

# "Crafting" China's Energy Policy: Toward an Inclusive Approach to Policymaking\*

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*Drawing upon the framework of "fragmented authoritarianism," this article attempts to formalize existing bureaucratic behaviors in the Chinese political apparatus through the inclusion of the logic of "collusive behavior" amongst the various bureaucratic levels. Policy crafting is posited as a more comprehensive notion to describe Chinese energy policymaking. Additionally, policy crafting addresses center-local internal dynamics from a new angle to better grasp the domestic conditions under which energy policy is "crafted" and implemented throughout China's bureaucratic apparatus. The main contributions of this article are theoretical and analytical. It begins by defining policy crafting and noting the explicative limits of the existing approaches to China's "informal" bureaucratic politics. The article then develops a theoretical reappraisal of the fragmented authoritarianism model in order to push it forward and supplement it with "collusive behavior" to form a new analytical tool. It concludes with a*

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*description of the policy elaboration process, which encompasses the translation, drafting, and formulation of China's energy policy. In addressing how energy policy is "made" in China, the article supplements current approaches to Chinese policymaking by elucidating the complexity of the policy elaboration process; that is, from its extensive bargaining and consensus-building dynamics to its inherent incremental nature and bureaucratic resistance.*

**KEYWORDS:** Chinese policymaking; fragmented authoritarianism; Chinese bureaucratic politics; collusive behavior; Chinese energy policy.

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This article deals with the bureaucratic dynamics of the Chinese domestic governance system with an emphasis on energy policymaking. The internal dynamics of the Chinese state are more often than not overlooked by both foreign policy/geopolitical approaches<sup>1</sup> to Chinese energy policy, which tend to focus on the rational state/actor model and "external" factors, and the factional/informal/elite politics approach, which overemphasizes state leaders as the main explicative variable, thereby downplaying the *formal* bureaucratic apparatus. These models, regardless of their seeming explanatory and descriptive value, do not provide a conclusive approach capable of allowing us to grasp the overall processes of Chinese policymaking and policy implementation.

The reasons why energy was selected as an extensive case study for this article are fourfold. First, the sector is pivotal for China's economic growth and political stature on the international stage. British Petroleum (BP) estimates that if China's economic growth continues at its current pace, it will be consuming 20 percent of the world's energy by 2030, which

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<sup>1</sup>Mikkal Herberg, "Fueling the Dragon: China's Energy Prospects and International Implications," in *Energy and the Transformation of International Relations*, ed. Andreas Wenger, Robert Orttung and Jeronim Perovic (Oxford: Oxford University Press, 2009), 276-77; Robert E. Ebel, *Energy and Geopolitics in China: Mixing Oil and Politics* (Washington, D.C.: Center for Strategic and International Studies, 2009); Linda Jakobson, "Does China Have an 'Energy Diplomacy'? Reflections on China's Energy Security and Its International Dimensions," in *Energy Security: Visions from Asia and Europe*, ed. Antonio Marquina (Basingstoke: Palgrave Macmillan, 2008), 121-34; Zhao Suisheng, "China's Global Search for Energy Security: Cooperation and Competition in Asia-Pacific," *Journal of Contemporary China* 17, no. 55 (2008): 207-27.

will include 15.7 million barrels per day of oil and 7 trillion cubic feet (tcf) of natural gas. Moreover, according the International Energy Agency, China's dependence on oil imports will probably reach 82 percent by 2030 while its dependence on gas imports should reach 50 percent by 2020.<sup>2</sup> Therefore, it is clear that China's demand for and consumption of energy will have global economic, environmental, and strategic reverberations, thereby increasing the heuristic and practical values of studying China's energy policymaking process. Second, the energy sector was chosen because the fragmented authoritarianism model<sup>3</sup> uses the energy sector to illustrate the fragmented nature of Chinese bureaucracy. The empirical data for this article was derived using the same example as a logical continuation of the previous model. Third, the Chinese Communist Party's (CCP's) legitimacy depends to a certain extent on the economic welfare of the Chinese population. It cannot afford (politically speaking) to raise energy prices to an extent that social purchasing power would be reduced, for that would run the risk of social unrest. Fourth, China's energy policy is the product of a balancing of interests throughout the policymaking chain, which enables us to observe an array of bureaucratic behaviors. Energy issues are thus often perceived differently by various stakeholders. These differing perceptions lead in turn to different policy behaviors and prescriptions, which further complicate our understanding of "who decides" and "how" energy policy is implemented in China.<sup>4</sup>

This article does not attempt to advance any particular thesis. Its contributions are mainly theoretical and analytical. The methodology used departs from regular research paper design. The article begins by proposing policy crafting<sup>5</sup> as a more comprehensive approach to Chinese energy policymaking. It then notes the explicative limits of the existing

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<sup>2</sup>Joseph Y. S. Cheng, "A Chinese View of China's Energy Security," *Journal of Contemporary China*, 17, no. 55 (2008): 301.

<sup>3</sup>Kenneth G. Lieberthal and Michel Oksenberg, *Policy Making in China: Leaders, Structures, and Processes* (Princeton, N.J.: Princeton University Press, 1988), 22-30.

<sup>4</sup>Jean Garrison, *China and the Energy Equation in Asia: The Determinants of Policy Choice* (London: FirstForumPress [Lynne Rienner], 2009), 24.

<sup>5</sup>See definition below.

approaches to China's informal politics. In the third section, a theoretical reappraisal of the fragmented authoritarianism model is proposed. This pushes the model in question to its explicative limits in order to: (1) provide answers to some of its critics; (2) push the notion of vertical-horizontal (*tiaotiao yu kuaikuai* 條條與塊塊) bureaucratic dynamics beyond its original scope; and (3) introduce and formalize the concept of collusive behavior as a theoretical advancement on fragmented authoritarianism. Since the concept of collusive behavior explains the materialization of bureaucratic resistance to and distortion of policies which alter the status quo, understanding it is of crucial importance in comprehending spontaneous bureaucratic behaviors and their responsiveness to different types of policies in the overall Chinese policymaking process. Considering the incremental nature of the implementation process, which already acknowledges either bureaucratic resistance or "compromises" in the implementation of policies, the inclusion of the collusive behavior concept allows for further categorization of bureaucratic behaviors. From where we stand, the formalization of this concept goes one step further than the fragmented authoritarianism model. The article concludes with the elaboration process, which encompasses the translation, drafting, and formulation of China's energy policy. Based on insider information collected through interviews<sup>6</sup> with lower-level officials, this final part is presented as a tentative rather than a definitive explanation of China's policy elaboration. Nevertheless, it does provide details of the internal mechanics of this behind-the-scenes process. In addressing how energy policy is "made" in China, the article supplements current approaches to Chinese policymaking by elucidating the complexity of all aspects of the policy process, from extensive bargaining and consensus-building to bureaucratic resistance, as well as its incremental nature.

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<sup>6</sup>The information provided on these processes, including the internal dynamics and technicalities, is gleaned from interviews with provincial-level officials from Shandong. The data provided are translated and interpreted to the best of our capacities. Readers will however note that the exact names and locations of the interviewees have been omitted for reasons of safety and confidentiality.

## Defining Policy Crafting

Policy crafting refers to how policymaking is effectively carried out through multiple instances of bureaucratic mediation. It encompasses two distinctive elements: the processes and dynamics which are inherent to the elaboration of policies, and their outcomes. The policy-crafting approach focuses on the manner in which the policies that are implemented throughout the bureaucratic apparatus are constructed. The approach also allows us to make a less rigid division between the processes of policymaking and policy implementation than is usually found in the literature (e.g., some studies focus only on implementation and policy outcomes<sup>7</sup> or solely on the policymaking processes<sup>8</sup>). These processes are in fact part of a continuum, synchronic or otherwise, and should not be separated. By grouping them this way, we render the fragmented authoritarianism framework more inclusive and better able to describe the complete trajectory of a policy under a single referent.

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<sup>7</sup>For example: Zhao Fang, "Zhongguo nengyuan zhengce: yanjin, pinxi yu xuanze" (China's energy policy: evolution, evaluation, and selection), *Xiandai jingji tantao* (Modern Economic Research) (Nanjing), no. 12 (December 2008): 27-32; Zheng Jianing, "Cong xingzheng guanli dao zonghe guanli: woguo nengyuan guanli de moshi biange" (From administrative management to comprehensive management: energy management system reform in China), *Xingzheng faxue yanjiu* (Administrative Law Review) (Beijing), no. 3 (2010): 62-68; Asia Pacific Energy Research Centre, *Understanding Energy in China: Geographies of Energy Efficiency* (Tokyo: Asia-Pacific Economic Cooperation, 2009); Bao Yunqiao, "Jin 30 nian Zhongguo nengyuan zhengce yanjiu de huigu yu pingxi" (A review of China's energy policy research practices over the past 30 years), *Zhongwai nengyuan* (Sino-Global Energy) (Beijing) 14, no. 12 (December 2009): 1-7.

