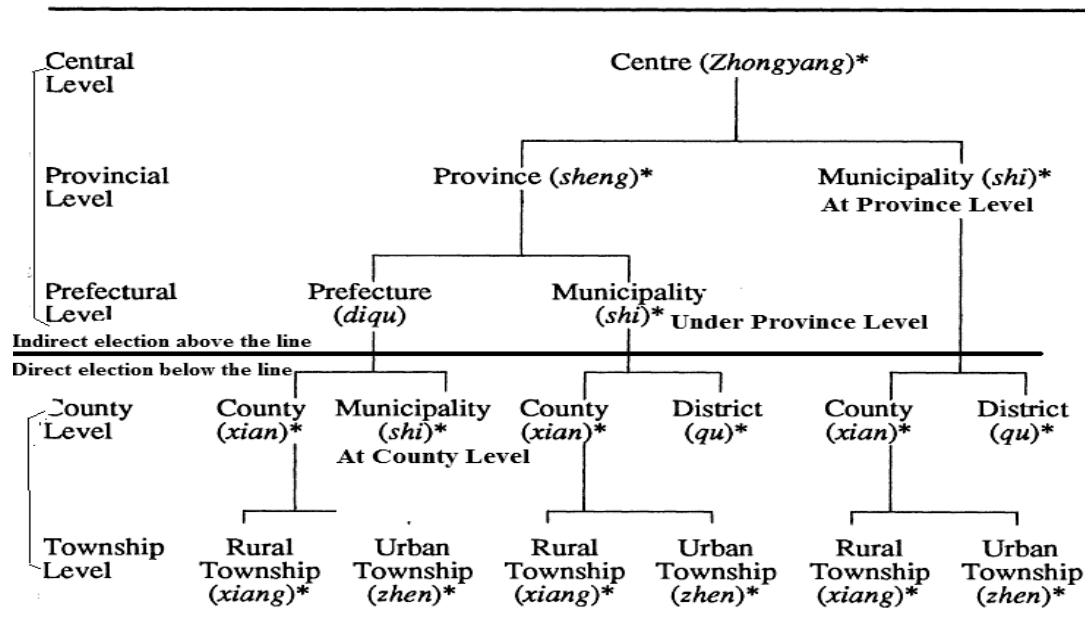
<sup>110</sup> Referring to this background, Chen An had made detailed description in his book. See Chen An, "*Destructing Political Power in China: Alliances and Opposition, 1978-1998*" (Lynne Rienner Publishers, Inc, 1999), 63-64.

distinction between two basic elections can be seen in article 97 and article 102 of the Constitution. That is, deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships, and towns were elected directly by the constituencies, and they were subject to supervision from constituencies; deputies to the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts were elected by the people's congresses at the next lower level, and they were subject to supervision by the units which elected them(see figure 5.1)<sup>111</sup>; (2) it introduced a semi-competitive framework into the people's congresses by emphasizing that there were to be more candidates than the posts to be elected (*chae xuanju* 差额选举). Compared with previous system of one candidate per place, the number of candidates for deputies to the national and local people's congresses would be greater than the number of deputies to be elected under the new rules. According to the stipulations in election law, one and a half to two times the voters in direct election were required than the number of deputies to be elected. As is the case for the election of deputies to the next highest people's congress in an indirect election, 20-50 percent more candidates were to be presented than the number to be elected. The semi-contested rule was also applicable to the election of chairmen to standing committees in LPCs, the leader positions in executives, courts and procuratorates, while it was optional when choosing no-contest elections or semi-contested elections for the chief leader. (3) This empowered groups of ordinary voters to nominate candidates via re-writing those they preferred and established the rule of the secret ballot.

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<sup>111</sup> The figure is revised based on Jacobs' work and the author's acknowledgements. The purpose is to show the distinctive levels of People's congresses in terms of direct election and indirect election in Chinese context. Original chart can be seen from Jacobs. J Bruce, "Elections in China," *The Austrian Journal of Chinese Affairs*, No.25 (1991):171-199.

Figure 5.1 Institutional Setting of Chinese Administration and People's Congresses



\* Unit has a People's Congress Source: mainly based on Jacobs. J.Bruce (1991:172)

Undoubtedly, rules of contested election and re-filling other candidates provide access for LPCs to attract more political participation. However, this does not mean that the CCP removes itself from its previous involvement and empowers sufficient autonomy to the LPCs in terms of deputy elections. This can be observed by examining key organizations during the election process—leadership groups and election committees with strong CCP characteristics.

At the city (with district) or county level, the Party secretary usually acts as the group leader, and the chairman of standing committee in the LPC at the corresponding level is appointed as vice group leader. An electoral committee is then led by this election leadership group. As a provisional committee during the election phase, all of the positions are held by the current government officials. Typically, they consist of persons coming from the party organization department, the party secretary in LPCs, the publicity department, the public security bureau, the united front work department, and the Working Commission of personnel and deputies inside the LPCs. The main duties of the election committee are to divide the election district, distribute the deputy quotas in terms of different social categories (workers, peasants, cadres, sex,

occupation, etc.), and oversee the electoral affairs. It should be noted that the quota of social categories to be elected as congress deputies revolves around the instruction and recommendation from higher-level party committees. The final elected deputies should be consistent with the preliminary quota by ensuring the appropriate proportion of female deputies, worker and peasant deputies, intellectual deputies, and ethnic minority deputies as well as re-elected deputies (ints. 6,11,14,15, 23, 30, 35, 51,59,76).

When it comes to the town level, the party secretary, the deputy director of the party organization department, and the chairman of the town people's congress join together to implement the instruction from higher level and keep the electoral affairs going smoothly (ints.5, 44). Along with CCP discipline within horizontal and vertical relationship, the election can be controlled and steered towards a preferable direction by the authorities.

## **5.2 The emergence and campaign activities of independent candidates in direct elections**

### *5.2.1 The emergence of independent candidates*

The emergence of independent candidates, also known as “the candidates bouncing from ballot boxes” or “informal candidates,” goes hand-in-hand with the nomination and election process of China's LPCs. Starting with the registration of voters, the election process involves three important stages:(1) a stage of being an initial candidate; (2) a stage of being a formal candidate; (3) the official phase of the Election Day. Unlike the registration system, China adopts a kind of recommendation system in terms of the transformation from voters into initial candidates during the electoral process for LPCs. Normally, the initial candidates for deputies in a Chinese LPC deputy election come mainly from two nomination channels: (1) nominated by organizations: political parties and people's organizations may either jointly or separately recommend candidates for deputies, and political parties including the CCP and other eight democratic parties have a minor influence. (2) nominated collectively

by voters: a joint group of at least ten voters or deputies may also recommend candidates. However, in election practice, both nominations will inevitably bring problems: not all of the candidates nominated by the CCP are willing to be deputies; sometimes that is only a need from their current position. Not all of the candidates nominated collectively by voters are those that they want to support; sometimes this is the result of mobilization by local authorities.

In view of this dislocation between nomination and personal willingness, those who have a strong desire to be elected as deputies of a LPC can find chances to mobilize voters to nominate them as initial candidates, ensure that they become formal candidates, and vote for them on the Election Day. If they fail at the stage of being a formal candidate or miss this stage, they still have a chance to mobilize voters to vote for them by adding their names onto the ballot on the Election Day. These chances in terms of voting for a candidate and filling in another candidate stem from the stipulation of article 39 in the election law, which empowers voters with more options when voting—voting for a candidate, voting against a candidate for deputy, voting instead for any other voter, and abstaining from voting. Thus, compared with candidates nominated by an organization and nominated collectively by voters, those candidates who have not gained prior approval of an organization or were not voluntarily nominated by voters after self recommendation at initial election stage, and those who were written in on the ballot by voters on the Election Day can be categorized as independent candidates.<sup>112</sup>

### *5.2.2 Campaign activities and features of independent candidates: case studies*

Despite competition-oriented reforms in the LPC deputy elections, this does not mean that independent candidates can be deputies without any obstacles, nor does it mean

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<sup>112</sup> Similar arguments can be seen from He Junzhi, “Independent Candidates in China’s Local People’s Congresses: a typology,” *Journal of Contemporary China*, Vol.19, No.64 (2010): 311-333, P322. The difference between his arguments on independent candidates and my opinion should be noted: he states the nomination style of independent candidates is nominated by voters or not as nominees. In my opinion, this classification is a little bit rough to distinguish from the candidates through the other two kinds of nomination channels. Therefore, I provide detailed categories here.

that they are unimportant. On the contrary, their campaign activities have yielded unintended consequences towards power and accountability through multiple interactions among voters, independent candidates, and the authority. Given the lack of statistical data on this sensitive issue, it is hard to make a comprehensive analysis. In this section, I will focus on the successful and failed campaigns of independent candidates at critical historical junctures, with the intention of revealing the new trends in this arena. Successful cases presented below refer to those cases where informal candidates won the position to LPCs at the final stage of election, and failure cases means those informal candidates who ultimately failed to be elected via the electoral game with the authorities.

#### *Initially emerged independent candidates in 1980*

With the initiation of political reforms in 1979-1980, the Chinese authority relaxed the LPC election rules and allowed a certain degree of competition in running for election. The intention was to enhance public politics participation and governing legitimacy. Thus, in the ensuing 1980 elections, a number of constituents emerged to participate in the election competition for deputies through self-recommended ways when direct election was first held for district and county people's congresses. They came from multiple electoral units, such as Peking University, Hunan normal university (the predecessor of Hunan normal university), Shanghai electrical factory, southwest normal university, southwest college of agriculture, and so on. Due to the loose connection between voters and the authority at that time, the latter had not expressed opposition towards the emerging election. For example, the electoral unit of southwest normal university had seven students distribute campaign leaflets, and walk around to speak for the election. In the end, four among them were elected the deputies of the

9<sup>th</sup> Beipei district people's congress in Chongqing. They became the pioneers of independent candidates.<sup>113</sup>

#### *Sporadic presence of independent candidates in 1990s*

Compared with first independent candidates in 1980, the 1990s showed a sporadic trend instead of a sustained growth in terms of the approximate numbers of independent candidates. This negative trend was partly caused by tightened election rules and the authority's attitude in this respect after the 1980 elections. Some party leaders at both central and local levels regarded electoral reform as a threat to their control. Their attitudes towards the emergence of a large number of independent candidates were also quite prudential at that time. This can be observed from the amendment to electoral law passed by the Fifth Session of the Fifth National People's Congress on December 10, 1982: (1) this version of the electoral law changed the way to introduce the candidates for deputies to voters or deputies stipulated in 1979 electoral law, stating that a political party, people's organization, voter, or representative may introduce the information of the candidate recommended at the group meetings of voters or deputies (2) it cancelled the article that any voters or deputies may nominate candidates if they have more than three signatories.

Both the authorities' attitudes and revised rules restricted the campaign activities that highly hinged on self-publication to voters and support from voters. Despite this, in practice, a few successful independent candidates were still elected after their hard insistence in 1990s. The descriptions of these representative cases will follow.

#### Failure

***In 1987, Yao Lifa**, a 29-year ordinary staff in the Qianjiang city education bureau, Hubei province, was jointly nominated by his young colleagues when Qianjiang city held its first-session*

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<sup>113</sup> See Yi Donghua, "Independent Candidates: the Stumbling Political Forces Forward," June 01, 2007, <http://www.chinaelections.org/newsinfo.asp?newsid=109746>; Luo Liwei, "Who Is the First Independent Candidate?" *China Elections and Governance*, accessed June 16, 2003. <http://www.chinaelections.org/NewsInfo.asp?NewsID=31158>.

deputy election. This was due to his attentions to public issues in ordinary life. However, his colleagues' behavior encountered strong opposition from leaders of his units. In 1990, Yao ran for deputy in the People's congress on his own initiative as an independent candidate (informal candidate). To let voters know him, he distributed 2000 resumes and introduced himself. Qianjiang government talked with him and let him stop campaigning after acknowledging his behaviors. Ultimately, his name did not appear on the list of official candidates. When Qianjiang city held the third session deputy election in 1993, Yao not only focused on introducing himself to voters but also emphasized the publicity of the electoral law as well as pointing out the legal behaviors in the Qianjiang deputy elections during the campaigning. One of the main leaders in Qianjiang city thought Yao's behavior was dangerous, and it was not wise to allow him to continue. Although Yao had not been identified as a formal candidate and failed to be elected on the official Election Day, he achieved the highest number of votes in the column for choosing other people whose names were not on the ballots, which was a major breakthrough in his previous campaign experiences. One retired official who had been in charge of the election affairs in Yao's election precinct in 1990 and in 1993 said: "Yao's running for deputy was consistent with the law, it also was normal. However, it was regarded as abnormal under those circumstances. At that time, I had pressure from above because the CCP usually gave their determined views on who could be the candidates to deputies in advance."<sup>114</sup> These experiences also laid a solid foundation for his subsequent success as a congress deputy in the same way in 1998.

## Success

**Zeng Jianyu**, an enterprise worker, was elected to be the congress deputy via informal candidate status in Luzhou city, Sichuan province in December 1992. His successful experience was as follows: (1) Inspired by Yao Lifa's story, Zeng tried to turn his enthusiasm in politics into reality by participating in deputy election; (2) Although Zeng was not the formal candidate supported and nominated by the organization (Party), he still tried his best to gain the voters' support. On the one hand, he sent out 4200 leaflets to voters around his election region during the process of election, with the aim of advertizing publicity himself and persuading voters to vote for him. On the other hand, he also delivered campaign speeches to voters on many occasions. Zeng's campaign behaviors won the goodwill of voters because they had never seen so dedicated a candidate before. Ultimately, many voters wrote in Zeng's name on the ballot on the Election Day; (3) Although Zeng received the highest number of votes among candidates, some officials disagreed with his election by calling in question his campaign and informal candidate status. However, no detailed regulations appeared in the Deputies Law regarding campaign or no campaign. The Luzhou city congress standing committee reported the dispute to a higher organ—the Sichuan province people's congress. In the end, the National People's Congress instructed that who can become elected deputies was determined by votes rather than other means. After receiving the instruction

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<sup>114</sup> Huang Guangming, "Yao Lifa: Yige Buyi Daibiao De Xianshi (Yao Lifa: Practical Experience of one Common Deputy)," Guoji Zaixian Zhongguo Baodao (China Report-International online), accessed January 13, 2004, [http://gb.cri.cn/41/2004/01/13/116@43785\\_2.htm](http://gb.cri.cn/41/2004/01/13/116@43785_2.htm).



from the top people's congress, the CCP chief in Luzhou city promptly demanded related departments to announce the election result to the public. Consequently, Zeng won the election.<sup>115</sup>

### 2.2.3 Rapid rise of independent candidates in 2003

China's economic and political context changed substantially in 2003. On the one hand, the implementation of market economy enhanced people's awareness of personal interests and political aspirations; on the other hand, the demands and voices were gradually valued by the CCP and government at higher levels to boost their legitimacy, although leaders' ways of governing varied a lot in different local governments. Therefore, the "bridge" between the CCP and the public—the LPCs—became one ideal place for accommodating public participation demands and promoting political development.

Against this background, while the control from the CCP and authority still exists, the public has more chances to run for deputy position in district or county people's congress than in the past in China. The rapid rise of independent candidates can be observed through the cases of some local governments in China. For instance, 41 independent candidates ran during the fifth people's congress election in Hubei's Qianjiang (Yao Lifa's hometown), including 11 serving and retired teachers, 5 village heads, 4 lawyers, 9 workers, and 12 farmers.<sup>116</sup> In Shenzhen, more than ten people ran for deputy election through self-recommendation and 3 people succeeded in the first half of 2003. Most of these were members of community owner committees, the bosses in private enterprises, the principals in colleges, etc. After that, dozens of university students, property rights owners, academics, lawyers and other professionals sought voters' nominations to participate in campaigns in the Beijing district people's congress election. Lastly, one protector of private property with a master's degree and one public intellectual with a PhD degree were elected by an overwhelming majority.

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<sup>115</sup> Source mainly comes from Minjie, "Congress deputy generated via campaign," *China Youth Daily*, 14 January 2002.

<sup>116</sup> Zhou Shubin, "Dalu 2003nian Minxuan Bolan (The 2003 Election Wave in China Mainland)," *Fenghuang Zhoukan* (Phoenix Weekly), No.34, 2003.

Except for the rising numbers of independent candidates, we can see that their professional background, motivation, and interaction patterns with voters and the authorities have changed substantially. In addition to multiple occupational backgrounds, interests demands from individuals or organizations seem to be a major driving force for their campaigning. Successful independent candidates benefit significantly from the positive communication with voters and moderate campaign strategies. For the failed candidates, they gradually learned to oppose the opaque and unfair elections through rational means; for instance, by seeking the support of higher-level authorities, appealing to the courts, exposing issues to the media, and so on. Notable candidates' stories follow:

#### Successes

*In December of 2003, **Lu Banglie**, a young peasant with a high school education background from Baiyueshi village, Bailizhou town, won a seat as an independent candidate in the Zhijiang city People's Congress of Hubei province. His successful experience is as follows: (1) one of his successful petitions for peasants in Bailizhou town brought a lot of public support and laid an important foundation for his competition in the election of congress deputies. Since 2001, he had begun to petition to Beijing, reflecting the burden of farmers. In the beginning, he was regarded as an eccentric person by many peasants, who questioned his running around instead of playing his peasant part. However, one thing changed their opinion of him: 248 peasant families who had moved to avoid a flood got state compensation of 13,000 yuan. Comparing the amount of compensation allocated by town government with the numbers of funds from state, Lu accidentally discovered some clues that the town government had reduced the compensation. Then he got joint signatures from peasants and personally reflected this issue to the "China reform" journal in Beijing (a more influential central-level journal on China's economy and political development). After he came back from Beijing, he found that the town government had allocated an additional 2000 yuan per peasant family on the basis of original 13,000 yuan compensation. (2) Influenced by Yao Lifa, an elected deputy as an independent candidate in Qianjiang city People's Congress of Hubei province, Lu Banglie turned his attention to the grass-roots democracy and carried out a number of political activities, for example, mobilizing villagers to successfully remove the village head due to his illegal imposition of fees on villagers. (3) Taking **Yao Lifa** as example, he decided to compete for congress deputy in Zhijiang city of Hubei province in the end of 2003. He printed 2,500 leaflets at his own expense, entitled "please respect the vote in your hand." On leaflets, the relevant provisions of "congress deputies' law" were explained, and raised questions like "If people's congress deputies voted by you cannot really represent your interests, try to think please, how will they use the delegated power after they become deputies?". He distributed these leaflets to the villagers within his constituency. Officially, more than 4500 voters crossed out the names of the*

four formal candidates and filled in Lu Banglie's name in the column of "choosing others," making him become the first deputy to campaign by this way in this city.<sup>117</sup>

**Wang Liang**, a president of Shenzhen Senior Technical School, won election as an independent candidate in the 2003 Futian district people's congress election in Shenzhen municipality. He defeated one official candidate by gaining 1308 votes in the 29<sup>th</sup> constituency in this district. The process was as follows: (1) For a long time, the teachers and students in Shenzhen Senior Technical School wanted to elect their own representative to reflect the conditions and voices in craft education. (2) Wang Liang, 44 years old in 2003, had MPA study experience in an American California University and was an on-job PhD candidate in Nankai University, China. He had been interested in being a congress deputy representing the interests and opinions of technical education fields. (3) In the 2003 congress deputy election in Futian district, Shenzhen, the district allocated Wang Liang's school into the electoral constituency of the community committee; however, the community committee thought this school should be included in the district of election of Education, Science, Culture, and Health professions. Their different opinions led to Shenzhen Senior Technical School missing the days for recommending an official candidate. After complaints, this school made a supplementary registration of voters. Wang Liang also decided to run for congress deputy backed by support of more than 1000 teachers and students who had the right to vote. (4) Hence, Shenzhen Senior Technical School set up a special "election team" with well-planned work, spending a lot of energy on publicizing Wang Liang, touching on his education background, his stories, and his dedicated service to public deeds, and so on. (5) There were about 3000 constituents within this 29<sup>th</sup> constituency, including the Senior Technical School (one larger election unit with more voters), community members, and several other units. The official congress candidates were principally persons from one corporation and one bureau. On the election day of 2003, the number of votes for the two official candidates did not meet the legal criteria, but the number of votes for Wang Liang topped the list. (5) The district electoral affairs leadership group decided to leave the two candidates receiving the most votes (one official candidate and one independent candidate), and put them into a second round of elections. The second round election again showed that Wang Liang received 1308 votes and had 331 votes more than the official candidate.<sup>118</sup>

**Nie Hailiang** was the owner of the Huilongguan community in Beijing in 2003. His initial motivation came from the idea to protect owners' rights through institutional appeal channels: in 2003, real estate developer violated a contract to construct residential buildings on the land planned for green landscape. Property owners spontaneously formed a group and launched the rights-protecting activities against estate developer. After failing to petition the Beijing

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<sup>117</sup> See Cai Huiqun, "Lu Guanglie: Cunguan Jiannan Zhizheng Lu" [ Lu Banglie: a village official's difficult road to perform his duty], Nanfang Zhoumo [ Southern Weekend], Accessed Oct 07, 2004, <http://www.southcn.com/weekend/commend/200410070002.htm>.

<sup>118</sup> Zhou Jiahua, "Shenzhen Futian Qu Renda Daibiao Juxing Huanjie Xuanju, Duli Houxuanren Wang Liang Zhijie Canxuan Gaopiao Shengchu" [ Wang Liang won the election to congress deputy as an independent candidate in Futian district People's Congress, Shenzhen China], *Zhongguo Qingnian Bao* [ China Youth Daily], accessed on May 21, 2003, [http://zqb.cyol.com/content/2003-05/21/content\\_666412.htm](http://zqb.cyol.com/content/2003-05/21/content_666412.htm).

municipality and looking for the deputy to speaking for them, a few owners decided to run for congress deputy to protect their own interests in the 2003 district congress deputy election. There were 3 property owners nominated by voters the first time. They were Yang Fengchen, Du Maowen and Nie Hailiang. Due to the numbers of candidates exceeding one deputy quota in Huilongguan constituency, the former two exited to support Nie Hailiang during the process of considering formal candidate by organization. Because Nie Hailiang was younger and well-educated, and his campaign speeches focused on property owners' interests within his electoral ward, he gained that election based on voters' votes.<sup>119</sup>

Xu Zhiyong, an independent candidate for the Haidian District People's Congress in Beijing, officially won the election with the highest number of votes in his electoral ward. Unlike other candidates who were nominated by political parties, organizations, or groups, Xu, together with 22 other Beijing residents, actively promoted themselves to the voters in the 2003 district-level congress elections. As a lawyer and a law lecturer at the university, with a PhD degree, he was well known for his active function in guaranteeing the rights of migrant workers and private entrepreneurs. His campaign process included: (1) In October, 2003, he published a notice on the Internet declaring his decision to participate in the district-level people's congress elections in Beijing (2) On November 12, he published another article on the Internet to explain why he was running for congress deputy of the Haidian District People's Congress, "As a Chinese citizen, I hope my participation will help enhance democratic awareness among intellectuals and help make elections more competitive" (3) On November 20, eight volunteers at Xu's university organized an election group to run his campaign. (4) Among all of the 285 possible candidates for first-round election who were nominated by 10 or more voters, Xu got the second highest number of votes; the list of 285 possible candidates was then given to every elector in the ward for a second-round vote, with the top six candidates running on November 30. The official negotiation convention of voters decided the four formal candidates, including Xu and the heads of the university's three biggest schools, in early December. (5) Formal voting at Xu's university was conducted on December 10. Xu topped the poll with 10,106 votes from the total of 12,609 ballots cast,<sup>120</sup>

## Failures

Jiang Shan, an information technology professional who moved to Shenzhen, the city neighboring Hong Kong, in 1997. After purchasing an apartment in 2003, Jiang began to pay attention to property rights issues. He realized how often the rights of residents were undermined by real estate and development companies in the rapidly changing city that had been a largely rural area in 1979 when central authorities designated it as one of China's initial four Special Economic Zones and launched its meteoric growth. (1) Motivation to run for deputy: beginning

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<sup>119</sup> Zhang Jianfeng, *Duli Houxuanren Shinian Chenfu* (Ups and Downs of Independent Candidates in Local People's Congress Election over the Past Decade), *Nanfeng Chuang* (Sound Wind Magazine), 2009-08-05.

<sup>120</sup> Li Liu, *Independent candidate elected*, *Zhongguo Ribao* (Chinadaily), 2003-12-17, [http://www.chinadaily.com.cn/en/doc/2003-12/17/content\\_291055.htm](http://www.chinadaily.com.cn/en/doc/2003-12/17/content_291055.htm)

around 2003, residents in Jiang's part of Shenzhen tried several approaches to assert and restore their property rights, including organizing themselves into a residents' group, filing complaints with the government, hiring a lawyer to bring an administrative litigation suit, and appealing to the media. None of these efforts, some of which Jiang helped lead, succeeded. Against this background of frustration, Jiang decided to run as an independent candidate in the Shenzhen Municipal People's Congress elections. As Jiang saw it, the People's Congress had the power, at least in principle, to address the residents' problems and had the authority to supervise the government and the courts—the state organs that had failed to provide residents with the redress they had sought

(2) Campaign process: Jiang began his campaign by trying to mobilize area residents through writing letters, sending text messages, distributing cards, and hanging banners. His efforts were met with formidable resistance from local authorities. His banners were taken down within a half hour. The district constituency lines were drawn to pit Jiang against the head of the Shenzhen Municipal Transportation Company, a state-linked enterprise with 4000 workers who were registered in the district and pressured to vote for their boss. Jiang was even rebuffed initially in his effort to register to vote. The purported lack of voting qualifications and other grounds were variously proffered to deny Jiang's quest for candidacy. Only after Jiang appealed to the local court did the election committee acknowledge that Jiang was qualified to run

(3) On Election Day, his name did not appear on the ballot. Jiang thus depended on a write-in campaign for the votes. The number of votes were well short of what he needed to prevail, so he ultimately failed to become deputy.<sup>121</sup>

#### *More Prominence of independent candidates in 2006-2007*

The rapid increase in independent candidate numbers in the 2003 LPC elections had demonstrated impacts on subsequent election practices. Compared with 2003, independent candidates became more prominent in the China 2006-2007 LPC elections: Hubei's Qianjiang had 47 independent candidates, which was more than in 2003; in Shenzhen, the number was about the same as in 2003; in Beijing, it is impossible to calculate the number, because they are all calculated as candidates nominated by ten or more people; in Wuhan there were 20, up from zero in 2003. A good number of independent candidates also ran in Shandong, Shanghai, and Zhejiang. In Wenling, Wenzhou, Shenzhen, and Wuhan, some independent candidates were elected.<sup>122</sup> Representative cases happened in 2006-2007 and stressed the importance

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<sup>121</sup> Jacques deLisle, "What's Happened to Democracy in China? Elections, Law and Political Reform", April 2010, see <http://www.fpri.org/enotes/201004.delisle.democracyinchina.html>.

<sup>122</sup> He Junzhi, "Independent Candidates in China's Local People's Congresses: a typology," *Journal of Contemporary China*, Vol.19, No.64 (2010): 311-333.

of voters' support and local authorities' acquiescence in winning elections. Although the attitudes of local authorities towards independent candidates varies a lot in different regions of China, cases show that moderate campaign strategies adopted by independent candidates are prone to get acquiescence or gain acceptance from the authorities. On the contrary, sharp opposition is easier to encounter resentment and coercion from the authorities.

### Successes

**Independent candidates in the W city:** *Seven informal candidates appeared on the ballot in 2006 Wenling's congress deputy election, Zhejiang Province. Their standing for election and successes had a bearing on the following factors: (1) background of the elected: 5 were chairmen of the village committee, 1 was a deputy secretary of the community party branch, and 1 was a deputy secretary of a village party branch. Two of them were non-CCP members. As leaders, they had qualified working capabilities and enjoyed high prestige within their villages or community. Most of them had strong economic capabilities, running their own private companies. Three of them were the deputies in previous Wenling city people's congresses, having good personal relationships and mobilization capabilities. (2) Due to their experience as the leaders in villages or communities, they had strong awareness of political participation and decision-making discussions. Their dissatisfaction regarding the unfair electoral process, the opaque negotiation and deliberation process to confirm official candidates, and the official candidates usually led them to participate in elections. (3) Most of them were familiar with election law and regulations, knowing that it was still possible for informal candidates to be elected. Therefore, they actively advertised themselves through multiple ways, including competing with official candidates, posting posters, and communicating with voters or voter groups. Eventually, they were elected by mobilizing voters to write them in as candidates (4) A good democratic atmosphere and open-minded local leaders provided opportunities for the growing numbers of independent candidates. The developed private enterprises in Wenling cultivated stronger democratic and participation awareness by the public. Local leaders also had to adjust their attitudes and governance ways in response to the interest from the public or enterprises. Regarding the rise of independent candidates, most leaders in Wenling admitted that was some kind of democratic progress while calling on more institutional measures to restrain irregular elections(ints.51, 53, 60)*

**Zhou** was a banker and head of a state-owned bank branch in Chongqing, as well as a CCP member. He considered that becoming a deputy to the people's congress would help him enlarge the deposits and loans of his bank branch, so he decided to run for congress deputy election in 2007. To win the election, his efforts or strategies were as follows: (1) after hearing that one deputy quota was left in his constituency apart from the organization-nominated candidate, he convened a meeting with his core leaders' group and asked them to help his campaign in order to

*better serve the bank's interests. As a first step, he mobilized ten voters to jointly nominate him as the initial candidate. Because his bank occupied less than 10% of all voters in the constituency and the head of the other bank branch was also seeking election, Zhou and his team separately visited the residential committee and other small companies within his constituency. (2) To ensure that his name made the list of official candidates, he met with the directors of the residential committee by himself. He promised to do some community work for the residential district and would speak for the residential committee in the people's congress. Their efforts ensured Zhou's status as a official candidate(3) To ensure success on Election Day, Zhou appropriated a special fund for education to help poor students in the residential district and asked the residential committee to help him perform a ceremony for this donation before Election Day. Because his donation was beneficial to the residential district, he gained the support from both electoral officials and voters. Ultimately, he was elected to the congress deputy position with the acquiescence of local authorities.<sup>123</sup>*

#### Failures

**Yao Lifa**: *After losing in the 2003 re-election, former People's Congress deputy Yao Lifa continued to run as an "independent candidate" in the city-level People's Congress deputy election on November 8, 2006. Unfortunately, Yao lost again. His opinion was that he lost repeatedly due to the local government's defense of the independent candidates' campaign activities. Specifically, (1) Yao Lifa started preparing for his campaign in late September, 2006. In the early phase of his campaign, Yao printed a large quantity of campaign materials and distributed them in his district and the adjacent districts in order to mobilize other members of the public to participate in the election, to resonate with his efforts. However, these two ordinary campaign behaviors drove the government into a full alert and they deployed the police and related government units. Stalking, summoning him to the police station, and telephone tapping became part of Yao's daily routine throughout the election campaigning. (2) The government found many ways to remove Yao from the nomination list. On the one hand, the government controlled the rules and therefore the power to nominate. This was how the nomination took place in Yao's school district—at a meeting of mid-ranking school cadres, the school's election committee made a blunt request, "this nomination shall go to a woman." Apparently, it would then be impossible for Yao to get nominated. On the other hand, when Yao managed to get a nomination recommendation form from another district with the required number of signatures, the personnel of the relevant department very patiently dissuaded Yao's supporters, and persuaded them not to vote by face-to-face intervention or promised advantages or emphasized the negative consequences of supporting Yao. In the end, most of Yao's nominators signed on the pre-filled forms named as "voters voluntarily withdrawing their nomination for Yao."(3)When it moved to the voting stage, the local government controlled voting by the polling station setting. In order to scatter Yao's votes, the local government set up 21 polling stations in Yao's district. In addition, there was police presence at all polling stations to keep out*

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<sup>123</sup> See He Junzhi, "Independent Candidates in China's Local People's Congresses: a typology," *Journal of Contemporary China*, Vol.19, No.64 (2010): 311-333.

external observers. Even worse, the officer who ran the polling station blatantly told voters again and again that “votes for the external candidate” would be rendered invalid.<sup>124</sup>

**Lu Banglie:** *On December 9, 2006, the Election Day at Bailizhou town of Yichang city, Zhijiang city of Hubei province, the former Zhejiang city People’s Congress deputy Lu Banglie lost his bid for election. To Lu, this time, the government’s control on the election process was unexpected and left him powerless. In his own opinion, this was the direct cause that he lost this election as an independent candidate.*

*Perhaps we should give a brief introduction on his ways of performing his duty in the former people’s congress before describing the failed election in 2006. When he became the congress deputy in 2003, he performed his function in rigid ways, paying little attention to so-called “face-saving culture” (Mianzi Wenhua) in the Chinese context. For example, in the 1<sup>st</sup> session plenary meeting of Zhijiang city People’s Congress, following the announcement of the moderator on the presidium list, he criticized that presidium members had been determined before consulting the deputies’ opinions, not mentioning to consult his opinion. Moreover, he could not tell if these members were qualified due to the lack of information on them. Even the president of Bailizhou town People’s congress was anxious to remind him not to speak so directly and pulled at his clothes, but Lu paid no attention. At last, Lu cast the only abstaining vote at that meeting.*

*In the summer of 2006, Lu returned from Beijing to his Hubei hometown to get prepared for the grass roots level People’s Congress deputy election. Before his return, he gathered materials on the new rural construction, including central government’s texts on rural construction and academic research on rural problems. Lu had worked hard on this during his stay in Beijing. With determination and an ambitious plan to compete for the congress deputy, he returned to his hometown. However, voters from a regular staff member of the Bailizhou town government to the head of the administrative department of the Zhijiang city government, and even the higher level Yichang city government personnel, in an unprecedented move, joined in the “war” to prevent his re-election. The authorities successfully achieved their intention by adopting a series of interference strategies—for instance, assigning persons to follow him, imposing constraints on constituency demarcation and candidate nominations, twisting the arms of the people who supported Lu by offering tangible motivations such as children’s education, military recruitment and work-related favors, tight security against the media and outsiders, watching over voting, manipulating vote counting, and so on.<sup>125</sup>*

The evolution and features of independent candidates mentioned above in LPC deputies’ election since 1979 are summarized in table 5.1.