<sup>8</sup>To name only a few: Hao Yufan and Hou Ying, "Chinese Foreign Policy Making: A Comparative Perspective," *Public Administration Review* 69, Supplement 1 (December 2009): s136-s141; Bo Kong, "China's Energy Decision-Making: Becoming More Like the United States?" *Journal of Contemporary China* 18, no. 62 (2009): 789-812; Jean-Pierre Cabestan, "China's Foreign- and Security-Policy Decision-Making Processes under Hu Jintao," *Journal of Current Chinese Affairs - China Aktuell* 38, no. 3 (2009): 63-97.

## Justification and Limits

### *Policy Network and Informal Politics: The Importance of Officials*

Notwithstanding the relevance of informal processes (e.g., bureaucratic resistance) in explaining the internal bureaucratic dynamics of the Chinese state, policy crafting emphasizes the formal bureaucratic structure as the key driver of China's energy policymaking. To justify our stance, the article notes two explicative limits to China's "informal" bureaucratic politics.

First, some authors believe that there exists within the formal administrative structure a "policy network" (政策網絡)<sup>9</sup> formed by high-level commissions, such as the National Energy Commission (NEC),<sup>10</sup> the National Development and Reform and Commission (NDRC),<sup>11</sup> and a few central leadership small groups (中央領導小組),<sup>12</sup> such as those on foreign affairs<sup>13</sup> and finance and the economy.<sup>14</sup> This networked community consists of officials who are members of more than one of these key bureaus<sup>15</sup> who seek to mobilize support either to initiate a policy process or for inter-bureaucratic bargaining purposes. This network<sup>16</sup> has two main functions:

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<sup>9</sup>A policy network is a plural set of actors that are intertwined in a complex network or interdependent relationship. Hai tao Zheng, Martin De Jong, and Joop Koppenjan, "Applying Policy Network Theory to Policy-Making in China: The Case of Urban Health Insurance Reform," *Public Administration* 88, no. 2 (June 2010): 400.

<sup>10</sup>The NEC (國家能源委員會) is currently under the direction of Wen Jiabao (溫家寶), with Li Keqiang (李克強) as his deputy.

<sup>11</sup>The NDRC (國家發展和改革委員會) is currently directed by Zhang Ping (張平), whose deputy is Zhang Guobao (張國寶), also the director of the NEB. The previous chairman, Ma Kai (馬凱), also chaired (2003-2008) the State Energy Commission.

<sup>12</sup>According to Kenneth Lieberthal and Michel Oksenberg, leading groups are: (1) composed of high-ranking officials; (2) form a bridge between the top leadership and the bureaucratic apparatus; and (3) oversee the implementation of political priorities sent from the State Council. See Lieberthal and Oksenberg, *Policy Making in China*, 41-42.

<sup>13</sup>Hu Jintao is chairman of this leading group, Xi Jinping is the current vice chairman.

<sup>14</sup>Currently presided over by Wen Jiabao, with Li Keqiang as his deputy.

<sup>15</sup>Lieberthal and Oksenberg, *Policy Making in China*, 154.

<sup>16</sup>The Chinese view of policy networks is, however, slightly different as it focuses on the diffusion of knowledge and innovation through the bureaucratic structure. See Zhu Demi, "Gonggong zhengce kuosan, zhengce zhuanyi yu zhengce wangluo – zhenghexing fenxi

to put pressure on other officials in order to advance its members' policy preferences on the political agenda and to ease the bargaining process by mobilizing more support. These networks clearly facilitate interaction and cooperation between parties<sup>17</sup> (e.g., they prevent deadlock and "kick-ups"<sup>18</sup>).

A good example of such a network is that of key civil servants from bureaus with direct responsibility for energy policy—dubbed here the *energy policy elite network*. It consists of Wen Jiabao (溫家寶) (chairman of the NEC, chairman of the Finance and Economy Leading Group, and premier); Li Keqiang (李克強) (vice chairman of the NEC and first-ranking vice premier); Yang Jiechi (楊潔篪) (member of the NEC and minister of foreign affairs); Zhang Ping (張平) (director of the General Office of the NEC and chairman of the NDRC); Li Rongrong (李榮融) (member of the NEC, former chairman of the State-Owned Assets Supervision and Administration Commission, and vice chairman of the Eleventh Chinese People's Political Consultative Conference [CPPCC] Economic Committee); and Zhang Guobao (張國寶)<sup>19</sup> (vice chairman of the NDRC and

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kuangjia de goujian" (Public policy diffusion, policy transfer and policy networks – analysis of integrated framework), *Guowai shehui kexue* (Social Sciences Abroad) (Beijing), no. 5 (September 2007): 19-23.

<sup>17</sup>Zheng, de Jong and Koppenjan, "Applying Policy Network Theory," 402.

<sup>18</sup>A "kick-up" is the result of deadlock at a lower level of the bureaucracy, causing the issue to be "kicked-up" to an official or unit at the next level up so as to either break the deadlock or initiate a new round of consensus building. For example, if Zhang Ping cannot convince his colleagues in the NEC, they will need to kick the issue up to the deputy director (副主任) Li Keqiang, and, if there is still no consensus, to the director (主任), Wen Jiabao. However, no issue should be kicked up to the premier or above, as multiple "kick-ups" may trigger severe consequences (e.g., Wen Jiabao could decide to dismiss the officials responsible for the deadlock).

<sup>19</sup>Zhang Guobao is a typical technocrat who currently assumes *tiao* functions. He lost out to Zhang Ping in the race to be appointed director of the NDRC. Zhang Ping, as a political leader, assumed *kuai* functions (e.g., as vice governor and secretary-general of Anhui). We can see from this that there is a clear division of labor when it comes to leadership and bureaucratic positions. The first in command is a political leader, a person who previously held *kuai* (political) functions, and the second in command is a career bureaucrat, a person who has held *tiao* (administrative) functions. This norm is best exemplified by the current administration's top leadership: Hu Jintao (political leader) and Wen Jiabao (technocrat). This clearly demonstrates the distinction between the decision-making group and the policymaking group (leaders vs. technocrats), which is more in line with the scientific development political orientation.

director of the National Energy Bureau [NEB]).<sup>20</sup> As we can observe, the current and past positions of these members of the energy bureaucracy overlap with one another in such a way as to allow them to form a powerful group, which networks by and through the NEC to influence the policy-making process.

Second, there is a large body of literature on informal politics. Many authors<sup>21</sup> describe informal politics, also called "factional" or "elite" politics, as the independent variable of any policy process. However, as Tang Tsou and Huang Jing have observed, although some leaders (the most commonly cited example is Mao Zedong [毛澤東]) enjoyed extensive informal power or *guanxi* (關係) ties, they still had to rely heavily upon the compliance of the formal bureaucratic structure to translate their "vague" policy preferences into a coherent policy agenda<sup>22</sup> and disseminate it throughout the entire administrative apparatus. According to Wang Zhengxu, since the end of the Jiang Zemin (江澤民) era and the efforts of Hu Jintao to legitimize the formal bureaucracy, the Party structure, and the policy process, outside maneuvers are now seen as illegitimate.<sup>23</sup> Hu's efforts have been aimed at hindering informal transactions and legitimizing the dual, yet overlapping, structure of the state and the party.

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<sup>20</sup>Bo Zhiyue, *China's New National Energy Commission: Policy Implications*, EAI Background Brief No. 504 (Singapore: National University of Singapore, 2010), 9, <http://www.eai.nus.edu.sg/BB504.pdf>.

<sup>21</sup>To name a few: Andrew J. Nathan, "A Factionalism Model for CCP Politics," *China Quarterly* 53 (January-March 1973): 33-66; Tang Tsou and Andrew J. Nathan, "Prolegomenon to the Study of Informal Groups in CCP Politics," *China Quarterly* 65 (March 1976): 98-114; Jing Huang, *Factionalism in Chinese Communist Politics* (Cambridge: Cambridge University Press, 2000), 1-26, 55-107; Lowell Dittmer and Guoli Liu, eds., *Domestic Politics in Transition: China's Deep Reform* (Lanham, Md.: Rowman & Littlefield, 2006), 49-147; Willy Wo-Lap Lam, *Chinese Politics in the Hu Jintao Era: New Leaders, New Challenges* (Armonk, N.Y.: East Gate Books, 2006), 3-34; Bo Zhiyue, *China's Elite Politics: Political Transition and Power Balancing* (Singapore: World Scientific Publishing, 2007), 203-435; Cheng Li, *China's Changing Political Landscape: Prospects for Democracy* (Washington, D.C.: Brookings Institution Press, 2008), 60-98.

<sup>22</sup>Control over the state apparatus gives the power to set the formal policy agenda. Frederick C. Teiwes "The Paradoxical Post-Mao Transition: From Obeying the Leader to 'Normal Politics'," in *The Nature of Chinese Politics: From Mao to Jiang*, ed. Jonathan Unger (Armonk, N.Y.: M. E. Shapre, 2002), 85.

<sup>23</sup>Wang Zhengxu, "Hu Jintao's Power Consolidation: Groups, Institutions, and Power Balance in China's Elite Politics," *Issues & Studies* 42, no. 4 (December 2006): 114-18.



Therefore, the policy crafting approach draws upon bureaucratic politics<sup>24</sup> and focuses on policymaking and implementation rather than on decision-making and policy preferences. In our opinion, the formal administrative structure is far more important than the informal process because the effective "grasp" and reach of the state over the country depends on it. Indeed, informal decisions made at the top depend on the compliance of the formal structure to be disseminated. Information regarding the dynamics behind those decisions is also seldom accessible to outsiders. Moreover, the outcomes of either the policymaking or implementation processes are determined by structural factors (numbers of actors, amount of resources allocated, etc.) that no single actor or group of actors (e.g., officials or cadres) can control. The formal administration has a monopoly on the allocation of resources between functional systems and thus controls the policy implementation agenda.<sup>25</sup> The power of the center is exercised only through this structure and especially through the levels of local government. The implementation bodies and the bureaucratic apparatus constitute the source of government authority, for it is at this level that society comes into contact with the state.<sup>26</sup>

#### *Exemplification and the Accessibility of Data*

As stated above, this article is a theoretical project which cannot be fully assessed or proven by complete cases. It can only provide insights on the internal processes and mechanisms surrounding the crafting of policies. No cases are sufficiently well documented to allow us to prove or even demonstrate the validity of the supplemented model. We can only provide

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<sup>24</sup>Graham T. Allison and Morton H. Halperin, *Bureaucratic Politics: A Paradigm and Some Policy Implications* (Washington, D.C.: Brookings Institution, 1972).

<sup>25</sup>Hsin-hsien Wang, "Shei tongzhi? Lun Zhongguo de zhengce zhiding guocheng: yi 'fan longduan fa' weili" (Who governs? The dynamics of policy-making in China: the case of Antitrust Law), *Zhongguo dalu yanjiu* (Mainland China Studies) (Taipei) 53, no. 1 (March 2010): 50.

<sup>26</sup>Zhou Zhenchao and Li Anzeng, "Zhengfu guanli zhong de shuangchong lingdao yanjiu – jianlun dangdai Zhongguo de 'tiao-kuai guanxi'" (Government's dual leadership – discussion on compartmentalization between *tiao* and *kuai* in contemporary China), *Dongyue luncong* (Dongyue Tribune) (Jinan) 30, no. 3 (March 2009): 136.

partial accounts of some parts of the framework without being able to empirically "demonstrate" it by means of one or more critical cases. Even with information collected during fieldwork, which mainly consisted of interviews with town and townships cadres, and municipal, city, and provincial officials, we have not been able, at the present moment, to fully document an empirical case.

### **Bringing Bureaucratic Politics "Back In"**

#### *A Synoptic Reappraisal*

The following model is a reappraisal of what is known as classical fragmented authoritarianism as established and defined by Lieberthal and Oksenberg.<sup>27</sup> Our reappraisal has three objectives: (1) to bring bureaucratic politics back into the analysis of Chinese policymaking; (2) to move away from mainstream elite politics and foreign policy analyses; and (3) to underscore the reappraisal's shortcomings. Another aim is to update the model by including and describing other types of bureaucratic behavior and policy formulation processes. The fragmented authoritarianism model postulates that below the top of the Chinese state apparatus, the political system is fragmented<sup>28</sup> vertically through functional administrative units (*tiao*, 條) and horizontally through geographical units (*kuai*, 塊).<sup>29</sup> This fragmentation is the result, in part, of earlier rounds of decentralization initiated at the beginning of the reform and opening-up process to promote local economic growth.<sup>30</sup> Decentralization has continued, with the exception of a few recentralizing policies (e.g., the taxation reform of 1994),<sup>31</sup>

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<sup>27</sup>Lieberthal and Lampton, *Policy Making in China*, 22-30, 137-38.

<sup>28</sup>Kenneth G. Lieberthal and David L. Lampton, *Bureaucracy, Politics and Decision Making in Post-Mao China* (Berkeley, Calif.: University of California Press, 1992), 8.

<sup>29</sup>In Chinese, the name of this concept is *tiaotiao/kuai* (條條/塊塊).

<sup>30</sup>Lieberthal and Lampton, *Bureaucracy, Politics and Decision Making*, 6.

<sup>31</sup>It is very important to understand this particular policy as most authors consider it to be a turning point in the central-local relationship. See, Zhiyong Lan, "Central-Local Relations in the People's Republic of China," *Journal of Public Budgeting, Accounting & Financial*

ever since. The policymaking process is therefore disjointed and incremental and requires extensive amounts of bargaining and tradeoffs over bureaucratic resources or fiscal allocation to enable consensus to be reached among the various agencies, be they functional or geographical units.<sup>32</sup> Bargaining processes involve varying numbers of players, depending on the issue/project in hand, which diffuses the policymaking process across different levels of the formal bureaucratic apparatus. Bargaining usually occurs when considerable resources, financial or otherwise, are at stake<sup>33</sup> (e.g., major construction projects, allocations for research and development [R&D], or subsidies for production) and when lines of authority between the bargaining units are murky (e.g., between two high-ranking commissions like the NEC and the NDRC for the energy sector portfolio<sup>34</sup>). Furthermore, policymaking is incremental because policies change gradually during the implementation process, as lower-level bureaus or cadres try to adapt policy made at the top to fit local interests. Policies are also distorted on the way down as every level of the administration bargains the terms of implementation: fiscal allocation, in the case of allocative policies, or other types of resources.

Other players (e.g., the national oil companies [NOCs]<sup>35</sup>) can also disrupt the policy process at any level, depending on their bargaining capacity

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*Management* 15, no. 3 (2003): 438-65 and Linda Chelan Li, "Central-Local Relations in the People's Republic of China: Trends, Processes, and Impacts for Policy Implementation," *Public Administration and Development* 30, no. 3 (August 2010): 177-90. The policy in question is the tax assignment system (分稅制). The reassignment of income from taxation was renegotiated in order to ensure the fiscal supremacy of the central state. Furthermore, not only were revenues centralized, but expenditures became more localized, thus putting enormous fiscal pressure on the lower level of government since 80 percent of its budget goes to payroll and daily operations. See Lan, "Central-Local Relations in the People's Republic of China," 449; Li, "Central-Local Relations in the People's Republic of China," 183.

<sup>32</sup>Lieberthal and Oksenberg, *Policy Making in China*, 22-23.

<sup>33</sup>Lieberthal and Lampton, *Bureaucracy, Politics and Decision Making*, 21.

<sup>34</sup>The NEB is under the direction of the NDRC and the NEC, hence the competition over fiscal resources to control the energy sector.

<sup>35</sup>China National Offshore Oil Company (CNOOC), China National Petroleum Company (CNPC), and Sinopec.

and institutional weight.<sup>36</sup> The extensive bargaining rounds and the incremental nature of policy implementation result in multiple implementations, or interpretations, of the same policy.<sup>37</sup> As we will explain further below, policy distortion is also the result of unilateral policymaking at the center. Funds are also unevenly distributed among the bureaucratic units, hampering the uniform implementation of policies still further. Despite the unitary nature of the Chinese state,<sup>38</sup> the center has never had an effective reach below the provincial level.<sup>39</sup> Sub-national levels are reached through the provincial level.<sup>40</sup> The provinces are the gatekeepers of sub-national units and, by default, they are responsible for the policy implementation process. Hence, every major policy orientation (e.g., new energy development and efficiency policies) requires the cooperation of the provinces and the ministries as they are indispensable allies during the implementation phase.<sup>41</sup> Unilateralism at the center can, as shown below, trigger collusive behavior among various levels of the bureaucracy, which in turn can distort the original intentions of state policies.