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<sup>124</sup> “Yao Lifa on 2006 Qianjiang People’s Congress Deputy Election”, 2007-04-09, *Background and Analysis* 125, available at <http://www.world-china.org/newsdetail.asp?newsid=1834>

<sup>125</sup> Sources come from “Lu Banglie on His Experience in the People’s Congress Deputy Election”, 2006, <http://www.world-china.org/newsdetail.asp?newsid=1832>; “Lu Guanglie: Cungan Jiannan Zhizheng Lu” [Lu Banglie: a village official’s difficult road to perform his duty], Nanfang Zhoumo [Southern Weekend], 2004-10-07, <http://www.southcn.com/weekend/commend/200410070002.htm>



Table 5.1 The evolution and features of independent candidates in LPC deputies' election after 1979

Time Features	1980 Initial emergence	1990s Sporadic presence	2003 Rapid rise	2006-2007 More prominence
Numbers	A bunch of independent candidates	Two prominent independent candidates	Nearly 100	Several thousands
Institutional Spaces	1979 Amendment Electoral law laid solid framework for semi-competitive election	Tighten election rules and Prudential attitudes from CCP at central level	Relaxed election rules and CCP's attention on political participation	Local authorities' attitudes vary a lot although CCP at central level did not show obvious opposition
Occupational and Regional Backgrounds	<ul style="list-style-type: none"> <li>● Teachers and students in University</li> <li>● Workers in enterprises</li> </ul> <p style="text-align: center;">In Beijing, Hunan and Chongqing</p>	<ul style="list-style-type: none"> <li>● Staff in the city education bureau</li> <li>● A worker in enterprises</li> </ul> <p style="text-align: center;">In Hubei and Sichuan</p>	<ul style="list-style-type: none"> <li>● Private entrepreneurs</li> <li>● Property owners</li> <li>● Lawyers</li> <li>● Students in University</li> <li>● Village heads</li> <li>● Peasants, Workers</li> </ul> <p style="text-align: center;">In Hubei, Shenzhen Beijing</p>	<ul style="list-style-type: none"> <li>● Village heads</li> <li>● Technical personnel</li> <li>● State entrepreneurs</li> <li>● Lawyers</li> <li>● Students</li> <li>● Community defenders</li> </ul> <p style="text-align: center;">In Hubei, Shenzhen Beijing, Shanghai Wenling, Wenzhou, Wuhan and Shandong</p>
Motivation	Democratic sentiments	Voicing for voters	Protecting private rights Speaking for voters Promoting democratic decisions	Voicing for personal or organization interests Affecting policies
Ways to win the support of voters	<ul style="list-style-type: none"> <li>● Distributing campaign leaflets</li> <li>● Campaign speech</li> </ul>	<ul style="list-style-type: none"> <li>● Distributing campaign leaflets</li> <li>● Campaign speech</li> <li>● Visiting voters</li> </ul>	<ul style="list-style-type: none"> <li>● Distributing leaflets</li> <li>● Mobilizing voters</li> <li>● Internet communication</li> <li>● Promising to serve for Voters' interests after elected</li> <li>● Establishing election support group</li> </ul>	<ul style="list-style-type: none"> <li>● Self promoting</li> <li>● Mobilizing voters</li> <li>● Doing practical things for voters before the Election Day</li> <li>● Promising to appeal to voters after elected</li> <li>● Internet mobilization</li> </ul>
Interaction Patterns with Authorities (authorities' attitudes, especially local authorities, determined distinctive interaction patterns)	Loose interaction	Hostile/ Tolerant interaction (Authorities were hostile but they would adopt a tolerance if they faced strong pressures from the voters)	Hostile/rational interaction (Independent candidates learnt to fight with opaque or unfair election through legally complaints, disclosure to the media etc. And some local authorities corrected their wrongdoings after that)	Acquiesced/confirmed /secretly coerced patterns

Source: this table is made by the author based on multiple data from interviews, media reports, archives, and literature.

### **5.3 The Visibility of “opposition” (i.e., voice) under tight control in indirect elections**

Besides the stories about the direct elections, indirect elections are the other arena that gives some signals about accountability in terms of elections. This kind of election category stipulates that congress deputies, rather than ordinary voters, elect members to the next higher-level people’s congress as well as the leaders in people’s congress, government, court, and the procuratorate at the same level.

Compared with direct elections, indirect elections are usually regarded as more opaque and less accountable. Several reasons can be identified from my interviews. First, about 95% of the nominations of deputies at the next higher level are dominated by the CCP, which leaves less space for joint nomination of those strongly supported by deputies. Second, the deliberation processes for winning nominations is seldom open to the congress deputies as voters, not to mention taking into account their opinions. Third, due to the loose connection between deputy candidates at higher levels and the electorate, voters have difficulty in getting sufficient information on them. Some internally confirmed candidates also do not get involved in the whole election process. It is a “luxury” to talk about participation and accountability with them (ints.9,23,27,68,72,76).

However, tight control during an indirect election is not always workable in the present circumstances. “Opposition” (i.e., voices) is visible both in the election process and in election results, which is partly due to the enhanced accountability awareness of deputies and institutional arrangement of contested competition. Two examples may illustrate this tendency under indirect election.

The first of these has to do with one deputy’s appeal for transparent contestation in the congress deputy election. To protect herself from a questionable contestation of municipality deputy candidates, she strategically expressed her opposition to a contested result by contacting the leaders inside the municipality people’s congress. Finally, her appeal was successful. Her case not only brought some challenges to those

who were in charge of election affairs but also inspired other deputies to pay more attention to election operations. The specific situation is as follows:

#### Case 1: Appealing for transparent contestation in a congress deputy election

*From 1999 to now. I have been a three-term deputy on behalf of workers in J city people's congress, elected by district deputies. To be honest, I did not quite understand the exact meaning of being a deputy at the first session. I also did not have strong motivation to be a deputy in the first two sessions, although I was successfully elected every time. However, when I really wanted to seek re-election in the third session in 2008, the election process did not go as smoothly as expected.*

*At the start, it was relatively smooth. My name was put on the list of initial candidates by the CCP organization department after being jointly nominated by deputies. However, my name was crossed off the list during the deliberation stage for confirming the official candidate in my constituency. Of course, the competition of deputy quotas was understandable. For example, to ensure the success of election, a reduction in the numbers of candidates should be undertaken when 30 candidates compete for 20 deputy quotas within one constituency, although we did not know the contestation criteria adopted by our leaders.*

*In order to know the reason why I failed during that stage, I contacted the courts to ask if they had received a candidates' poll from the organization department before the official election. They said yes and my name was crossed off the workers deputy quotas. After checking those polls, I found that the 8 workers deputy quotas were occupied by 7 business owners and 1 government staff member. I, a real worker, was kicked off. I was dissatisfied with their deliberation results, which were both unfair and inconsistent with election policy requirements from higher levels.*

*Afterwards, I reflected on the opacity of election contestation and my story in a discussion with the first leader of the standing committee of J city people's congress. He asked me how I knew about this issue. I said I got the information through my private connections with related departments. He did not promise anything to me but decided to investigate my issue. After two days, I heard that one deputy chairman who was in charge of election oversight in J municipality went to my constituency, and discussed my case with the director of party there. That party director was also reminded to notice the bad impact of opaque contestation among deputies. In that case, my name was added into the list of official candidates. I also won the deputy position during the subsequent election(int.73).*

The second and more detailed example is the loss of CCP-designated candidates while one accompanied candidate won the election to deputy chairman position of standing committee in LPC. Along with intensified competition to be deputies and enhanced sense of accountability, some deputies have begun to assert their opinions through voting power rather than just passive obedience to the arrangements from the party organization. This silent opposition can be observed in the following case:

## Case 2: From accompanied candidates (Pei Xuan 陪选) to be elected<sup>126</sup>

*At the beginning of February 2003, the Deputy Secretary of the W city party committee (the current mayor) talked with me. At that time, I worked in the commission of inspecting the discipline of the W city CCP. She said that the Party secretary decided to let me participate in the deputy chairman election of the standing committee for W People's Congress. Because the chairman and deputy chairmen of standing committee in LPC had been internally confirmed by CCP, this meant that the actual intention of the Party organization was to ensure the election of the internally designated candidate (Nei Ding Houxuanren 内定) by a ritualized difference election.*

*For me, I was not very glad to be an accompanying candidate during that election process. According to the customs, the office director of the standing committee in LPC was usually chosen as an accompanying candidate. The reason was that he or she was a younger staff member engaging in the work of the LPC. This would make deputies have clear ideas: he or she was the office director, ha-ha, and would not be the deputy chairman. The obvious difference between an accompanying candidate and internally designated candidate will make election easier to implement organizational intention.*

*In practice, the CCP would hold a series of meetings to let party members know, before the election voting in plenary congress meeting, who the party-supported persons were and who should not be chosen. Specifically, the LPC party meeting would confirm who should be nominated in accordance with the approval from the CCP committee at the higher level. They nominated twice: the first nomination was early and approved by the CCP committee at the higher level; the second nomination was not approved until several days before the plenary congress meeting, nor was it released. At the plenary congress meeting, the delegation would announce the addition of one candidate after proposing the participating candidates. This was aimed to indicate that the added candidate was the accompanying candidate.*

*When I asked our deputy secretary why chose me as an accompanying candidate, she said that the choice was based on party secretary's consideration, who demanded that the candidates who were put in the election to a leaders' position should have similarly high qualities. 'That is the opinion of the party secretary. I do not have time to tell you this. But please remember: do not tell others and do not engage in any non-organizational activities', she added. I thought I would not be willing to tell anyone else because it was bad thing rather than good thing for me. After all, I was older and had no hope to be promoted (there is a strict age limitation for cadre promotion in China). Therefore, I dared to investigate all kinds of corruption when I worked in the commission of inspecting discipline.*

*Although I had some complaints, I could not refuse to obey orders from the party secretary. When the plenary congress meeting was held, all internally designated candidates via the CCP sat on the podium and waited for voting. The chairman of delegation had introduced them to the party deputies in advance at party meetings. I did not receive any introductions, nor did I sit on the podium. It was very obvious that I was an accompanying candidate. However, deputies voted against one of the internally designated candidates—the director of one motorcycle group enterprise and the former deputy chairman in standing committee in our LPC—when they needed to choose 5 of the 6 candidates. Instead, I, one accompanying candidate, was elected. The rejection of that candidate was said to be due to his negative performance as a deputy chairman. In this regard, we can see the progress of our LPC system (int.54).*

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<sup>126</sup> “Accompanied candidates” here refer to those serving as foils of candidates pre-determined by CCP committee. Usually, candidates pre-determined by CCP will be ensured to be congress deputies unless accompanied candidates have enough capabilities to compete with them. The arrangement of accompanied candidates is to meet formal requirement of competitive election, which also the embodiment of informal politics in China.

More importantly, the case noted above is not unique. Early in 1998, one municipal deputy candidate, internally designated by the party organization, was voted against by the deputies at the lower level. Although the leaders mobilized party deputies to vote for him and ensured his election before the election, most deputies voted against him. The main reason was they heard that his abuse of public funds and bad life style, which caused their strong dissatisfaction (int.9). Similar stories were also reported about government leaders elected by deputies.

The increasing function of deputies in election also can be seen based on one statistic. Considering the numbers of officials actually elected by congress deputies after 1995, some evidence has yielded an estimate of 17,535 party candidate losses: 21 at the provincial level, 234 at the municipal level, 2,260 at the county level, and 15,020 at the township level.<sup>127</sup> Undoubtedly, the vote punishment exerted by deputies may produce some pressures for leaders in the CCP, LPC, and government.

#### **5.4 The impact of semi-competitive election practices on the accountability function of LPCs**

The expectation of accountability implies a series of relationships between the LPC and some other actors in the institutional environment. Thus, both the changes in the institutional environment and actors will inevitably produce some effects on the accountability functions of the LPC. Focusing on semi-competitive elections, the impact should be assessed in terms of institutional rules and power structures.

##### *5.4.1 The impact on institutional rules*

Semi-competitive election institutions provide basic rules for actors and their campaigning activities in Chinese LPCs. Similarly, practical developments can show

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<sup>127</sup> Manion Melanie, "When Communist Party Candidates Can Lose, Who Wins? Assessing the Role of Local People's Congresses in the Selection of Leaders in China," *The China Quarterly*(2008):607-630.

its interaction with the institution, exhibiting its new institutional demand or a further push for the improvement of institutional rules.

The development of independent candidates has had a positive impact on China's election rule reforms. Just as described in the second part, in 2003, Shenzhen, Beijing, Hubei, and other places had showed many cases where independent candidates won election as local congress deputies. Their professional background was extensive, including private entrepreneurs, lawyers, students, farmers, and so on. The increasing political enthusiasm of the public and enhanced competition for deputy elections posed a challenge to the election rules at that time. The disputes caused by rising independent candidates and low-participation oriented institution rules directly led to the amendment of the Election Law of The National People's Congress and Local People's Congresses of The People's Republic of China in 2004. The revised law adds one article to the introduction regarding pre-selection and encouragement of competition.

In addition, many independent candidates and voters had begun to seek institutionalized protection for their right to vote, especially when local authorities were not in compliance with electoral rules or had used a lot of strategies to destroy the campaigns of others. This inevitably touches on the improvement of electoral rules and rule execution. Take Wu Haining's case, for example: after failure in the election, his questions, including the lists of voters, the dual status of the official candidate, the irregular voting behavior management, and mobile ballot boxes, etc, reflected the demands to improve rules and their execution. More importantly, voters requests for removal of the deputy who was indifferent to voters' interests in this case also showed specifically how the accountability of deputies was promoted through rule changes.

***Wu Haining** was a 35 year boss at a private technology enterprise in 2003. He obtained a bachelor's degree and was a non-CCP member. Although he failed in this election, his deeds were instructive. (1) Since he lived in the Kali garden in the Maling community, he had been keen on public welfare, which made him become well-known within the community. For instance, in 1998, he initially established an owners' commission in Kali garden and was successful in 2001. He also helped the owners to solve the problem of house property certificates and protected the interests of*

*the Maling industrial zone. Protecting the rights of the community was his motivation to carry out subsequent campaigns (2) during the fourth Nanshan district people's congress election in Shenzhen on April, 2003. Wu Haining and Song Xiaowei were accepted as formal candidates in the Maling constituency that had a one deputy quota. For personal reasons, Song withdrew from the election before Election Day. The election leading group decided to cancel the election in the Maling constituency because they considered that Song's exit made this constituency fail to meet the statutory time for reconfirming a formal candidate. However, many voters refused to be deprived of their right to vote just through an administrative decree. At the same time, they wanted to elect one deputy to reflect the voices of Maling community. After combining the opinions of voters, Wu Haining reported these feelings to the standing committee of Shenzhen municipality, the up-level people's congress of his district, and requested to continue the election.(3) Although the authority decided not to cancel the election, they reconfirmed a formal candidate, Chen Huibin, who was both director of the Maling community committee and head of the election leading group in Maling, which inevitably enhanced the difficulty for Wu Haining to win the election. (4) Faced with this formal candidate who was strongly supported by the organization, Wu Haining decided to take the initiative. He drew upon lessons from other independent candidates and posted campaign posters on bulletin boards within the constituency. In addition, he sent more than 1700 letters to voters, promising that if elected, he would hire full-time staff and establish a deputy office with his own funds to reflect public opinions.(5) Wu Haining insisted that voters should have comprehensive information about their deputy candidates before election. Candidates should let voters know their campaign incentives, and promises, and should communicate with their voters. The authority considered Wu's behavior to be non-organizational and beyond the laws, and should be forbidden. Officially, on May 9<sup>th</sup>, Wu gained 229 votes, which was less than the 393 votes received by the reconfirmed formal candidate. Wu was not willing to accept this election result and raised questions in public, including about the list of voters, the dual status of the reconfirmed official candidate, the irregular voting behavior management, and mobile ballot boxes, etc. Faced with the challenge regarding the dual status of the elected deputy, Chen Huibin responded by saying that this stemmed from an organizational arrangement. (6) Afterwards, Wu Haining complained about the questionable election to the standing committee of the Nanshan district and the Shenzhen municipality people's congress but received no response. On May 25<sup>th</sup>, , 2003, 33 voters from the Maling constituency sent a letter to the Nanshan district standing committee requesting removal of Chen Huibin's congress deputy status, claiming Chen's indifference to the interests of voters. These civic actions attracted much attention both from society and from the authority at local and central levels.*<sup>128</sup>

#### 5.4.2 The impact on local power structure

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<sup>128</sup> See Zhong Weizhi, *Shenzhen Duli Jingxuan Diaocha* (the Survey on Shenzhen's Independent Election), Jingji Guancha Bao ( The Economic Observer Newspaper), May 20, 2003; Zhong Weizhi, "Shenzhen Renda Daibiao Bamian Shijian Genzong ( Event tracing on Removal of Congress Deputy in Shenzhen)," Jingji Guancha Bao ( The Economic Observer Newspaper), accessed June 23,2003, <http://www.mindmeters.com/arshow.asp?id=2640>.

The election reforms involving CCP, government, LPC, voters, independent candidates, and deputies have undoubtedly had an impact on the local power structure in China.

First, the rapid rise of independent candidates not only means a growing enthusiasm for participation by ordinary people but it also promotes the LPC to be more open to multiple players. On the one hand, the contested competition experienced by multiple players is quite useful for enhancing their sense of accountability after being elected. On the other hand, the addition of new actors to the LPCs may strengthen its capability to fulfill its accountability role.

Second, the elected independent candidates or accompanied candidates usually play positive functions in holding the authorities accountable to the public. Taken the former for example, this trend is closely related to their promise to voters. Compared with deputies nominated by organizations, these deputies do not have enough resources to guarantee their success. Therefore, voters' support and trust become more important. However, their positive function will inevitably constrain or touch the power and vested interests of local authorities. For example, Yao Lifa, one elected independent candidate after a 12-year run for local congress deputy, earnestly fulfilled the mandate duties empowered by the Constitution and the law. He repeatedly criticized the government in terms of inadequate regulation and misuse of power, rejected the provincial government's city planning, jointly dismissed the leader of the municipal civil affairs bureau, involved himself with the concerns of farmers who had been illegally imprisoned, and so on.<sup>129</sup> This was why many local officials who saw their power positions threatened were prone to carry out strong resistance towards his campaign in 2006-2007. In this regard, strong coercion from local officials confirms the strength of the influence of independent candidates.

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<sup>129</sup> Zhu Ling, *Wo Fandui—Yige Renda Daibiao De Canzheng Chuanq* (I object—the Road to Politics by a People's Congress Deputy) (Hainan Publisher, 2006), 43-58.



Third, changes in the ratio of nominations inevitably affect the power relationship between the CCP and the LPC in the election arena. The nomination is an important index for observing who has the real power and who can hold whom accountable. In the past, the CCP almost controlled all nominations of congress deputies both at central and at local levels, and the loyalty that most Chinese people's congress deputies felt toward the state completely overwhelmed their sense of accountability to their voters. The deputies who lacked a strong sense of accountability weakened the function of the LPC. Therefore, the marginalized power structure of the LPC was not surprising.

Currently, significant changes can be observed from the previous election monopolized by the CCP with the introduction of contested elections. Little research has yet documented the performance of candidates across China by nomination type, but a few data from my fieldwork at the county level and town level provide some clues for the analysis of the changing nomination ratio. Table 5.2 presents the ratio of initial candidates, official candidates, and elected deputies nominated by different bodies in the 2006 election in W city and the towns below it, and in M district and the towns below it. Few independent candidates are noted in W city and the towns below, and the ratio of independent candidates is 1.8% and 0.4%, respectively. Both the ratio of candidates and the ratio of elected deputies jointly nominated by voters reach more than 75%, up to 97%, which is higher than the election statistics for 1997-1998 done by some Chinese scholars, who stated that the ratio of candidates jointly nominated by voters reached 15% at its lowest point and up to 70%.<sup>130</sup> More importantly, the ratio between official candidates after consultation and elected deputies demonstrates that the rate of unsuccessful nominations of candidates by organizations reached 54.5% in W city and 44.4% in towns, while the rate of unsuccessful nominations of candidates jointly nominated by voters were 17.1% and 42%, respectively. In M city and towns below it, a lower rate of unsuccessful candidates nominated by organizations had a

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<sup>130</sup> The election statistic in 1997-1998 at Chinese county level can be seen from Shi Weimin and Liu Zhi, *Jianjie Xuanju* (Indirect Elections, Vol.1) (Beijing: Zhongguo Shehui Kexue Chubanshe, 2004), 432.

close relationship with its strict limitations on numbers and prudential considerations of candidates nominated by organizations.

Table 5.2 The ratio of candidates nominated by different bodies in 2006 LPCs election

	Total	Candidates nominated by organizations (Mainly by CCP)	Candidates jointly nominated by voters	Independent candidates
<b>W city</b>				
1 The number of Initial candidates	1964	288(14%)	1680(86%)	
2 Official candidates after consultation	534	189(35%)	345(65%)	
3 Elected deputies	379	86(23.2%)	286(75%)	7(1.8%)
		(Unsuccessful rate:54.5%)	(Unsuccessful rate:17.1%)	
<b>Towns below W city</b>				
1 The number of Initial candidates	3258	537(16%)	2721(84%)	
2 Official candidates after consultation	1823	385(21%)	1438(79%)	
3 Elected deputies	1040	214(20.6%)	822(79%)	4 (0.4%)
		(Unsuccessful rate: 44.4%)	(Unsuccessful rate:42.8%)	
<b>M district</b>				
1 The number of Initial candidates	3258	43(15%)	2775(85%)	
2 Official candidates after consultation	423	43(10%)	380(90%)	
3 Elected deputies	265	40(15%)	225(85%)	0※
		(Unsuccessful rate: 0.07%)	(Unsuccessful rate: 41%)	
<b>Towns below M district</b>				
1 The number of Initial candidates	2192	72(3%)	2120(97%)	
2 Official candidates after consultation	1102	72 (7%)	1030 (93%)	
3 Elected deputies	666	70 (11%)	596 (89%)	0 ※
		(Unsuccessful rate:0.04 %)	(Unsuccessful rate: 52 %)	
<b>B district</b>				
1 The number of initial Candidates	482	418	64	
2 Official candidates after Consultation	384	350 (91.15%)	34(8.85%)	
3 Elected deputies	215	206	9	
<b>Towns below B district</b>				
1 The number of initial Candidates	349	290	59	
2 Official candidates after Consultation	349	290	59	
3 Elected deputies	235	220	15	

Source: Calculated from unopened data in the 2006 election statistics report from W city in Zhejiang, M district in Shanghai, and B district in Hefei Anhui. The calculation of independent candidates in M district was put together with the calculation with candidates jointly nominated by voters, so the numbers of independent candidates were zero.

## 5.5 Conclusion

What we learn from China's new developments in electoral accountability is that it should be understood within a general institutional framework and with specific political contexts. The reconstruction of an electoral system in China's LPCs has benefited significantly from the CCP leaders' demands to re-establish legitimacy since 1979.

In contrast to conventional knowledge that the CCP controlled the whole election process without the interruption from below, current practices show that different stories are now appearing. Along with the introduction of semi-contested electoral rules, the stipulation on re-writing favorable candidates as well as demands for political participation of the public, the CCP's nomination both of ordinary positions and leadership positions to congresses slowly deviating away from the previous consequential electoral success.

Against this background, the introduction of semi-competitive rules has created more opportunities for ordinary voters to enter into the LPCs, to vote for those they support, or to vote against those they dislike. Besides the election practices mentioned in this chapter, more and more voters declare to campaign for congress deputies in terms of independent candidates via micro-blogging in 2011 election year. And more critical voices appear in the face of the negative attitude from the NPC toward "independent candidates".<sup>131</sup> The emergence and campaigning of independent/informal candidates contribute inevitably to the openness of the electoral

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<sup>131</sup> It is difficult to calculate the exact numbers of independent candidates for congress deputies in 2011 election year due to the ongoing process until now. However, media reports, academic meetings and micro-blogging in China provide channels to observe the increasing participation enthusiasm from voters as well as diverse campaign strategies adopted by them. See Fan Xiehong, "Duli houxuanren wu falv yiju? Gongmin duli canxuan jiang gaibian zhongguo" (No legal basis for independent candidates? The participation for the public in the election for congress deputies will bring great change for China), Chinese media network, accessed June 10, 2011, <http://news.cvic.com/shehui/gnyw/2011/0610/54441.shtml>(accessed 10 June,2011); Yanyi and Wang Junfeng, "The symposium on the phenomena for independent candidate," accessed Aug 27,2011, <http://www.fepec.org.cn/Article.aspx?ArtID=804>.

process, the accountability connection with voters, and the interaction with the authorities in direct elections. In indirect elections, deputies can appeal for transparent elections and reject candidates selected by the Communist Party, although the numbers remain limited.

However, some local authorities still work hard to control elections. This inevitably brings challenges for expanding the campaigning and the input of new actors in positions of the LPCs. At the same time, we should recognize that some changes have happened in terms of spurring political participation demands from the public. The subsequent public pressure will be a favorable political context for the improvement of accountability within the one-party regime.

In short, the new developments in electoral accountability in the Chinese LPC are promising but complex. Evidence gathered in this study has showed some deviation from the zero-based CCP monopoly model although the CCP committee still holds a dominant position in the election of people's congress deputies. In the past, the Communist Party controlled uncontested elections and implemented quotas to produce congresses that crudely mirrored society in composition. The elections conferred on congress delegates a purely ceremonial post, premised on political reliability.<sup>132</sup> Today, it is now possible for voters and deputies to show some pressure toward public power by voting for their favored deputies. However, this kind of electoral constraint is still limited due to the constrained input of more new actors; further accountability expectations cannot be met without the updating of political ideas from party leadership and institutional innovations within the LPCs themselves.

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<sup>132</sup> Melanie Manion, "When Communist Party Candidates Can Lose, Who Wins? Assessing the Function of Local People's Congresses in the Selection of Leaders in China," *The China Quarterly*(2008):607-630.

## 6. The Accountability Linkage between Congress Deputies and Constituents

In liberal democracies, elections with free and competitive features are treated as the most important accountability mechanism, through which the electorate can choose their delegates to represent their preferences, or vote against those who have poor performance or who misuse their power.<sup>133</sup> In this view, accountability may be ensured partly due to election competitiveness, which has the potential to attract the electorate's interest and increase the deputy's sense of accountability. It is also closely related to deputies' motivation for re-election; that is, the anticipation of not being re-elected in the future leads elected officials not to shirk their obligations to the voters in the present.<sup>134</sup>

In accordance with this logic, both the incentives of re-election and the constraints of the electoral mechanism on legislators' performance in countries without completely competitive election, just like China, will be doubtful. For instance, McCormick pointed out that all deputies that he had interviewed had not wanted to become deputies, and most constituents had less idea about who their deputies were and seldom sought for their help in the late 1980s and early 1990s.<sup>135</sup> Xia argues that there is minimal electoral connection and this has less to do with responsiveness between the elected and those who elect them.<sup>136</sup> Similarly, Manion argues that representation in

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<sup>133</sup> Several representative literature in terms of this theme are as follows: Eulau Heinz and Karps. Paul D, "The Puzzle of Representation: Specifying Components of Responsiveness," *Legislative Studies Quarterly*, Vol.2, No.3(1977):233-254; Strøm Kaare, "Delegation and Accountability in Parliamentary Democracies," *European Journal of Political Research*, Vol.37(2000):261-289; Mitchell Paul, "Voters and their representatives: Electoral Institutions and Delegation in Parliamentary Democracies," *European Journal of Political Research*, Vol.37(2000):335-351.

<sup>134</sup> See Fearon, J.D, "Electoral Accountability and the Control of Politicians: Selecting Good Types Versus Sanctioning Poor Performance," in *Democracy, Accountability, and Representation*. Edited by A. Przeworski, S.C.Stokes and B.Manin (Cambridge: Cambridge University Press, 1999); David Mayhew, "Congress: The Electoral Connection" in *American Politics: Core Argument/ Current Controversy*, edited by Peter J. Woolley and Albert R.Papa( Upper Saddle River, N.J.: Prentice Hall, 2002):213-216.

<sup>135</sup> McCormick, Barrett L, "China's Leninist Parliament and Public Sphere: A Comparative Analysis," in *China after Socialism: In the Footsteps of Eastern Europe or East Asia?* Edited by Barrett L. McCormick and Jonathan Unger, Armonk, NY: M.E.Sharpe(1996): 40-45.

<sup>136</sup> Xia Ming, *The People's Congresses and Governance in China: Toward a Network of Governance* (London: Routledge, 2007):101.

Chinese local scenes is not a research question due to the authoritarian genesis. It is not obvious who the principals of congress deputies are—or indeed if deputies view themselves as agents of constituents at all, in practice.<sup>137</sup> Unlike the scholars' opinions mentioned above, O'Brien finds that not all deputies are inactive and not all close their eyes to constituents' affairs. Some deputies are active, but they behave chiefly as regime agents and remonstrators rather than as representatives.<sup>138</sup>

Against these backdrops, the “zero-base-model” in terms of accountability linkage between congress deputies and constituents supposes that most congress deputies are indifferent to their constituencies or constituent interests and are poorly motivated. Simply put, it is very normal for them to cast more loyalty toward the CCP and state and to feel less responsibility toward their constituents under the authoritarian setting of the CCP-dominated election and re-election processes.

However, the symbolic or honorary status of the accountability linkage between congress deputies and constituents seems to be starting to change. Indeed, Manion had redressed her previous opinion by asserting that local congress deputies are substantive representatives, on the basis of new evidence.<sup>139</sup> The question then becomes whether Chinese legislators are inclined to represent the interests of constituents and be accountable to them after they are elected. *In the authoritarian context dominated by one party, is it possible for Chinese congress deputies to contact their constituents positively and be accountable to them at local scenes? If so, how and why?*

According to the three criteria of accountability—*controllability, transparency and answerability*—mentioned in the theoretical chapter (Chapter 2), this chapter first assesses the recall institution arrangement at the macro level for constituents to hold deputies accountable. Limited constraint is noted. Secondly, micro-level institutional innovations to hold congress deputies accountable in LPCs will be described and

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<sup>137</sup> Manion, Melanie, “When Communist Party Candidates Can Lose, Who Wins? Assessing the Role of Local People’s Congresses in the Selection of Leaders in China,” *China Quarterly*, No.125(2008):607-630, P 629.

<sup>138</sup> O'Brien, Kevin, “Agents and Remonstrators: Role accumulation by Chinese People’s Congress Deputies”, *China Quarterly*, No.138 (June, 1994):365-372.

<sup>139</sup> See Manion, Melanie, “Chinese Congressional Representation as an Institution” (paper presented at the Annual Meeting of the American Political Science Association, Toronto, Canada, September 2-5, 2009).

assessed. Thirdly, relying on empirical evidence, contact activities, performance, and incentives are explored mainly from the perspective of elected deputies, staff within LPCs, and constituents. The final section of this chapter concludes with main findings that contrast with previous research.

### ***6.1 Recall power with limited constraint***

The accountability linkage between congress deputies and constituents rests on the delegation premise that whoever is elected as deputies should act by those who delegated their power and entitled to speak for. According to the Constitution and related laws, both constituents and electoral units have legal right to oversight, even to recall their elected congress deputies, especially when the latter violate laws, escape from political missions, or have poor performance. The provision in Article 43 of Electoral Law states, “All deputies to the national and local people’s congresses shall be subject to the supervision of constituents and the electoral units which elect them. Both constituents and electoral units shall have the right to recall the deputies they elect.” The recall proposal is not valid unless signed by more than 30 constituents’ jointly at the county level and 50 constituents’ jointly above the county level.

According to conventional wisdom, the majority of constituents usually stay away from supervising the actions of the deputies they elected, not to mention recalling them. The right to vote is also less used unless constituents are actively mobilized. Hence, the tendency becomes unavoidable in some places: On the one hand, some congress deputies, especially those that identify strongly with the CCP, only account for their authority instead of keeping in mind their sacred responsibility to the people who elected them. On the other hand, some legal channels for opening up information and enhancing communication are paid less attention. The will of the constituents is seldom input via congress deputies into the political process.

However, emerging events on recalling of congress deputies in recent years show the gradual transition of constituents’ interest and accountability awareness. For

instance, 33 constituents signed up to recall one newly elected deputy in Nanshan district, Shenzhen, in the first half of 2003. That deputy was accused of avoiding running for the deputy position as the head of election leadership group before being elected as well as being indifferent to public issues after he was elected. Although the recall was finally rejected by the district standing committee, its effect as a rare initiative by constituents has been expanded since then. On 25, May 2003, 61 constituents in Yingfeng district, Zhuzhou city, Hunan province requested the removal of the deputy qualification of their resident committee director Yuan Zhiliang, asserting that Yuan abused his power and failed to act on his constituents' behalf. Ultimately, the district standing committee of people's congress voted against setting up the recall procedure because only 26 constituents continued to insist on removing Yuan after four months of investigation. In Tianjing, a joint removal request against deputy Dingbing was proposed by 196 constituents in February 2007, condemning Ding's construction company for causing huge economic losses of the people. While the district standing committee agreed to initiate a recall procedure, ultimately no result occurred due to the constraint of vague procedures and ambiguous attitudes from the district leadership. Following these events, on 17<sup>th</sup> January 2011, 211 constituents submitted their proposal to recall their congress deputy Yang Xiancheng, via joint signatures, in Luqiao district, Taizhou municipality, Zhejiang province. However, the recall failed again.

While constituents' accountability awareness is significantly increasing, recall activities initiated directly by constituents have had no obvious influence on deputies' final turnover. This is partly due to the fact that the constituents' proposals for removal of incompetent deputies are usually constrained or rely highly on the approval of political authorities who have extreme discretionary power. In addition, some detailed stipulations, such as under what conditions people's congress deputies are dismissed



and how to start the recall process, remain ambiguous in the related laws. One detailed event regarding a citizen-initiated removal of congress deputies is as follows:

*On August 17, 2010 an application jointly signed by 64 citizens under the lead of citizen Zhang Jianzhong was submitted to the Standing Committee of Xiacheng district people's congress in Hangzhou, China, demanding the removal of chairman of Hangzhou Flexed Noble Group Limited, the legal representative of the Zhao Zhiyi deputies. The reasons mainly referred to "seizure of house property, affecting the course of justice in the name of congress deputy." Zhang Jianzhong and related constituents insisted that it is hopeless for congress deputies who blatantly violate laws to act in the interest of constituents and they deserve to be recalled.*

*According to the "National People's Congress and local people's congresses at all levels of the electoral law," the original constituents, more than 50 people may jointly, in writing, request the removal of the Standing Committee on behalf of the application. As the proponent Zhang Jianzhong did not belong to the original constituents, and the vast majority of joint applicants are also not the original constituents, the application is rejected due to the failure to meet the requirement by law.*

*Although the Letters and Visits office of Xiacheng district people's congress did not open Zhao Zhiyi's original constituents to Zhang Jianzhong in the name of confidentiality, 75 older employees from Zhao's group and constituency allied with Zhang to submit a second application for removal of Zhao Zhiyi. The re- application also increased the removal of "forced to dismiss older workers buyouts, forced employees 'volunteer' to take 5 years less seniority compensation and embezzlement of state assets "and other reasons. However, this case is still ongoing. While complex procedures bring a lot of obstacles to constituents' successful recall of congress deputies, it is worth mentioning that this case has attracted much attention from the media, experts, congress deputies, and citizens.<sup>140</sup>*

Although most LPCs usually hold a cautious attitude toward these events characterized by political sensitivity, apparently the recall activities mobilized by standing committees of the LPCs or the CCP seem to be effective in deciding the removal of congress deputies. Take one event of officially mobilized removal of congress deputies, for example:

*Mi Xiaodong was elected to the fifteenth county deputy in Xupu County, Hunan province, in November 2007. On his own initiative, he visited constituents to collect their complaints and petitions on the eve of the plenary meeting of the people's congress. Later, he also submitted some*

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<sup>140</sup> For more detailed description, please see Chen Dongsheng and Yu Yanli. "Hangzhou, a joint application for dismissal of another 75 people under the District People's Congress." *Fazhi ribao* (Legal Daily), accessed Aug 26, 2010, <http://epaper.legaldaily.com.cn/fzrb/content/20100826/Article104003GN.htm>; "64 voters want to jointly recall congress deputy in Xiacheng district people's congress, Hangzhou", *Zhejiang Online*, <http://news.sohu.com/20100819/n274315082.shtml>.

valuable suggestions via joint signature with other congress deputies; for instance, a suggestion to improve the benefits of village and street cadres, the improvement of rural public utilities, and so on.

However, Mi Xiaodong not only neglected his duty as one deputy but also was sentenced to three years in prison due to his embezzlement of public funds in 2009, which produced an unexpected negative impact among constituents. Therefore, with the responsible support from the county people's congress, 51 constituents in his constituency submitted their recall application for Mi to the Standing Committee.