A telling example of the protracted nature and disjointedness of the decision-making process in China and how a particular decision can be made by circumventing the formal decision chain is that of the West-East Gas Pipeline (WEGP). The prompt and quasi-unequivocal consensus surrounding the advisability of developing this project is attributable to the fact that it was effectively "championed"<sup>42</sup> by Zhou Yongkang (周永康) (former president of CNPC and currently a member of the Politburo Stand-

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<sup>36</sup>Other players are any players with sufficient leverage capacity (bargaining resources) to disrupt the policy process.

<sup>37</sup>Lieberthal and Oksenberg, *Policy Making in China*, 24-25.

<sup>38</sup>The dominant view is that China is a strong unitary state which is able to impose its will throughout its entire territory and demand compliance from all units, whether *tiao* or *kuai*.

<sup>39</sup>According to Linda Chelan Li, the center did not have this degree of control either before or after 1978. See Linda Chelan Li, "Towards a Non-Zero-Sum Interactive Framework of Spatial Politics: The Case of Centre-Province in Contemporary China," *Political Studies* 45, no. 1 (March 1997): 55.

<sup>40</sup>Lan, "Central-Local Relations," 441.

<sup>41</sup>Li, "Towards a Non-Zero-Sum Interactive Framework of Spatial Politics," 64.

<sup>42</sup>Kong, "China's Energy Decision-Making," 805.

ing Committee) who made sure it was placed at the top of the Chinese leadership's agenda. Indeed, to this end, Zhou took the initiative of writing directly to the former premier, Zhu Rongji (朱鎔基). This letter is seen by some experts as a key factor in the rapid operationalization of the pipeline.<sup>43</sup> Another important aspect of the decision-making process behind the WEGP is that it was initiated by a "middle-up" process,<sup>44</sup> by a key player with strong bargaining and institutional influence—CNPC. Indeed, when the State Council decided to establish a leading group on the construction of the WEGP in 2000, it assigned *inter alia* Ma Fucai (馬富才) (then president of CNPC) as deputy director. The fact that Ma Fucai had direct access to Premier Zhu greatly determined the speed at which the project was initiated as Ma was able to translate CNPC's knowledge of energy economics and expertise in upstream developments into political advocacy.<sup>45</sup> Furthermore, the WEGP gained potent support at local government (mainly Xinjiang and Shanghai) and sectoral (e.g., the steel and petrochemical sectors) levels due the associated benefits of the project, and this allowed the proposal to receive broad bureaucratic support. Lastly, the emergence of an "issue champion" and the accelerated pace at which the WEGP was initiated coincided with the 1997 Asian financial crisis, which greatly diminished China's international exports and made it necessary to stimulate internal growth through massive infrastructure projects. Therefore, the smooth approval of the WEGP was also helped by the fact that the top leadership had early preferences for new ways to stimulate the Chinese economy and to shift the country's socioeconomic policy focus toward the

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<sup>43</sup>Kong, "China's Energy Decision-Making," 803; Erica Downs, "Business Interest Groups in Chinese Politics: The Case of the Oil Companies," in *China's Changing Political Landscape: Prospects for Democracy*, ed. Cheng Li (Washington, D.C.: Brookings Institution Press, 2008), 131.

<sup>44</sup>"Middle-up" refers to a policymaking process that starts at the ministerial/provincial level, in contrast to top-down (from the center) or bottom-up (from the localities). Unofficially, CNPC holds a rank equivalent to that of a ministry. Whether a state-owned enterprise (SOE) holds ministerial rank mainly depends on the importance of the sector it is in, the importance of its top leader, and the current situation/circumstances. The practice of giving a specific rank to an SOE is more common in strategic sectors.

<sup>45</sup>Kong, "China's Energy Decision-Making," 804.

development of western China.<sup>46</sup> As Bo Kong has argued, the case of the WEGP project clearly demonstrates the pluralization of China's decision-making process as business interests became aligned with those of local governments and industrial sectors to effect interactive participation in the policymaking process.<sup>47</sup>

### *Functional Systems and Chains of Command*

The bureaucratic apparatus is divided into vertically integrated functional systems (*xitong*, 系統) comprising multiple administrative units, or *tiao* (條).<sup>48</sup> First, every ministry or commission (in the case of energy) presides over its own functional administration, which is sometimes divided into multiple sectors (oil, coal, renewable energy, nuclear, etc.). Coordination among the various *xitong* is difficult as each of them holds particular functional and sectoral interests, and they do not usually share intra-*xitong* information with outsiders: control over information flows is critical for controlling resources and access to bureaucracy.<sup>49</sup> Second, coordination and the issuing of orders between functional units are hindered by the formal lines of bureaucratic authority: a unit cannot issue binding orders<sup>50</sup> to a unit of equal rank without passing through its immediate administrative superior (e.g., a ministry cannot issue an order to a province).<sup>51</sup> The administrative apparatus relies upon the ranking system in order to mobilize and access the structure of the state. This fragmented chain of command, as reflected in the fragmented authoritarianism framework, involves two

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<sup>46</sup>Ibid., 807.

<sup>47</sup>Ibid., 810.

<sup>48</sup>The functions and responsibilities of the *xitong* are usually clear. Zhou and Li, "Zhengfu guanli zhong de shuangchong lingdao yanjiu," 138.

<sup>49</sup>Lieberthal and Lampton, *Bureaucracy, Politics and Decision Making*, 12.

<sup>50</sup>Binding orders require compliance because of existing formal hierarchical rules that "bind" the units concerned. Binding orders also involve fund allocation.

Non-binding links, however, rely "solely" on the voluntary compliance of the bureaucratic unit. That being said, compliance can be ensured by means of incentives such as the presence of a high-ranking official in the issuing bureau.

<sup>51</sup>For a more detailed table of equivalency between administrative units and geographic

major types of administrative ties, depending mainly on the nature of the relationship and the proximity of the units concerned (e.g., foreign affairs and energy). There are leadership ties (領導關係) and coordination/business ties (業務關係) (see figure 1).<sup>52</sup> Leadership ties, binding by nature, are clear lines of authority between intra-system functional units (e.g., the NEC has leadership over the NEB and the bureaus/offices below it). Coordination/business ties refer to inter-*tiao* coordination, such as that involving the energy system and the foreign affairs system. This coordination is non-binding, because of its non-allocative nature.<sup>53</sup> The existence of such ties between two units or two systems of units demonstrates a high level of inter-system cooperation. Those communication channels facilitate and thus encourage cooperation between officials as well. Policies emanating from the *tiao*, or the entire *xitong*, are usually based on very narrow sectoral interests (e.g., the extensive development of renewable energy, the closing down of inefficient small coal mines) often with little or no coordination with the geographic unit<sup>54</sup> (e.g., concerning how such policies may give rise to social grievances or grievances within the local labor-market).<sup>55</sup> These decisions, although the results of extensive bargaining rounds, are still considered to be unilateral for some of the excluded *kuai*. This, in turn, exacerbates implementation problems, such as policy distortion and bureaucratic resistance.

There are also specific channels (歸口)<sup>56</sup> through which decisions and policies are assigned to either a sector or a system (e.g., the energy

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<sup>52</sup>See figure 1.