On 15, April 2010, constituents from No 138 constituency began to remove the fifteenth session deputy position of Mi Xiaodong by secret ballot in Xupu County, Hunan province. In total, 6444 constituents took part in the final vote, among 7003 constituents. Ultimately, the recall of congress deputy Mi Xiaodong was passed by 5553 votes, 159 votes against, and 732 abstentions. The issue was released to the public after the Standing Committee of Xupu people's congress listened to the removal report, declaring the termination of Mi's deputy position.<sup>141</sup>

Therefore, besides the improvement in related procedures, the approval and support from the authorities is crucial for constituents to use this institutional power effectively in the Chinese local context. At the same time, we also found that constituents have at least one recognition in common: they all try to sanction deputies who have failed or show no capacity to reflect the will and interests of the people in their electoral districts, although the reasons for these recalls of congress deputies may differ in many ways and ideal results are still difficult to achieve in the present circumstances.

## ***6.2 Micro-level institutional innovations to hold congress deputies accountable***

According to the data obtained from interviews, fieldwork observations, and media reports, related institutional innovations that are characteristic of transparency and answerability can be seen from the following experiments carried out by LPCs.

### *Institutional connection mechanisms between deputies and constituents*

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<sup>141</sup> The source mainly comes from Mingxing, "Voters recall congress deputy sentenced to probation in Xupu county Hunan province", *Remin wang* (People's Daily), Accessed on May 26, 2010, <http://politics.people.com.cn/GB/14562/11705361.html>.

Congress deputy performance in reporting to constituents or their constituency, institutionalized connection between deputies and constituents, and deputy workstations are three prominent mechanisms for LPC innovations. The latter two were initiated in M people's congress and W people's congress and have attracted much attention from both media and scholars. The detailed information is as follows:

Congress deputy performance in reporting to constituents or the constituency is one popular system for demonstrating what has been done or what has not been completed on the behalf of the delegators and was first started in 1988. Many LPCs since then have begun to enact related regulations to enhance their deputies' awareness of the need to perform their duties. Even now, this is still quite commonly used in B people's congress, J people's congress and W people's congress. Deputy performance reporting is usually carried out under the auspices of specific personnel, a representative Working Commission, or the standing committee once per year. Procedurally, the self-evaluation report is given first, which relates to the deputy's activities in abiding by the Constitution and concerned laws, reviewing governmental working reports, submitting suggestions and motions, participating in PC meetings, connecting with the electorate, and so on. A trust evaluation, which has a performance rank for deputies ranging from outstanding, competent, basically competent, to incompetent, is given by participating constituents (ints. 23, 43,76). Although respondents admit that this system does contribute to reducing the alienation between deputies and constituents, they also mention some formalism exists due to low involvement of numerous deputies and the lack of any true interaction between deputies and constituents (ints.30, 32, 48, 67).

In contrast, M people's congress ceased the use of the deputy performance reporting system after a short attempt in 2003. Because the main leaders in the CCP committee and governments co-chaired the positions of congress deputies at that time, it was difficult for them to visit constituents or to carry out relevant activities except for engaging in their own work. In addition, no definite stipulation is defined for this system in related laws (ints.9, 15). Against this background, the standing committee of

M people's congress voted on 27 Feb, 2008 for measures for promoting close contact between the district deputies and constituents to lay an institutional foundation for its implementation across the whole M district. With the intention of effectively reflecting and responding to constituents' opinions, these measures not only involve the contexts and forms for deputies to contact their constituents but they also prescribe that every deputy should contact their constituents at least twice every year.

The arguments of the standing committee chairman in M people's congress provide us with some clues about the possible effects of this institutional innovation: "enhancing the close contact with constituents is one of my main works after I was elected as the chairman of standing committee. On the one hand, it is easy to obtain political support both from the CCP committee and government due to the potential to reflect public demands and resolve social conflicts, which is consistent with the main political pressure faced by the CCP and government at the local level. In practice, in order to support this institution, the CCP and government in the M district agree to allocate a budget of RMB 1000 million to solve the proposals, suggestions, and motions reflected by the deputies. On the other hand, an institutionalized measure can bring some constraints for congress deputies, especially those with strong organizational and CCP backgrounds, to involve them in the interaction with their constituents or constituency. In turn, the potential is there to motivate congress deputies to perform an accountability function and even to provide a further enhancement of the influence of LPCs within local governance" (ints.8, 13,14, 15).

Since 2009, the W people's congress has established more than 40 congress deputy workstations for different constituencies, which are composed of congress deputies from all three levels—town, city and municipality—within certain constituencies. They are listed in the items of the annual budget and their main tasks are to resolve social conflicts, provide services for constituents, urge the government to solve livelihood problems, and enhance the communication between government and constituencies at fixed times and places. This institutional platform underwent a two-stage evolution in

2005: first, it stemmed from the LPC's petition reception rooms, and then extended into the workrooms of congress deputies to fully play the accountability role of congress deputies. Secondly, with the increase in social demands and conflicts, collective deputy workstations appeared to replace petition reception rooms and individual workrooms involved in limited congress deputies and limited services. Deputy workstations in the W people's congress gained recognition from higher people's congresses although the innovation for establishing individual workrooms for congress deputies in other areas was demanded to stop by the National people's congress due to their prudent attitude towards individual-centered political reform experiments. One important reason is that the workstations are collective-based places for congress deputies to hold surgeries within constituency rather than individual-based activities (ints.51, 55).<sup>142</sup> Subsequently, many LPCs tend to carry out similar innovations. For instance, the J people's congress has embarked on the establishment of "the home to congress deputies" since 2010 while its effect has not been obvious until now.

#### *The openness of activities by congress deputies and LPCs*

The activities of deputies both in terms of the individual deputy and standing committees were not known to the public in 1980s and 1990s in China. With the strengthening of democratic demands, opening up the activities of elected representatives to constituents has become one inevitable trend. Related practices became more widespread after the promulgation of the Law of the People's Republic of China on Supervision by the Standing Committees of the People's Congresses at All Levels in 2006. Article 7 stipulates that the standing committees of the people's

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<sup>142</sup> The National People's Congress tried to prevent innovative efforts of local people's congress to establish work room and provide full-time service in terms of individual congress deputy via the revised congress deputy law in 2010, which are criticized undemocratic. For more detailed information please see the following report: Li Xiuzhong and Zhao Hui, "Woguo shouge renda daibiao gongzuoshi bei jiaoting (The first congress deputy workroom has been stopped in China)," Oriental website, Accessed Aug 31, 2010, <http://news.qq.com/a/20100831/000159.htm>.

congresses at all levels shall make known to the public their exercise of the power of supervision. While the J people's congress is emerging in this aspect, related reforms in the W people's congress and the M people's congress are prominent. As the main actors of standing committees, opening their activities to the public is also one channel for standing committees to urge deputies to perform their functions actively, to exert pressures on governmental activities, and to enhance public trust toward the people's congress. While standing committees have no legal power to supervise or evaluate the congress deputies' accountability performance along with basic principle-agent relationship, they can play a crucial role in motivating them (ints. 15, 54, 55).

The J people's congress and the B people's congress launched websites to provide public information on standing committees' work and deputies' activities, but some key information on supervisory activities, deliberation opinions, personnel appointment and removal, suggestions and motions, decisions, and so on are only shown briefly. For example, the column of deputies' activities in their website shows that only some rough information in terms of the list of names of the deputies and good deeds from advanced deputies, which are insufficient for constituents to obtain basic information on their deputies, not to mention evaluating them on the basis of their actions in office. At the same time, the J people's congress has established an openness system with feedback information about deputies' initiated motions and suggestions, following practices by other advanced people's congresses. The internet platform among governments, people's congresses, and political consultation members has been opened since 2010 to resolve public grievances, through which the public can readily make inquiries on governmental activities. Nevertheless, it is worth noting that the traditional conservative attitude toward information openness can still be found in the process of interviews with some officials in the J and B people's congresses. For instance, petition information is regarded as internal secret and its release or discussion was avoided when asked for in both of these people's congresses (ints.26, 37, 68, 72).

Along with the dominant idea to inform of the public and monitor the government, the W people's congress has tried to deepen the practice of openness in three different ways. First, an institutional framework on the transparency of elector-empowered power began to take shape, especially after the issuing of the opinion to carry out open principles prescribed in the Supervision Law on 23 July 2007. The contents, scopes, forms, and channels for opening are clearly defined within this document.

Second, it simultaneously pioneered multiple traditional channels to provide information about the activities of the standing committee and congress deputies to the widest possible audience, including media reports, work communications, press conferences, and citizens attending forms. When it comes to contents to the public, the standing committee meeting, chairpersons meeting, inspections on law enforcement, crucial decisions from the standing committee, personnel appointment and removal results, and other congress deputy activities are usually reported to the public. Some information that is not suitable for release to society is notified to congress deputies through internal publications designated "LPC Work Communications" and "Standing Committee Proceedings." At the same time, the Citizen Participation System provides access for citizens to observe the operation of the standing committee and the performance of congress deputies after registration. For instance, seven ordinary citizens went into the hall of the standing committee at the end of November 2008 to attend the fourteenth meeting of the fourteenth session on the basis of inviting the attendance of congress deputies and the leaders of lower level people's congress.

The third and most successful demonstration of the practice of openness by the W people's congress is innovation using the internet and TV platforms. Specifically, the W people's congress website and "people's attention" TV column act as main platforms to perform this function. Except for the transmission of information on policy and laws, the annual job objectives of standing committees, budget supervision, personnel appointment and removal, investigation reports, media focus, and so on, these modern channels provide more information on deputies' work for the public. On

the one hand, suggestions and motions proposed by deputies were collected into a special section on this column at the first half of one year, with the intention of letting the public as constituents know what kinds of issues congress deputies were concerned about and if deputies were behaving on the behalf of their interests. At the same time, the feedback on suggestions and motions from concerned governmental branches also appears on the website in the second half of the year, which is useful to tell the public how their issues are reflected by the deputies and solved by governments or how they are being prepared to be dealt with. On the other hand, the deliberation process of congress deputies on governmental department work reports and subsequent feedback from governmental departments are open to the public via live online video broadcasts and factual films. In addition, some new interaction mechanisms termed online democratic deliberation, and forum participation by the public, congress deputies, and leaders of standing committees have become more widespread recently in the W people's congress. These are inevitably good for the public for obtaining more information on key work engaged in by congress deputies.

In contrast, the M people's congress is outstanding in its openness on budget supervision and deputy contact with constituents. The institutional openness on budget information, the budget deliberation process, and budget hearings implemented in the M people's congress not only encourage democratic involvement of multiple actors but also provide innovative access for constituents to observe the performance of the government, LPC and individual deputies. To a certain extent, the pressure caused by openness can be seen as an invisible inspiration for them to perform their duties responsibly.

The deputies' contact with constituents has been promoted by a set of institutions enacted to make the whole process open to constituents. First, contact activities by deputies with constituents are open to constituents and deputies via multiple media, which include congress lists, contact with methods, frequencies, information collection, and subsequent handling. Who behaves actively and who never becomes



known to their constituents becomes very clear. Second, a network processing platform on deputies' written suggestions and motions has been established since 2008 to place all work under the joint supervision of the public and deputies. On the one hand, this platform makes the numbers to contact with constituents and contents of suggestions and motions proposed by congress deputies known to everyone, which inevitably prompts deputies to perform their duties more seriously and more responsibly. On the other hand, every deputy has access to information on which governmental branch deals with their suggestions and motions, so that they can check the processing progress and results feedback via this internet platform. The internet system will also give warning in red lights if concerned governmental branches have not dealt with them within a given time. In this regard, this platform plays some role in pressing the government to make timely responses to deputies' voices on the behalf of their constituents (ints.3, 20).

Furthermore, the commission of personnel appointments, removals, and deputy elections to the standing committee follows up on the congress deputies' practical activities and governmental feedback, which is regarded as a useful way to push them to be accountable. Just as the leader of this commission says, 'we are the tie between congress deputies and government: we can help deputies to perform their duties by training them and improving working methods. For instance, they are advised to strategically supervise governmental work on the behalf of constituents' interest rather than criticize, regardless of the sensibilities. At the same time, we also...communicate with the CCP committee and government to change attitudes when congress deputies are mistreated during the process of appealing their constituents' issues. Practice has proved that this is very important for stimulating deputies to perform their duties actively (int.15).

### ***6.3 How and why congress deputies keep in touch with their constituents***

Along with different degrees of institutional innovations in the four fieldwork LPCs, marked differences emerged regarding how congress deputies maintained contact with their constituents and what motivated them to be accountable. To ascertain how they differed and to identify significant incentives for deputies to be accountable to their constituents, the author gathered detailed data about the M people's congress, where two questionnaires on the perceptions of deputies and constituents were conducted in 2010. Survey methods and basic demographics are summarized in the methodology chapter (Chapter 3). At the same time, several congress deputies were interviewed there. Due to the time limitations for performing the survey, the data on the other three people's congresses mainly come from the authors' interviews, fieldwork observations, and media reports.

#### ***Main channels and frequencies for congress deputies to contact with constituents***

As far as channels for congress deputies to contact with constituents as concerned, respondents in the B people's congress viewed that visiting and making performance reports to constituents are available channels for contact with constituents apart from joining inspection tours organized by the standing committee between plenary sessions at times. Symposiums are held with lesser frequency (ints.23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 39). However, some deputies are not responsible and even avoid taking part in collective activities due to weak constraints after the elections. This can be observed from one chat snapshot between the author and the director of Personnel appointment, removal, and representative election commission:

I went to B people's congress and wanted to interview congress deputies to comprehend their experiences relating to their performance of accountability functions on the 29<sup>th</sup> October 2009. The deputies were concerned about the interviews, especially from stranger, so I had to ask for help in advance from an acquaintance, the director of Personnel appointment, removal, and representative election commission who has more contact with deputies both in his daily work and in his past 11 years' tenure in B

people's congress. I asked if he had succeeded in arranging appointments with congress deputies for me when I met him in his office that day. However, he seemed a little bit depressed, saying that most deputies claimed they were too busy to conduct interviews although he had tried to call them many times. He continued to say that many deputies were also absent and were attending symposiums with constituents and had given similar excuses yesterday. I asked him, jokingly, 'Why do I feel that you have to beg congress deputies to perform their function?' He said with a wry smile: 'Just as what I told you repeatedly—most deputies to our people's congress are not active after they are elected and they do not take part in activities and contact with constituents, whereas they were extremely active to compete for positions of deputies before elected. We have no effective ways to constrain or motivate them (cited from the author's research log done in 2009).

Some channels are available for deputies to contact their constituents in J people's congress, involving inspection, public hearings, personal visits, symposia, making performance reports to constituents, and so on. Undoubtedly these channels provide access to collect petitions and suggestions from constituents and voting areas. However, it should be pointed out that the frequencies of these types of personally initiated contact activities are rare. Some congress deputies are reluctant to view contact activities with constituents positively, unless they face strong demands from the public, or they are inspired by something else (ints.65, 66, 70, 75, and 76).

Deputies in the W people's congress have more contacts with constituents under new institutional contexts. Specifically, inspection, deputy workstations, making performance reports to constituents, internet interactions, and public hearings are available channels for deputies to communicate with their constituents in the W people's congress. The deputy workstation plays a prominent role in involving more deputies in public issues among the multiple channels mentioned above. According to rough statistics, deputies' activities organized by deputy workstations have reached 432 instances by the end of September 2010—one year after their establishment. The

attendance of deputies at the workstations only at the W city level was near to 30 percent of the whole deputy numbers, and 1219 constituents were contacted during the process. At the same time, the strict implementation of making performance reports to constituents has contributed to increasing the perception of accountability by the deputies. For instance, 248 deputies (69 percent of the deputy population) were evaluated by 6500 constituents in this session, and the results were 66.66% judged as excellent, 32.22% were passed, and 0.92% were regarded as incompetent.<sup>143</sup> Some deputies admitted that similar situations brought a lot of pressure to them, especially for those who used to raise hands, clap hands, and shake hands in dealing with public issues (ints.44, 48, 50, 51).

Similarly, more frequent and extensive contacts have been established between congress deputies and constituents in the M people's congress via multiple communication channels. According to the stipulations in related measures, investigations, personal visits, symposia, publicly receptions, key connecting persons, and participating in meetings are listed as multiple channels for holding deputies accountable to their constituents. In practice, related statistics have confirmed that these institutions contribute significantly to both the collection of public opinions and the solution of complaints, as well as increasing the accountability consciousness of the deputies.

On the one hand, internal data in the M people's congress shows that 3159 instances of contact activities with constituents had been carried out, and more than 37710 constituents were contacted and 5573 public opinions as well as suggestions were received by all the deputies from the beginning of 2008 to the end of 2010. This was equivalent to 12.4 times contact activities, 149 constituent contacts, and 22 collected public opinions per deputy (for the data per year, please see table 6.1 below). This positive result also can be seen from the perspective of the congress deputies. When

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<sup>143</sup> Mao Donggang and Shi Yancai, "Ba Luzhi Pingtai Dajian Zai Baixing Shenbian (Building platforms for performing duties with intention to closely serve for voters) ," Renmin Daibiaowang( the website on congress deputies) , April 1, 2011, <http://www.rmdbw.gov.cn/2011/0401/51222.html>.

asked “How often do you contact your constituents as a congress deputy?” in the 2009 questionnaire conducted by the author, 54.7% of the congress deputies (106 informants) admitted that they contacted their constituents at least twice per year, 38.7% said that they did this 1-2 times per month, and only 0.9% deputies contended that they seldom communicated with their constituents.

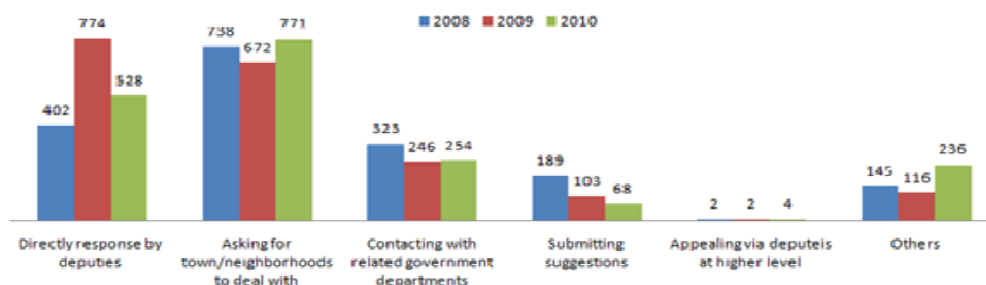
Table 6.1 Contacts between deputies and constituents in the M people’s congress from 2008 to 2010

Performance Year	Attendance numbers of deputies	Contact frequency With constituents	Numbers of constituents that being contacted	Collected opinions and comments from constituents
2008	255	1023	14753	1799
2009	255	1048	11908	1913
2010	255	1088	11049	1861

Source: the author’s calculation, relying on work records of the personnel appointment, removal, and representative elections commission to the M people’s congress during 2008-2010.

On the other hand, deputies made many attempts to handle issues raised by constituents to live up to their delegations. Specifically, direct responses by themselves, requiring towns as lower governments for solutions, and reflecting issues to related government branches at district level were the three main methods used to enhance answerability to the constituents. Some information collected from constituents was input into the political process via submitting suggestions, appealing to deputies at higher levels, and other innovative methods, while usage frequencies were lower. The number of direct response by deputies and suggestion submissions clearly decreased since 2010 (see figure 6.1). The reason for this was that considerable social conflicts and petitions were solved in the process of these frequent interactions among deputies, constituents, and concerned governmental branches. Therefore, the issues reflected to deputies tended toward a downward trend. Furthermore, both constituents and deputies have gradually learned to make allowances for others and reflected their issues in kind rather than just focusing on trifles after these years of practice (ints.15, 20).

**Figure 6.1 Congress deputies' handling methods on collected opinions and suggestions from voters in M people's congress (2008-2010)**



Source: the author's calculation, relying on work records of the personnel appointment, removal, and representative elections commission to the M people's congress during 2008-2010.

In addition, it is worth noting that most deputies with official and cadre identifiers have regular involvement in these activities, including the district CCP secretary-cum-congress deputy, chairman of the CCP organization department-cum-congress deputy, the chairman and vice chairmen to the standing committee of the M people's congress, and the cadre deputies from grass roots. According to the statistics from 2008-2009, deputies from government agencies and institutions as well as standing committees to the LPCs kept in contact with constituents 3 times on average per year. The cadre deputies from resident committees communicated with constituents more than 9 times on average per year (see table 6.2). When it comes to the further feedback on opinions and demands expressed by constituents during contacting activities, official deputies are considered to have strong influences in promoting related government branches to deal with them quickly while it is difficult to obtain detailed statistical data (ints.1, 3, 5, 15, 20).

Table 6.2 Contact frequencies between congress deputies with different occupations and constituents in 2008-2009

Multiple identities of congress deputies	2008		2009	
	Number	Contact frequency with the constituents per person	Number	Contact frequency with the constituents per person
Deputies from government agencies and institutions	77	3.5	82	2.9

Enterprise deputies	68	3.8	67	3.2	
Cadres deputies from village committee	31	1.9	29	2.1	
Cadres deputies from Resident committee	36	9.5	32	14.3	
Resident deputies	5	7	7	6.6	
Peasant deputies	2	2	2	2.5	
Teacher deputies	17	4.2	17	3.5	
Medical staff deputies	5	2.2	5	4.4	
Researcher deputies	5	2.4	5	3.6	
Senior leaders deputies	7	2.1	7	1.4	
Army men deputies	2	1	2	4	
<b>Total</b>	<b>255</b>	<b>4.2</b>	<b>255</b>	<b>4.6</b>	
Among them	The members of standing committee	27	3.3	27	3.3

Source: Work report on the contact activity between congress deputies and constituents in the M people's congress, one from the document collection on the standing committee meetings for the M people's congress, 2010:12-13.

### *Deputy incentives to be accountable: role-driven, interest-driven, and institutional constraints*

Since congress deputies in China have a lot of autonomy to perform their duties inactively or actively under different institutional contexts, we could not expect every deputy to pay close attention to constituents' issues and yield responsible influence on them. The practices mentioned above in the four fieldwork LPCs confirmed the uneven development in terms of deputy behaviors: deputies in the W people's congress and the M people's congress are more responsible than those in the B people's congress and the J people's congress. While the incentives for irresponsible deputies is consistent with O'Brien's explanation—weak electoral sanctions and limited leadership cues allow a substantial number of deputies to be irresponsible and devoid of responsibilities—<sup>144</sup>more still remains unknown regarding why some deputies still

<sup>144</sup> See O'Brien, Kevin J, "Agents and Remonstrators: Role Accumulation by Chinese People's Congress Deputies", *China Quarterly*, Vol 0, Issue 138(1994):359-380, P365

behave actively and responsibly, and why congress deputies are more responsible in some LPCs than in other LPCs.

However, my interviews and survey shows that these congress deputies can be classified into three categories in terms of their incentives to behave more responsibly: role-driven, interest-driven, and institutional constraints. It is also worth noting that the institutional constraints are only observed where new institutions were effectively adopted.

First, some deputies tend to behave responsibly despite that the majority of deputies are regarded as irresponsible in the B people's congress and J people's congress. The driving forces indicated by the interviewees, who esteemed themselves as active and responsible, showed one common explanation for the incentive of a contested-election institution, which was that constituents' trust when voting in a competitive election is clearly an incentive and pressure. Subsequently the consciousness of being congress deputies pushes them to actively respond to constituents' demands and to focus on public affairs (ints.27, 28, 29, 30, 31, 32, 33, 34, 65, 69, 70, 73, 74).<sup>145</sup> At the same time, some expressed their dissatisfaction with the lack of punishing mechanisms for those deputies who failed to perform their duties under current circumstances (ints.25, 28, 39, 65, 73, 74). I will call these "role-driven deputies," similar to the "role-playing" model classified by Luttbeg in terms of the linkage between political representatives and constituents, in which an internalized value, or set of values, causes a deputy to seek out and follow their constituents' opinion even without the prospect of constituent sanctions being imposed.<sup>146</sup>

Second, the pursuit of self-interest or industry interests is found to be another incentive for deputies who show more inclination to collect and respond to constituents' demands. In the J people's congress, some deputies frankly pointed out

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<sup>145</sup> According to the election material in these LPCs, one congress deputies at county-level and district-level cities delegate more than 2000 people.

<sup>146</sup> Luttbeg, Norman R, ed., *Public Opinion and Public Policy: Models of Political Linkages, Homewood, III.:* Dorsey, 1968:2.



they could realize their benefits directly or indirectly through being responsible deputies. On the one hand, a good reputation for being a responsible deputy can bring popularity within the LPCs and build solid interpersonal relations (*guanxi*) with other deputies from diverse trades, which can be useful for solving personal issues. For instance, one deputy told the author that she had succeeded in obtaining a good job position for her son in court with the help of some deputies who work there. This was partly due to her good reputation among the deputies, which also stimulated her to work hard (int.73). On the other hand, being a responsible deputy can contribute to the leaders' trust or position promotions within their own work units (ints.66, 69, 74, 76, 77).

Similar incentive is obvious in the stories and experiences told by the deputies interviewed, while they did not speak directly about the B people's congress. For instance, one famous amateur deputy, who emphasized that constituents' trust was his main incentive to be active in the interviews, shared his experience in solving a conflict between his work unit and surrounding residents: "My work unit planned to build a gate in front of one main road to expand our business several years ago, where some residents used to do small sales, repair bicycles, and so on. So, they were strongly against it at the beginning. Consequently, I went to communicate and cooperate with residents on behalf of my work unit. Given my good reputation as a congress deputy in helping them to solve issues, the residents gave me a lot of trust and agreed to let us build the gate after meeting their several demands. Our leader bestowed high praise on my ability to deal with this thorny problem. All of this gave me a strong sense of achievement (int.32)."

This is also observed by one intern staff inside the J people's congress standing committee. In his words, "Unlike western congress members' concern about ballots, which is the basic dynamic mechanism for them to listen to voices from constituents, the congress deputies in our people's congress have less linkage with their electoral units. For them, successful election to the position of congress deputy means much

more of an honorary thing, although people never forget to appreciate those deputies who responsibly perform their duties. However, their incentive will be relatively lower until the issues have close bearings with their own interests or their units' interests" (int.75).

Several cases are given as follows: We have one congress deputy who shows more attention to the demands of dairy farmers during his tenure. For instance, he calls for the government to give subsidies favorable to the interests of dairy farmers. If so, the milk price will be reduced when he takes over ex-farm milk as the leader of a dairy factory. At that time, the outbreak of the Sanlu milk powder scandal occurred in China, which we also helped him appeal. In the end, the government introduced a subsidy policy relating to dairy farmers. This is not the only case. One transportation group in J city wanted to build a logistics campus. After all, many products produced by enterprises need to be exported to other areas. There was not one in J city, although many areas nearby had established logistics campuses. With the intention to urge the government to deal with this issue, they mobilized their congress deputies to cooperate with deputies from other occupations to obtain joint signatures, including those of peasant deputies who usually were concerned about some themes relating to agricultural subsidies, harvester allocating to the countryside, pensions, and so on. In a word, the incentive of active congress deputies has a close bearing on their occupations on behalf of distinctive interests (int.75).

Third, the institutional constraint incentive of deputies appears gradually in the W people's congress and the M people's congress apart from the role-driven and interest-driven incentives. This kind of incentive can be deemed as the force pushing congress deputies to act on behalf of constituents' interest or to prevent their inaction by imposing institutional constraints. Most deputies took pride in their institutional innovations in contacting with constituents and responding to their demands in the W people's congress when interviewed. They also gave high evaluation of their

performance in fulfilling their duties under the new institutional context. In the words of some deputies:

*We usually visit or receive constituents and track government annual activities closely relating to constituents' interests via deputy workstations and deputy groups. These institutions work very well because we could speak for constituents and expose the improper or illegal acts of governments without any worries. After all, our first leader in the standing committee, who has courage to take responsibility if we need his support, had communicated with the CCP committee and government on these institutions in advance. In turn, we have incentive to carry out these institutions in conscientious and responsible manners (ints.44, 48, 50, 54, 55, 56, 57, 58, 60).*

From the perspective of the constituents, the more attention congress deputies paid to their issues, the stronger trust they would give to congress deputies and the LPC. In the W people's congress, two signs showed the positive influence of deputies' behaviors on constituents' trust, while quantitative data was hard to obtain. First, constituents grew increasingly to rely on the LPC to solve their problems rather than being previously ignored. According to a vice director of the finance and economy working commission to the standing committee, the role of congress deputies is remarkable at present. For example, people's visits and letters as a percentage of petitions for constituents to W people's congress remain relatively high in number. Our chairman has to receive a lot of constituents every day, and some constituents have to wait until the next if they did not make appointments in advance. There seems to be a new trend appearing; that is, the constituents have begun to share more trust toward us when they encounter difficulties. This is partly because we currently produce positive influences in solving their difficulties on many cases (int. 50). Second, both constituents and other actors, including media, social groups, scholars, and so on, are gradually paying more attention to deputy activities and the functions of the W people's congress via its website. Compared to the numbers of 1846 and 8467 in 2006, 4896 and 17158 in 2007, 8849 and 22236 in 2008, monthly traffic and page views on the W people's congress public website remains relatively high, recently reaching to 12765 and 32134 in 2009 (int.54). Most deputies, especially professional deputies, told me that they had

developed the habit of checking public opinions online and responding to individual demands every day (ints.51, 53, 54, 57, 59, 60).

In the case of the M people’s congress, questionnaires conducted in 2010 showed that a blending of incentives was occurring—role-driven, institutional-driven, and interest-driven—for congress deputies and their perceptions. Specifically, the proportion of choosing “the accountability sense to constituents,” “benefiting for self and personal work” and “response to institutional requirements” remained higher than other factors when congress deputies were asked “What is your incentives to contact constituents and hold yourself accountability to them”(multiple options). They were 90.6%, 43.9%, and 43.2%, respectively. More importantly, “the accountability sense to constituents” was put in the first place by deputies with diverse backgrounds when asked “What is your main incentive to contact constituents and be accountable to them,” accounting for 56.8%, “Response to institutional requirements” with 7.9% came in second place, and “Benefit for self and personal work” ranked the third with 6.5%. In contrast, only one deputy chose the option of “seeking re-election,” accounting for 0.7%. To some extent, this showed the huge difference between western MPs and Chinese people’s deputies in terms of incentives to contact constituents.

The results mentioned above are consistent with the survey on the incentives for being congress deputies under China’ new institutional environment. Congress deputies were asked what motivated them to go into LPC in the questionnaire done in the M district people’s congress in 2009. The options that “really want to do something for the electorate” and “the important channel to express demands for interests and impact decision-making” ranked as the first two positions. Meanwhile, “political honor” and “organizational arrangement,” were no longer considered as very important compared to before (See table 6.3).

Table 6.3 The incentives to be congress deputies

Q: What is your incentive to be deputies? (n=106 congress deputies, 105 is valid, and 1 is missing)	Yes (percentage)	No (Percentage)
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Positional demands or organizational arrangement	38.7	60.4
Political honor	28.3	70.8
The important channel to express demands for interests and impact government decision-making	42.5	56.6
Really want to do something for the voters, good deputies will be respected and supported	85.8	13.2
Accumulating interpersonal relationship and political resources	0.9	98.1
A good chance to learn and self-improvement	11.3	88.7

Source: the analysis on questionnaire done by the author in 2009 in the M people's congress. A total of 105 congress deputies responded to this questionnaire within 106 returned questionnaires.

As is to be expected, congress deputies' activities supported under blending incentives made a difference in the perception of the constituents. According to one survey on the public perception of the local people's congress conducted in Zhejiang province in early 2000, only 27.5% of the respondents tried to seek for the help of congress deputies when they encountered grievances in life. A similar survey done in Huaihua city demonstrated that 33.7% of the respondents gave positive evaluations toward the role of news media in providing help in cases where their legitimate rights were infringed upon, while only 31% of the respondents selected people's congresses or congress deputies when they encountered the same problem.<sup>147</sup> In comparison, the perception toward the role of congress deputies as well as the LPC institution was measured by asking questions "what kinds of channels have you chosen to reflect personal or public issues" and "which channel do you think is most effective in your experience" in the 2010 questionnaire sent to 256 constituents. Survey results showed that constituents held congress deputies in high regard in the M people's congress under the current institutional context: "congress deputies," "reflecting issues via village cadres or residence cadres" and "reflect issues to government via possible ways" ranked top three channels for constituents to reflect issues. At the same time, constituents pointed out that "congress deputies" were the most effective channels for

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<sup>147</sup> Tian Biyao, "Renda Jiandu De Jiazhi Mubiao (The value and target of LPCs' supervision)", Zhongguo Renda Xinwen (Chinese News on People's Congresses), June 20, 2002.

them to seek help in solving their issues in practice, accounting for 48% (see the following tables).

Table 6.4 Constituents' perception on channels they have chosen to reflect issues in 2010 questionnaire in the M people's congress

Channels Frequency	Reflecting issues via village cadres or residence cadres	Reflecting issues to government via possible ways	Letters of complaint	Petitions to higher authorities for help	Congress deputies	Others
Percentage	66.8%	15.6%	10.2%	2.3%	68%	0%
Valid	171	40	26	6	174	0
Missing	85	216	230	250	82	256
Total	256	256	256	256	256	256

Source: the data comes from the questionnaire results sent to constituents in 2010 in the M people's congress. A total of 256 constituents gave feedback, and the missing numbers are given in the table.

Table 6.5 Constituents' perception on the most effective to solve their issues in 2010 questionnaire in the M people's congress

Channels Frequency	Reflecting issues via village cadres or residence cadres	Reflecting issues to government via possible ways	Letters of complaint	Petitions to higher authorities for help	Congress deputies
Percentage	9.0%	4.7%	7.4%	2.0%	48%

Source: the data comes from the questionnaire sent to constituents in 2010 in the M people's congress. A total of 256 constituents provided feedback, and the missing numbers accounted for 28.9% for this question.

## 6.4 Conclusion

The empirical evidence above suggests a strengthening of the accountability linkage between congress deputies and constituents in the Chinese context. However, the incentive models of congress deputies identified in this study are distinct from those recognized in Western experiments. To sum up the findings:

Firstly, substantial deputies are operating instead of the previous symbolic or ritual deputies, both from the perspective of deputies and constituents. Although the behavior of the deputies in responding to constituents' affairs is still uneven, a sense of their constituents is popularly held by the deputies. This is partly due to intensified competitive election experiences when running for deputy positions. The semi-competitive election provides some possibility for the loss of the CCP's nomination during the electoral process

Secondly, although the semi-competitive election of Chinese congress deputies and public accountability recognition behind recall experiments has a visible impact on producing the sense of constituents after election, it should be admitted that election constraint is still limited in terms of rewarding or punishing deputies via recall and re-election institutions given China's current politics. This partially accounts for why some deputies get away with failing to contact constituents after election.

Thirdly, compared with the prominent incentive of re-election for MPs in western democracies, Chinese congress deputies gave less consideration to being re-elected when deciding whether to be accountable to their constituents. This was reflected both in the interview materials and the questionnaire results. Therefore, we could not obtain further explanations on the incentives of Chinese congress deputies by only relying on the re-election constraints that are widely accepted in western democracies.<sup>148</sup>

Fourthly, the evidence has suggested that role-driven, interest-driven, and institutional-driven incentives constitute the main forces driving congress deputies to contact their constituents and provide services for their issues in a responsible manner. However, these are conditional in different LPCs, with distinctive institutional arrangements: role-driven with strong sense of constituents are prominent in the

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<sup>148</sup> The difference of institution contexts determines the path divergence of exploring similar question. For instance, Mitchell Paul can define the key question as "Do voters have any effective means of controlling their representatives? And what's possible effect of different electoral institutions on the links between voters and representatives?", but in Chinese context, it is suitable to consider similar question by adding questions such as "why some congress deputies are proactive to respond to constituents under the conditions of limited constraints from voters and electoral institutions." Mitchell Paul, "Voters and their representatives: Electoral Institutions and Delegation in Parliamentary Democracies," *European Journal of Political Research*, Vol.37(2000):335-351.

fieldwork LPCs due to the influence of macro-level contested electoral institutions and rising recognition of accountability by the constituents; interest-driven incentive is one emerging factor to explain deputies' behaviors: the stories that most deputies told in terms of why they participated in the election and how they influences related government branches give away information about this incentive, whereas the deputies are usually embarrassed to admit this directly, because a search for personal or unit interests bluntly or publicly is conflicted with the value of collectivism and moral supremacy in traditional Chinese culture. Compared with the former two incentive models, deputies who hold institutional-driven incentive just appear in the W people's congress and the M people's congress where institutional innovations have been carried out recently. More interesting, these institutional innovations that had attracted more attention from other LPCs, scholars and media are allied simultaneously with the CCP committee and the executive at the corresponding level. They are supported mainly due to their potential for resolving the increasing social conflicts between the public and government as well as the CCP, although the input of more interest demands from constituents will inevitably produce some impact on CCP-dominated authoritarian rules.