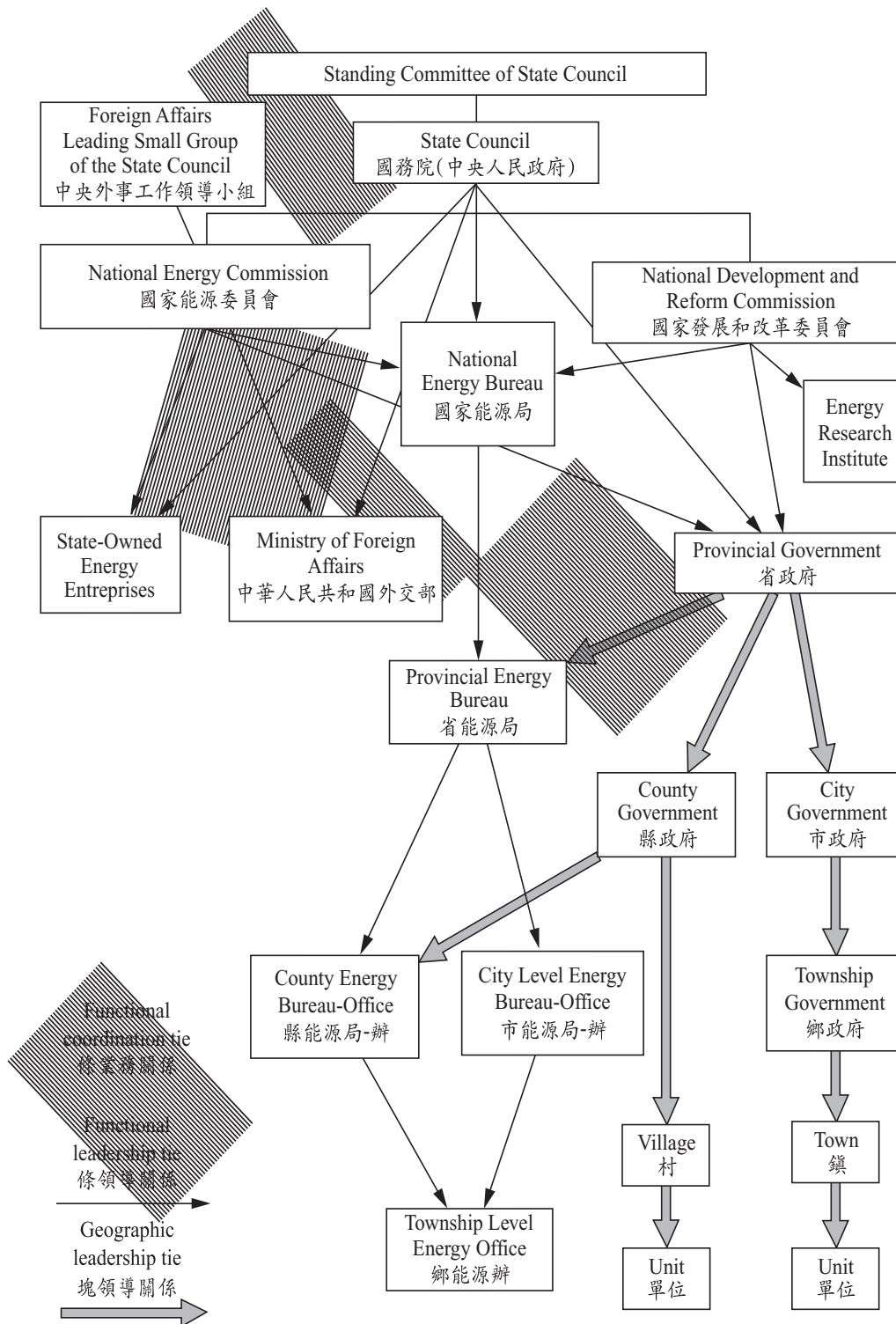
<sup>53</sup>Non-allocative commands depend solely on the receiving unit's willingness to comply. See Jae Ho Chung, "Studies of Central-Provincial Relations in the People's Republic of China: A Mid-term Appraisal," *China Quarterly*, no. 142 (June 1995): 505.

<sup>54</sup>Yang Zhong, "Dissecting Chinese County Governmental Authorities" (discussant paper 11, China Policy Institute, the University of Nottingham, September, 2006), 18.

<sup>55</sup>A national policy is usually implemented as a "unique policy" across China. However, many authors suggest that it is in fact impossible for China to have a one-size-fits-all policy. Lan, "Central-Local Relations," 438; Zhou and Li, "Zhengfu guanli zhong de shuang-chong lingdao yanjiu," 135.

<sup>56</sup>Common questions regarding the *guikou* relate to the attribution of policies to channels and which bureaus or units should be assigned what policy. This assignment process is crucial

**Figure 1**  
**The Leadership Ties and the Coordination Ties in the Functional Systems**





management channel [能源歸口管理] through which energy decisions circulate). Moreover, a double coordination pattern exists between functional and geographic units and this creates a double structure of authority over lower-level units (see figure 1). It is thus very easy for horizontal and vertical higher-level bureaus to be in contradiction when issuing commands to lower-level units as they have very distinct interests and preferences.<sup>57</sup> This results in overlapping chains of command between *tiao* and *kuai*<sup>58</sup> as well as gridlock in the policy-making process and distortion during the implementation process,<sup>59</sup> as both promote their own interests.<sup>60</sup> As predicted by the fragmented authoritarianism model, policy process is inconsistent and implementation is incremental in nature.

The *kuai* are sometimes in head-on competition with departments (*tiao*) over control of a portfolio, which in turn is linked to the allocation of budgetary funds<sup>61</sup> and additional administrative functions, as some of their responsibilities are isomorphic (e.g., the energy portfolio is disputed between the NDRC and the NEC as both have leadership ties to the NEB). Functional and geographic units of government often mediate policies

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for understanding which units/set of units is in charge of a sector or a particular issue. It also expresses, to a certain extent, the importance of the chosen units over unchosen ones (e.g., if the state center were to ask the NEB to draft pricing policy for energy resources, this would imply a clear, yet informal, demotion for the NDRC).

<sup>57</sup>Zhou and Li, "Zhengfu guanli zhong de shuangchong lingdao yanjiu," 135.

<sup>58</sup>Zhou Zhenchao and Li Anzeng consider the dual leadership system to be not ideal but nevertheless necessary as it maintains the domestic balance of power. Zhou and Li, "Zhengfu guanli zhong de shuangchong lingdao yanjiu," 134.

<sup>59</sup>Kenneth G. Lieberthal, *Governing China: From Revolution through Reform*, 2nd ed. (New York: W.W Norton, 2004), 190.

<sup>60</sup>Some argue that this dual leadership is in fact the dictatorship of the *tiao* as the *kuai* need the cooperation of the *tiao* to get more fiscal allocation. The *kuai* have to implement even unpopular policies that come from the *tiao*, as they might need the future cooperation of the *tiao* regarding allocation of funds. The *kuai* will usually do this even though they may be the first to face public grievances triggered by the *tiao*'s policy choice. Yang, "Dissecting Chinese County Governmental Authorities," 18. Others are of the opinion that the *kuai* have too much power. Zhang Ziqian, "Fuji guanxi zhong de tiaokuai guanxi yanjiu zongshu" (Research on *tiao*-*kuai* relations in inter-governmental relations), *Shanghai shangxueyuan xuebao* (Journal of Shanghai Business School) (Shanghai) 11, no. 3 (2010): 27.

<sup>61</sup>Zhou and Li, "Zhengfu guanli zhong de shuangchong lingdao yanjiu," 136.

with their own interests or preferences. They are taking advantage of the fragmented nature of the system and the need for consensus building to implement a selected policy or to deliberately distort the content of central policies.

*Collusive Bureaucratic Behavior: Toward the Formalization of Bureaucratic Resistance*

This section is an addition to the existing model. Collusive behavior, as a concept, is not new in itself. Rather, the novelty resides in its interpretation and inclusion in the existing model. Its addition to fragmented authoritarianism is an attempt to build on previously identified bureaucratic behaviors (e.g., local interpretation of policies, compromises). From where we stand, collusive behavior among bureaucratic units is, considering the fragmented nature of the system, a natural extension of the previously described model.

Collusive behavior refers to spontaneous, yet organized and coordinated, cooperation between a lower-level government and its immediate superior or subordinate unit which takes the form of strategies of resistance to deal with policies, commands, and regulations emanating from higher authorities.<sup>62</sup> They collude in order to impose their interpretation of a policy that is suited to the local policy environment. Ultimately, the objective of collusion is to distort the original intention of state policies by rendering them more flexible. Collusion can occur either between *kuai* or *tiao* and it takes effect through personal ties (*guanxi*, 關係), which permeate the formal structure. The personalization of bureaucratic ties, regardless of bureaucratic impersonality, can be explained by the need to mobilize support and resources to meet policy goals from the center. Links are thus forged to deal with the pressures put on local governments by the center to meet these goals. The more pressures there are emanating from the center, the more numerous the informal ties. Since those links/ties permeate the

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<sup>62</sup>Xueguang Zhou, "The Institutional Logic of Collusion among Local Governments in China," *Modern China*, no. 36 (2009): 51.

formal bureaucratic apparatus, they in turn create communication channels between officials. Collusion is, in Zhou Xueguang's opinion, the "institutional logic" of Chinese bureaucracy.<sup>63</sup>

This informal resistance, resulting from the combined bureaucratic "weight" of the units concerned, is aimed at compromising the original content/intention of the national policy.<sup>64</sup> Collusion among bureaucratic units is, in part, the result of the centralization of political authority and the strict application of incentive mechanisms, such as the cadre evaluation system.<sup>65</sup> Units have different reasons for resisting the center's policies, for example, the national policy may not fit local conditions, or it might even create problems for the administrative or geographic units concerned.<sup>66</sup> Uniform, one-size-fits-all policy may therefore actually produce resistance on the part of lower-level units. A strong, centralized, and uniform policy is often disconnected from local needs or the local situation. Therefore, the imposition of strict, uniform policies is widening the gap between policymaking and policy implementation.<sup>67</sup> Further, since fiscal power (extraction capacity) was recentralized in 1994,<sup>68</sup> the effective capacity of lower-level units to actually implement the center's policies is sometimes ambiguous. Collusive behavior, as a means to avoid implementation of the center's policies, is, as Zhou Xueguang has put it, the price of the

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<sup>63</sup>Ibid., 48.

<sup>64</sup>Ibid.

<sup>65</sup>More attention should be paid to the cadre evaluation system, its influence on local and sub-national policy choices and preferences, and the feasibility of implementing redistributive policies from the center. Evaluations are usually based on the capacity of the cadre to ensure economic growth. Hence, redistributive policies or policies affecting growth patterns (e.g., efficiency policies, the restructuring of the industrial infrastructure, the closing of small and inefficient production capacities) are less likely to be implemented.

<sup>66</sup>Zhou, "The Institutional Logic of Collusion," 58.

<sup>67</sup>Ibid., 61.

<sup>68</sup>Recentralization of the taxation system had a tremendous negative impact on the finances of sub-provincial governments. Some counties and townships use up to 80 percent of their budgets to cover the payroll. The lack of funding further undermined policy implementation. Working with a very tight budget, some local governments had to find extra-budgetary funds in order either to implement the center's policies or simply to ensure economic growth. This led, in some cases, to excessive tax collection or the imposition of fees for approval stamps.

(re)centralization of (fiscal) resources.<sup>69</sup>

As mentioned above, collusive behavior is perceived as an integral part of the fragmented authoritarianism framework. The latter already postulates the existence of either resistance or distortion dynamics during the implementation process (incremental): those behaviors are, to some extent, already present in the model. Yet, their collusive nature is not highlighted or interpreted. Therefore, the inclusion of collusive behavior is an attempt to take into account and analyze those bureaucratic behaviors in the continuation of fragmented authoritarianism.

### *Examples of Collusion*

We will assess the validity of the concept of collusive behavior by means of two energy-related examples, the first of which is the closure of small local coal mines.<sup>70</sup> This illustrates the collusion among sub-provincial units in opposition to the center's industrial efficiency policy<sup>71</sup> and elucidates how resistance has occurred. However, we do not wish to assess the result of the policy *per se* but rather its inherent dynamics and the underlying pattern of resistance. The second example is related to the NOCs and how they refused to sell oil to the central government at a subsidized price, causing blackouts all over China.

The closing of small coal mines exemplifies three things: (1) the unilateralism<sup>72</sup> and centralization of policymaking, and the way they directly trigger bureaucratic resistance; (2) the capacity of sub-units to exercise informal resistance; and (3) the central state's limited reach below the

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<sup>69</sup>Zhou, "The Institutional Logic of Collusion," 73.

<sup>70</sup>The closure of the small mines was to be implemented all over the country.

<sup>71</sup>This is a policy orientation.

<sup>72</sup>Reaching a consensus is complex, time consuming, and fragile. At any given point, officials can renegotiate the terms of the bargain. Therefore, for certain policies, especially those resulting in a zero-sum game between the actors, the center might choose to bypass consensus building and rely on its extensive ability to force implementation. However, as demonstrated below, resistance, caused by unilateralism, creates distortions which in turn delay full implementation. Nonetheless, consensus building and unilateralism coexist as the former is inherent to the fragmented bureaucratic system and the latter is a remnant of the overlapping Leninist structure.

provincial level. First, the closure of these mines (關井壓產)<sup>73</sup> is linked to a larger policy orientation characterized by the objective of "grasping the big and releasing the small" (抓大放小).<sup>74</sup> The central state wanted to close down small mines because some of them were inefficient (they had low recovery rates), dangerous (they were built to low construction standards, leading to injuries and deaths of workers), and environmentally hazardous (they had no waste-treatment systems, etc.).<sup>75</sup> The problem was that some of the mines were operating illegally and most of them, whether legal or not, were inefficient. In some cases, the targeted mines were the center of the local economy and central to some local cadres' private interests (rent-seeking). Hence, it became extremely difficult for any state official to close a mine as closure could trigger social unrest or direct bureaucratic resistance. Sub-provincial officials, especially at the city, township, and town levels, used coordination ties made possible via personal links to collude with each other to resist the center's commands. For example, the agents of the center were not provided with accurate information by local cadres—in some cases no formal maps of the mines' locations existed, and sometimes cadres would simply alter the available documents or information.<sup>76</sup> Furthermore, some mines continued to produce coal for local consumption despite being "officially" closed. Moreover, even when the

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<sup>73</sup>Literally: closing the pits and controlling production. This policy was diffused nationally in 1995. By the end of 1999, 30,500 mines had been closed all over China. However, some argued that small producers in Shaanxi were the ones most affected by the policy. Wang Jiaqi, "Zai quan sheng meitan hangye guanjing yachan zongjie biao zhonghui shang de jianghua" (Speech at the provincial summing up and commendation meeting for closing the pits and controlling production), *Shaanxi meitan* (Shaanxi Coal) (Xi'an) no. 1 (2001): 8-12.

<sup>74</sup>This strategy, formulated in 1995, was aimed at culling unprofitable provincial and sub-provincial state-owned enterprises (SOEs) in order to reduce the fiscal burden on the state. Dali L. Yang, *Remaking the Chinese Leviathan: Market Transition and the Politics Governance in China* (Stanford, Calif.: Stanford University Press, 2004), 33.

<sup>75</sup>Paraphrasing Wright, the safety record of coal mines in towns and villages was an embarrassment. Tim Wright, "State Capacity in Contemporary China: 'Closing the Pits and Reducing Coal Production'," *Journal of Contemporary China* 16, no. 51 (May 2007): 178.

<sup>76</sup>Local cadres were using their superior local knowledge to their advantage. Fubing Su, "The Political Economy of Industrial Restructuring in China's Coal Industry, 1992-1999," in *Holding China Together: Diversity and National Integration in the Post-Deng Era*, ed. Barry J. Naughton and Dali L. Yang (Cambridge and New York: Cambridge University Press, 2004), 244.

installations were actually demolished local cadres facilitated reconstruction and the mines quickly resumed operation after the inspectors had left.<sup>77</sup> The efficiency policy unilaterally prescribed by the center was, in this case, directly affecting local economic growth prospects and the "survival" strategies of both local cadres and the local population,<sup>78</sup> causing *de facto* collusion among the bureaucratic units concerned (mostly townships, towns, and villages) against provincial or even central government agents (e.g., inspectors or investigation teams). In short, this example demonstrates, although not in an exhaustive manner, the result of the centralization of policymaking and the bureaucratic resistance that followed. Collusion was exercised via existing personal links, which permeated the formal administrative channels offered by the energy *xitong*.

Another important example of informal bureaucratic resistance is the case of the NOCs, which resisted the center's national and foreign energy mandates. Indeed, because of their position vis-à-vis the state's energy bureaucracy, their huge profits, and global presence, China's energy giants are important players in the policymaking process. Furthermore, the NOCs are rich in human capital and their top executives benefit from prominent positions in the state's energy matrix—Fu Chengyu (傅成玉) from CNOOC; Jiang Jiemin (蔣潔敏),<sup>79</sup> chairman of PetroChina and general manager of CNPC, and Su Shulin (蘇樹林), chairman of Sinopec, all hold the rank of vice minister,<sup>80</sup> with Jiang and Su also being alternate members of the CCP Central Committee.<sup>81</sup> Other senior business managers whose

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<sup>77</sup>Ibid.

<sup>78</sup>In some cases there was local dependency on these mines, both for workers and local cadres. Wright, "State Capacity in Contemporary China," 182, 186.

<sup>79</sup>Ma Fucai resigned from the CNPC after the blow out accident in Chongqing in 2004. Jiang Jiemin took over in 2006 with the blessing of Chen Geng (陳贛), at that time president and general manager of PetroChina. Jiang then became president of PetroChina and chairman of the board of CNPC. Zhou Jiping was appointed director of PetroChina and vice president of CNPC.

<sup>80</sup>See note 44 for further explanation of the rank of a "unit" and its leader.