In contrast to previous explorations of incentives in terms of self-interest and altruism,<sup>149</sup> the empirical evidence in this study suggests that institutional arrangements at the micro-level are one critical but neglected variable for capturing why deputies as individual and LPCs as institutions are responsive to their constituents' affairs and voices. At the same time, it is worth noting that institutional innovations will be limited to producing constraints and stimuli on deputies unless the institutional power structure is prone to the implementation of these institutions under a Chinese political setting.

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<sup>149</sup> Guo Jiguang, "A Study of Deputies in Local People's Congresses in China" (PhD diss., National University of Singapore, 2007: 148-157).



In short, distinctive combinations of a series of key variables, such as the rising of accountability recognition from constituents under a contested electoral environment, the enhancement of interest demands from deputies, the appearance of institutional stimuli at the micro-level, as well as the focus of the CCP and government on increasing social conflicts, accounts for the improvements in the congress deputies in terms of their performance and incentives in the four fieldwork LPCs. At the macro-level, a political environment filled with increasing recognition of accountability and interest articulation clearly indicates that congress deputies are prone to attach more attention to their constituents where LPCs characteristically lean towards more institutional innovations and favorable political supports.

To some extent, this could lay a foundation for a further understanding of the performance of deputies as individuals and LPCs as institutions in holding the authorities accountable in horizontal accountability arenas, which I will discuss in the next chapter.

## 7. Emerging Local People's Congresses as Institutions of Horizontal Accountability

Legislatures under Chinese circumstances were for a long time regarded as marginal to all significant proposals or actions because of subordination to other power actors in the political system. Along the same vein, the “zero-base-model” in terms of horizontal accountability assumes that the LPCs are minimal and difficult to exert influences compared with governments and CCP in real power structures.

However, the Chinese People's Congress, especially the LPCs, are arguably moved beyond their previous roles of “rubber stamps” and are more powerful today than before, as reflected in the changing images of the LPCs depicted by scholars. For example, Oscar notes the occurrence of increasing constraints of the LPCs over the local party committee and local government's discretionary rule.<sup>150</sup> Cho demonstrates an active role in the views of the LPCs' strategic supervision over governments by focusing on two areas of supervision—the examination of law enforcement and appraisal of government bureaus and officials.<sup>151</sup>

Given limited knowledge of this changed process, the aim of this chapter is, first, to assess how and to what extent LPCs can hold authorities accountable. Second, understanding is sought regarding what forces contribute to their successes and failures, as well as what explains the differences among the LPCs in the different fieldwork sites.

The horizontal accountability exerted by LPCs refers to their ability to prevent the illegitimate use of political powers and the ignoring of the executive, people's court,

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<sup>150</sup> Oscar Almen, “Authoritarianism Constrained: The Role of Local People's Congresses in China” (PhD dissertation, Goteborg University, 2005), 145.

<sup>151</sup> Cho Young Nam, *Local People's Congresses in China: Development and Transition* (Cambridge University Press, 2009), 44.

and people's procuratorate of public voices and demands.<sup>152</sup> The assessment of LPCs' accountability performance will be carried out along three dimensions —*transparency, answerability and controllability*. On the one hand, we look at whether the policy processes dominated by power-holders are visible or open to the LPCs and the public; on the other hand, we study whether the power holders are required to justify their actions. More importantly, the possibilities for LPCs to exert influence or impose sanctions on political authorities will be examined when cases of ignoring public appeals or violating public interests occur.

Specifically, this chapter starts with a description of the broad institutional improvements and constraints that have arisen under Chinese circumstances; Part two demonstrates the accountability activities and influence strategies from SCs in practice; Part three mainly focuses on how individual-level congress deputies perceive their influence in ensuring accountability. Part four explores the driving forces behind the increasing role of LPCs as horizontal accountability institutions. In the conclusion, the main findings will be summarized.

## **7.1 Institutional improvements and constraints on LPC accountability**

### 7.1.1 Institutional improvements

#### **Powers**

Letting all of the power of the country belong to the people is the cornerstone of the establishment of Chinese LPCs. On this basis, Chinese politics feature a chain of delegation from the people (the voters) to people's congresses and then to the government, which is mirrored by a corresponding chain of accountability that runs in

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<sup>152</sup> In accordance with Chinese political system, both the executive and people's court and people's procuratorate should be accountable to the legislature on behalf of the public at the corresponding level, which is different from the Western liberal democracies. Therefore, judicial organs will be regarded as part of the government in the thesis unless otherwise stated.

the reverse direction<sup>153</sup>: a) the accountability chain from people's congresses to the people: Just as stipulated in Article 3 in Chinese Constitution, "the National People's Congress and the local people's congresses at different levels are instituted through democratic election. They are responsible to the people and subject to their supervision." b) the accountability chain from the governments to people's congresses: "All administrative, judicial, and procuratorial organs of the state are created by the people's congresses, to which they are responsible and under whose supervision they operate." People's congresses at different levels have a certain degree of autonomy although people's congresses at higher levels retain some influence over the lower levels: "the division of functions and powers between the central and local state organs is guided by the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities."

In accordance with these accountability chains, people's congresses at local levels are empowered by the supreme powers in Chinese local politics to hold the governments accountable to the people. Supervision, the power to appoint and recall, decision, and legislation are the four constitutional powers of LPCs. Following MacFarquhar's observation and the author's fieldwork, LPC supervision covers the executive, courts, and procuracy, and includes the right to respond to letters and complaints from the people and LPCs at lower levels, to initiate investigations. Appointment involves the right to appoint and recall vice-governors, temporary governors, and other high-ranking officials in the executive, the courts, and the procuracy. Decision power covers the right to decide on important local affairs in their respective administrative areas and the right to approve public budgets, which will be especially emphasized in next chapter.

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<sup>153</sup> Due to the similarity arrangement between Chinese People's Congresses and Representative countries, This idea benefits a lot from Kaare Strøm's article, "Delegation and accountability in parliamentary democracy," *European Journal of Political Research*, Vol.37(2000):261-289.

Here, the LPCs at the city and county level concerned in this thesis mainly involve the first three powers (supervision, appointment, and decision) because these LPCs have no legislative power compared to provincial-level people's congress at higher levels. Nevertheless, they have the right to investigate the enforcement of laws and rules (zhi fa jian cha), which can be categorized into supervisory power for the LPCs. This makes it possible for LPCs to push the authorities into actions or to sanction them in cases of their non-accountable reactions, by using these institutional powers.

## **Resources**

### **a) Committees and empowered accountability tools**

Formally supreme powers are only one requirement, but an insufficient variable, to produce good performance. In this respect, the person in whose hands these powers reside and who exercises them in practice would seem critical. At the beginning, the powers of the LPCs were exercised by the executives during the intersession meeting, which greatly reduced the influence of LPCs on the governments. Although the standing committee (SC) came into being with the Chinese National People's Congress at the birth of the system of people's congresses, the LPCs were not empowered until 1979 to create similar standing bodies as the result of strengthening the construction of democracy and legality after the reform and opening policy were adopted.

Subsequently, the establishment of SCs as permanent organs in the intersessional period provides the possibility for local people's congresses to become more powerful organizations. On the one hand, the SC's position in ensuring accountability can be observed from Article 110 in the Constitution of the People's Republic of China, which stipulates that *Local people's governments at various levels are responsible and report on their work to people's congresses at the corresponding levels. Local people's governments at and above the county level are responsible and report on their work to the standing committees of the people's congresses at the corresponding levels when the congresses are not in session.* More detailed stipulations are written both on the

tools and procedurals for the SCs to carry out their tasks in Law of the People's Republic of China on the Supervision of Standing Committees of People's Congresses at Various Levels enacted in 2006. On another hand, the commissions have been successively established to assist SCs in most LPCs below the province level since 1980; for instance, the Finance and Economy Affairs Commission, the Personnel and Deputies Affairs Commission, the Science, Education, Culture and Health Commission, and so on.

#### b) **Congress deputies to LPCs**

Congress deputies are the main actors of the LPCs and their SCs during the intersession. Although LPCs and SCs were ironically criticized as being dominated by a group of cadres and older persons who retired from the CCP committee and governments, which greatly violated the independence and decrease the performance of LPCs, we should admit that there have been obvious improvements recently.

To ensure the characterization of wide representation, elected congress deputies are required to cover the proper proportion of workers, peasants, cadres, intellectuals, People's Republic Army (PLA) personnel, ethnic minorities, non-CCP or "democratic party" members, and so on. Among them, the cadre deputies and non-CCP deputies are usually regarded as an important index to observe to what extent LPCs would be subject to the CCP's control instead of promoting the solution of administrative problems on behalf of the public.<sup>154</sup> The figures on general occupational structure statistics of the LPC deputies during 1977-1999 in China show that cadres occupied a relatively large proportion at the local level (see Table 7.1 below). They also exhibited

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<sup>154</sup> For more detailed discussion please see: Pan Zhaomin, "Difang renda daibiao de jiegou bianqian duiqi jiandu xiaoyi de yingxiang fenxi (The Structural Change of the Composition of Congress Deputies and Its Influence on Supervision Performance of LPCs)," April 16, 2009, <http://www.fepc.org.cn/Article.aspx?ArtID=245>; Barrett I. McCormick, "China's Leninist Parliament and Public Sphere: A Comparative Analysis," in *China after Socialism: In the Footsteps of Eastern Europe or East Asia?* Edited by Barrett I. McCormick and Jonathan Unger. Armonk, NY: M.E. Sharpe (1996):29-53.

a gradually increasing trend, especially at the county and city levels. The maximum ratio reached 53.22% although the minimum ratio was equal to 25.42%.

Table 7.1 Occupational structure of LPCs' deputies in China <sup>155</sup>

Year	Levels of LPCs	The proportion of the total congress deputies in LPCs			
		Worker	Peasant	Cadre	Intellectual
1977-1981	Province	27.17%	20.19%	19.32%	16.15%
	<b>County</b>	<b>9.47%</b>	<b>49.26%</b>	<b>25.42%</b>	<b>8.61%</b>
1983-1987	Province	19.88%	13.30%	23.58%	21.28%
	<b>County</b>	<b>10.44%</b>	<b>39.52%</b>	<b>26.03%</b>	<b>16.48%</b>
1988-1990	Province	13.69%	11.97%	55.74%	Na
	<b>City</b>	<b>16.78%</b>	<b>17.73%</b>	<b>53.22%</b>	<b>Na</b>
	<b>County</b>	<b>9.82%</b>	<b>41.16%</b>	<b>39.51%</b>	<b>Na</b>
1993	Province	12.08%	11.89%	49.85%	Na
	<b>City</b>	<b>15.26%</b>	<b>17.29%</b>	<b>48.48%</b>	<b>Na</b>
	<b>County</b>	<b>10.22%</b>	<b>40.87%</b>	<b>42.10%</b>	<b>Na</b>
1996-1999	Province	14.01%	10.47%	42.80%	20.95%
	<b>City</b>	<b>15.83%</b>	<b>17.76%</b>	<b>36.79%</b>	<b>20.32%</b>
	<b>County</b>	<b>9.83%</b>	<b>37.28%</b>	<b>35.01%</b>	<b>12.68%</b>

Source: based on Guo(2009:11-15)

Note: here “cadre” mainly refers to the staff in party organs, executive authorities, and the judiciary branches, part of whom occupy leadership positions.

However, some changes in the composition of congress deputies have occurred since 2003. First, the percentage of the numbers of cadres in the four LPCs studied here is not only lower than the corresponding average percentage of nationwide statistics for LPCs, but it also shows a decreasing trend year by year, which can be seen from the empirical data collected via the author’s fieldwork. For example, in the M people’s

<sup>155</sup> Guo Qingzhu, “Guanyu renda daibiao goucheng xianzhi de xianfaxue sikao (The Constitutional Consideration on the Occupational Composition Constraint of People’s Congress Deputies),” *The Study on Chinese Legislature*, Vol.6 (2009).

congress, cadre deputies make up only 14% of the congress deputies, which is much lower than the percentage in its previous session (see table 7.2 below) and the minimum ratio—25.42%—on the statistics of nationwide LPCs. Most respondents point out that this is a great benefit for the authorities' answering the complaints of congress deputies and the public. For instance, congress deputies made suggestions that it was inappropriate for too many government cadres to exist in a supervised position and act as congress deputies in the fourth plenary meeting of the third session to the M people's congress. The M people's congress and the CCP attached great importance to this suggestion and there are almost no government cadres on the list in the subsequent election to congress deputies in the fourth session in 2006(ints.2,15,16). The CCP also took the initiative to decrease the nominating quotas for government cadres both in the J people's congress and the B people's congress as a result of congress deputies' complaints and the quota instruction from higher levels (ints.23,39,68,76). More interestingly, intense competition in the election of congress deputies brought great pressure to the election of cadre deputies in the W city where a well-developed private economy dominates (ints.54,56).

Second, the quality of congress deputies has greatly improved. On the one hand, the educational background of congress deputies shows that more than 60% of the congress deputies have junior college or higher education. Compare to the lower education level of congress deputies (some were illiterate due to the political-oriented evaluation and election of congress deputies) in past years, this improvement is meaningful for improving the performance of LPCs. On the other hand, the experience and capabilities rather than the sole political quality are now given more attention in re-election. Table 7.2 shows the higher percentage of re-election in the four LPCs. Congress deputies are now also younger. We can see that more than 75% of the congress deputies in these four places are 36-55 years old in table 7.2.

Table 7.2 Main compositions of congress deputies in the four LPCs



LPCs	Session (Year)	Number of deputies	Main occupy composition of deputies to LPCs					Among them				
			Worker & Peasant	Cadre	Intellectual	Non-public Business	PLA	Women	CCP	Reelection	Education (college or above)	Age 36-55
W	13th 2003	378	Na	33.1%	Na	9.3%	0.5%	20.1%	74.1%	28.6%	47.6%	79.6%
W	14th 2006	379	47.34%	26.65%	13.62%	9.76%	0.79%	13.19%	78.36%	38.26%	63.59%	84.17%
M	3th 2003	257	Na	More than 14%	Na	Na	Na	Na	72.7%	Na	Na	Na
M	4th 2006	263	23%	14%	Na	8%	1.1%	28.9%	76.4%	39.9%	78.8%	89%
B	1th 2003	215	29.51%	Na	Na	Na	0.58%	28.93%	88.52%	--	68.31%	75%
B	2th 2006	218	33.49%	32.09%	18.51%	8.51%	1.39%	29.74%	78.6%	33.02%	73.02%	80%
J	10th 2004	361	37.6%	33.8%	15.5%	Na	3.9%	25.5%	68.4%	34%	70%	78.5%
J	11th 2009	367	18.2%	28.3%	19%	9%	3.8%	27.5%	65.7%	41.9%	78%	80.4%

Source: the author's calculation from the fieldwork data in the WPC, MPC, BPC, and JPC in China during 2009-2011.

Note: Most leaders in Chinese LPCs regard data mentioned above as confidential information, which makes it very difficult to obtain comprehensive data even if adopting many strategies. So I have to mark "Na" in the forms where I could not obtain actual data.

### c) Standing committee members

Following the principle-agent relationship between the people and LPCs, the power of SCs during the intersession can be further treated as the delegation from the whole congress deputies. Due to the fact that the SCs are legally elected from congress deputies by all congress deputies during the plenary meeting of LPCs at the corresponding level, the numbers are much lower than those of congress deputies. For instance, the members of SCs in LPCs at the

county and city level are legally allowed to range from 11 to 45 to balance the representation and the scale problem in the Chinese context. This is true for the four LPCs listed in table 7.3 below.

When it comes to the composition of the SC members in LPCs, improvements and constraints coexist. On the one hand, both educational background and age have absolute advantages compared with the case for congress deputies, as can be seen from table 7.2 and table 7.3. It is the same if we evaluate the improvement from the perspective of vertical development. For example, in the W people’s congress, the SC members experiencing college or university education accounts for 0% in 1980, 4% in 1984, 37.9% in 1996, 71.4% in 2003 and 97.1% in 2006.<sup>156</sup> Unlike the part-time congress deputies, the more than 40% full-time SC members in these four LPCs at present provide chances for them to concentrate on public affairs. On the other hand, it is also obvious that the LPCs are limited to one prominent characterization; namely, the higher proportion of CCP members both in the SCs and the LPCs, demonstrated in table 7.2 and table 7.3.

Table 7.3 The sketch on the main compositions of standing committee members in the four LPCs

LPCs	Session (Year)	Numbers of standing committee	CCP	Women	Education (College and above)	Age 36-55	Full-time	Part-time	Re-election
W	13th 2003	28	96.4 %	21.4 %	71.4%	92.8%	Na	Na	Na
W	14th 2006	35	91.4 %	11.4 %	97.1%	91.4%	48%	52%	Na
M	4 th 2006	27	77.8 %	22%	100%	99%	45%	55.6%	Na
B	2th 2006	21	71%	38%	100%	57%	52.4%	47.6	Na
J	10 th 2004	33	70%	18%	98%	73%	36%	55%	Na
J	11 th 2009	36	66.7 %	19.4 %	100%	63.8%	40%	61%	24%

<sup>156</sup> The author’s calculation on the basis of the W people’s congress annals(2000),383-388.

Source: the author's calculation from the fieldwork data in WPC, MPC, BPC, and JPC in China during 2009-2011.

### **7.1.2 Institutional constraints**

Clearly, many improvements have occurred with the process of LPC institutionalization. We probably can place high hopes on their performance because most literature suggests that a more institutionalized the legislature has a greater capacity to exert some independent influence on policy outcomes.<sup>157</sup> However, particular institutional constraints that probably complicate the accountability practices cannot be ignored in the Chinese context.

First, the CCP still has a strong influence in the recommendation and election of congress deputies and SC members in practice, even if occasionally the results deviate from its will. According to the principle of bringing younger cadres to the leading posts, established in the era of China's reform and opening, some leading cadres beyond a certain age limit in the CCP committee and governments were usually decided internally to hold office in LPCs or the Chinese People's Political Consultative Conference at the corresponding level. When the CCP still dominates the SCs and legislatures under the circumstances of no fair elections and no competitive parties, the danger is that there will be no accountability.

Second, the political context mentioned above also brings some constraints on the equipment of leadership to the LPCs. Respondents described the main constraints as follows: overwhelmingly CCP members, stronger party and government background, less younger leadership cadre compared to those in governments, and shorter tenure in LPCs (ints.3, 6, 14, 23, 34, 46, 47, 50, 77, 83). These are consistent with one sample survey on leadership structure in 9 districts and county people's congresses in Shanghai done by the M people's

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<sup>157</sup> The representing literature can be seen from P.Norton, "Introduction: The Institution of Parliaments", in Norton, *Parliaments and Governments in Western Europe* (Frank Cass Publishers, 1998), 7-13.

congress: more than 80% of the leaders are CCP members, few of them are less than 50 years old. Those who retired from the CCP committee and government branches accounted for a large proportion—more than 70%. However, about 20% of the leaders have more than 5 year’s tenure (see table 7.4).

Table 7.4 The sample survey on leadership structure in 9 districts and counties people’s congress in Shanghai

Characteristic	Political status	Age Between 45-49	Tenure in LPCs			Work background ( working positions before taking position in LPCs )					
			5 year (%)	3 – 5 years (%)	Below 3 year (%)	CCP committee (%)	LPC (%)	Government (%)	Judicial (%)	Mass organization (%)	Others (%)
Informants	CCP (%)	(%)									
The Head and deputy head to standing committees	82.35	5.88	11.76	25.49	62.75	39.22	0	35.29	0	19.61	5.88
The directors to working commissions of standing committees	94	4	24	26	50	36	8	38	4	10	4

Source: data comes from the investigation and study report done by M people’s congress in 2005, “The exploration on tools to optimize the leadership structure of leaderships in LPCs.” In addition, the M people’s congress is one of the 9 district and county people’s congresses mentioned in this table.

Furthermore, both the SC members and ordinary congress deputies in Chinese legislature politics have to follow a dual system of accountability under the Chinese political environment: on the one hand, most of these should be subordinated to the core leadership of CCP due to their identity of CCP members and previous close involvement with governments; at the same time, they also bear the accountability to the public as the representatives of the public. Thus, one dilemma appears within this one-party institutional framework: do they show loyal to the party-state or to the public as constituents,

if demands of the state or the CCP and interests of the people conflict with each other?

Some controversial arguments have arisen regarding their impact on LPC accountability performance in the current research. Some argue that, in the Maoist era, the loyalty that most Chinese people's congress deputies felt toward the state completely overwhelmed their sense of responsibility to their constituents. They were often faced with devastating sanctions if they felt otherwise.<sup>158</sup> Others state that, in the new era, their responsibility towards constituents overwhelms their loyalty to the Party-state even if most of them were CCP members. For instance, most congress deputies thought their role as the delegation of constituencies prevailed over the intention of party leaders when they were asked "What is your direct motivation when you cast your vote as deputies?" in a 1990 survey conducted by Zhao(see the following table).

Table 7.5 One survey on local congress deputies' motivation<sup>159</sup>

Motivation	Intention of the CCP Leaders	Own conscience	Following the general trend	Constituencies' delegation
Survey areas				
Haidian district in Beijing	9.8%	21.7%	17.4%	51.1%
Dongcheng district In Beijing	12.6%	28.2%	19.4%	39.8%
Hangzhou city	13%	23.6%	21.7%	41.3%

Source: Zhao(1990:203-237)

Therefore, the exploration in the subsequent parts of the following questions becomes meaningful: whether LPCs can exert some influence on the decisions or actions of the CCPs and governments at the present time, even if sometimes they are still manipulated by them. If yes, then we will ask in which ways they use their room to maneuver.

<sup>158</sup> O'Brien KJ, "Agents and Remonstrators: Role Accumulation by Chinese People's Congress Deputies," *China Quarterly* (1994), No.138: 359-380.

<sup>159</sup> Zhao Baoxu, *Minzhu zhengzhi yu defang renda (Democratic politics and local people's congress)* (Shanxi People's Publisher in China, 1990), 203-237.

## ***7.2 Accountability activities and Influence tools from the SCs***

As the basic organizational configuration in LPCs, the plenary session is held once annually: this usually lasts four to seven days. In contrast, the standing committee meetings are held six or seven times per year during the intersessional meeting. Due to paucity of time and problems of large scale, the detailed business obviously cannot be dealt with in plenary sessions. Similar to the observation from Mattson and Strom in the Westminster parliaments, “much of the real deliberation takes place away from the plenary arena in much smaller groups of legislators such as parliamentary committees...committees have indeed become the main focal points of many representative assemblies,”<sup>160</sup> it is true that thorough supervision and accountability of government activities mainly occurs at professionalized SCs in LPCs in the Chinese local context. How to obtain information and what kinds of tools as well as strategies adopted in practice are two crucial indicators to observe the performance of the SCs in LPCs.

### ***7.2.1 Information serving for accountability activities***

Central to any effective accountability activities is the provision of adequate and relevant information. According to current practices, LPC standing committees mainly have means of access to information in practice:

The first access is the information from the CCP committee and congress deputies. On the one hand, while the CCP committees try to curb the rapid growth of LPCs, sometimes they still need to make use of the strength of the LPCs to control the local governments in the actual political environment. In this regard, LPCs and their standing committees work in close contact with CCP

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<sup>160</sup> Mattson, I and Strom, K., Parliamentary Committees. In H. Doring, ed. *Parliaments and Majority Rule in Western Europe*(New York: St Martin's,1995),249.

committees. They arrange part of their work around the central information and guidance from CCP committees, especially when CCP committees remind them to focus on some problems in governmental work. On the other hand, both constituency and social organizations can seek out the help of congress deputies when they encounter problems in public affairs or they want to express their opinions. The institutional linkage between them inevitably inputs some new information into SCs from the LPCs.

A second is the regular contact with governmental agencies via particular commissions of standing committees involved in the oversight of all governmental activities.<sup>161</sup> These commissions usually include the Financial and Economic Affairs Commission, the Internal and Judicial Affairs Commission, the Education, Science, Culture and Public Health Commission, the Urban Construction and Environment Protection Commission, Personnel and Deputies Affairs Commission, the Overseas Chinese, Ethnic and Religious Affairs Commission, and so on. Among these, the Financial and Economic Affairs Commission mainly contacts the Development and Reform Commission, the Department of Finance, the Department of Commerce, the Department of Railways, Industry and Information Technology, the Department of Taxation, Banks, Bureau of Statistics, and other relating to money or finance. The Internal and Judicial Affairs is usually in charge of the work of civic affairs, social security, judiciary, and contact with related departments. According to respondents who are in charge of these commissions, they convene some communicating meetings with related governmental branches discussing the focus of accountability at the beginning of per year; of course, what kind of information should be actively provided by government departments is also

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<sup>161</sup> LPCs at county or city level just have work commissions to assist the work of standing committee while some LPCs at vice-province or above level have established specialist committees working together with standing committee in China.

inclusive. In addition, they usually carry out some investigations concerning work scope to reduce their disadvantage position caused by information asymmetry (ints.1,17,18,24,25,50,54,55,59, 65,67) .

The final, and perhaps most Chinese characterized access, is the information provided by the ordinary public, individually or collectively, via the channel of letters and visits ( *xinfang* 信访) to LPCs. While no specific organization is identified within the LPCs, the reception rooms for petitions were set up with the establishment of the SCs to deal with increasing social conflicts. Many SCs categorize information provided via the letters and visits to enhance answerability. For instance, the SC in the M people's congress divides information into three main categories: giving suggestions and opinions on LPCs' and governmental work, seeking resolutions and grievances. The related suggestions and petitions are then sent to commissions within the SC and the letters and visits offices established within the government and CCP committee. The latter should provide feedback on the settlement of issues at the SC meetings within the prescribed time (int.2). The numbers of letters and visits to the SCs show an obvious growth trend in recent years. Two main reasons contribute to this: for one thing, increasingly more public and social organizations are seeking help from the SCs, especially when they fail to appeal to governmental branches directly. According to the statistics from the W people's congress, the numbers of letters and visits were 802 in 2000, 958 in 2001, 1390 in 2002, 1561 in 2003, 1365 in 2004, 1463 in 2005, 1314 in 2006, 1323 in 2007, and 1153 in 2008. <sup>162</sup> The other reason is that the governmental branches will not completely put livelihood issues aside when the SCs to local people's congresses push them to solve these issues, due to the fact that the CCP

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<sup>162</sup> This source belongs to restricted statistic data on letters and visits collecting from the W people's congress in November, 2009



attaches great importance to these issues relating to social stability. These inevitably enhance public trust and contact with the SCs to the LPCs in turn.

The sense of this information access can be seen from one example that happened in the M people's congress:

*“Sending the banner to the SC of the M people's congress instead of the previous chopping knife”*

*Some problems reflected by the people via the channel of complaint letter and visit to LPCs can be resolved, especially for the urgent issues. For instance, one boss who came from Zhejiang province set up his factory building in the rented village land in the M district in Shanghai and had a better operating profit. However, the good days did not last long. His plants were stolen by the village when he spent the spring holiday in his hometown. He suffered several millions in losses. Therefore the village was sued by that boss for violating his business. The Intermediate People's Court of the M district sentenced the village to pay damages to that boss. However, the Court's judgment was not carried out because the village said they had no money to make compensation. The boss was agitated. He carried one chopping knife to our people's congress saying that he would kill the village head and related villagers if his injustice could not be righted under the urging of the LPC. We felt that this thing was more grievous and reported to the leaders of the standing committee. An undesired result would occur if this could not be resolved quickly and efficiently. The leaders also attached great importance to this issue. The higher Court sentenced his case again and urged the defendant to implement the decision after the LPC communicated with the departments concerned. At last, his issue was quickly resolved. The boss was very satisfied with the result and sent a banner to the LPC to express his heartfelt thanks (Int. 2).*

### *7.2.2 The use of accountability tools*

It is also worth noting that the standing committees at the county level or above in China may secure governmental accountability by choosing the following legal tools: hearing and deliberation over special work reports, keeping on file and reviewing of regulatory documents, inspection of the enforcement of laws and regulations, questioning and addressing inquiries, investigation into special issues, examination and approval of public budgets, and deliberation and decisions on proposals for removals from office. Depending on the type of tools available and adopted by the SCs in different regions, the degrees of constraint on government activities may be higher or lower.

Table 7.6 lists the use of tools for supervision and accountability by the SCs in the four fieldwork LPCs, with a summarized ranking of their operating frequencies in practice.

Table 7.6 The use of tools and performance for accountability by the SCs in the four LPCs

Legally Tools LPCs	<i>Inspection</i>	<i>Appraisal</i>	<i>Appoint and removal</i>	<i>Budget supervision</i>	<i>Questioning and addressing inquiries</i>	<i>Reviewing of Regulatory Documents</i>	<i>Investigation into Special Issues</i>
W	++	++	+-	++	+	-	-
M	++	++	+-	++	+	-	-
B	++	+	+--	+	-	-	-
J	++	+	+--	+	-	-	-

Source: the data is one combination of interview materials, website information, and media coverage.

Note: “++” dictates the high frequency used by LPCs, “+” manifests that it is used but has common frequency. “--” dictates that it is less or ritually used in practice while it is allowed by laws and regulations concerned. “+--” means it is used with common frequency but somewhat ritual.

☼ In view of the dominance of budget supervision in holding the authorities accountable under Chinese local context, there will have a special discussion in next chapter. Here the author will omit it.

While all four SCs to the LPCs have gradually learned to use multiple tools to exert influence on governmental activities, the tools of inspection, appraisal, appointment and removal, and budget supervision are more popular than the tools such as questioning and addressing inquiries, the reviewing of regulatory documents, and the investigation into special issues. Furthermore, the W people’s congress and the M people’s congress seem to be more active and influential than the other two, even when it comes to the use of legal tools. Details are as follows.

### *Inspection*

Inspection of the Enforcement of Laws and Regulations or problems reflected by the public or social organization is one regular tool used by the SCs to keep government accountable. It is specified in Article 22 in the Supervisory Law; that is, the standing committees of the people's congresses at all levels shall annually select a number of important issues which have a bearing on the overall situation of reform, development and stability and on people's immediate interests and are of widespread concern, and make planned arrangements for inspection of the enforcement of relevant laws and regulations in respect of the said issues.

This tool has been institutionalized in the four fieldwork LPCs. Inspections on related laws are listed as main work of the SCs at the beginning of year. Ambush inspections, unannounced visits, and joint investigations are popularly used in the W people's congress, the M people's congress, and the J people's congress to decrease asymmetric information with related government branches. The leader who is in charge of related departments instead the head of departments should present reports after inspection results are sent to related government branches from the SC of the LPCs. Its strength in promoting accountability is obvious. In the J people's congress, for instance:

*"We found the regulation of periodic medical examinations toward drug users was not completely carried out due to the lack of a budget during the process of inspection of the Anti-drug law in 2010. We voiced our concern about this in our inspection result report and government paid more attention to the problem of funds. After all, our appeal in that respect was closely linked to national policy. The Public Security Bureau that was in charge of this work felt very happy about our inspection and appeals, which inevitably would promote the implementation of that regulation" (int.75).*

## *Appraisal*

Appraisal is one routine tool used to hold the executives and judicial accountable in Chinese politics. It is also one vital way to increase deputies' information and help the government to improve their work. It was initially adopted by some LPCs in the early 1980s and then extended nationwide. However, the forms of appraisal vary by areas and periods. Cho tried to categorize them into two main types: (a) self-reporting performance appraisal (*shuzhi pingyi*), which are usually used by LPC standing committees to examine leading officials elected or appointed by the legislatures; and (b) congress deputies' appraisal (*daibiao pingyi*) to oversee the conduct of government bureaus.<sup>163</sup> Although the first type was once regarded as an excessive but useful weapon to constrain leading officials by many LPCs' leaders, the new enacted Supervisory Law in 2006 dictates one new appraisal type—the appraisal over special work—to replace previous performance appraisals toward department heads directly.

The W people's congress has achieved good performance using this appraisal type. For example, the Bureau of Quality and Technical Supervision done by the SC of W people's congress in 2011 included four stages in the whole process<sup>164</sup>: the first stage is the preparation of the unit candidates list of appraisal, the vote on formal units, the enactment of implementation plan, and the mobilization meeting after talking with the appraised units. The appraisal of the Bureau of Quality and Technical Supervision is based on the recommendation from deputies and the vote by the standing committee members. It then moves into the investigation stage, which lasts for one and a half months. On the one hand, 17 small groups consisting of several hundred congress deputies collect information separately in this unit via multiple channels, such as special investigations, forums, visits, and so on. Then they submit conclusive

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<sup>163</sup> Cho Young Nam, *Local People's Congresses in China: Development and Transition* (Cambridge University Press, 2009), 58-59.

<sup>164</sup> Related data were collected from the website of the W people's congress.

comments, opinions, and suggestions on this unit to the SC. On the other hand, the appraised unit should submit a self-inspection report to the SC on the basis of self-checking and correcting. Thirdly, the appraisal stage highlights face-to-face appraisal and the comments given by the SC. At last, it is the rectification stage. The vote on the final rectification report and subsequent satisfaction measurements done by the SC and the leader of each deputy group are required. To facilitate further supervision, related results are submitted to the CCP committee and opened to the public (int.57).

The M people's congress began to carry out work appraisal in 2011 by establishing a two-way communication mechanism between the SC and the evaluated departments. Although the procedure is not exactly the same with that of the W people's congress, basic ideas are included such as answerability, transparency, and sanctions by voting or satisfaction measurements.

#### *Appointment and removal*

The SCs hold the authority to appoint and removal main officials, including deputy county or district heads of the people's government, chief judges and associate chief judges of divisions, members of the judicial committees and judges of the people's courts, deputy chief procurators, members of the procuratorial committees, and so on. In practice, however, this tool does not have the same strength as it should to ensure government accountability. Due to the actual control of this power by individual CCP and governmental leaders, the dilemma becomes how to deal with the authority and the leadership of CCP that still exists. One respondent's argument in the W people's congress was as follows:

*“Appointment and removal of officials via the SCs is more sensitive in actual operation due to the touching on one important principle of the CCP, which is assuming the responsibility for cadres' affairs. The whole process is affected by a strong CCP intention in practice. Frankly*

*speaking, this authority actually falls into the hands of the CCP committee. Even if it is necessary for SCs to collect sufficient information on cadres before they make appointment or removal decisions, they are usually put aside at the stage of recommendation and investigation. The only channel for obtaining information for the SCs is the rough introduction on candidates done by the CCP committee organization department before voting on appointment or removal of officials. The vice-ministers from the CCP committee organization department and publicity department are always members of the SCs. This informal but popular rule in arranging SC members is favorable for implementing the CCP's intentions in the SCs to local people's congresses (Int.54).*

Against this backdrop, the reactions from the SCs vary in different areas. Some members in the SC of the B people's congress and the J people's congress think that they have to obey the will of the CCP even though they can cast dissenting votes on behalf of the will of the people at the stage of final voting (ints.37, 39, 67, 68, 69). One representative form of conduct was that the cadre candidates rejected by the SC on behalf of the public were recognized and put in important positions by the CCP. For instance, according to the nomination of CCP, the SC in the J people's congress was given an order to remove the chief position of one 57-year-old cadre in the J city Water Resources Bureau and appoint a new cadre to take over that position several years ago. At that time, it happened to be a critical period of flood prevention, so the SC thought it inappropriate to remove the chief position of that cadre and voted against the removal. The CCP committee then undertook discussions with every leader of the SC over this matter. Finally, the cadre who failed to take over the chief position in the Water Resources Bureau was nominated as a deputy secretary-general for the government and party secretary by the CCP. In addition, the SC also voted against two cadres who showed poor performance, but their appointment and removal proposals were passed via the efforts of the CCP committee after three months (ints.72, 75).