<sup>81</sup>Erica Downs, "Who's Afraid of China's National Oil Companies?" in *Energy Security: Economics, Politics, Strategies and Implications*, ed. Carlos Pascual and Jonathan Elkind (Washington, D.C.: Brookings Institution Press, 2009), 75.

corporate functions overlap with the energy bureaucracy are: Li Yizhong (李毅中) (minister of industry and information technology, member of the seventeenth CCP Central Committee, former chairman and CEO of Sinopec); Ma Kai (馬凱) (state councilor and secretary general of the State Council, member of the seventeenth Central Committee, former chairman of the NDRC, and former director of the State Energy Office); and Ma Fucai (馬富才) (general executive of CNPC, alternate member of the sixteenth Central Committee, chief executive of PetroChina).<sup>82</sup> The fact that top oil industry executives occupy high positions in the bureaucracy allows them to use their informal links to *tacitly* influence the policy-making process. These "links," in turn, permit former energy patrons (turned bureaucrats) to resist governmental measures or directives. For instance, in 2005, China's NOCs sustained significant losses due to Beijing's energy price control policy, which was meant to keep domestic prices low in comparison to world market prices. Crude prices are directly controlled and fixed by the NDRC.<sup>83</sup> This unilateral power over crude prices triggered resistance by the NOCs as they were formally excluded from the center's price control policy. The NOCs, more precisely CNPC and Sinopec as they account for nearly 90 percent of China's refining capacity, responded by constraining crude runs and reducing supplies to China (i.e., increasing sales on international markets) in order to recoup their losses and protect their corporate interests.<sup>84</sup> This move disrupted domestic supply and resulted in extensive energy shortages in China. Eventually, the government agreed to make concessions by slightly raising domestic prices, whilst bearing in mind that raising prices too much could trigger social instability and threaten the legitimacy of the CCP which depends to a certain extent on the economic welfare of the Chinese population. That being said, it is imperative to emphasize that the role of the ties and links between former

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<sup>82</sup>Ibid.; ChinaVitae (2010), *Biographies*, <http://www.chinavitae.com/index.php>.

<sup>83</sup>Philip Andrews-Speed, *Energy Policy and Regulation in the People's Republic of China*, (Hague: Kluwer Law International, 2005), 70.

<sup>84</sup>Garrison, *China and the Energy Equation in Asia*, 34; Downs, "Business Interest Groups in Chinese Politics," 130.

energy executives in the formulation of Beijing's oil price policy remains difficult to prove given the informal nature of these links. Moreover, despite their market and lobbying power, the NOCs do not have any political authority over the government *per se*, but rather, they have the capacity to influence or even resist certain decisions.<sup>85</sup>

*Limits of Fragmented Authoritarianism and Responses to It*

Four major critiques have been formulated over the years regarding the basic fragmented authoritarianism model. The first of these critiques states that the model is static and therefore unable to fully explain changes in policymaking.<sup>86</sup> We believe, on the contrary, that the model is dynamic. It effectively explains the incremental nature of the policy implementation process and takes into account the fragmented nature of the system as well as the bargaining rounds and distortion dynamics. The policymaking process is "bargained" and therefore it cannot be described as being static. The second critique is that the model supposedly offers no explanation for decisions taken at the top. The top leadership, however, is non-bureaucratic in nature, and the model does not focus on explaining the "closed" process by which extra-bureaucratic decisions are made. Instead, its implicit goal is to question the image of a single unified China (known as the *Mao-in-command*<sup>87</sup> approach from the 1950s). Furthermore, we believe this critique is unjustified by reason of the fact that Lieberthal and Oksenberg acknowledged the importance of the top leadership, factions, and informal networks in their 1988 publication. The third critique contends that the model overemphasizes the material bargaining chips (fiscal trades-off). We see this critique as prejudicial. The model does focus on the exchange of material, rather than fiscal, bargaining chips. However, it

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<sup>85</sup>Downs, "Who's Afraid of China's National Oil Companies?" 77.

<sup>86</sup>Michel Oksenberg, "China's Political System: Challenges of the 21st Century," in *The Nature of Chinese Politics: From Mao to Jiang*, ed. Jonathan Unger (Armonk, N.Y.: M. E. Sharpe, 2002), 201.

<sup>87</sup>Avery Goldstein, *From Bandwagon to Balance-of-Power Politics: Structural Constraints and Politics in China, 1949-1978* (Stanford, Calif: Stanford University Press, 1991), 10-12.



also stresses the importance of consensus building via mobilized support. Hence, the model suggests that bargaining outcomes can include political support for policies instead of fiscal/material trade-offs. The final critique underscores the omission of broader consultation during either the decision-making or policymaking process. In response, Andrew Mertha<sup>88</sup> then included the participation of the media and mass organizations in the decision- and policymaking process as they were "consulted"—via internet polls mainly—on specific issues like the price of resources, such as gas, and transportation, including train tickets. However convincing this argument might be, we see only marginal consultation on minor issues at best; we believe the word "participation" is too strong in this case.

### **The Elaboration Process: The Drafting, Translation, and Dissemination of Energy Policy**

As shown above, the Chinese bureaucratic apparatus is segmented and disjointed in various ways. This fosters resistance, non-compliance, distortion during the implementation process, and bargaining/competition amongst bureaucratic units for budgetary allocation or other resources. These dynamics can also be observed during the elaboration of policies.<sup>89</sup>

The energy policy elaboration process<sup>90</sup> takes place in two inter-related stages<sup>91</sup>: (1) the drafting and translation stage; and (2) the dissemination stage. Thus, the elaboration process includes the very action of "drafting" policies as well as that of translating them into concrete man-

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<sup>88</sup>For more on these alleged new players see Andrew Mertha, "Fragmented Authoritarianism 2.0: Political Pluralization in the Chinese Policy Process," *China Quarterly*, no. 200 (December 2009): 1000-1.

<sup>89</sup>The reader will note that the elaboration process is understood as an integral part of *policy-crafting*. It is neither a substitute nor a synonym for it.

<sup>90</sup>We do consider the strategy or any plan made regarding energy policy as comprised under this process.

<sup>91</sup>"Stages" here are not mere technical steps along the elaboration chain. They are characterized by specific internal "sub-processes" which together co-constitute the overall elaboration process.

dates. It is initiated either in the highest coordinating body—the NEC or the NEB—which manages the daily operation of the energy system. Furthermore, the NEC, since most of its members overlap with the State Council and the director of the NDRC, is not the main initiator of policy drafting. Rather, it constitutes the "first line" where the preferences of top leaders are indeed *translated* into concrete guidelines, which can later be spelled out into policy format. The drafting process therefore begins at the NEB, which is most likely to initiate the drafting process by sending its recommendations to the NEC, which will then select the drafters via the proper administrative channel (管理歸口).<sup>92</sup> The NEB is expected to commence a drafting process under the following circumstances: (1) when facing a series of unintended consequences resulting from previous policy; (2) when "sensitive" information is reported by lower-level units (e.g., high levels of environmental degradation, public grievances, or social unrest); and (3) when there is internal sectoral struggle.<sup>93</sup> Drafters are most likely to be secretaries or bureau chiefs within either the NEC or the NEB.<sup>94</sup> When selecting drafters, leaders will pass on specific instructions. This first step in the making of energy policy embodies the consensus building among high officials as to which policy preference will predominate. Thus, the result of the drafting/translation stage is influenced by multiple rounds of bargaining at the top of the Chinese state apparatus. Inputs from other bodies, such as local government, are omitted, making energy policymaking a highly centralized and, more often than not, a unilateral process.

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<sup>92</sup>Please note that the selection of drafters is based upon either the ranking of the cadre in question or his/her relationship with the top leaders. By relationship we do not refer to the concept of *guanxi* (ties), but rather the simple notion of bureaucratic reliability and efficiency (pragmatic).

<sup>93</sup>If an internal part of a bureau, ministry or commission generates more revenue, it can gain *de facto* control over the bureaucratic units.

<sup>94</sup>The NDRC also takes part in this process. As Li Shixiang puts it, there is a need for coordination between the economic sector and the energy sector; they must develop side by side. See Li Shixiang, "Nengyuan xiaolü zhanlue yu cujin guojia nengyuan anquan yanjiu" (Energy efficiency strategies and the promotion of national energy security), *Zhongguo di-zhi daxue xuebao (shehui kexue ban)* (Journal of China University of Geosciences [Social Sciences Edition]) (Wuhan) 110, no. 13 (2010): 48.

As we have come to understand, the "real" drafting process is the responsibility of the bureau chief (司長) and sometimes the deputy director (副主任).<sup>95</sup> The directors of the NEB (Zhang Guobao)<sup>96</sup> and the NEC (Wen Jiabao) do not have the time to directly manipulate the drafting phase of the policymaking process; hence it is lower-level cadres, rather than high-ranking officials, who attend policymaking seminars and debates in order to forge a consensus during the drafting process. For a better understanding of the bureaucratic hierarchies, see figure 2. The directors and high-ranking officials rely on their staff to promote their interests (in the case of a multiple *xitong*/sector bargaining round) and to produce policy memoranda and briefs. Hence lower-level cadres are very important in understanding the crafting of China's energy policy as they form the link between preferences and policies. It is they who spend time dealing with administrative matters (e.g., implementation and coordination issues) and it is they who, to a certain extent, control the flow of information concerning specific issues. After the draft is completed, it is sent back to the NEC for revision.<sup>97</sup> This phase is mainly procedural as top leaders will only make sure the policy draft reflects their initial preferences. The draft will then be approved and become a fully *translated* and ranked policy. The last stage is the dissemination of the policy through the bureaucratic apparatus.<sup>98</sup>

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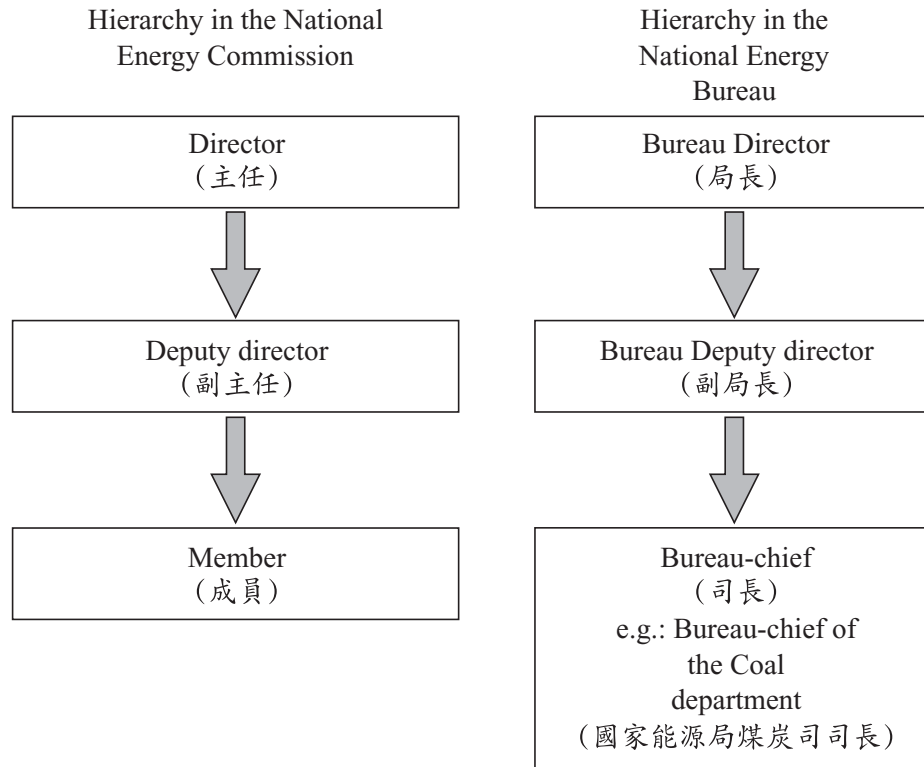
<sup>95</sup>The crucial role of the bureau chief, although already noted in other sources, was confirmed to us by provincial-level officials in the city of Jinan (濟南). Concurrent definition would translate it as "secretary" (if defined with a function). In some cases, for more sensitive issues, the deputy director may act as the starting point of the drafting process. He would then delegate responsibility to his bureau chief. Please note that we use the singular form when referring to officials for precision purposes only; there can be more than one bureau chief.

<sup>96</sup>As the lowest-ranking official on the NEC, Zhang Guobao is the link between the NEC and the NEB. He has been appointed to the NEC mainly for coordination purposes. Furthermore, even though he is Zhang Ping's right-arm man, and therefore not a decision maker *per se*, the other members of the NEC try to avoid conflict with him as he is the official in charge of overseeing implementation and ensuring administrative coordination throughout the entire bureaucratic apparatus. The NEC therefore formally relies on the NEB and its director for its day-to-day operations.

<sup>97</sup>In some cases, the draft needs to be sent back up to the State Council for approval. In our case, since the leader of the State Council is also the leader of the NEC, this process is not necessary. However, if were required, it would most likely be a formality.

<sup>98</sup>We draw our drafting model directly from Wu Guoguang. He elaborates the documentary

**Figure 2**  
**Hierarchical Structure**



**Notes:** Figure 2 provides a brief outline of how the bureaus/commissions are internally structured. Wen Jiabao is the director of the NEC, Li Keqiang is his deputy, and Zhang Ping and Zhang Guobao are members. As for the NEB, Zhang Guobao is the bureau director, Qian Zhimin (錢智民) is the deputy director, and Fang Junshi (方君實) is a bureau chief. (In this case, of the coal department; there are many other bureau chiefs. Even though there are many others, we refer to only one of the bureau-chiefs for the figure 2.)

Notwithstanding the progressive institutionalization of the policy elaboration process, the translation, drafting, and dissemination stages of energy policy remain closely guarded, answering to formalized technicali-

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policy thus: (1) initiation; (2) selection of drafters; (3) top-down directives; (4) research and drafting; (5) revision; (6) approval; (7) dissemination. We have a different initiation order and we focus on the "real" drafters. See Wu Guoguang, "Documentary Politics": Hypothesis, Process, and Case Studies," in *Decision-making in Deng's China: Perspectives from Insiders*, ed. Carol Lee Hamrin and Suisheng Zhao (Armonk, N.Y.: M. E. Sharpe, 1995), 26-30.

ties and informal maneuvers.<sup>99</sup> The intent behind this brief and tentative account of the elaboration process and sub-processes for China's energy policy is to show where policies come from and how they are formed and to demonstrate that these processes are still highly centralized and create resistance during policy implementation.

### Conclusion

The main objective of this article is to develop a theoretical reappraisal of the fragmented authoritarianism model in order to advance its explanatory power through the inclusion of the concept of collusive behavior as a new analytical tool. This article, which reintroduces bureaucratic politics to the study of Chinese energy policymaking, needs to be understood as an attempt to show that policymaking in China is not merely characterized by factional bargaining among a set of defined actors. The crafting of policies is a much more complex phenomenon which cannot be comprehensively explained by factional and/or foreign policy analyses. In effect, China's energy policy is crafted through various technical "sub-processes" (translation, drafting, and dissemination), which are characterized by extensive formal and informal bargaining as well as consensus-building dynamics. In the absence of such dynamics, the policymaking process tends to be unilateral and overcentralized. As a result, the implementation process encounters bureaucratic resistance in the form of collusive behaviors on the part of key elements at the sub-national level, thereby further complicating the overall energy policymaking process. This phenomenon is unique to China. Indeed, bureaucratic resistance in response to centralized and unilateral policymaking is embedded in one of the coordinating principle of the Chinese state apparatus: *tiaotiao/kuaikuai*. Furthermore,

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<sup>99</sup>The reader will note that we only refer here to energy policies. However, in more general terms, the crafting processes (elaboration, translation, etc.) for all policies take place behind closed doors. Information regarding the actual crafting of policies is, in most cases, not accessible to non-Party members. Only fragments of this process became available after extensive field work.

as part of the established Chinese political structure, this bureaucratic phenomenon was exacerbated by the new political-economic agenda set by the reform and opening-up. The choice of "gradual reform" over "shock therapy" is, according to Barry Naughton, the feature that most clearly distinguishes China from the post-Soviet countries of, for example, Central and Eastern Europe.<sup>100</sup> This reform encouraged remarkable economic growth whilst maintaining and consolidating the existing political structure. Gradualism, therefore, accentuated the existing paradoxes in the Chinese state apparatus; one of the most important of these being uniformity in the decision-making process combined with fragmentation in the policy implementation process.

By using the term *policy crafting*, we are neither trying to coin a neologism nor setting up a new expression to describe the policymaking process. The term was chosen to express the complexity and the incremental nature of China's decision- and policymaking processes. Moreover, the conceptual tools that are used throughout the article are purely a theoretical enterprise. We have thus tried to push the existing (most dominant) model of Chinese policymaking to its current explicative limits in order to present a new set of questions as part of a new research agenda that could shed a clearer light on the making of China's energy policy. We do not purport to understand or explain the entire policymaking processes or its mechanisms. We are aware of the limits associated with the lack of empirical evidence, and thus we acknowledge that the current theoretical model is at best a partial account of Chinese policymaking. Our current task is to find further information to enable us to extensively test the model and identify new bureaucratic behaviors or other policy processes.

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<sup>100</sup>Barry Naughton, "A Political Economy of China's Economic Transformation," in *China's Great Economic Transformation*, ed. Loren Brandt and Thomas G. Rawski (Cambridge: Cambridge University Press, 2008), 91-135.

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