However, the SCs of the W people's congress and the M people's congress have tended to adopt some strategies to cope with this issue. The SC of the W

people's congress prefers to use reversed transmission of the pressure to correct improper appointment and removal nominations imposed by the CCP. It tries to make timely reports to the CCP after collecting sufficient information and forming its own opinions on the candidates. It is not surprising that the candidates with bad qualities fail at the stage of SC voting, especially when the CCP still follows its initial nomination of the candidates challenged (ints.44, 50, 51). The SC of the M people's congress tries to strive for certain initiatives in the final appointment and removal decision by establishing a good relationship with the CCP committee at the corresponding level. Some respondents' arguments were as follows: "the phenomenon of the CCP's appointment of the cadres voted against by the SCs also appeared in our district, especially when the CCP secretary co-chaired with the chairman of our SC before 2004. Now, we have a good communication mechanism established between our SC and the CCP committee. It is very clear that nomination of cadres resides in the CCP's hand, but we have the right to express our opinions on the candidates and vote electronically on them. We do not hesitate to cast true votes and we tell the CCP committee that many committee members are satisfied or dissatisfied with candidates in advance. Usually, the CCP will reconsider the candidates if we express our strong dissatisfaction about a candidate before holding the SC meeting. One time, one candidate declined the appointment to the chief of one government department after knowing the dissatisfied opinions of our SC" (ints.11, 13,14).

#### *Questioning and addressing inquiries*

Theoretically, this is one powerful weapon that lets the officials explain what they have done and how they are viewed concerning public affairs. If many deputies in the SC meeting or the plenary meeting are not satisfied with the performance of officials, they also can make use of legal procedures to sanction

them. However, this tool is not popular in many SCs due to its strong political influence, especially when it comes to addressing inquiries to officials.

In practice, many inquiry proposals are turned back due to unexpected political influence before they are passed to the assembly. Fortunately, these failed inquiries are solved quickly because they attract great attention from the CCP and the government (ints.9, 74). Both the W people's congress and the M people's congress adopt alternative methods for active constraint of officials. For example, they set a procedure for the officials to exhibit their decision-making basis and respond to questions from the SC, the public, and social organizations, in participatory budget reform. After that, related officials are required to report their rectifications concerning public opinions within a fixed period of time. Similar forms can bring pressure on government leaders and department officials. The author found that some officials could not stop sweating and blushing when they received more questions or failed to respond to them in a participatory budgeting meeting on-site observation. The SC in the M people's congress had raised questions about the officials in the budget hearing held by finance department but not with institutional innovation by itself. For the SC in the B people's congress, use of this tool is random.

#### *The investigation into special issues*

Some outstanding problems are of widespread concern or have a relationship with public interest but no clear facts involved. In these cases, the SCs of the people's congresses may set up investigation commissions on special issues. This is a powerful tool that exerts an exceptional accountability effect in practice. For instance, the SC in Jingzhou city, Hubei province, passed the investigation of a special issue of a hybrid rice seed business survey report in January 1997, stressing the necessity to hold related units and personnel accountable via timely and severe punishments. This is not the solely case. In



April 2002, the SC of Laian County, in Anhui province, organized a commission on specific issues, identifying a problem of nearly 4 million RMB of the litigant appropriated by the county court.<sup>165</sup>

However, one statistic shows a minimum usage frequency for the investigation into special issues among all of the supervision tools, which also was confirmed at the author's fieldwork sites. It is rarely utilized in any of the four SCs of the studied LPCs. Many respondents think this tool is highly political and worry about its influence on the tension among the CCP, the government, and the LPC.

#### *Reviewing of regulatory documents*

This tool can produce potential constraints on the executive and judicial department as well as the CCP. After all, the LPC supervision should involve the issues relating to personnel, the institution, and the policy. The CCP also should obey the supervision from the LPCs once the policy issued by it is proved illegal (ints.55,75).

However, related files or documents are less frequently or ritually reviewed in practice even if they violate laws or erode public interest. For example, farmers are required to show a license to avoid pollution caused by burning their corn stalks. How is it possible to send a license to so many farmers? The government issued this document on its own way, nevertheless. We had also received complaints about a government document stipulating to add points to the students. They can get extra 10 points if their parents had invented an enterprise with more than 10 millions of assets in our region. Similarly unfair documents have continued until today. In addition, some unfair documents are seldom reviewed. Two reasons contribute to the absence of this tool: on the one hand,

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<sup>165</sup> Zhongcao, "Difang renda jiqi changweihui zuzhi teding wenti diaocha kaoliang yu fansi (The evaluation and reflection on special issues investigation done by standing committees of people's congress)," *The Study on Chinese Legislature*, No.3(2011).

most LPCs lack the incentive to review regulatory documents; on the other hand, the government tends to be under the wing of the CCP and escapes the review and punishment from the LPCs by jointly issuing documents (int.75).

### ***7.3 The perceptions of congress deputies on their influence in ensuring accountability***

The superiority of authoritarian rule within the one-party system is prominent in Chinese political culture. From the perspective of the individual level, we know that congress deputies are the main actors in strengthening the influence of legislatures and promoting the authorities who are accountable in democracies. Is it then possible for Chinese congress deputies to influence the authorities in a different context? How can they? Their involvement in the issues of the executives and the judicial and the followed perceptions provide a valuable platform for us to respond to these questions in a local Chinese context.

According to the information provided by the respondents, we find that the power of influence exerted by congress deputies on the executive and judicial affairs increases, but remains uneven among the four LPCs. They are classified as different types based on their perceptions of the extent of influence: great influence, moderate influence with political risks, and minimal influence.

#### **Great influence**

In the W people's congress and the M people's congress, most respondents show a positive response when asked "As a congress deputy, do you think you can exert some influence on the issues relating to the executives and judicial branches?." When it comes to influence and strategies, they are different between congress deputies as standing committee members and ordinary deputies. Usually, the former shows a strong influence on policy issues if the policy is desired. The standing committee

members in the W people's congress pay more attention to influence on policy initiatives such as public participation in budget decision making, environmental protection, public transportation, food safety, tourism facilities, the justice of law enforcement, industry, worker and farmer welfare, and so on (ints.50, 51, 53, 54, 55, 58, 60). Congress deputies think that they can play a positive role in the settlement of detailed public affairs. Except for routine channels to assert their role, seeking the support of main leaders and members in the SC is regarded as a powerful way to gain influence for most deputies (ints.44, 47, 48, 49, 51, 57, 58, 59). However, it is worth noting that the influence will be decreased if the CCP is always opposed. In this regard, prior communication with the CCP via active responsibility is vital to guarantee the smooth working of the W people's congress. In the words of the chairman of the W people's congress:

*“It was not easy to obtain our current progress. The CCP did not agree with our initiatives such as an open government budget, the appraisal of sensitive work, and so on, at the beginning. I had persuaded our CCP secretary by showing sufficient pre-surveys and support from experts many times. More importantly, I promised to undertake the responsibility if our work brought about unexpected results. I was willing to take a political risk for our innovations. At last, he reluctantly agreed.”* (int.51).

For those in the M people's congress, the influence of congress deputies is extensive. The leaders and members interviewed in the SC consider that they are influential in many fields, such as public budget, construction safety, food safety, public transportation, environmental protection, judicial justice, the balanced development of compulsory education, and other livelihood issues. Making use of the legal power and personal influence are their common ways to work (ints.1, 4, 5, 7, 8, 11, 13, 14, 17, 18, 19, 22). Their influence on policy issues also can be observed in several cases provided by two standing committee members:

*Case 1: Promoting the response of main leaders to civic prosecution (int. 7)*

*When it comes to administrative adjudication on issues of the public suing government departments, we heard that related government leaders seldom appeared in court in our district.*

*The public also had a lot of complaints about having to face lawyers employed by the government who usually failed to explain their reasons clearly. We selected more than 20 cases involving different government departments to listen to over 2 years by taking advantage of the chance to inspect the implementation of “the Administrative Procedure Law.” Ultimately, we were strongly impressed by the absence of department leaders and the subsequent weak response to civic prosecution. Therefore, we wrote a report that pointed out the problems in our district and outlined better practices for the main leaders’ responses in courts in other districts.*

*The chairpersons inside the LPC paid much attention to our report and asked the court to prepare a special report. Subsequently, the government began to take the issue seriously. Regarding what we had proposed, they introduced “the provisions to cope with administrative proceedings” in the second half of 2006, to regulate that the leaders must appear in court to respond to civil complaints, especially when it comes to those cases that have significant impact on the overall situation.*

*This is meaningful for leaders of departments to understand the overall work and the aspirations of the people. At the same time, government departments with defective work would receive a judicial recommendation and a reminder to correct their improper behaviors. Compared with many public grievances before the presence of main leaders in courts, some cases were carried out of court for mediation or were peacefully settled after receiving reasonable explanations from main leaders at the scene. Now our district ranks in the top in Shanghai with respect to reforms in this area.*

#### *Case 2: How I promote the government to optimize decisions (int. 1)*

*Case 2.1 I had participated in one governmental project evaluation meeting when I was a member of the standing committee in the M people’s congress. The district government agencies had one vacant office space as a result of reform organizational change. They were prepared to allow one unit named the bidding center to work there, and the cost of renovation was RMB 17.7 million. I expressed different views against the selection of the bidding center there although I agreed with the necessity to move in a new unit: the vacant site was next to residential areas and a huge project would inevitably affect their quality of life. It seemed better to arrange one unit that would provide door-to-door service for the public outside due to limited plant locations there. The district government carried out deliberate argumentation and adjustment of the budget and scale of the new unit after identifying with my views. At last, a Food Inspection Agency was allowed to move into the vacant place instead of original planned unit after making detailed comparisons among several units. The decision change was beneficial to the government and to the public: on the one hand, the investment/cost was decreased from 17.7 million to 1.5 million by replacement with the Food Inspection Agency; on the other hand, the new decision also eased traffic tension because most staff needed door-to-door services outside, which reduced the noise and protected the surrounding environment to some extent.*

*Case 2.2 The efforts to implement affordable housing for low and medium wage earners was limited although the district government kept its eye on housing improvements for disadvantaged social groups early in the plenary meeting of the people’s congress. At the same time, the government attached more importance to the building of talent apartments. That is to say, 10*

*million talent apartments would be built to attract more white-collar workers to work in this district, and 10 million affordable houses would be used to solve the housing problems of low-income families. However, the government regarded the issue of talent apartments as one of practical projects and the issue of affordable housing was classified as routine work (the government usually shows more preference for practical projects rather than routine work because practical projects have more potential to benefit ordinary people and earn their support). I personally thought that the arrangement of these two issues was in the reverse order: providing affordable housing should be the mainstream of society and it was a key issue proposed in the plenary of people's congress. In addition, 10 million affordable housing units were not enough and the number should be increased. Afterwards, my view was accepted by the government. The 10 million talent apartments and the 10 million affordable housing units were both listed concurrently as practical projects.*

*Case 2.3 Early in the plenary meeting of people's congress in 2008, I saw that a lot of people had begun to raise pets with the improvement in their living standards. I reflected on that issue later: on the one hand, it was one kind of personal hobby; on the other hand, the result would be very serious if epidemic problems arose. In view of the fact that government's management in that respect had many disadvantages in practice, I submitted a written suggestion that would strengthen the investment in vaccinations for epidemic prevention as well as for subsidies for pet holders' education. Finally, the government paid more attention to my suggestion and discussed how to do it best with me.*

Except for the role of ties between the constituency and government, congress deputies responded that they usually act as the promoters for the settlement of many public affairs, especially for those of concern to their constituencies. The main public affairs are listed as follows when the deputies were asked "As an ordinary deputy, can you specify successful cases promoted by you to the authorities to solve for your constituency?" In the M people's congress: the establishment of more job positions, the construction of community facilities, the opening of bus routes and cable television, the extending of ferry sailing times, skills training for reemployment, the increase in enterprise retirement pension, the establishment of a medicare pharmacy, green projects, the improvement of the living environment, correction of imbalances in compulsory education, the problem of the village collective economy, farmers' pensions, rural sewage treatment, the improvement of road conditions, relocation of polluted industrial zones, flat to slope transformation of house roofs, the negotiation between enterprises and labors, unity service facilities, infant care facilities, public

transportation, unequal treatment of medical staff, the establishment of a community property management committee after negotiating with district land departments, the establishment of a district emergency aid center and a community health care center. At the same time, they also showed their failures in some proposals; for instance, the establishment of a commercial trust system, the establishment of nighttime out-patient services at the community health center, interference problems caused by metro light rail, the connection between two roads, the construction of elder care institutions, the setup of a 500-meter greenbelt, bonus allocation, and income security for landless peasants during urbanization. We can see these failed cases mostly relate with policy issues that demand more money and more coordination among multiple departments.

In practice, congress deputies have learned to adopt distinctive strategies according to different situations. For example, one famous old deputy stated the following strategies to achieve success: a) Keep an eye on issues that can be handled and seek immediate results: I would pay strict attention to the issues reasonably raised by the public, especially when the government could deal with them within their jurisdiction at the same time. For instance, the public had a lot of complaints about poorly developed public transportation in my constituency. I thought the opinion of the public was reasonable because there were no any bus lines to go outside along the western direction from where they lived. The key question was how to get the government agents concerned to coordinate. Therefore, I insisted on giving a proposal to establish a No150 bus line during the period of the second session people's congress. b) Invite media, experts, high-level deputies, and leaders to bring pressure regarding issues that the governments can handle but hesitate to do so. C) Seek the understanding of the public and wait for the settlement of some issues relating to complex coordination as well as big policies (int.10).

The results from the questionnaire conducted by the author in the M people's congress in 2009 shows that submitting suggestions and motions, consistently urging government to solve problems, and directly reporting to senior leaders ranked as the

top three means for the deputies to promote the settlement of public issues. At the same time, promoting face-to-face communications with government branches and the voters is gradually being adopted by deputies as a new strategy. In addition, just as with the analysis of the tools adopted in the Standing committee, the deputies point out that interpellation is not frequently used in their experience.

Table 7.7 Ways chosen by congress deputies to urge governments to deal with public issues that constituency voiced or they interested in

Q: How to urge governments to deal with public issues that constituency voiced or you interested in? (n=106 congress deputies, 106 is valid)	Yes (Percentage)	No (Percentage)
Submitting suggestions and motions during LPC's plenary meeting	81.1	18.9
Submitting written suggestions during the LPC's intersessional period	83	17
<b>Interpellation</b>	<b>1.9</b>	<b>98.1</b>
Consistently urged government to solve	41.5	58.5
Directly reporting to government branches or promote their face-to-face communications with the voters	26.4	73.6
Appealing through related meetings or forums	13.2	86.8
Directly reporting to senior leaders	33	67

Source: the analysis on questionnaire done by the author in 2009 in the M people's congress. A total of 106 congress deputies responded to this questionnaire within 106 returned questionnaires.

More interesting, the experience of one congress deputies shows that all ways mentioned above are useful in gaining influence if you use them properly. His successful cases in holding the authorities accountable are meaningful.

### ***Strategic accountability***

*When I was a congress deputy in session one (year 1993-1998) and session two (year 1998-2003) in the M people's congress, I encountered a lot of obstacles when I communicated with the government. I remembered that I handed in more than 50 pieces of opinions during the process of the first session of M people's congress. I solved some small issues by myself after classifying them and the rest were transferred to relevant governmental branches. These branches complained that my motions were too much: first, I told them that those are the people's opinions, not mine, which also was the result of administrative omission. All of those opinions came from my fieldwork during my contact with the voters. If I gave those opinions irresponsible, you could blame me. If you felt that my opinions were too much work, then I would ask you to go to my constituency and tell them*

to recall me. Second, if you were afraid of presenting these issues to the main leaders, you could decide to change your positions. Third, some government officials asked me how to solve these issues. I told them to see my written suggestions. If they did not plan to solve issues, I would prefer to communicate with their key leaders instead of talking with them. Congress deputies have the right to evaluate them by signing satisfied or less satisfied or dissatisfied. If we indicate dissatisfaction towards them, they would feel nervous and pay more attention when dealing with related issues.

For example, Fengqing Road did not exist in reality, although it was approved in city planning. Both residential accounts and their estate licenses showed signs of that road for the past ten years. Considering that the government should put the planning into practice, I wrote a written opinion to the government branches concerned in 2006. They first responded that they would keep it for reference. I was dissatisfied with their answer and submitted my opinion again. After one week, they said they would plan to solve the issue but had no deadline about when they could. I was still not satisfied with the obscure deadline although I appreciated their good attitude in dealing with the issue. I told them that I could present the issue to the director of the district government if they felt it was too difficult for them to solve it. They immediately resolved it by attaching a deadline of 31th, March, 2007. In practice, it had been postponed to July before the final settlement. I had kept track of them 15 times during this process. Not until June 31, when I went to the scene to see their progress, did I cross satisfaction in the corresponding column. I also prepared an explanation for the voters because they needed timely feedback (int.9).

### ***The use of interpellation power***

Some opinions went on for seven years before they were resolved. For instance, the trade market in my constituency was located on a north-south road coupling with two bus lines and bikes. This led to both chaos of public traffic and an increase in robberies. Many residents were strongly dissatisfied. I insisted on raising written opinions within 6 years but failed during the period of session two of the district people's congress. When the 7th year came, I made a proposal for addressing inquiries to related governmental departments to the standing committee of the M people's congress after obtaining ten deputies' joint signatures and launching the signs from my constituency. Afterwards, the main leaders talked with me and ask if I could withdraw my inquiries. Due to the fact that the district chief agreed to hold a meeting and deal with the issue on the spot, I agreed to give up inquiries to governmental departments. At the same time, I said if the meeting failed to solve the issue, I would re-write a proposal for addressing the inquiry, which was a very important "weapon" for congress deputies to hold the government accountable.

The director of the district government attached more attention to the issue, and they sponsored the meeting on the spot, attended by 35 officials concerned, on the first working day after the closing of the plenary people's congress. Every official in charge of related issues made promises about their time arrangement to solve their task. The issue was soon carried out under the auspices of the government (int.9).

### ***Moderate influence with political risks***



In the J people's congress, most congress deputies responded by saying that they played some role in holding the authorities accountable when asked the same question. However, they also noted that the influence of congress deputies is usually limited as the result of the control from the CCP and the disregard from the government (ints.65, 66, 67, 68, 69, 70, 71, 73, 74, 77). Three representative cases can give some snapshots of this opinion:

One comes from the experience of a standing committee member. He, as the vice-chairman of the SC, raised a strong objection when government leaders advocated changing the fixed urban planning. Although his view was consistent with the voices from the public and other deputies, the CCP persuaded him to cooperate with the government and took the overall situation into consideration through the party whip in all related meetings. Ultimately, he had to yield to political pressure, saying that the plan change should be promptly report to the SC afterwards. The changed urban plan was passed by the SC with less against. In his view, few committee members as deputies dare to challenge the government and the CCP in the J people's congress. On the one hand, it needs political encouragement against the Chinese political culture where most members get used to adopting submissive ways. On the other hand, it is useless in the end if the CCP is against your opinion. As a Chinese proverb says, the wagon must go whither the horses draw it (int.77) .

Another stems from the story of one ordinary deputy. She said that she had succeeded in promoting the solution of some issues; for example, the moving of dog markets from traffic arteries and residential areas, the governance on teenagers' addiction to the internet, the protection of workers' rights, and so on. Submitting suggestions, motions, or bills and taking part in the inspection as well as appraisals, were main channels that affected the authorities. Sometimes she contacted the leaders in the executive and the judicial directly to facilitate the settlement of issues. One impressive failure was in promoting the fair settlement of a civil case due to the indifference of the court. The details are as follows:

*One woman visited my home to complain about the injustice from the court. However, when I contacted the court, I was told that the woman was a vexatious petitioner. To figure out the inconsistencies between the woman and the court, I invited two other deputies from a higher level people's congress to observe the new trial on the case of the woman. We showed our intention to the court leader when we arrived there. The leader showed extreme coldness to us. We realized that we were not welcome although we were very angry about the attitude of court leader. It was also embarrassing to be involved in that case after the first hearing, so we did not continue to be involved in the case after that. However, I expressed our dissatisfaction when we presented our appraisal on the court's report at the plenary meeting of the people's congress. The CCP secretary urged the leader of court to establish a useful channel to assist the work of congress deputies on the spot (int.73).*

The other case is about a part-time standing committee member in J city who endeavored to perform his responsibility even if he faced some political risks. Except for the routine channels such as suggestions, motions, and so on, he found it very effective to correct inappropriate behaviors of the CCP and the government by combining the strength of deputies, media, experts, social organizations, and main leaders. He had successfully solved one serious pollution issue via this strategy, but unfortunately he was refused as congress deputy at the stage of the CCP's nomination during the new election due to his active pursuit of accountability by the authorities.

*Many local governments had been enthusiastic on inviting outside investment with the transition of Chinese society from a planned economy to a market economy at the beginning of the 1990s. J city also followed the trend and attracted one rare earth enterprise to the Jiefang district in 1996, which not only polluted the air but also produced radioactive waste solids. The villages nearby suffered from bad luck: chicken eggs became soft, pigs produced freaks, leaves turned yellow, and crops failed to grow. The farmers struggled with that enterprise and sued but failed many times. The CCP committee and government favored the enterprise. They asked for my help one day. I was shocked by the serious pollution and incalculable harm done to the surrounding peasants. First, I contacted with environmental experts and 15 congress deputies to make in-depth investigations after carefully planning. We took many pictures and collected data on serious pollution. Due to the opposition of the CCP committee and the government to close the enterprise, we then hired the television station in Henan province to make a documentary and showed it the SC members for 40 minutes. They were shocked by the situation and gave our proposal to the CCP committee. The CCP committee held two meetings regarding this issue and invited four experts from Beijing to prove that there was no problem with that enterprise. Congress deputies had a verbal battle with those experts when they said the pollution was not serious. We ultimately won by showing our academic data on pollution, an appellate paper from the peasants as well as pictures of dead animals, crops, and sick*

*people surrounding that enterprise. That issue was listed into a motion to hold the government accountable. In December 1997, the CCP committee and government made a joint resolution that the rare earth plant was to be permanently closed(int.74).*

In addition, keeping consistent with the CCP's work center is another strategy for gaining influence. Both the CCP and the governments at all levels attach substantial importance to people's livelihood issues relating to environment, education, transportation, water, health care and so on. This deputy paid more attention to environmental and education issues during the 15 years that he was continuously elected as a congress deputy. One successful case was given as follows:

*When I visited enterprises in 2002, I was told that the residents had been plagued by polluted water from one Hydro-geological Exploration Company for two years. They said that "You would do a great thing for the people if you could solve their drinking water problem." The Hydro-geological Exploration Company is an enterprise in charge of exploring for water wells for others. However, they had been faced with the challenge to have clean drinking water since 2000: they had a 500-meter depth private well providing water for production and employees' daily living. The quality of water was good after being tested in the past. However, the chloride rate in the well water increased every year, reaching 5 times the normal standard for drinking water. The water was heavily polluted, and it was too salty to drink or to use for cooking. As the company failed to supply clean water themselves, more than 300 residents in this company had to buy high-priced water (more than 5 times the price of ordinary water) from a nearby enterprise in order to sustain their daily lives. More than 300 residents had to carry a variety of water bottles and wait to buy water in front of that enterprise every morning and afternoon because the enterprise only sold water from 10:30-11:00am and 17:00 pm. This went on for two years.*

*I was surprised that I had not known this information before. After elaborately planning, a group of congress deputies, television and newspaper personnel, and I went to the scene the next day. Most of us were moved to tears when we saw residents struggling to purchase water and carry it home. What caused this bad result? We heard that one chemical plant had piled up three hundred thousand tons of waste soda in the upper streams of the Qunying River across the city. That waste soda, including sulfates, had infiltrated and polluted the groundwater. Why not borrow water from the water utility? The Hydro-geological Exploration Company said that they had no money to pay for 80 million port fees to the water utility due to poor economic conditions.*

*At that time, the case was first exposed by television, radio, and other media. I wrote one motion and sent it to the mayor by myself after it was jointly signed by our congress deputies. The general content of the motion was that "The problem of caused by the hydro-geological*

*exploration company in Jiaozuo Coal Industry demonstrates that the underground karst water has been severely polluted. We hope that our government will not only solve the problem of residents' daily water but will also attach further attention to groundwater contamination as soon as possible." The mayor was much annoyed after reading the motion. At that time, it was Friday. To solve issues raised by the congress deputies, he convened 17 bureaus including the Environmental Protection Agency, the Planning Bureau, the Health Bureau, and so on, and some deputy mayors, to set up a site office the next day. Many residents rushed to report the situation to the leaders; one old lady among them picked up a white porcelain bowl and gave it to the mayor and said: "You can try the taste of water in your month, but do not drink it because it is poisonous. The mayor promised to pay the port fee by the government and solved the water issue within 30 days. It turned out that after 27 days the residents could enjoy clean water. They regarded me as savior when they met me later (int.74).*

### ***Minimal influence***

Most congress deputies in the B people's congress consider that their role is limited to public issues unless the CCP and government need their help to ease the pressure on governance. Against this backdrop, one of their strategies is to support the work of the CCP and the government. Another is to focus on the issues that are ignored by the government or strongly voiced by the public. The main leader in the standing committee shared one example with the author:

*Education is a work focus of the chief executive in our district government. As the leader of the standing committee, organizing congress deputies to carry out inspection on weak schools is listed as one of the tasks of our standing committee. During the process of investigation, we found many dangerous school buildings where the students still study inside. The government and the CCP secretary were shocked when we submitted our investigation results to them. After three days, the government departments began to renovate the teaching buildings for those schools mentioned in our report. At the same time, a deputies' proposal to increase infrastructure funds for schools was also approved (int.37).*

For many deputies, participating in the inspection organized by the SC, submitting suggestions and motions, and reviewing the work reports during the plenary meeting of the people's congress are the main channels for their involvement in affairs of the executive and the judicial branches. Many deputies think that they serve as good ties between the constituency and the authorities, although they would lack control if the

voices and complaints were all handled by the authorities. However, they also admit that it is possible to have greater influence if the CCP committee at their level gives them more autonomy. (ints.23, 24, 25, 30, 31, 32, 33, 34, 38).

#### ***7.4 The driving forces behind the increasing role of LPCs in Horizontal accountability***

Except for the institutional development mentioned in part 1, other possible driving forces to explain the increasing accountability and the differences among the deputies can be identified from the data from interviews and questionnaire obtained for the four LPCs:

First, public consciousness of the role of the people's congresses increases with the development of the modern economy and political democracy in Chinese society. The deputies and the officials are gradually realizing that legal powers empowered to the LPCs provide a critical backing for influencing public affairs. The key point is whether the LPCs put their legal powers into practice (ints.9, 10, 36, 57, 62, 74). For the public and social organizations, LPCs can provide a good platform for them to express their demands or seek their interests. In the case of horizontal accountability, LPCs have the power to urge the settlement of unfair issues or to carry out sanctions toward the authorities at the corresponding level. Therefore, the election of members to LPCs has become more competitive than previously. Lastly, but most importantly, both the CCP committee and the government find the channel of the LPC provides a good way to ease social conflicts as well as governance pressure. Support and control coexist when it comes to the general perceptions of the CCP and the governments toward people's congresses at the corresponding level.

Secondly, leadership personality and related political context are important factors in understanding the performance differences of different LPCs. The main leaders of the SCs in the four LPCs have different influences (see table 7.8 below):

Table 7.8 The sketch of main characteristics of the chairmen of the SCs in the four LPCs

	Professional experience before taking position in LPC	Date of birth	Dominating political ideas and aspirations	Does CCP secretary co-chairs the position of Chairman of SC	Main attitude towards the CCP committee	CCP's attitude toward the LPC
W	Main leader in government, CCP committee and Political Consultancy Meeting	1959	Strong democratic Ideas and has certain political pursuits	No	Cooperation and asserting	Respect but occasionally reluctance
M	The chief of Personnel department in Shanghai municipality	1949	Strong democratic Ideas	No	Cooperation	Respect given more autonomy
B (the standing vice chairman of the SC)	The leader in government	1951	Limited democratic ideas	Yes	Obedience	Respect but preferring to dominate
J	The leader in government	1949	Limited democratic ideas	No	Accommodating	Respect with

Source: Data stems from the interviews by the author in four LPCs in China

The chairman of the W people's congress contributes a lot to the rise of the W people's congress. He has fruitful political experience with a distinguished reputation in W city. He is willing to innovate to realize his political aspirations. After all, he is younger than other chairmen of the SC. Many leaders in the CCP committee show respect to him but occasionally show reluctance, especially when it comes to sensitive innovations. In the M people's congress, good political context between the CCP committee and the LPC is a major feature for the development of the M people's congress. The CCP secretary, a previous law professor, is very open-minded with respect to promoting the reforms carried out in the people's congress. Therefore, fewer political obstacles are in place than when the chairman of the SC based his actions on his democratic ideas. The standing vice chairman in the B people's congress is not so lucky, as his co-chair, the CCP secretary, inevitably puts some pressure on him. Muddling through and absolute obedience are not bad choices for him due to his approaching retirement. The chairman of the J people's congress has a strong

consciousness about the domination of the CCP and government due to his previous work experience. Although he has a good personal relationship with the CCP secretary, he chooses to closely follow in the footsteps of the CCP rather than make good use of autonomy under a good political economy.

Thirdly, the change in the relationship between the LPCs and society is another structural variable that contributes to the LPC performance. Unlike the previous absolute isolation from social variables, many LPCs have learned to cooperate with social actors, media, and so on via a number of institutional channels. This is more prominent in the W people's congress and the M people's congress. On the one hand, most reforms in the W and M people's congresses originate from the strong support of experts as well as scholars. On other hand, they continue to invite related social forces to participate jointly in their recent reforms or to promote their roles. It is easy to gain additional social legitimacy by increasing their actual role. In contrast, the B people's congress has little interest in cooperating with social forces. It is a somewhat alert to outside participation. The J people's congress lies in between positive cooperation and negative alertness toward societal forces.

### ***7.5 Conclusion***

The assessment of the function of LPCs as horizontal accountability institutions shows considerable discrepancies between their traditional rubber stamp role and their current performance. Evidence shows that both collective-level SCs and individual-level congress deputies can play roles in holding the authorities accountable. However, political constraints still exist within the one party system. The SCs tend to seek tools for inspection, appraisal, appointment and removal proposals, and budget supervision, in order to assert their political position. Although tools such as questioning and addressing inquiries, and investigation into special issues are powerful theoretically, they are rarely used in practice due to the misgivings of bringing a tight relationship with the CCP and the government. The behaviors have a close connection with

political context, although most congress deputies assert that they can produce influence in some cases.

The distinctive performance of the four LPCs provides an opportunity to observe the extent of the influence political constraint or political dilemmas stressed at the beginning of this chapter. The W people's congress and the M people's congress tend to be more active. The J people's congress shows a moderate influence with political risks. In contrast, the B people's congress has limited influence. The reasons for this, the study found, are mainly the following: First, different levels of institutional development result in different influences on government activities. Second, increased consciousness on the role of LPCs both from the CCP and other actors at the corresponding level provide opportunity for their further development. Third, leadership personalities and appropriate political context have a great influence on performance. It is noteworthy that an appropriate match between the leadership in LPC and the CCP is very crucial. Finally, good cooperation with social forces also can contribute to the improvement of performance.

Therefore, we can say that accountability performance of the LPCs varies with institutional variables, structural variables, and personal factors. Any sole factor is not sufficient to determine performance, but we should admit that the political effect of the CCP is still one important variable in Chinese political context, although it is no longer the decisive one.



## 8. Co-governance for accountability in the budgetary process

Studies of accountability relationships usually are concerned with (1) vertical relations between voters and elected representatives and (2) horizontal relations between legislatures and governments. However, we should also distinguish between relationships in different policy areas; for instance, legislative accountability in budgetary matters compared to other policy areas. After all, legislative scrutiny of the budget, and the control of its execution, is a democratic principle celebrated in most forms of governments, and is considered to be a crucial mechanism to enhance the influence of the legislature and to hold governments more accountable.

Although extensive literature has converged to emphasize the function of legislatures in the modern budgetary process for decades within established democratic countries, in Latin American countries, and in a few African Countries,<sup>166</sup> there are comparatively few studies on the corresponding role in China, either theoretically or based on in-depth empirical studies. This may partly depend on the rather old-fashioned impression that Chinese People's Congresses at all levels are traditionally seen as "rubber stamps" in political life, with insignificant influence on the powerful Communist CCP and the dominant government institutions. In addition, the legislature's own deficiencies may also reinforce its unnoticed function in budgetary processes. These deficiencies demonstrated by the legislatures of developing countries, in Joackim Wehner's opinion, include insufficient legislative involvement in

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<sup>166</sup> See several representative works, Oppenhei, B.I, "How Legislatures Shape Policy and Budgets," *Legislative Studies Quarterly*, Vol.8, No.4 (1983): 551-597; Schick, Allen, "Can National Legislatures Regain an Effective Voice in Budget Policy?" *OECD Journal on Budgeting*, Vol.1, No.3(2002):15-42; Wehner, Joachim, "Parliament and the Power of the Purse: The Nigerian Constitution of 1999 in Comparative Perspective", *Journal of African Law*, Vol.46, No.2(2002):216-231; Wehner, Joachim, "Back from the sidelines? Redefining the Contribution of Legislatures to the Budget Cycle", *Working Bank Institute*,2004; Wehner, Joachim, " Assessing the Power of the Purse: An Index of Legislative Budget Institutions", in *Legislative Oversight and Budgeting: A World Perspective* , eds by Stapenhurst R, Pelizzo R, Olson D.M, Trapp.I.V,World Bank Institute,2008; Santiso Carlos, "Legislatures and Budget Oversight in Latin America: Strengthening Public Finance Accountability in Emerging Economies", in *OECD Journal of Budgeting*,Vol.4, No.2(2004):67-76.

budget priority settings, as well as limited formal authority and organizational capacity to inspect the annual budget. Furthermore, several factors, such as large deviations from approved budgets, ineffective auditing processes, low levels of fiscal transparency, and weak political dynamics, also undermine legislative authority and prevent its functioning as a guardian of control.<sup>167</sup>

However, recent experiences from the Chinese People's Congresses show a different performance from the traditional rubber stamp description, especially at local levels. I can point to two concrete examples: First, one government budget draft was actively debated and vetoed in the 1995 plenary meeting of the Raoyang county People's Congress, Hebei Province, because of its failure to guarantee regular payment arrangements for its civil servants and teachers.<sup>168</sup> Secondly, in the 2003 plenary meeting of the People's Congress in Wuhan city, Hubei Province, delegates also debated and vetoed investment in a RMB three million government infrastructure program. The main criticism was that the program lacked the required evaluation procedures and also demonstrated improper use of public funds.<sup>169</sup>

The vetoes and abstentions were used by the delegates as means to express their general disagreement with the overall budgeting arrangements. At another plenary meeting held in 2005 by the Guangzhou municipality People's Congress, some delegates severely criticized the leaders of the financial bureau. As examples of their claims they asked: "Why have you, as a guardian of public purse, agreed to a luxury budget application of RMB 25,000 for government procurement of one computer?," "There are 177 staff on the regular payroll of the municipal office, and they are entrusted with 172 cars. How can they spend 1.15 million RMB only on maintenance

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<sup>167</sup> See Wehner, Joachim, "Strengthening Legislative Financial Scrutiny in Developing Countries", Report paper for the UK Department for International Development, 2007. <http://eprints.lse.ac.uk>.

<sup>168</sup> Wang Zhiguang and Zhou Shijie, "Raoyang County People's Congress and its Standing Committee approved government budget strictly and legally," *Renda Gongzuo Tongxun* [National People's Congress Newsletter], Vol.20(1995)

<sup>169</sup> Peng Jin, "The 11<sup>th</sup> People's Congress in Wuhan city: strengthening supervision on behalf of public opinions", *the Website of People*, 18 December 2006(available at <http://npc.people.com.cn/GB/14528/5183616.html>)

items? This money is hard earned by the taxpayers, and must be used carefully and responsibly. The budget report went for an overall vote by 458 delegates: only 92 were against and 52 abstained.<sup>170</sup>

In the literature, only a few authors have documented this new trend. Yang may be one of them as he observed that the emergence of legislative- and audit practices that investigate governmental finance now indicates the development of what we may term as “horizontal accountability” in China<sup>171</sup>. Ma and Ni also pointed out how Chinese legislatures have gradually gained real supervisory power over government budgeting, and are beginning to challenge, as a form of checks and balances, the government’s decision-making on budgets. This has come as a direct consequence of the budget reform of 1999.<sup>172</sup> While the above examples and related studies provided some snapshots of how the Chinese People’s Congresses have begun to play a positive role and to make governmental budgeting accountable (i.e., responsible to the publicly elected congresses), many unknown facts remain about how and why these new trends have happened and what kinds of challenges are still faced, as well as the overall political implications of the reforms. Therefore, a good understanding of how Chinese People’s Congresses strategically increase their accountability function in the budgetary process, within the one-party-CCP system, calls for in-depth empirical analysis.

This chapter is organized as follows: *First*, I will address how the accountability function of the Chinese Local People’s Congresses is legally and actually structured within the budget decision process, and I will give some thoughts regarding the historical setting; *Secondly*, I will focus on the important empirical cases in East and Middle China. The intention here is to describe the increasing accountability function of the Chinese Local People’s Congresses since 1999 in the budgetary process;

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<sup>170</sup> Tian Biyao, “ Strengthening Budget Supervision behaviors of Chinese People’s Congresses,” *the Website of People*, 17 May 2006(available at <http://npc.people.com.cn/GB/14528/4380582.html>).

<sup>171</sup> Yang, D.I, *Remaking the Chinese Leviathan* (Stanford: Stanford University Press, 2004):278-288.

<sup>172</sup> Ma, J. and X. Ni, “Toward a Clean Government in China,” *Crime, Law and Social Change*, Vol.49, No.2(2008):119-138.

*Thirdly*, I will explore the driving forces behind the improvements in the LPC accountability function in the budgetary process. *Finally*, this paper concludes with a brief summary and a discussion regarding how the increasing accountability function of the LPCs in the budgetary process can indicate greater implications for the realization of general political accountability.

### ***8.1. The early legal and historical setting of LPC budget accountability:***

In 1949, in the early days of the new Chinese Republic, China's leader Mao realized the importance of constructing detailed government budgeting institutions. He formed the Ministry of Finance to administer the macroeconomic policies and to take responsibility for the National annual budget.<sup>173</sup> The establishment of the Chinese People's Congresses in 1954 complemented the initial budget institutions and power arrangements. These included budget formulation and execution power that was administered by the government, while budget examination, approval, and execution oversight power were firmly in the hands of the People's Congresses at the same levels. These institutions remained the same until now. The budget power was shared by both the National People's Congress and the Local People's Congresses, and is deeply rooted in the 1954 Constitution and in the 1982 revised Constitution of the People's Republic of China. The 1994 Budget Law of the People's Republic of China further emphasized the supremacy of budget power by the LPCs; for example, article 9 points out that the budget approved by the people's congress at the corresponding level shall not be altered without going through the procedures prescribed by law. This formal institutionalization undoubtedly laid a solid power foundation for the implementations of the LPCs' budget accountability.

However, the supremacy of budget power legally given to the LPCs is a necessary but not sufficient condition to ensure a safe process of budget accountability. With the

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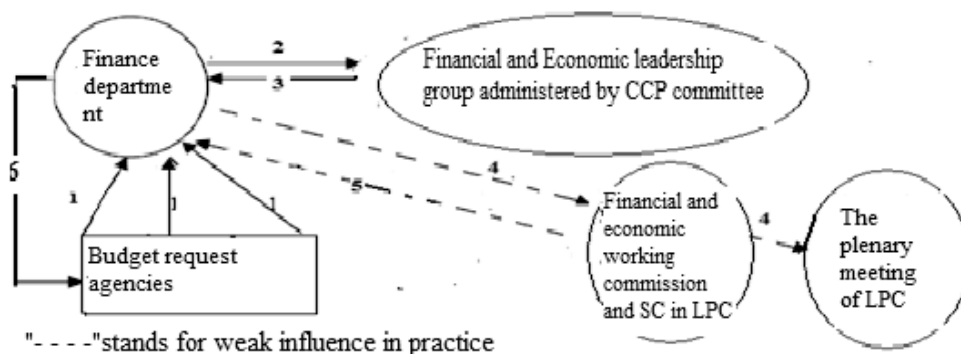
<sup>173</sup> Aiyu liu, Trans, " *Speech of Mao Zedong to the fourth session of the Committee of the Central People's Government*", December, 1949.

intent to grasp the actual accountability function of the LPCs in historical circumstances, we will always have to investigate the actual budget relationships among different actors along the legal foundations. Although the Chinese Constitution and the Budget law did not specify in detail the function of the Chinese Communist CCP in the budgetary process, in the real budget world, its leading position is still considered as very crucial due to the distinguishing political characteristics of public budgeting.

Before 1999 (the starting point of series budgetary reform initiation), the actual involvement of LPCs was virtually limited in the budgetary process, not to mentioning the guarantee of basic budget accountability. Instead, the LPCs had been almost marginalized in the budgetary process in most local governments as of 1999. At that time, this obvious gap—between the formal powers and the actual role—was caused not only by external setting factors but also by the LPCs’ inner deficiencies.

Firstly, the budget decision process was strongly dominated by the CCP and government, which excluded LPC involvement. At the time between 1978–1999, the gradually formed budgetary process could be outlined in the following 6 steps (see Figure 8.1):

Figure 8.1 Brief figure on the budgetary decision-making process at China's local level before 1999



Source: the author's interviews during 2008-2010.

Step1: Budget request agencies submit their annual budget demands to the Government financial department.

Step2: The Finance department makes a preliminary budget draft based on general classification and requests that amount from budget request agencies, and submits the request to the Financial and economic leadership group administered by CCP committee.

Step 3: The Financial and economic leadership group, administered by the CCP committee, returns the general budget allocation “intentions/priorities” on how to cut the overall finance “cake” (including priority programs that match their policy goals) to the Finance department. The Finance department then makes up a balanced budget draft that combines the intentions of the Financial and economic leadership group charged by the CCP committee, law stipulations, actual finance conditions, and other political factors.

Step 4 and step 5: The Finance department submits the decided upon budget draft to the Finance and economic Working Commission and the standing committee insider LPCs for examination, and then to the annual plenary meeting of the Local People’s Congresses for approval before the beginning of budget year.

Step 6: According to the budget approval from the LPC, the Finance department transfers budget allocations to the relevant local government agencies (Ints.1, 22,38,42,61,62,66, 82,83).

During this process, the Financial and Economic leadership group, administered by the CCP committee, plays a crucial function in the overall budget allocation. For example, it decides how much of the budget “cake” should be cut for the health and medicine field, or what amounts would be allocated for expenditure on governmental reconstruction. It forms a closed decision mechanism with just a few participants; for instance, the Financial and economic leadership group administered by the CCP committee, usually participates, along with several leaders from the CCP committee

and governments, including the CCP secretary, the CCP vice secretary who is in charge of finance work, heads of government, the leaders of the Finance department, as well as the director of Development and Reform. As some interviewees pointed out:

*“The pre-1999 Reform was characterized by a situation whereby the CCP had the final say about how to allocate the budget, and with very little participation from the leaders of the LPCs or any other budget actors. It was also impossible for a LPC to oppose a budget draft that was confirmed by the CCP. When the Finance department submitted its budget draft to the LPC and the LPC sent its final budget approval back (step 4 and 5), it ordinarily remained without any changes.” (ints.1,83).*

Secondly, another external obstacle faced by LPCs was the prevailing tendency for random budget allocations inside the government, with no transparency or control. At that time, budget management was in a chaotic condition due to the existence of a large number of extra-budgetary funds and the absence of budget rules. These conditions made it more difficult for the Finance department, the guardian of public money inside government, to clearly know how much private savings the budget request agents owned or what criteria should be used for allocating the money to different agents. That also provided opportunities for politicians to influence budget allocation decisions through their political powers. One interviewee’s experience proved this point:

*“In the past, the Finance department allocated public money to agencies leisurely and secretly because it had no formal rules to obey. That situation could be compared to adults giving a “packaged red bag” to kids on China’s spring festival, and one kid did not know how much money adults gave to other kids. When the Finance department made its budget allocation proposals, budget requests from agents with strong political relationships would receive more attention and more budgets could be expected. If they were on bad terms, they got less money. There was no room for criticism or objections from dissatisfied budget agencies, since there were no rules or traditions and they had to resort to the thinking that they were just unsuccessful (int.61).*

One of the finance officials expressed his feelings in the following manner:

*“When I was the director of the budget sector in 1998, I had to face the challenge that no institutional rules or forms existed for budgeting. One of the outstanding problems was the “private political instructions (da zhaohu) from the main leaders, which were usually requests for larger budgets for specific departments. This informal rule brought about a lot of trouble. For example, at every spring festival, when the budget agencies knew the time had come to*

*allocate money, they would try their best to ask for help from the leaders who had “strong ties” with the finance departments. In their opinions, it would be disastrous if they did not take part in this—da zhaohu—competition. The director of the Finance department had to hide in the background in order to avoid being perceived as too involved in connection-based (guanxi-based) money deals. He also felt a strong sense of annoyance at being ‘used or almost politically blackmailed’ during this process”(int.61).*

Obvious consequences from this way of budget drafting and making budget decisions were the inevitable increase in the difficulties that the LPC had in carrying out effective examination and approval. Without a scientific budget proposal submitted by the government, there was really no base to perform proper budget examinations, or to forward alternative allocations of money.

Thirdly, weak political will impeded the LPCs from taking a stand in the budgetary process. On the one hand, taxpayers (voters) seldom pressured the LPCs. During that period, the dominant economic policy had a strict planned economic characteristic (1949-1978), budget institutions were normally regarded as a kind of “national” budgeting—an accounting process rather than a public budget decision. Governmental demands received more attention than did taxpayers (voters)’ needs. Although the 1978 reform created an open policy turn on market-oriented financial reforms, the slow-rising consciousness of public budget accountability did not produce direct pressure to counteract the LPCs’ indifference to budget issues. On another hand, LPCs were not anxious to violate the CCP and the “will” of the local government under this condition of no public pressure. One interviewee’s experience proved this point:

*“The budget is the blood of the overall governmental activities and how to allocate money is of utmost importance for any ruling party. As merely members of the LPC, we were reluctant to get into the crucial domain of budget decisions. We were not only afraid of the wolf (the CCP) in front of us, but also the tiger (local governments) behind us, especially when the CCP secretary took the part-time position as our Chairman and the first leader of the government was the CCP vice secretary. Therefore, at that time, the wise way for us was to conduct only some symbolic activities and to keep away from substantial budget examination.”(int.66)*

In addition, the LPCs’ deficiencies also hampered their budgetary role. The very short window available for examination of the budget, the limited examination options



given to the LPCs, and the imbalance of information and expertise among the LPCs, the local government and the CCP, gave the LPCs very little influence in the budgetary process. These main disadvantages were described by interviewees as follows:

*“At that time, the LPC did not have much leverage to affect budgets. For one thing, by the time they held the plenary meeting (it was not very stable in different LPCs, and usually happened between January-April per year at the local level), the budget had been set by the government (the budget year begins the first day of January every year). For another thing, important pieces of information, for example, “extra-budgetary funds,” “government debts” and so on, were not positively forwarded to the LPCs or communicated with relevant committees in dealing with the budget. These committees inside the LPCs did not have enough staff or the expertise to screen all of the financial documents forwarded by the government”(ints.13,14,37,51,69).*

Generally, from the statements presented above, we can clearly see that no consistency existed between the formalized statutes in the law and the practical influence of the LPCs. The feeble situation of the LPCs in this decision-making process was therefore very close to the concept of the LPCs’ as having a rubber stamp role. As seen in one interviewee’s response:

*“At that time, the function of the LPC during budgetary process (laughing.....), the LPC was just in charge of raising hands to let the administrative budget draft pass (still laughing), other roles were also feeble. Because our financial systems were “administrative finance,” the CCP committees played the function as the only superior, leaving no power to the LPC” (int.61).*

Some scholars have given the similar comments based on their investigations:

*“During the era of 1978-1999, the legislatures at all levels were unable to ensure that governmental bureaus and officials would make budgetary decisions of appropriate quality and with sufficient responsibility. In the process of the budgetary examination, it was impossible for the legislature to have any input of its own in the budgetary process and it was impossible to identify the direct misuse of public funds. The governmental budget was presented to the legislature for examination and approval. It was so short and written only with summarized, aggregate figures, that the legislature’s annual budget examination had*

*simply become a symbolic act. The legislature always approved the figures as presented by the government*".<sup>174</sup>

## **8.2 Increasing function of LPCs via co-governance in the budgetary process after 1999**

Although LPCs had virtually a feeble function in performing budget accountability during the previous historical period, after 1999, things gradually began to change. Based on the conceptual framework of “accountability for what” and “how to achieve accountability,” I have started to carry out an in-depth empirical investigation, which I will outline below. This concerns three accountability contexts: i) the budget drafting stage, ii) the examination and approval stage, and iii) the execution, supervision, and performance control stage after approval. More importantly, strategies, mechanisms, and powers that LPCs used to move towards budget accountability—making budgets more transparent, controllable and answerable—will be explored at these continuous budget stages, which are deeply rooted in local innovation cases both in East and Middle China.

### *8.2.1 The budget drafting stage*

Formally, budget drafting, the first step in the budgetary process, is in the hands of the executive. The budget drafting issues for next year usually start to be considered around June (there are no uniform time requests) in the current fiscal year. Compared to the previous messy budget drafting system with its strong connection-based (*guanxi-based*) features, many local governments began after 1999 to adopt a new department-based institutional model. It required that the government budget had to be compiled on a comprehensive department basis. Thus, one hoped to avoid the previous “disperse budget allocation” in the drafting stage. Budget request agencies were told to integrate all of their revenues and expenditure requests into one departmental budget. They also had to abide by standardized budget formats as provided by the Finance

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<sup>174</sup> Ma, J& Niu, M.L., *Modernizing public budgeting and financial management in China*. In *Public Financial Management*(New York: Taylor& Francis,2006):691-736.

department. The finance department, in turn, needs much energy to respond to their budget requests, in line with budget rules, to make some balance between budget realities and political intentions from the CCP leaders and directors of governments during the budget drafting process.

However, this does not mean that the LPCs should absolutely stay away from this process. On the contrary, the LPCs, as the agents of the taxpayers, now began to perform a significant function in promoting budget transparency and bringing public preferences into the formerly closed budget drafting process. This took place through a series of strategies and mechanisms.

One of these was to urge the drafting of the budget to be detailed and with all relevant information revealed openly. The hidden logic was that, without a detailed budget, the public would be unable to grasp and understand the realities of the budget, and the LPC itself did not need such details and relevant information simply to examine and supervise the process. Both the town People's Congress and the county-level People's Congress made these requests to their finance department.

The new budget drafting can be described in details as:

*In the W1 people's congress, there were three large budget revenue programs in the 2009-budget drafting. The total was 118.6 million RMB; and 14 special budget expenditure programs, also totaling 118.6 million RMB. There were also 96 specific sub-projects listed in the budget so that the public and the deputies could easily understand the detailed use of budget funds. In the W people's congress, for example, for the Water department budget for 2009, more than 50 budget expenditures were described in detail and the public were thus given a genuine opportunity to look into the details of the overall budget and follow its implementation later.*<sup>175</sup>

The M people's congress also set a good example in these aspects. It pushed the Finance department to present a detailed budget that drafted a "performance index." For instance, in 2009, they carried out performance-based budget drafting reforms on

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<sup>175</sup> Internal data on Participatory budgeting reform from the W people's congress and the W1 people's congress, 2009.

five important domains of people's livelihood programs (education; health; labor, employment, and social security; public safety; and increasing farm income). In the basic budget proposal, they had to include past performances on these five livelihood programs and, in advance of the next year's budget for these programs, provide the budget allocations for the public (during August to September) through their websites, and in the media for one month.<sup>176</sup>

Other typical mechanisms resorted to by the W1 people's congress was the "participatory forum on the budget." This is a combination of the originally democratic dialogue innovation (between public and government) and the new LPC's budgeting supervision. The mechanism is regarded as a kind of mutual communication channel among the public, the LPC, and other bodies, and the government, in the budget decision-making process. Through these fora, the LPC members, the public, the social organizations, and the interest groups can freely forward ideas, express opinions, and debate with the government agencies. These fora again bring to the LPC a new function as mediator between public opinion and government executions at the different stages of the decisions on the budget.

For example, the 2010 budget drafting in the W1 Township showed that W1 received many applications from different factions after publishing their intention to hold a participatory forum on the 2010 budget. This was to be held well before the final decision on budget proposals. More than 100 persons obtained invitations to participate. Among these were the LPC deputies, the village cadres of the CCP, some business owners, and other interested members of the public. During the participatory process on drafting of the 2010 budget, the participants were organized into three discussion groups: "the economic development group," "the social enterprises group," and "the towns and villages construction group." They expressed their questions, formulated opinions, and forwarded demands. People from the local government responded and took notes. After this forum, the same town held a broad, open meeting

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<sup>176</sup> Fieldwork reports on the construction of public budgeting supervision system in the M people's congress, 2009

to involve more public opinions relevant for their budget drafting work. In the end, the LPC was able to use these opinions and responses to ensure that the government budget draft behavior matched with the public desires.<sup>177</sup>

In the J city, in middle China, similar participatory practices in the budget drafting process have, in the recent years, been gradually institutionalized: in the budget drafting stage, information on the budget, the way the agencies apply to the finance department, and its own examination of these applications have been put to the public for democratic discussions, experts' argument, and social hearings. These are all aimed at ensuring transparency and a responsive budget debate before examination and approval in the LPC. Based on these institutional procedures, ordinary public and elected deputies have better chances to influence budget drafting, which so far has been totally dominated by the executive. At the end of 2007, 60 budget programs proposal were publicized on the internet to let the public and the deputies have their voice. Eventually, 10 new programs were included in government budget.

In 2008, experts' arguments and social hearings on key budget programs were held twice; in April and in October, involving budget proposals of 42 projects worth 276.6 million RMB. Budget application agencies, LPC leaders, elected deputies, agents from finance departments, both leaders and staff, various outside experts, media, and citizens from the local area participated.<sup>178</sup> Their opinions were treated as important information and included in the final formulation of the budget proposal.

Another strategy to ensure more accountability was the early involvement of the LPC deputies and the Financial and economic Working Commission (FEC) of the LPC in the executive budget drafting process. This proved to be a success in the M people's congress

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<sup>177</sup> The participatory observation data on Deliberative discussion forum on 2010 budget drafting in one township of W city, Zhejiang Province, December 18, 2009.

<sup>178</sup> Finance department in the J city, The reporting on 2008 budget hearings to the Finance and Economic Working Commission in the J people's congress, December 10, 2008.

According to the introduction to the M people's congress by several leaders, the main practices are followed:

*“First, in April of the budget year, deputies and the Financial and Economic Working Commission usually joined in the discussion on relevant budget issues rather than having the opportunity to interfere at this stage. This corresponds to the rule that budget drafting mainly is the responsibility of the executive (government). However, this did not mean that the LPC was absent from the drafting process. They do possess different information from what the governments have, due to frequent interactions with people in various electoral districts and from many different sources outside the government's usual domain. The main purpose of early involvement is to bring people's ideas to the government and to make budget decisions more reasonable. In addition, due to a shorter time for the LPC budget examination, our Financial and Economic Working Commission participated in the budget drafting process ahead of time, through pre-evaluation of the proposed budget programs above 20 million RMB (budget programs above 5 million RMB should be made known to the public). In November, 2009, we joined with the Finance department and the committee members of the Chinese People's Political Consultative Conference (CPPCC), and spent about one week to evaluate 45 budget programs. These included much of the fiscal budget, comprising five people's livelihood programs (education, public health, social security, public safety, science) and nine requests from budget agencies. In order to absorb more public ideas mentioned in the public meetings, we also, before pre-evaluation, sent out publicity material and consulted the public through radio, television, and government websites. These strategies made it possible to overrule some of the budget proposals already agreed on by the government or the CCP leaders before submission to the LPC. In 2008, more than 40 budget programs were taken out because they failed to comply with the relevant information gathered”(ints.1,11,19).*

Let me then explore several rejected budget programs by the M people's congress via the early involvement in the 2008 budget drafting stage, as these show the positive function of the M people's congress in preventing the finalization of budget proposals that went against public interests (see table 8.1): the two programs (1 and 3) proposed by Public Security Bureau were cut due to its deviation from public budget rules (“performance orientation,” “reasonableness and efficiency” were three of the crucial financial criteria to evaluate these budget programs). This happened although the leader of this budget agency was one member of the CCP standing committee and has a strong influence. The budget program on Venture Funds aimed at helping

entrepreneurs to promote employment (program 2), failed to be accepted because it contained considerable risks of wasting public funds.

Table 8.1 Several rejected budget programs by M people's congress in early involvement in the budget drafting stage in 2008

Program name	Budget request agency	Budget amount	Rejected reasons from FEC, M people's congress
1. Intelligent lights installed in traffic intersection	Public Security bureau	More than 77 million	Although the electronic and intelligence are future development direction, they are not fundamental to solve traffic congestion problem. Because the main cause did not depend on whether there have intelligent devices or not. The implementation of this budget proposal in M district will cause a lot of casualties'.
2. Venture fund aimed at helping entrepreneurs to promote employment	Social Security bureau	10 million	The M district was previously involved in a similar Venture fund and a there remained lot of uncollected debts. Similar budget request should be restrained before institutionalized monitoring mechanisms were followed. Thus, this budget proposal could not pass under current institutional context.
3. Standard buffer zone to ensure transportation safety	Public Security bureau	6 million	Both construction equipments and technical demands are difficult to meet in the district. In order to avoid inappropriate budget expenditure, this budget program should be cut off.

Source: the author's interviews and participatory observation in the M people's congress in 2009

Note: The budget amount is accounted by RMB, China; FEC stands for financial and economic Working Commission insider M people's congress.

### 8.2.2 Budget examination and approval stage

After the first stage of budget drafting, mainly carried out by the government, budget examination and approval power is described in the Constitution and the Budget law, and they provide a powerful say for the LPC to insure governmental budgeting transparency and control. However, for a long time, the LPCs were reluctant to deal with political constraints, challenge procedures, pointing out imperfect power provisions, etc. Recent innovations in LPC behavior shows new tendencies by some to deal with the above challenges during this crucial stage. In view of poor information and shorter time during the Annual plenary meeting, examination and final approval of only half a day or one day were allocated for budget discussion. Now the LPCs have

begun to act strategically and they have extended their concerns to examination and approval by all deputies at the annual plenary meeting into a preliminary examination process held by the Standing committee of the LPC.

### *Budget examination and approval regulations*

Few detailed formulations are available regarding how the examination and approval should take place in the LPC, although article 37 in the Budget Law of the People's Republic of China (1994 revised version) contains some general outlines on procedures. The Financial departments in the governments of the counties, autonomous counties, and cities not divided into districts or municipal districts, shall, one month before the sessions of the people's congresses at the corresponding levels, submit the main contents of the draft budgets. This will be the preliminary examination of the standing committees of the people's congresses at the corresponding levels. At town level, the LPC is the only subject in charge of budget examination and approval, due to the fewer organizational capabilities (they are without standing committees). Thus, they lag far behind in controlling random government budgets, as stipulated in the 1999 Reform. Therefore, initiating detailed budget examination only gradually is regarded as a good chance and new basis for many LPCs to enhance their budget authority. Until the end of 2002, according to statistics, more than 30 LPCs (province People's Congress and municipality People's Congress) had enacted and adopted their own budget supervision provisions.<sup>179</sup>

For those LPCs below the provincial level, this budget behavior of the Province People's Congress was usually the platform for them now to assert power within the system. For instance, one official in the J people's congress, the lower level within Henan province, lobbied the CCP secretary (the part-time chairman of the standing committee in the LPC) to allow enactment of provisions for budget supervision

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<sup>179</sup> Yu Guangyuan and Chen peng, "The statistics on budget examination and supervision provisions enacted by Province People's Congress," *China Election and Governance*, Oct 13, 2003, <http://www.chinaelections.org/NewsInfo.asp?NewsID=81919>.



regulations for J city. This had been rejected by a previous Chairman of the LPC due to his worries about its sensitivity. One of reasons given for his action was that the Henan Province had passed similar regulations. That became the pioneer city for public budgeting reform, and he said it was necessary to follow this new trend and avoid the waste of public budgets. At last, budget supervision regulations in J city were passed on January 10<sup>th</sup> 2005 at the Annual plenary meeting of the J people's congress. The detailed formulations for examination procedures, for discussion of "sensitive" debt funds, and for matters of budget publicity were included. If the People's Congress at a higher level had not set the example for us to follow and the CCP leader had been a conservative, it would not have succeeded. The leader of the CCP would have considered that the LPC was challenging him in the struggle for budget power, or that they were, in reality, against the CCP's budget policy (int.69). The W people's congress and the M people's congress also enacted similar regulations, respectively, in 2005 and 2007.

#### *Participatory budget examination through deliberative discussions*

This mechanism was regarded as "the invention from W city," one relative developed area in the East of China. The adoption of this mechanism by the W people's congress can be seen as an evolutionary process. This area is characterized by a well-developed private business economy and thus with higher demands for pluralism and democracy. From the beginning in 1999, the introduction of deliberative discussions at a grass roots level government was aimed to alleviate public complaints, meet the demands of public participation, and give oversight of local governance, by establishing a dialogue forum with the government. At the same time, the government and the CCP decisions could benefit from the involvement of the public. Although earlier dialogues involved many important topics (education, public infrastructure, environmental protection, etc.) and produced good effects for general decisions on public affairs, conflicts also arose. This innovation could not last if the main leaders as successors would not want to

continue it. Thus the actors outside the system would not be longer involved (ints.40,41,42,52).

Owing to the LPC's statutory budget control power, the connection between the deliberative discussions on budget topics and the local People's Congresses system could be possible by institutional reforms. Faced with increasing public demands on reducing budget waste and the pressure for better transparency, the deliberative discussion mechanism could provide a real opportunity for the LPC to change its role. Therefore, institutionalizing this participatory mechanism within the institutional framework of the LPC was an important step (int.50).

Deliberative discussions first started in the W1 people's congress in 2004 and were extended gradually to other townships, the W people's congress introduced similar reforms from 2008.<sup>180</sup> According to statutes in the Budget Law in the China People's Republic and Budget supervision regulation in the W people's congress, the Finance department should submit the finished department budget drafts to the Finance and economic Working Commission and the Standing committee for preliminary examination one month ahead of the City People's Congress Annual plenary meeting. Participatory budgeting through deliberate examination was usually arranged after the budget draft was submitted, but before the plenary meeting, which was usually held between November and January.

Since 2008, the W people's congress has paid more attention mainly to those department budgets that comprise the larger funds, the ones with stronger public concern, and those where budget transparency was lacking. The public transportation budget, the construction and planning budget, and the water conservation budget are typical examples. Here, the participatory examination process also led to discussions

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<sup>180</sup> Compared with the W people's congress, the W1 people's congress is one of the lower-level township people's congresses within the same administrative divisions. Usually, the higher level people's congress plays a guiding role in the reform process of lower level people's congress although there has no leadership between them. The spread of innovative reform practices from the lower level people's congress is easy after getting the approval of the higher level people's congress in China.

about the 739 million transportation department budgets, which were held by the W people's congress in January 2010.<sup>181</sup>

Through various ways of voluntary registration and by separate invitations, more than 80 persons from a wide range of interests participated in this meeting. They were:

3 city leaders,

20 city People's Congress deputies,

16 members of the general public,

11 representatives of social organization and experts,

4 CCP cadre members,

7 LPC leaders at township level,

9 relevant government departments,

11 committee members of finance and economic Working Commission

and other members of standing committee.

The deliberative discussions were set up in the following way:

Firstly, the Reform and Development bureau, the Finance department and the Transportation department presented drafts related to issues on transportation, and the Finance and economic Working Commission in the W people's congress made a pre-inspection report on the draft of the transportation budget. Secondly, with the intention of making participants discuss in depth and fully express their opinions as well as recommendations, they were divided into four groups. The criteria were geographical distribution and backgrounds of interest representation. Thirdly, they took part in the discussion of the deliberative procedure. After the four group leaders reported on their groups' detailed opinions, other participants (deputies, public, members of social organizations, and standing committees) could inquire on their concerns, or debate with the leaders from the departments. This last procedure gave a broad summary and prepared the conclusions of the city leaders for the entire Transportation budget.

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<sup>181</sup> The following data on deliberative examination discussion on 2010 transportation budget came from author's participatory-observation as well as related communication with standing committee members in the W people's congress, 2010-1-17.

The standing committee kept a watchful eye on how government departments integrated the arguments from the discussions and recommendations when they improved the proposal of the Transportation budget. Meanwhile, the W people's congress carried out an in-depth coverage and publicity on TV, in the newspapers, on the W people's congress website. This made the whole process of the budget into a deliberative discussion known to public, and inevitably pressed the governments to change their earlier random budgeting proposals.

*Budget hearings and the fate of a budget proposal in the M people's congress*

In order to promote further budget transparency and expand public participation during the preliminary examination stage, the standing committee in the M people's congress inserted in 2008 what can be called the "budget hearing mechanism." Two budget program hearings in 2008 and five programs hearings in 2009, on a 190 million budget, were carried out. All of these hearing programs created strong attention and much local public interest. Further hearings, including those on the Social security budget, the Public transportation budget, and the Education budget etc., were also announced to the public.

When it comes to the evaluation of the effect produced by this mechanism, one may conclude that they did not only add more public information on government budgeting, but also gave more sound control on some unreasonable and ill-planned budget proposals.

One very interesting case appeared in the withdrawal of the budget proposal of the Creating Harmonious Labor Relations Enterprises program in 2010. Although it was strongly supported by government and the chief of this district (the vice party secretary), this could happen. The hearing was held by the Standing committee in the M people's congress.<sup>182</sup>

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<sup>182</sup> The following data on this budget program hearing came from author's observation on budget hearing on December 10, 2009 in the M people's congress. The tracking information on the use of hearing results was also included.

One and a half months before the formal hearing, the M people's congress made extensive publicity through media and websites. The intention was to attract more voluntary participation outside the formal invitations. The hearing took place on December 12<sup>th</sup> 2009 and was chaired by the Chairman of Working Commission .The main participants were leaders from the Finance bureau (budget managing departments), chiefs from the Human resources and social security bureau (budget request agency), from the Standing committee members (the main hearing actor), several elected LPC deputies took part, as well as some individuals from the Auditing bureau, and several other from "outside."

The detailed procedures and the process were as follows:

*First*, the budget request agencies and the budget management department would use 10 minutes to make the general program statements. The Human resources and social security bureau (budget request agency) introduced the budget proposal of "Creating Harmonious Labor Relations Enterprises program." They pointed out that the goal was the realization of enterprises with harmonious labor relationships through government rewards. The program was primarily targeted at enterprises that depended on a tax base, on social security payment, and on public location of management and labors within the M District. If these enterprises could meet the 10 required "demands": no cases of labor dispute arbitration lost, no punishment from the labor security supervision, no safety deaths accidents, no history of refusing to sign collective contracts, a net increase of jobs over a certain target, no penalties or warnings reported from tax, business, environmental protection, quality supervision etc., they could apply and participate in the assessment of "Harmonious Labor Relations Enterprises." Then the Government would give special financial rewards to the enterprises that met the requirements. The total financial rewards were expected to reach 50 million. This budget program was planned to last for three years. The Budget bureau, as the manager of government budgeting, then gave opinions on the program. *Secondly*, deputies and people outside the LPC expressed their opinions; every person was allowed speaking for five minutes. *Thirdly*, experts gave their

comments on this budget program; again, everyone was given five minutes. *Fourthly*, the leaders and members of the Standing committee inquired about the budget program. *Finally*, the program entered the “debating stage” between all actors concerned, a discussion which lasted for 20 minutes to half an hour.

The Human resources and social security bureau tried to test the reasonableness of the many and detailed opinions of multi- participants. The Finance bureau was then faced with several political and financial dilemmas: one was that this program proposal had strong political support from the head of the government (who was the CCP vice secretary and possessed a vital position in the CCP standing committee) and therefore some extra communication and negotiations inside the government were needed. The Finance bureau was also worried if this budget program would receive the expected positive acceptance. As expected, more questions followed and an even tougher debate began between the budget request agencies and the budget “responsible.” factions. Several of my short “snapshots” below illustrates this conflict and they are based on my position as a participant observer to the actual meeting:

*Snapshot 1:*

Chen (the Chairman of education, science, culture and health Working Commission; he had been the director in district finance bureau and audit bureau before becoming a member of standing committee in the M people’s congress) (Q represents question, the following A means answers; HSB, the Human resources and social security bureau was the budget request agency; FB, the Finance bureau, was the budget management department):

*Q (Chen): I have several questions: is it necessary to use financial rewards in order to promote the establishment of harmonious labor relationship enterprises in our district? In other words, is there direct link between our reward policy and the objective realization of harmonious labor relations here? Please give us your reasons for the proposal.*

*A (HSB): Documents and policies did not imply explicit regulations about why the rewards are necessary. But the higher level government and our district government points out that more measures are needed to stimulate enthusiasm of enterprises. Based on the financial conditions*

*of the enterprises in our districts, we requested to support this budget program. Moreover, it is really useful to help with money the enterprises to get them through the present financial crises.*

*A (FB): We may consider supporting this budget program, but how much money should be allocated, how about the effectiveness, will 50 million RMB per year during a three years period be sufficient? We need to have answers to these questions, even if this program had not been implemented during 2009. More communication and supervision are therefore welcome.*

*Q (Chen): I am not satisfied with the answer from the Financial Bureau. As a guardian of public money within government, the arrangement of budget programs should be carefully considered. It is very inappropriate to reward enterprises in terms of public goods. How do you consider, as the leader of the financial sector, the present situation on this budget proposal? I want to get a full understanding of this problem. If this award continues to be paid, do these expenses involve us to pay the same for a long time? Frankly, in my opinion, this reward is a payment directly to bosses of the enterprise instead of promoting harmonious labor relationships.*

*A(FB): To be honest, these financial resources are far enough to satisfy these multiple needs. But when we look at the name of this project, we really feel it necessary to protect the rights of the laborers. Moreover, related laws and regulations also required local governments to pay more attention to laborers rights. We should give some clear financial response to that. I am not sure if you are satisfied with my arguments this time (All participants laughing)*

#### *Snapshot 2:*

*Q (Ling, the vice chairman of Standing Committee, vice secretary of party organization): I added some ideas on the question raised by Mr Chen, are these 50 million RMB rewards is for 1 year or for 3 years? From budget year 2009 to 2010, is it 1 year or 2 years?*

*A((HSB): Frankly, we did not find detailed basis if it should be lasting or just carried out for 1 year. From my opinion, this program should be continuous as we planned, and be listed among the budgets.*

*Feedback from Ling: Were there formal documents to stipulate the continuing execution in 2010? Establishing harmonious enterprises was a long task, especially for district governments, but it did not mean the rewards should last for 3 years. If your vague basis provides some reasons for your 2009 budget, now we are talking about the 2010 budget drafts. I thought this budget lacked reliable basis. Until now, I did not see the related documents.*

*Q(L): It seemed that the finance bureau needed to adjust the budget because in 2009 this budget program did not carry out. At the end of this month, you must report this issue to the standing committee, and adjust this budget.*

*A(FB): We have had consulted with related government departments before we plan to adjust it; we were advised to cancel it. After all, we did not want to arrange this budget program again from the bottom of our hearts (all participants laughing). However, there needed some communication within governmental departments.*

*Feedback from L: The disadvantages of our current budget formulation are fully exposed through this issue, especially when it comes to the science, accuracy, and strictness characteristics of the budget.*

*Snapshot3:*

*Q (Gu, the chairman of finance and economic Working Commission, the member of standing committee): As a guardian of the public purse, I thought the attitudes of finance bureau were more ambiguous (all participators laughing) towards this project. The budget items approved last year have not carried out until now; on the contrary, if you continue to arrange 50 million RMB budget to this project in next year, I would like to ask you, how to ensure strict financial implementation? The budgets approved by District People's Congress should guarantee strict implementation and related accountability. This issue must be clear.*

*A(FB): This issue was also giving rise to debates within our government. FB thought this budget was not implemented last year and advised it to be cancelled, The HSB pointed that they had made a lot of publicity; it would bring bad effects if it was cancelled. So we have to keep this program after consulting with political leaders and budget departments. This kind of game still exists between budget departments and guarding departments; it was a very troubling thing for us (all participators laughing). We hope budget openness reform and budget supervision from LPC will help us to reduce similar annoyances, although it sounds a little bit idealistic.*

*Snapshot4:*

*Comments from Yang (the chairman of urban construction and environment protection Working Commission, the chairman of standing committee): I have another idea. If this budget program proposal was passed, there would have an exemplary effect for other budget applying departments. For example, the education bureau wants to apply for budget on rewards for harmonious teacher-students relationship, the public security department tries to apply for budget on rewards for harmonious police-public relationship, or women's federation eager to apply for rewards to establish harmonious family relationship. How to deal with these similar budget request agencies with limited public budgeting (all participants laughing)?*

Following this hearing, the hearing opinions were formally sent simultaneously to the Finance bureau and the budget request agencies. The CCP standing committee also received a brief report about the hearing. The local government was requested to give feedback on the uses of budget opinions, to be also forwarded the results to the Standing committee in charge of the hearing. The media did not only have a wide coverage of the hearing, but it also kept track of the budget hearing effects. Under even extended inquiries from the public, from elected deputies, from standing committee members, the government had to withdraw this 50 million budget program when the whole budget proposal were submitted to be voted in annual plenary meeting of the LPC.



This example, as illustrated in my five “snapshots,” may look like a very ordinary debate in the Western, pluralist political systems. Politicians and people do always ask questions and make comments to government’s financial proposals. But in the Chinese setting, this was rather unusual. Such examples, as well as several others in my empirical project, will then give important confirmation to the main hypothesis of the gradual change function of LPCs in budget accountability. The more examples of the same kind we can find, the clearer we can establish empirical support for the new trend away from “the rubber stamp” situation that was prevalent prior to 1999.

*Power use and influences on government budget proposals in the Annual plenary meeting of the LPC*

The legal procedure of the examination and approval of the entire proposal by the government budget is concentrated on the Annual plenary meeting of the LPC. The deputies are thus the key actors in controlling unreasonable and irresponsible budget proposals. In my empirical investigations, I found this to be true: power to submit motions and suggestions, and power to amend budget are now used by deputies to influence government budget proposals. Let me develop this topic a little.

*Power to submit motions and suggestions<sup>183</sup>*

During the annual plenary meeting of the LPC, the government first opened with a budget report. The Financial committee then gives a preliminary examination report and invites deliberative discussions including getting opinions from different budgeting hearings. After these two basic steps, it enters into a one to two day examination procedure of the budget by the delegates of the LPC (in the form of

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<sup>183</sup> Both the article 18, 19 in Local Organizational Law and the article 9, 18 in The People’s Deputies Law of PR.China stipulate the deputies have power to submit motions and suggestions to the LPC or its Standing Committee at the same level. The latter is in charge of handing over these deputies’ opinions to related government branches to deal with as well as make responses. For those LPCs without laws initiations, deputies’ motions and suggestions can produce some binding on improper or unfair government decisions. Usually, motions have stronger binding than suggestions, and government must carefully response for motions once they were approved by LPC. But the number of motions accepted each year in LPCs is quite limited (1 or 2 per year), and there had no limitations on the numbers of suggestions. The following budget amendment, one typical motion, has also stronger binding effect on government behaviors.

deputy groups or different department budget items), and the deputies now have the legal power to give their suggestions on the behalf of their voters, no matter what the budget report says or what is detailed as department budget expenditures. At the same time, the government has obligations to communicate with the deputies and respond to their opinions.

It is possible to change part of government budget proposal through deputies' motions and suggestions in Chinese LPCs, especially under a better political "ecology." The W people's congress set a good example in promoting positive relevance between deputy's suggestions for input and output of government budgeting changes, through the public dialogues.

According to internal statistics<sup>184</sup>,

In 2006, there were 13 deputies who pointed out questions and revising opinions on 18 sub-programs;

In 2007, 10 deputies submitted suggestions, referring to 13 budget aspects (industry zones, social security, the adjustment on campus networks, etc.)

In 2008, 13 deputies showed their suggestions and comments on transportation, education, and other 11 budget programs

In 2009, 12 deputies expressed their opinions on farmers housing budget, garbage disposal budget, and so on, involving 17 different aspects.

These examples from the overall statistics suggest how the process of budget approval has passed through joint conferences among the annual plenary meeting presidium of the LPC, finance and economic groups, and the government.

Specifically:

In the 2006 approval budget, 2 contents were modified, 13 programs were adjusted, and 1 new program was added, amounting to 8.28 million RMB;

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<sup>184</sup> The reporting on participatory budgeting reforms with deliberative budget discussion mechanisms in one township people's congress at the lower level of the W people's congress, provided by the W people's congress, September 1, 2009.

In 2007, there were 2 changed motions with 0.12 million RMB funds; 2 changes and 4 adjustments

In 2008, changes involved 0.7 million RMB funds;

In 2009, there were 6 changed contents, 5 adjustments and 1 new program, amounting to 0.9 million RMB funds.<sup>185</sup>

The influence of deputies on government budget proposals can be identified through cases examined in detail during the LPC's plenary meeting. For example, in the W people's congress, just as expressed in two interviews:

*“During the budget examination and approval process of the 2009 Annual plenary meeting, one deputy expressed his suspicion about a government investment budget proposal. He mentioned similar commercial projects should be operated through the market mechanisms instead of being part of public financial support. We felt his suggestions were reasonable. By the end of the meeting, our chairman of the Standing committee informed the related department leaders of the deputy's suggestions, and asked them to correct the original budget proposal. They told us that the budget project—establishing one entertainment plaza with petty bourgeoisie taste of coffee bars— had been decided by the CCP secretary before the Annual LPC meeting. The total budget of this initiative was 80 million RMB, and the intention was to attract more commercial investment. The government then promised to allot a 30 million RMB budget to build bridges and some basement constructions. We were not satisfied with such an unreasonable budget proposal, and sent our suggestions to the government leaders before the formal vote. At last, we succeeded. We believed that, from then on, political leaders would reduce similar random budgets and take LPC's suggestions into account (int.50).”*

### *Power to amend budgets*

Compared with the right to suggest changes, power to amend the budget is more important. The the government has to revise the budget proposals accordingly, once they are decided by the LPC's vote. Although this power of the legislature is recognized in 184 worldwide countries, related laws are not introduced in the People's Congresses in China. Fortunately, since 2006, the W people's congress is beginning to

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<sup>185</sup> The reporting on participatory budgeting reforms with deliberative budget discussion mechanisms in one township people's congress at the lower level of the W people's congress, provided by the W people's congress, September 1, 2009.

introduce comparable procedures as a crucial “weapon” to influence government budgeting proposal during the Annual plenary examination and Approval stage.

The process is now as follows:

During the annual plenary meeting of township People’s Congress, budget amendment proposals cannot become effective unless they are successfully passed through the following procedures:

- 1) Five deputies have rights to propose amendments jointly on budget vetoes, cuts, or increases. Budgets must be kept balanced. For example, the proposal on increasing X budget funds in A items should also include the information about where to get an equal number of funds.
- 2) The draft budget amendments must then be reviewed by the LPC presidium before they are effective.
- 3) Since 2008, the W people’s congress has instigated a new inquiry procedure that follows with the presidium review, which is intended to guarantee all deputies the right to know and right to express their views. This procedure required the leading deputy firstly to state the contexts and basis of budget amendments, and then all deputies could freely inquire on what interested them.
- 4) The last procedure would enter into the vote stage by raising hands or secret ballots, and vote results would be the final say about whether budget amendments would be put into effect.

In the W1 people’s congress, the total number of budget amendments was 50 from 2006 to 2009 (8, 16, 17, and 9 respectively). After the Presidium review, only seven budget amendments remained that could be submitted to a vote by the deputies, mainly due to the lower standardization level and the deviation from valid criteria. These included: budget amendment proposals that did not change the budget amount, they deviated too much from the budget topics, they failed to meet the budget amendment format, and that were supported by fewer than five deputies. In addition, unclear policy goals and ambiguous projects description caused some amendment proposals to be

changed into ordinary “suggestions.” It is worth noting that different voting methods could lead to very different results. For instance, in 2008, two valid budget amendments failed when it came to the secret vote (see table 8.2).

Table 8.2 Budget amendments from 2006 to 2009 in the W1 people’s congress

	Initial numbers of Budget amendments proposed by deputies	Initial inspection results on budget amendments by presidium during plenary LPC meeting	Vote methods and vote results of formal budget amendments	Items information entering into voting Procedure
2006	8	2 (submitted for vote) 6 (invalid proposal, treated as ordinary suggestions)	Raised hands 2 passed	1 “Cutting 0.5million from 1 million family planning investigation budget, and transferring this money to rural village renovation”(pass) 2 “Allocating additional 0.5 million to garbage dealing issue from town reserve funds”(pass)
2007	16	1( submitted for vote) 1(this budget amendment proposal involved a large amount of money, which needed to be considered again after investigation) 14(invalid proposal, treated as ordinary suggestions)	Secret ballot 1 passed	3 “ Reducing 1 million budget on industrial zones is unacceptably and unreasonable”(pass)
2008	17	2 (submitted for vote) 2(valid proposal, treated as ordinary suggestions after further discussion) 13(invalid proposal, treated as ordinary suggestions)	Secret ballot item by item 0 passed	4 “Increasing budget expenditure on older city construction” (not passed) 5 “ Amending budget on Changma road”(not passed)
2009	9	2(submitted for vote) 2(valid proposal, treated as ordinary suggestions after further discussion) 5 (invalid proposal, treated as ordinary suggestions)	Secret ballot item by item 2 passed	6 “Increasing environment and health funding, especially the servicers’ salaries” (pass) 7 “Increasing 0.2 million public security budget”(pass)

Source: based on the author’s interview data from the W people’s congress and one of its lower level people’s congress (ints.40,41,43,44,47,50).

One of amendments, named “Amending budget on Changma road,” was voted down due to the increased attention by the local constituency, rather than for overall interests, and after an intense debate. The leading deputy of this amendment cried when she saw it had failed. For herself, at the beginning, she could not understand why this amendment proposal was rejected because she had forwarded it, not only on the behalf

of her voters, but also because she thought it was a seemingly indispensable road that would be good for many villagers around the city. Although it failed to be an effective amendment proposal, it provided useful information for the government to improve its accountability later. In the end, the government helped to solve this problem (road building) by sharing the expenditure between governmental finance and her villagers (ints.41, 44, 45, 49,50).

Similar budget amendment power was also advocated by the M people's congress beginning in 2008. In contrast with the budget amendment regulation in the W people's congress, as a district People's Congress, the M people's congress stipulates that 10 deputies together, rather than five deputies, can jointly bring up balanced budget amendments. During the annual plenary meeting of the M people's congress, the deputy could submit their budget amendment to the finance and budget examination committee of plenary meeting, and the related inspection opinions would be given. Based on amendment proposals and inspection opinions, the presidium would carry out the vote and decide if it would become effective.

For example, one budget amendment, in the 2010 annual plenary meeting of the M people's congress, was jointly proposed by ten deputies; it was named the "budget amendment on adjusting nine million RMB cadres' education and expenditure in the Organization department budget." These deputies pointed out that cadres' education and expenditure should be paid by themselves instead of by public funds. They thus suggested to cut this budget program and use the funds instead for the transformation of older communities within their districts. At the same time, they considered that the "exercise expenditure" of cadres should be cancelled altogether or the name in the budget should be changed. Although this proposal failed to get the support of the Finance and Budget examination committee, and then to enter into the formal presidium vote on procedure, the leaders of related budget departments faced strong public pressure. They also had to explain patiently these budget proposals to the deputies during the process. The leader of government department said he should

strictly check the department budget proposal next year to meet eventual deputy criticisms (ints.42, 44,51,57,80).

These pioneer practices in the W people's congress and the M people's congress undoubtedly demonstrated the potential of budget amendment power to revise improper government budget proposals. These examples brought more pressure on government leaders to plan in detail and improve their random budget behaviors. Otherwise, more amendments from deputies would be unavoidable. More importantly, the hard debate and the discussion on voting procedures also made many deputies realize that only high-quality budget amendments, in accordance with public interests, would be put into effect. Therefore, the crucial significance of budget amendment practices lies in their impact on the awareness of overall budget accountability, concerning the position of government leaders, the LPC leaders, or for the deputies themselves.

### *8.2.3 Supervision stage: budget execution and control*

After the LPCs' formal approval, the government is in charge of executing the budget, starting at the beginning of the Annual budget term (1<sup>st</sup> of January). However, this does not mean that LPCs should be passive observers. On the contrary, the supervision in the actual execution ("use of public money") and the tight control of it, are closely associated with LPC's accountability role.

Institutionally, information on government fiscal revenues and related expenditure must be reported to the Finance and Economic Working Commission of the LPC's Standing committee every third month. Budget adjustments proposals, during this execution process, should be reported in time to the Standing committee (in the county or above county level), or to the Plenary presidium of the LPC (at the township level). Three standing committee meetings are usually held on budget issues within one fiscal year (six to seven standing committee meetings per year in total): one of them is half-a-year meeting on the budget execution accounts held in July; the other meeting

takes place in October with the emphasis on mid-term budget adjustment. Then, at the end of November, the meeting focuses on the budget execution performance of the current fiscal year, and the budget arrangements for the next fiscal year. The Finance and Working Commission within the LPC, the Audit department, the Finance department, and related government budget departments, are required to take part in these standing committee meetings.

It is worth mentioning that the Audit department, the unit that aids the LPC in legal matters and enhances execution, supervision, and performance control, is in charge of keeping track of budget execution information and reporting finalized execution performance to the standing committee within one fiscal year, especially information on improper adjustment, misuse, or embezzling of public budget funds. However, owing to China's administrative-type of audit system, the independence of the Audit department and professional aid to the LPCs is limited.

In view of this serious information asymmetry between the executives and the LPC, the latter tried to develop some new, identifiable strategies to enhance its role. One was to broaden the input channels of public opinions during budget execution supervision. For example, with the goal of enhancing budget transparency and answerability, the J people's congress selected ten projects by deputies' vote from the approved Annual total budget in 2008, and invited the public to express their opinions on the execution of these programs. In addition, public opinion will be known through the link between deputies and voters, and has to be regarded as important basis for the J people's congress budget execution control (int.67).

The other strategy was to improve organizational strength. For example, at the township level, no permanent financial supervisory organization existed, except for the Temporary finance examination committee working during the annual plenary meeting. After the adjournment of the plenary meeting, no supervision was available for the budget implementation since no professional group was developed to do it. The W people's congress passed a resolution in the 2005 plenary meeting to resolve this



obstacle, and transformed the Financial Examination group during plenary meeting process into a Permanent financial and economic group, which is mainly in charge of budget execution supervision after the end of the plenary meeting. This group consisted of the vice chairman of the Town People's Congress and seven other deputies who had profound budget knowledge and were familiar with the local economic developments (int.44).

Another strategy was to find ways for cooperation between the Audit department, some experts, a few social organizations, and the media. For instance, the M people's congress usually carried out performance control aided by the Audit department. More interesting, the M people's congress would now engage in coordination among government budget departments, the Finance department, and the Audit department, as well as when the Audit department faced political obstacles within the same administrative system. At the same time, it also established experts group to design "a performance index" and to implement a neutral performance evaluation. During the process, the continued media coverage functioned to strengthen the LPC's image and authority (int.1).

Last but not least, personalized influence was again important for strengthening budget control. One interviewee told me how he had a successful experience in the W people's congress to get more control on sensitive budgets that CCP did not have the impetus to promote on their own, and which was achieved through an interesting interpersonal game:

*"We began to examine and supervise government debts since 2005, which took several rounds between our CCP secretary and me. At that time, he acted as the part-time chairman of the Standing committee in the W people's congress. I was the vice chairman of the Standing committee in charge of finance and budget supervision work. Although he was party secretary, I was not afraid of him because I thought I acted on these matters in the public interests. My personal sense of justice was known to all when I acted as vice secretary in the Disciplinary Inspection Committee of the CCP before I began to work in the W people's congress. Also, I did not worry about not being promoted."*

*One time our CCP secretary was in charge of one chairmen's meeting inside the LPC. I reported to the Conference the content from higher People's Congress and mentioned the necessity of supervising government debt. He was strongly opposed. At the second meeting, the vice chairman chaired the meeting; he was busy and absent. As the leader in charge of the Finance and economic Working Commission, I was asked to express opinions on the financial examination and the supervision arrangements. I said that the government debt and industry-cities budget must be reported to the Standing committee and accepted for supervision. The Standing vice chairman said that these issues were very sensitive and he wanted to first communicate with the CCP secretary since he, after all, was first leader in the W people's congress. I told him no matter what happened, these issues must be dealt with. Many deputies and the public had strong complaints on the rapid increase of government debt, as well as on budget execution problems of industry cities. The W people's congress had no other choice but to respond to the public and the deputies' opinions.*

*After two reports, the CCP secretary did not express his opinions. Our standing vice chairman was advised to supervise another sensitive budget program, instead of the two previous mentioned. I was firmly opposed. At last, he agreed with me. I also made a concession, so that the government debt budget was examined by a standing committee, and industries questions should be reported to the chairmen's meeting within the W people's congress. The chairmen of the meeting passed my suggestions. After that, we made in-depth investigations on the industry cities program and found the illegal use of 290 million RMB! The head of the industry cities program admitted the illegal use of public funds and accepted the strong criticism at the chairmen's meeting. He admitted that strict abiding by financial discipline was required(int.59)."*

### **8.3 Explaining the increasing of budget accountability function of LPCs**

The above analysis not only demonstrated that it is possible for LPCs to influence government budget, but it also showed how they improved their function throughout the entire budget accountability process. The following question then arises: what forces drive these changes that ensure budget accountability, especially under current circumstances?

*First and foremost*, the growing public awareness of vertical accountability brought pressures on the closed administrative budgetary process as well as giving the LPCs' a stronger attitude in their budgetary role. Since 1978, public interest awareness began to be stimulated by the market-oriented economic reforms. The taxpayers gradually became aware that their resources collected in taxes had to be used for the people, which was a basic principle. LPCs, the institutional guardians of the public purse, gradually came into

focus as the means for taxpayers to express their budget demands. Thus the LPCs' function became regarded as way to exert pressure, as was seen in W. One interviewee expressed this as the following:

*“One driving factor behind the W people’s congress budget reform was the development of private economy and individual economy. Some private enterprise owners obtained extensive experience and achieved democratic awareness. Interactions with a variety of economic cooperative entities then brought great pressure to local governments, as well as to individual politicians. More importantly, as significant taxpayers, their concerns about responsible budget allocation, especially at the township or city levels, inevitably pushed the government and the LPC to focus much more on budget accountability(ints.1,79).”*<sup>186</sup>

Secondly, institutional budget reform occurring since 1999 not only provided technological support for LPC budget control, but also highlighted LPC function in balancing the budget. On the one hand, with the rising reorganization of private property and tax democracy, the traditional, fragmented budget drafting was lagging far behind the required reality for integrating public needs and making efficient budget allocations. For the LPCs, the obscure budget proposals received from the government were the main obstacles for them to understand, not mention to supervise or control, the misuse of public funds. Department budget reforms, Treasury management reforms, Government procurement reforms, all initiated in 1999 and connected with “performance-based” budget drafting reforms, reinforced the institutional construction of complete expenditure budget drafting. When the new budget drafts with clearer and detailed budget information were submitted to the LPCs, this made it possible to request justification from the government budget departments or to add more input of voters' opinions. Therefore, we can conclude that these budget reforms were indispensable as basis for promoting LPC budget oversight.

On the other hand, these budget reforms reshaped the budget power relationship and posed new challenges to the previous “connection-based” (*guanxi-based*) budget

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<sup>186</sup> The Chairman of Finance and Economic Working Commission in the M people's congress and one researcher having the cooperating relationship with the M people's congress, had visited the W people's congress and the W1 people's congress to learn how to promote budget supervision in Aug, 2009. Interview by author, Sep 2009.

allocation model. Faced with the dilemma of new budget allocation rules, and unavoidable political pressure during the budgetary process, the Finance department or Auditing department resorted to getting direct support for the LPCs under current contexts. As one finance official said:

*“Within governments, our Finance department is in the same bureaucratic level with other budget request departments. It is difficult to directly refuse to exaggerate budget requests from other department leaders due to the ‘acquainted connection’ or the positional power of the CCP (some leaders were members of CCP standing committee). When I cannot make the balance between that political ‘factor’ and scarce budget funds, I have to communicate with CCP leaders and the department leaders. For the LPC, it is different. Both the leaders or ordinary deputies can make objective evaluations on budget proposals with reference to public interest(int.22).”*

One leader in the M people’s congress also gave similar comments:

*“In recent years, it has become more frequent for government leaders to ask for our help in balancing political relationships in the game process of the budget. The head and vice head of the government who are in charge of public finance have difficulty in saying yes or no when other leaders (at the same levels) want to get more budgets for their departments. Under that circumstance, the LPC can say this money should or should not be allocated, referring to the voters’ perspective. With the support of our standpoints, the Finance department or the Auditing department found these political relationships became easier to cope with(int.19).”*

Similar experiences were reported in J, where it provided the platform for the J people’s congress to assert its function in their budgetary process.”

*Thirdly*, good political context can provide stronger political incentives for LPCs to reinforce their role, especially the relationship between the party and the LPC. The Chairmen of standing committees held much the same opinion on the importance of how obtaining the CCP’s support is a dispensable prerequisite for the enhancement of the LPCs role. Without the CCP’s agreement and support, any reforms and innovations of the LPC will equal zero. There is no exception for crucial budget issues (ints.14,51, 77).<sup>187</sup> The practice in the M people’s congress provided proof for this opinion: In 2008,

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<sup>187</sup> The chairman from the W people’s congress, M people’s congress, J people’s congress had similar comments. Interview by author in Nov 13 2009, Aug 12 2009, and July 22 2010 respectively.

the documents for strengthening the leadership on financial matters passed at the plenary meeting of the Party committee, clearly stipulating that the CCP would support the LPC to perform its legal role. I would also strengthen its supervision, and enhance the decision power of the LPC on major financial and budget issues. With the CCP's support in enhancing the LPC's budget supervision, the trial ordinance on budget amendments in the M people's congress was successfully enacted after five months in 2008, which strengthened function of the LPC and its deputies. Truly, both the support by the current CCP secretary in the M district (he had acted as a law professor and possessed stronger democracy awareness) and the promotion from external experts contribute to the role of our LPC (int.13).

*Fourthly*, from the view of horizontal accountability, the enhanced budget function can be associated with the personal charisma of political leaders. They were active in innovation and possessed what I might call stronger accountability senses. These features have been observed within the literature, where it has been pointed out where similar individual leaders had taken the lead on policy changes and were named "legislative champions" or "policy entrepreneurs." Through creativity, networking, and persuasive argumentation, these leaders brought ideas on how policy innovation should be a common currency to promote policy change.<sup>188</sup> Take the W people's congress as an example: the Chairman of the standing committee would be considered this type of political entrepreneur. He persuaded the CCP to accept his reform by advocating "Participatory budgeting examination and supervision through deliberative discussions." He described this as follows:

*"When we tried to introduce 'Participatory budgeting examination and supervision through deliberative discussions' into our city level, from the township levels, we suggest first to hold deliberative discussion on the Transportation and Water conservancy department budget. These two departments were responsible for large amounts of budgetary funds; they were also of very*

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<sup>188</sup> Mintrom, M, "Political entrepreneurs and the Diffusion of Innovation," *American Journal of Political Science*, Vol.41, No.3 (1997):738-770.

*high public concern. The CCP secretary and government heads worried much about our suggestion. The first time that I talked with them, they disagreed. After that we made intensive investigations, then I went to see the CCP secretary and government heads for the second time. I told them there was no problem to carry out this innovation. On the contrary, it had the potential to improve budget accountability and gain a lot of public trust. Moreover, our deputies had good qualities to engage in this issue and look at it from a complete public interests' perspective. In addition, we also had carefully prepared for the budget deliberative meetings. At last, they reluctantly agreed. When continuing this practice, it proved that we were right. This innovation exerted great function in curbing budget waste and promoting a better democratic allocation acceptable to public opinions. The CCP secretary and government heads felt very happy. Of course, similar reforms or innovations have some risks. They pose challenges as well as opportunity to enhance our function in budgetary accountability. If we had no sense of accountability, it would not be necessary to persuade the CCP and government again. If some uncontrolled result had arisen for the execution of these innovations, I would be the first person who would have had to take the responsibility. After all, the party and the government would not allow you to do this again. Therefore, the personal accountability sense is very crucial (int.51).”*

*Fifthly*, vertical actors, such as experts, social organizations, as well as the media, give additional impetus for the LPCs to make budgets accountable. This is the same in the W people's congress, W people's congress, M people's congress, and J people's congress. The roles of the budget actors have become increasingly more prominent. For instance, the budget function reform of the M people's congress was strongly supported by an expert panel composed of layers, LPC leaders from higher level of the National People's Congress, think-tank-leaders, professors from the university and research institutions. They lobbied and were in communication with the CCP secretary in M. Thus, a good political foundation was laid for subsequent budget innovations in the M people's congress. These experts and social organization members also provided necessary consultation and training services for deputies in the M people's congress. Media attention and publicity on LPCs budget examination innovation is not only important to enhance LPC's authority but also crucial to train or stipulate public opinion.

#### **8.4 Concluding analysis on the contribution of budget accountability to political accountability**

What we learn from the four examined cases of the Chinese LPCs is the observation of a concrete change from previously acting as a “rubber stamp” to a current position as an active local government in terms of budget accountability. Although some roads remain to be chosen to achieve the same position as seen in the Western countries, the LPCs are now “the bridges,” which today connect vertical- and horizontal accountability of the budgetary process in China.

Under China’s one-party system, the strengthening of the LPCs’ function in the budgetary process is also consistent with CCP’s current political goals. As the leading force in Chinese society, the CCP has now to face the challenges from the public as general distrust, as complaints on unfair budget allocations, and for claims of huge budget waste. Under the present circumstances, the CCP has become more open to governance innovations and pays more attention to the voice of the public. By enhancing budget transparency, introducing more stringent controls, and demanding more answerability, the CCP will feel that it achieves stronger legitimacy, and that it will be more able to curb budget corruption and regain public trust. However, there are still Party leaders who are reluctant to provide positive support.

The importance of this change has also been recognized and accepted by officials in the LPCs. One LPC leader expressed his experience as follows:

*“For LPCs below the provincial level, the main legal power is the power in personnel appointment and in removal of cadres, in the supervision power, and in stronger decision-making influence on crucial issues. When it comes to personnel, the present CCP has inherited a nomenclature system which is a real break for truly sharing this power. Thus it feels meaningless to try to put too much effort in this aspect. The legal foundation of the power in decision-making on crucial issues is stated in the Constitution, and is definitively great, but not clear in practice. Moreover, with the increasing misuse and waste of public funds, the public response and demands on the budget will gradually increase. Government activities cannot be operated without direct budget decisions, and supervision over its use will have potentials to curb improper government behaviors and motivate elected deputies. Since I was elected as the chairman of M people’s congress, I mainly paid more attention to the work of budget supervision and how we could increase the deputies’ link with voters, as they can ensure frequent inputs of public opinions and demands. Following this route, then, our LPC will become more prominent in the future(int.14). ”*

Compared with the Western relationship between legislatures and governments, the strategic cooperation with the CCP Party and the governments will lead to the gradual coming of an Opposition; i.e. “political entrepreneurs,” within which the LPCs will play a great role. Linking LPC behaviors with public interests, and at the same time getting support from the CCP, will be a necessary format for achieving the function of an Opposition like the ones in the West. This idea is consistent with O’Brien’s observation that the LPCs pursued an “embeddedness strategy” when trying to make the expanded jurisdiction more explicit, and increase the organizational capability, so that they would be “entwined” with the party, rather than kept at a distance (autonomy) from it.<sup>189</sup>

To overcome the self-deficiencies, like the imbalance of information, the lack of professional budget knowledge, and shortages of staff, the LPCs can also construct a “co-governance accountability mechanism” to assert their role. Thus, the LPCs invented a series of “accountability fora” in the budgetary process, like involving actors both in the vertical- and in the horizontal accountability process. These innovations opened the way to previously closed budgetary processes, especially by drawing support from voters’ voices, media coverage, social organizations, and various experts. In this sense, we can say that the changing accountability function of LPCs will be achieved by cooperation among multiple actors rather than as isolated efforts from the LPCs.

Enhancing the accountability function of LPCs in the budgetary process may lead to a potential increase in political accountability in general. The cases in the W people’s congress, the W1 people’s congress, the M people’s congress, and J people’s congress have shown that budget issues do connect the public, the elected deputies, the LPC standing committee, the government officials, the Auditing department, the financial department, and the CCP. Therefore, the LPCs’ position in the governmental budgetary

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<sup>189</sup> O’Brien, K J, “*Chinese People’s Congresses and legislative embeddedness*,” *Comparative Politics Studies*, Vol.27, No.1(1994): 80-109.



process will not only activate deputies' responsibility to the voters, but will also enhance LPCs direct control on improper budget allocations by the government.

The multiple accountability interaction will inevitably break the previous budget "black-box" behavior. That kind of presumably non-election accountability also touched the roots of political accountability, due to its close connection with elections and power checking. As Funnell and Cooper pointed out, for political accountability to have any substance, it must be accompanied by financial (budgetary) accountability because the government needs money to fulfill its policies. Continuation in office will depend on access to the public purse and the ability to use public resources to implement the government's policies and programs—denying government access to funds is a means of driving the government to another round of elections.<sup>190</sup>

Evidence in this paper shows that the function of the LPCs' budget accountability involves several challenges. If tendencies towards more plurality and openness increase, the non-elected local officials and deputies will have less decision-making power in budgets. Then one may also see that improvements in the Chinese electoral system may emerge. When the current limit of administrative-style auditing is removed and higher professional strength is introduced, this again may also enhance LPC budget accountability. Serious information asymmetry between LPCs and governments will still remain, so that the potential of budget amendment powers cannot be fully explored, if these challenges are not met properly.

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<sup>190</sup> Funnell W and K Cooper, *Public Sector Accounting and Accountability in Australia*(Sydney: University of New South Wales Press,1998),10.

## 9. Conclusison : The Accountability Development of LPCs and Local Governance

According to the power principal-agent relationship, the developments of the accountability function of Chinese LPCs can be generally observed along with the chain of accountability in vertical relationships between constituents and elected deputies, and in horizontal relationships between government and legislature. Specifically, four detailed aspects embedded into accountability relationships mentioned above are given more attention: the electoral process from constituents and candidates to elected deputies, the accountability linkage between constituents and elected deputies, the accountability from legislatures to governments in terms of general duties, and the budget accountability between legislatures and governments. At the same time, a theoretical framework emphasizes three criteria that ensure effective accountability—*controllability, transparency and answerability*—to assess the performance of accountability in specific aspects. In addition to negative control and sanctions in conventional wisdom, the concept of effective accountability also relates to positive dimensions that promote the transparency of power operation, and the answerability to citizens' expectations for how power agents deal with their voices, fulfill fiduciary duties, formulate policies, and provide public goods as well as services.

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### 9.1 Main findings

#### 9.1.1 *The deviation from the zero-based monopoly model*

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<sup>191</sup> Related study on the attributes of the concept of accountability can be seen from: Lawson Andrew and Rakner Lise, "Understanding Patterns of Accountability in Tanzania", Research report in CMI, 2005; Derick W. Brinkerhoff, "Taking Account of Accountability: A Conceptual Overview and Strategic Options", Paper reports in U.S.Agency for International Development, 2001.

With regard to the first question: *to what extent have Chinese LPCs developed in the performance of their accountability function?*, we return to the “zero-based model” defined at the beginning of this study.

This model is treated as a departure to observe deviations and new developments and it portrays a situation under complete control within one party state, based on Marxist ideology and communist party doctrines. The idea underlying this model simply states that electoral accountability is taken care of by the party leadership without disturbing involvement from below, and that accountability both in terms of ordinary supervisions and budgetary decision-making constraints exerted by legislatures is purely ceremonial or ineffectual in the face of a powerful CCP as well as government institutions. The deviations of accountability function in the four aspects will be briefly summarized and compared.

First, regarding the electoral accountability, fieldwork data show that this has gradually moved beyond its previous symbolic and ritualized function since 1980s, although its performance is still limited.

On the one hand, the introduction of a semi-competitive rule since 1979 in the election of ordinary congress deputies, vice chairmen of standing committees, and main leader positions in government, courts, and procuratorates, has produced unexpected results: it has created the possibility for ordinary candidates to be nominated collectively by voters and, without organizational support, to be elected. The election of increasingly independent candidates, emphasized in chapter four, can be seen as one prominent proof. In contrast, candidates strongly nominated and supported by the CCP as well as related organizations are not bound to succeed in this new electoral context. Consequently, intensified competition exhibits certain potential to bring public pressures to irresponsible congress deputies, to pose challenges towards governmental interruptions, as well as to constrain the monopoly of the CCP in terms of nominations and elections.

On the other hand, semi-contested elections and related recall rules at the macro level potentially enhance deputies' sense of constituency in perception while they are confirmed to be insufficient to motivate most elected deputies to be accountable for their actions. To some extent, this role serves as one incentive for some congress deputies to cast substantial attention toward the interests and affairs relating to their constituents. Interest-driven incentive also becomes prominent at the present, partly due to the gradual awaking of interest awareness held by congress deputies on the behalf of multiple social interests.

In addition, as a remedy for the imbalance between higher public demands on deputies' accountability and lower institutional capability at the macro level, institutional rules at the micro level stand out in shaping the incentive of congress deputies toward responsible action. This study has found that the more LPCs pay attention to establishment of transparent and answerable institutional arrangements, the better the congress deputies contact their constituents and serve their demands. This is defined by author as institutional constraint incentive to perform electoral accountability. For instance, the W people's congress and the M people's congress had more emphasis on transparent and answerable institutions and also performed better than the other two LPCs, both in terms of congress deputies' self-esteem on the behalf of their constituents and in the constituents' evaluation of the LPCs' performance. Evidence about contacts and answerability from congress deputies to constituents also reflects important institutional changes to govern social conflicts and enhance state-society relationships.

Notwithstanding, it should be noted that the non-candidate-centered election system characterized by limited competition has obvious deficiencies with respect to sanctions. For instance, candidates supported by the CCP are regularly able to avoid proper scrutiny, and some elected deputies who make few attempts to serve their constituents or do so incompetently still can escape public sanctions.

Second, in contrast to vertical electoral accountability, this study has shown, along with institutional developments, that LPCs have an enhanced horizontal accountability function vis-à-vis governments. On the one hand, they have gradually gained influence by strategic use of legal powers and tools during the governance process of public affairs. Legal tools, such as inspection, appraisal, appointment and removal proposals, and budget supervision, are widely used to hold the authorities accountable. In contrast, the investigation into special issues and interpellation power are rarely used in practice due to the misgivings of damaging the tight relationship with the CCP and government, although some congress deputies have realized their potential to impose strict sanctions on improper behaviors of public officials. On the other hand, three kinds of patterns that distinguish the accountability performance have been identified both from the perspective of congress deputies and the public as voters: LPCs with greater influence, LPCs with moderate influence, and LPCs with minimal influence. Besides the wider use of legal accountability powers and tools, their performance differences are related to a range of other factors, such as structural variables, personified-centered political cultures, and so on. All of these inevitably contribute to LPCs' movement beyond their previous function as "rubber stamps" within China's political power structures.

Finally, the budget aspect of accountability, one emerging area connecting horizontal power-checking and vertical electoral accountability, has also been significantly altered since the 1999 budgetary reforms.

One change concerns the increasing openness of department budget information and deepening involvement of LPCs in the budget process, along with institutional reforms instead of traditional formalistic scrutiny and oversight.

Another change involves institutional innovations and their impact on budget accountability. For instance, participatory budget deliberations carried out by the W people's congress and the public budget hearing initiated by the M people's congress have demonstrated immense influence in terms of ensuring transparent budgets and

amending inefficient or unfair budget decisions as well as enhancing public trust in the LPCs. Their performance could also be confirmed both from the interviews with congress deputies and the participatory observations on budgetary processes. Even for the B people's congress and the J people's congress, where budget accountability has not been given due attention, the settlement on increasing deputies' suggestions and motions for constituency' issues could indirectly change predetermined budget allocations made by governments.

More importantly, compared with the marginalized status of Chinese LPCs in budgetary power structure before 1999, budget accountability exerted via LPCs' power of purse today provides a promising path to avoid politically sensitive issues and to reshape power relationships among multiple actors, such as the constituents, the elected deputies, the standing committees, the government officials, the Auditing department, and the Financial department, as well as the CCP.

### *9.1.2 Explaining the enhancement of accountability function of LPCs*

While important deviations have taken place, there are few or no signals that the zero-based-model has been completely given up. In other words, the rule of the authoritarian, and the fact that the CCP tries to control and penetrate into the operation of the LPCs have always existed. Against this backdrop, both individual congress deputies and expanded LPCs as a whole have to seek for appropriate strategies to expand their spaces to function. The highlighting strategies can be summarized as follows: gaining support of the CCP, accommodating divergent views while keeping harmony with the governments, asserting legal powers and mechanisms, developing new devices within legal frameworks to enhance transparency and answerability, and seeking support and participation from ordinary citizens, media, and social organizations, as well as concerned stakeholders.

This study found strategies that were appreciated and exhibited by LPCs in accountability practices that partly pertain to two informal rules: one is the increasing

resilience of the CCP to reasonable opposition and rising attention to public affairs in recent years, along with the pressure of strong social demands. However, the precondition is that the opposition would not pose threats to its ruling. The other relates to Chinese political culture that highlights political harmony. Strategically lobbying for the CCP, strategically confronting governments, and decision amending that is constrained to the elite groups in advance are workable methods for LPCs to pave ways for better accountability, although bold confrontations with the CCP and governments will usually face the risk to be far away from predetermined goals.

Further concerns are that the analysis in terms of multiple accountability aspects also provides an opportunity to sum up why these deviations or improvements happened. They can be grouped into three categories relating to the driving forces behind the improvements of LPC accountability functions: structural variables, which define the possible political rooms and feasible strategies that LPCs can maneuver to gain political influence; institutional variables, consisting of new institutional rules to reshape the behaviors and incentives of main actors as well as power relationships; actor-centered variables that emphasize the impact of political perceptions, political culture, and personality of actors on the LPC accountability function.

Specifically, structural changes opened a new space for the growth influence of LPCs in holding the authorities accountable. First, the growing public awareness on political accountability and economic interests brought certain pressures and challenges to conventional power operation. For instance, increasingly more voters began to compete with candidates who have strong CCP support to seek for election to congress deputy's positions. Similarly, the public as taxpayers in China now pay more attention to the allocation of public budget and budget performance evaluations. Secondly, the changed state-society relationship is found from increasingly active interaction among people's congresses, governmental departments, experts, and social organizations, as well as the media. Third, regarding the power structure among the CCP, LPCs, and governments, prominent changes have arisen from CCP's willingness

to promote the growth of LPCs since 1978. This is the result that allows the CCP to solve legitimacy crises in a new governance phase. After liberation, the revolutionary Party was thrust into the role of governance, where the utility of, and indeed the need for, the kind of rigid compliance with ideological and rule of man that characterized the revolutionary period came into question. Disagreement arose over the exact nature of the ideological guidance that was to serve as the source of party policy. Thus, enhancing the function of people's congresses was recognized as a wise choice for the CCP to gain political legitimacy via constructing a legal foundation of socialism, accommodating the plurality of social interests and responding to multiple social conflicts.

Following the political logic set by the ruling party around 1980s, a series of institutionalized reforms at a macro level were carried out to enhance the strength of LPCs. One influential example is the enactment of contested election in the amended version to electoral law in 1979, which not only challenged conventional accountability perception but also constrained the monopoly of the CCP in the nomination and election to congress deputy's positions as well as main political leader positions. In addition, some institutionalized innovations at micro level, for instance, deputy workstations in the W people's congress and institutionalized contact between congress deputies and constituents in the M people's congress, are useful for reshaping the incentives for congress deputies to serve their constituents responsively. The LPCs with more organizational developments and institutionalized innovations at the micro level tend to have stronger accountability performance in terms of transparency, answerability, and controllability. This partly accounts for the varied performance of the LPCs emphasized in this study.

The actor-centered variables, such as bureaucratic and elite culture dominated Chinese politics, still play great role in the local scene. In practice, admittedly, the LPCs' obedience to the CCP and concordance with governments in most occasions has a close bearing on this kind of culture. However, the role of the elite, especially the



distribution of personification power possessed by the CCP, governmental, and LPCs' leaders in local scenes, should not be neglected when it comes to the increasingly institutionalized innovations in some LPCs with certain political risks. This is another side of the coin named as China's long-term tradition of the rule of man. Significant in explaining the higher performance of accountability in the W people's congress and the M people's congress is the pushing and support from main political leaders with new reform ideas. For example, these two LPCs successfully carried out a series of budget deliberation reforms by persuading or negotiating with the CCP, whereas budget power is the critical thing for the secretary of the CCP at both the local and national levels. Meanwhile, it is worth noting that they intended to institutionalize effective reforms to avoid the disadvantage of rule of man in the future. More interesting, the enhanced involvement of the J people's congress in budget accountability benefits a lot from the leading role of the CCP leaders and governmental leaders with enlightened budget reforms ideas, although the current chairman of standing committee in the J people's congress did not attached importance to this arena at the beginning.

At the same time, authoritarian ideology and behaviors still accompany the accountability improvement of LPCs. For instance, the CCP's penetration into LPCs, in terms of formal or informal ways, still can have huge impacts on LPC performance.

## ***9.2 Main contributions***

This thesis makes three major contributions on the basis of previous studies on the same topic:

*First and foremost*, it develops a conceptual framework for accountability through an exploration of vertical and horizontal power connections to assess the function of LPCs within a non-democracy context. This holistic framework of accountability is different from previous study that solely focused on part of roles of LPCs to assess their development. It is not only useful to identify why some accountability aspects are

effective and others not within a one-party regime, but it also furthers the exploration of the possible trends and paths for China's political development. The deep exploration of the accountability function of Chinese LPCs can shed light on the peculiar accountability in the context of China's authoritarian system compared with the experiments in western democracies. After all, the issue of accountability is critical to governance in all forms of governments. No institution can be properly comprehended without exploring its unique social and cultural contexts.<sup>192</sup>

*Secondly*, it offers an in-depth detailed description of the skills and strategies needed to collect more firsthand data in the still relatively closed Chinese society, especially how to get in touch with political elites. Admittedly, it is still hard to conduct elite interviews and to obtain data related to political issues in contemporary Chinese society. However, changes have occurred. Most politicians and bureaucrats have formed more open ideas, along with economic and social globalization, whereas political and cultural barriers still determine whether valuable information will be given to political researchers. Against this background, some strategies mentioned in methodological chapter proved to be effective due to their roots in Chinese political culture.

According to my experience and knowledge, acting as an insider for a relative long period is one strategy for digging out comprehensive data relating to political issues in China. It is time-consuming but rewarding. Similarly, deeper understanding of Chinese political culture makes fieldwork challenges less difficult. Through this strategy, I collected much data marked by other scholars as sensitive and hard to get; for instance, the electoral data, detailed information of elected deputies, as well as their interaction with constituency, budget data, the archive of chairmen's meetings and standing committees indicating power operation, and data relating to the perceptions of politicians.

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<sup>192</sup> Selznick Philip, "Institutionalism 'Old' and 'New' ," *Administrative Science Quarterly*, Vol.41, No.2 (1996): 270-277.

Thirdly, it offers empirical evidence and detailed analysis for a promising but neglected accountability arena in Chinese politics. Beyond election, budget accountability is one critical aspect to observe the accountability function of LPCs. This is partly due to the power of the purse embedded in the Constitution and related laws. Budget deliberation and oversight is one legal weapon for LPCs to ensure accountability. The budget is the life-blood of the government; the budget is a reflection of what the government does or intends to do.<sup>193</sup> Due to the fact that government needs money to fulfill its policies and provide public services, the amended or denied proposals on public budget allocations by LPCs are meaningful to ensure accountability.

However, several seminal works directly concerning the Chinese people's congress, especially the LPCs, did not show due attention to this aspect. For instance, O'Brien made an excellent analysis on the role of law making, supervision, and representation of NPC but little related to budget oversight.<sup>194</sup> Oscar simply focused on the aspects of political participation and the exercising of political power to explore the role of LPCs.<sup>195</sup> Cho emphasized local legislatures' supervision over governments and LPCs' relationship with other actors.<sup>196</sup> For some Chinese scholars, Xia attached more attention to the developmental process of provincial-level legislatures and strategic calculations of legislative leadership.<sup>197</sup> He was concerned about the growth of county people's congress most in terms of legal, organizational, and actor aspects.<sup>198</sup> While

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<sup>193</sup> Wildavsky Aaron, "Political Implications of Budget Reform: A Retrospective," *Public Administration Review*, Vol.52, No.6 (1992):594-599.

<sup>194</sup> O'Brien, Kevin J, *Reform without Liberalization, China's National People's Congress and the Politics of Institutional Change* (New York: Cambridge University Press, 1990).

<sup>195</sup> Oscar Almen, "Authoritarianism Constrained: The Role of Local People's Congresses in China" ( PhD dissertation, Goteborg University, 2005).

<sup>196</sup> Cho Young Nam, *Local People's Congresses in China: Development and Transition* (Cambridge University Press, 2009).

<sup>197</sup> Xia Ming, *The People's Congresses and Governance in China: Toward a Network Mode of Governance* (Routledge, 2008).

<sup>198</sup> He Junzhi, *Zhidu Dengdai Liyi: Zhongguo Xianji Renda Zhidu Moshi Yanjiu* (System that waiting for interests: A Study on Institutional Models of Chinese county people's congress) (Chongqing Press China, 2005).

Chinese scholars Sun and Cai mentioned the power of purse in the study of National People's Congress of China, that was not one of the focuses of their study.<sup>199</sup>

In contrast, this study conducted an in-depth inquiry on new local experiments in this theme due to its importance to the accountability development of LPCs. Empirical data suggest that effective budget accountability with the support of series of strategies not only contributes to break the closed power operation, but has the potential to strengthen the political influence and legitimacy of the LPCs. For instance, LPCs try to make use of joint forces from the public, media, and other social organizations to gain more influence in bargaining with the CCP as well as governments. More importantly, it also shows a close relevance with other aspects of accountability, vertically and horizontally, by involving multiple actors. An integrated co-governance model of accountability seems to be emerging. The accountability performance of LPCs depends on the combination of multiple aspects of accountability.

### **9.3 Implications**

In general, the development of LPCs in terms of accountability pertaining to the unique Chinese political context provides some implications for future political development:

My fieldwork and observation on Chinese politics indicate that responding to the public demands of accountability and good governance via institutionalized LPCs, rather than the democracy and democratization, is the main concern of the political elites and bureaucrats in contemporary China.

This is closely related to the CCP-dominated reform model in China. One prominent trigger of LPC institutional change in the early stage stems from the demands of the CCP to establish political legitimacy rather than to promote democracy. In this sense, the CCP was the promoter rather than the interrupter in the sense of conventional wisdom for the initial institutional development of LPCs. The reason that it provides

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<sup>199</sup> Sun Zhe, *Quanguo Renda Zhidu Yanjiu (A Study of the National People's Congress of China)* (Law Press in China, 2004); Cai Dingjian, *Zhongguo Renmin Daibiao Dahui Zhidu (Chinese People's Congress system)* (Law Press China, 1992).

reform spaces and allow for new innovations in LPCs under current circumstance is to give it a stronger bearing on the demands to enhance legitimacy within the authoritarian context. In the words of Gilley, China's rapid economic development increases the potential number of domestic crisis points. Corruption, land grabs, environmental and resource degradation, governance and health problems, rising inequalities, and fiscal-financial instability provide a rich array of potential problem points.<sup>200</sup> Against this background, Chinese people's congresses are good institutional channels to release these social complaints and reduce social conflicts, and further ease the challenges toward the CCP's legitimacy. For instance, congress deputies have reported in our interviews that they usually make responses to constituents on the issues of public budget, construction safety, food safety, public transportation, environmental protection, judicial justice, the balanced development of compulsory education, and other livelihood issues.

They also provided a stronger stimulus for the CCP to make a certain retreat from conventional monopoly in terms of elections, personnel appointments and removals, law making, budget decision-making, etc. In Chinese local scenes, it also shows that the upshot of an increased LPC may appear along with enhancement of the CCP's legitimacy rather than its reduction. Thus, reforms and innovations initiated by LPCs that aim to involve more transparency, answerability, and controllability in the political process, are usually allowed if they are not estimated to threaten the dominance and the ruling of the CCP in Chinese society.

However, it is noteworthy that most CCP elites are still sensitive to the competitive election and separation of political power intrinsic to western democracies. This can be seen from the negative attitude towards informal candidates in the election to LPCs and the positive attitude towards transparent budget reforms from the National authorities. Given the dominant technical attributes and implicit political attributes of a public

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<sup>200</sup> Gilley Bruce, "Elite-led Democratization in China," *International Journal*, Spring 2006:354. Accessed at <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/intj61&div=30&id=&page>.

budget, it seems to open a more promising arena than the electoral issue to enhance accountability at present.

In retrospect, these characteristics of political development are somewhat similar, but different than those in other Asian countries. In Vietnam, for example, a single party county in East Asia, more in-depth accountability practices and political development than seen in China are carried out within the controllable range. For instance, competition elections in the National parliament and Communist Party have been carried out. Similar development relates to the stronger institutional rules characteristic of more openness and competition. The reliance of Party elites on institutions and the willingness to embrace more political demands contribute to this change.<sup>201</sup>

In short, the system is changing. Connecting the change with the political future of China, this is not a symbolic alteration returning to conservative stagnation, nor a fundamental transition toward western democracy. Rather, it is an institutionalized change to enhance the legitimacy of the existing political system along with increasing governance problems in contemporary Chinese local scenes.

Lastly, it is worth noting that the above conclusions heavily rely on the fieldwork of four empirical cases from LPCs in East and Middle China, while the linkage with broader areas has been covered. Whether the conclusions are applicable to other LPCs in China still needs to be tested by widening the scope of the empirical investigations and applying more quantitative measures.

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<sup>201</sup> On the political accountability and reforms in Vietnam, see Regina Abrami, Edmund Malesky and Yu Zheng, “Vietnam through Chinese Eyes: Comparing Vertical and Horizontal Accountability in Single-Party Regimes” (paper presented at the meeting for the Regime Resilience in China, Vietnam, Laos, North Korea, and Cuba, Dartmouth College, May 25-26, 2007); Matthew Carlson and Mark Turner, “Popular perceptions of political regimes in East and Southeast Asia,” *Democratization*, Vol.16, No.2(2009): 377-398.

## Appendix 1: List of interviews

Code	Occupation	Interview time
<b>M District</b>		
1	Director of working commission of Finance & Economy, Standing Committee member of LPC	December 2008, May 2009 and Sep 2009
2	The Staff of Letters and Visits Office in LPC	June, August 2009
3	The director of Comprehensive Division in Standing Committee Office	June, July, October, December 2009
4	Vice Director of Working commissions of Finance & Economy	June 2009
5	Standing Committee member at district People's Congress level, Chairman of Town People's Congress	June 2009
6	Municipality Deputy having more contacts with district	June 2009
7	Director of Working commission of Domestic and Judicial Affairs, Standing Committee member of LPC	July 2009
8	Vice director of research office, the standing Committee member	July 2009
9	District Deputy	July, 2009
10	District Deputy	July, 2009
11	Retired Standing Committee member, District Deputy	July 2009
12	Municipality Deputy having more contacts with district	July 2009
13	Vice Director of Standing Committee, Standing Committee member	August 2009
14	Chairman of Standing Committee	April, August 2009
15	Director of Working commission of Personnel appointment, removal and representative elections, Standing Committee member	August 2009
16	The Chief of Secretary Division in Standing Committee Office	August 2009
17	Director of Working commission of Education, Science, Culture and Health, Standing Committee member	Sep, 2009
18	Director of Working commission of Urban Construction and Environment Protection, Standing Committee member	September, 2009
19	Vice chairman of Standing Committee	Sep, 2009
20	Secretary of working commission of Personnel appointment, removal and representative elections	June, July, Sep, 2009
21	The Chief of Administration Division in Standing Committee Office	Sep,2009
22	One financial official in the Finance Bureau	January, 2010

## **B District**

23	Director of Working commission of Personnel appointment, removal and representative elections	Oct, 2009
24	Director of Working commission of Education, Science, Culture and Health	Oct, 2009
25	Director of Working commission of Domestic and Judicial Affairs	Oct, 2009
26	The vice chief of Secretary Division in Standing Committee Office	Oct, 2009
27	District Deputy (party secretary of grass-rooted Community, female)	Oct, 2009
28	District Deputy(Chairman of grass-rooted community committee)	Oct, 2009
29	District Deputy(Logistics director of Water Resources Department)	Oct, 2009
30	District Deputy, Chairman of People's Congress at street level	Oct, 2009
31	Group interview with 2 district people's congress standing committee members, and 3 related researchers	Oct, 2009
32	District Deputy ( Vice secretary of party committee in Road Transport Bureau )	Oct,2009
33	District Deputy ( the head of one primary school, female)	Oct,2009
34	District Deputy ( one famous announcer, female)	Oct,2009
35	The vice chief of government office	Nov,2009
36	The chief of government office	Nov, 2009
37	Vice chairman of Standing Committee of District People's Congress	Nov, 2009
38	Director of Working commission of Finance & Economy, Standing Committee member of LPC	Nov, 2009
39	Vice chairman of Standing Committee	Nov, 2009

## **W city**

40	Chief of theory research office, Publicity department; the chief of democratic consultation center	Nov, 2009
41	The staff of Publicity department at X town level	Nov, 2009
42	Deputy Mayor	Nov, 2009
43	The secretary in town People's Congress	Nov, 2009
44	City Deputy, vice director of town People's Congress	Nov, 2009
45	the staff of Publicity department at Y town level	Nov, 2009
46	Chairman of the sweater industry association	Nov, 2009
47	Representative of public opinion at town level	Nov, 2009
48	Deputy at city level, the party secretary of one village	Nov, 2009
49	Town People's Congress Deputy	Nov, 2009
50	Group interview with director and vice director of Working commission of Finance & Economy, Standing Committee member of LPC	Nov, 2009
51	Chairman of Standing Committee, LPC	Nov, 2009
52	Group interview with the staff of Z town publicity department and the secretary of Z town People's Congress	Nov, 2009
53	Vice chairman of standing committee office	Nov, 2009
54	Vice chairman of Standing Committee, LPC	Nov, 2009
55	Vice chairman of Standing Committee	Nov, 2009



56	Director and vice director of Law Working commission	Nov, 2009
57	Director of standing committee office	Nov, 2009
58	Vice chairman of Standing Committee	Nov, 2009
59	Vice chairman of Standing Committee, LPC	Nov, 2009
60	Director of Letters and Visits Office	Nov, 2009

### **J district-level city**

61	Vice director of budget section	September, 2008 and December 2009
62	Vice director of finance department	August, 2008 and December 2009
63	Chief of performance evaluation section, finance department	October, 2008 and December 2009
64	Staff in budget office, finance department	December 2009
65	Director of Committee of Ethnic & Overseas Chinese & Foreign Affairs, the member of Standing Committee	December 2009
66	Director of Working commission of Finance & Economy, the member of Standing Committee	December 2009
67	Vice Director of Working commission of Finance & Economy	December 2009
68	Director of Letters and Visits Office	December 2009
69	Vice Secretary Chief of Standing Committee, LPC, the member of Standing Committee	December 2009
70	Director of Standing Committee office, the member of Standing Committee	December 2009
71	Director of Working commission of Domestic and Judicial Affairs	December 2009
72	The staff in the Secretary Division in Standing Committee Office	December 2009
73	City Deputy (female, non-CCP member)	July, 2010
74	City Deputy (male, non-CCP member), the member of Standing Committee	July, 2010
75	Staff in Working commission of Domestic and Judicial Affairs	July, 2010
76	Staff in working commission of Personnel appointment, removal and representative elections	July, 2010
77	Vice chairman in standing committee	July, 2010
78	Researcher	Sep, 2009
79	Researcher	Jan, 2010
80	The leader of one political think tank	Sep, Dec, 2009
81	Researcher	Sep, 2009
82	Researcher	Sep, 2009 and Jan, 2010
83	Researcher	Sep, 2009

(Notes: the interviews on the ordinary congress deputies and the members of SC in the LPCs are generally guided by the following questionnaire in 2009. For interviews with other stakeholders, the focus is on their perspectives on the accountability function of LPCs and congress deputies relating to political ecology, political influence, powers, incentives, reforms as well as obstacles ).

## Appendix 2: The Questionnaires

### Questionnaire in 2009

Interview number -3 digits: (     )

#### **A. Individual background**

Let me first ask you a couple of questions of your background).

1. Gender:    (1) Man                       (2) Woman
  
2. In which year were you born? \_\_\_\_ (year)
  
3. Where were you born? (Name of Province) \_\_\_\_\_
  
4. How long have you lived in this city/district area: \_\_\_\_\_ years
  
5. What is your profession and how long have you been this profession?  
\_\_\_\_\_
  
6. What kind of education have you finished?  
\_\_\_\_\_
  
7. Are you a member of CCP?    (1) Yes                       (2) No
  
- 8a. If Yes: When did you join the CCP? : \_\_\_\_\_ Year
  
- 8a1. What kind of CPC position did you take or hold now?
  
- 8b. If no: why did you not join the CCP? \_\_\_\_\_
  
9. Are you a member of any non-governmental organization (NGO)? Like a neighbourhood organizations, a philanthropic organization and the like? \_\_\_\_\_
  
- 9a. If Yes Which organizations are you a member of? \_\_\_\_\_

#### **B. Personal, local experience**

(You are a member of the Standing Committee in LPC or congress deputies of this area. I will first ask you some questions on how you are elected the position and how you evaluate your experiences.)

#### **Election and parliamentary experience**

10. When did you first become the member of LPC in this area? \_\_\_\_ (year)

11. From which nominating body/list where you elected to the LPC for latest election (For example, nomination by CCP, social organizations, constituents or self-nominated)?  
\_\_\_\_\_ (write name + other information)

12. Are you the member of the Standing Committee in the LPC?  
(1) Yes  (2) No

*If you answered "no", please proceed to Question No.13!*

12a. If yes, how many times have you been elected as a member of the Standing Committee in this area?  
(1) One time  (2) Two times  (3) Three times  (4) More than three times

13. How much time do you spend on work within or connect to the position as congress deputies per month? \_\_\_\_\_ (hours)

14. Which topics/tasks in the local politics of your district/city are you most interested in? Can you name three topics in the order from one to three according to your priority of interests?

Topic 1: \_\_\_\_\_

Topic 2: \_\_\_\_\_

Topic 3: \_\_\_\_\_

### **Political influence**

15. As a congress deputy, do you think you can exert some influence on the issues that constituency voiced or you are most interested in (For example, some topics as you mentioned above)?  
(1) Very big  (2) Fairly big  (3) Not too big  (4) None

16. What ways have you chosen to urge the governments to deal with the issues that constituency voiced or you are most interested in (one or multiple choices)?

- (1) Submitting suggestions and motions during the LPC's plenary meeting
- (2) Submitting written suggestions during the LPC's intersessional period
- (3) Interpellation
- (4) Consistently urged government to solve
- (5) Directly reporting the issues to government branches or promoting face-to-face communications between government branches and the voters
- (6) Appealing through related meetings or forums
- (7) Directly reporting to senior leaders
- (8) Others, note please \_\_\_\_\_

17. How many times have you succeeded in these efforts?

- (1) Zero time
- (2) One or two times

- (3) Three - Five times
- (4) More than five times

17a. If possible, please specify the failed cases or the successful cases that you have experienced

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**Congress deputy—Constituent Connection**

18. How often do you communicate with your constituents per year?

- (1) Never
- (2) one time
- (3) two times
- (4) More than two times

19. Do you think the ordinary citizens can exert some influence on local affairs in your area?

- (1) Very big
- (2) Fairly big
- (3) Not too big
- (4) None

19a. If possible, please specify some cases relating to citizens' influence on local affairs.

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20. In what ways do you think that the ordinary citizens usually resort to exert influence on local affairs in your area (one or multiple choices)?

- (1) Reporting issues to governments through internet or letters
- (2) Reflecting their problems by visiting congress deputies
- (3) Seeking for help via Vistis and Letters offices insider the LPCs
- (4) Petition directly to related governmental departments
- (5) Complaining to leaders or congress deputies when they visit citizens as constituents
- (6) Others, please note \_\_\_\_\_

**Perceptions on the main functions of LPC as well as personal performance**

21. Do you think the LPC in your area can have some influence in the budgetary decision making?

- (1) Very big
- (2) Fairly big
- (3) Not too big
- (4) None

22. Do you think the accountability function of the LPC in the budgetary issues has improved in your area?

- (1) Very big
- (2) Fairly big
- (3) Not too big
- (4) None

22a. If possible, please specify the impetus or the obstacles in affecting the budgetary accountability function of the LPC.

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23. Do you think the influence of the LPC has enhanced in the personnel appointment and removal aspect?

- (1) Very big
- (2) Fairly big
- (3) Not too big
- (4) None

24. What are your incentives to be congress deputies?

- (1) Positional demands or organizational arrangement
- (2) Political honor
- (3) Expressing demands for interests and impact government decision-making
- (4) Really wanting to do something for the voters, good deputies will be respected and supported
- (5) Accumulating interpersonal relationship and political resources
- (6) A good chance to learn and self-improvement
- (7) Other \_\_\_\_\_

25. How to evaluate your performance as congress deputies?

- (1) Very positive  (2) Fairly positive  (3) Not too positive  (4) None

26. Which factor(s) do you think affect your performance to ensure accountability as congress deputies under current circumstances (one or multiple choices)?

- (1) No enough time and energy to perform the function due to the part-time arrangement as congress deputies
- (2) It does not work to be positive due to the impossible solving on recommended issues
- (3) Limited capacities and resources to perform the function
- (4) The obstacles from the existing political systems
- (5) Others, please note \_\_\_\_\_

**C. Political power among SC and the Government Departments as well as the CCP**

27. In what ways do you or your group usually work with people in related administrative branches or judicial departments to the topics you often discuss?

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28. In what ways do you think the SC in the LPC has been made improvements in playing their function as horizontal accountability institution towards the government in this area?

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29. The CPC in China is often taught of having strong influence in local politics. In what way will you say that there has been any change in this situation in the recent year?

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30. Your general evaluation on the accountability function of the LPC within China's context (including further suggestions on how to improve the accountability function of the LPCs) \_\_\_\_\_

*That's all, many thanks for your help!!*

## Questionnaire in 2010 issued for constituents in the M people's congress

( Main concern is congress deputy—constituent connection)

1. Gender: (1) Man  (2) Woman
2. In which year were you born? \_\_\_\_ (year)
3. Educational level
  - (1) Primary school (2) High school
  - (3) College and University (4) Post graduate and above
4. Your Professions
  - (1) Student (2) Worker (3) Individual businessman (4) Private entrepreneurs
  - (5) State-owned managers (6) Collective-owned managers
  - (7) Civil servants (8) Staff in the public institutions (9) Peasants
  - (10) Freelance and jobless (11) Retired people (12) Others, please note \_\_\_\_\_
5. How much do you know the People's Congress system
  - (1) Very much (2) Fairly much (3) Not too much (4) Not at all
6. How much do you know the responsibility of congress deputies
  - (1) Very much (2) Fairly much (3) Not too much (4) Not at all
7. Your experience and perspectives on the election to congress deputies  
\_\_\_\_\_
8. Do you know the congress deputies within your election district, if yes, please write their name \_\_\_\_\_
9. Do you have any experience resorting to the congress deputies when you need help?
  - (1) Yes (2) No
10. How often do you visit the congress deputies within your election district?
  - (1) Very often (2) Fairly often (3) Not too often (4) Never
11. If you had contacted with congress deputies , how to do it
  - (1) Contacting congress deputies on own initiative
  - (2) Contacting congress deputies when they visit constituents
  - (3) Others, please note \_\_\_\_\_

12. Your evaluation on the function of congress deputies to reflect public opinions within your district
- (1) Very positive (2) Fairly positive (3) Not too positive (4) Negative
13. Ways that you have chosen to reflect issues
- (1) Reflecting issues via village cadres or residence cadres  
(2) Reflecting issues to government via possible ways  
(3) Letters of complaint  
(4) Petitions to higher authorities for help  
(5) Others \_\_\_\_\_
14. Which way do you think is most effective mentioned above?
- (1) Reflecting issues via village cadres or residence cadres  
(2) Reflecting issues to government via possible ways  
(3) Letters of complaint  
(4) Petitions to higher authorities for help  
(5) Others \_\_\_\_\_
15. How do you want congress deputies to deal with the issues reflected by constituents
- (1) Reflecting and urging governmental departments to deal with them  
(2) Solving issues by themselves  
(3) Providing chances for constituents to face-to face communicatin with related department leaders  
(4) It does not matter  
(5) Others \_\_\_\_\_
16. What kinds of issues do you think that congress deputies should voice for constituents
- (1) Issues relating to public interests  
(2) Personal issues from constitutents  
(3) All issues  
(4) Others \_\_\_\_\_
17. Your perspectives on the activities of congress deputies—constituents connection and further suggestions on how to promte the responsibility of congress deputies.
- 

\_\_\_\_\_ *Thank you very much!* \_\_\_\_\_

**Questionnaire in 2010 issued for congress deputies in the M people's congress**

( Main concern is congress deputy—constituent connection)

1. Gender: (1) Man  (2) Woman
2. In which year were you born? \_\_\_\_ (year)
3. Educational level  
(1) Primary school (2) High school  
(3) College and University (4) Post graduate and above
4. Your Professions  
(1) Civil servants (2) Staff in the public institutions  
(3) Cadres in village or resident committee (4) Worker (5) Peasants  
(6) Enterprise staff (7) Business manager  
(8) Freelance and jobless (9) Retired people (10) Others, please note \_\_\_\_\_
5. Your election district and nominating body/list where you elected to the LPC for latest election  
(For example, nomination by CCP, social organizations, constituents or self-nominated)
- 
6. Your perspective on the activities of Deputy-Constituent connection  
(1) Very necessary (2) Fairly necessary  
(3) Not too necessary (4) Unnecessary
7. Your perspective on the role of the activities of Deputy-Constituent connection in expanding the input of public opinions into political arena  
(1) Very effective (2) Fairly effective (3) Not too effective (4) Invalid
8. Your incentives to contact constituents and hold accountability to them (multiple options)  
(1) The response to institutional requirements  
(2) Psychological pressure from other deputies with good performance  
(3) The accountability sense to constituents  
(4) Demands from my constituents  
(5) Seeking for re-election  
(6) Benefiting for self and personal work  
(7) Showing in front of the leadership of LPCs and CCP  
(8) Others \_\_\_\_\_
9. How often do you visit your constituents per year  
(1) one time (2) two to three times  
(3) three to five times (4) More than five times



10. How often do your constituents visit you and reflect their issues or public issues per year
- (1) one time                      (2) two to three times  
(3) three to five times            (4) More than five times
11. Ways that you usually resort to contact your constituents (multiple options)
- (1) Symposiums            (2) Personal visiting            (3) Publicly reception  
(4) Via key contact persons            (5) Participating related letters and visits activities  
(6) Making use of internet tools, such as deputy email, telephone , microblog and so on.  
(7) others \_\_\_\_\_
- 11a. Do you think which is the most important one among the ways mentioned above \_\_\_\_\_
12. In which cases you usually contact your constituents
- (1) Connecting with own work  
(2) Abiding by the arrangements of congress deputy group  
(3) On own initiative  
(4) In response to the issues reflected by constituents  
(5) When governmental departments need the help of congress deputies to solve public issues  
(6) Others \_\_\_\_\_
- 12a. Do you think which one is most important among the cases mentioned above \_\_\_\_\_
13. Methods that you usually used to handle the opinions and suggestions from your constituents
- (1) Directly submitted them to the staff within LPC or congress deputy groups  
(2) Submitting them to the staff within LPC or congress deputy groups with own suggestions  
(3) Dealing with them via related channels on own initiative, such as contacting with related government departments, appealing via deputies at higher level and so on.  
(4) No response  
(5) Others \_\_\_\_\_
14. What kinds of constituent groups that you have contacted  
\_\_\_\_\_
15. Have you carried out a certain of investigations before you reflect the issues from constituents to concerned government departments?
- (1) Quite often    (2) Fairly often    (3) Seldom    (4) Never
16. Your perspectives on the activities of congress deputies—constituents connection and further suggestions on how to promte your accountability as congress deputies.

\_\_\_\_\_ *Thank you very much!* \_\_\_\_\_

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