

Marine policy in the People's Republic of China Big windows and little windows in the Far East?

Gianluca Ferraro, Marleen Brans

Public Management Institute, Katholieke Universiteit Leuven

Abstract

In their reassessment of implementation models, Exworthy and Powell (2004) bring together multi-level governance and the streams approach to public policy. On the one hand, the authors highlight three dimensions in multi-level governance: a vertical (central-local) dimension, and two horizontal ones which are central-central and local-local. On the other hand, Exworthy and Powell (2004) emphasize three streams: policy, process and resources. If the three streams are aligned at both the national level (big windows) and local level (little windows), then implementation is more likely to be successful. Our paper wants to test whether the model developed by Exworthy and Powell (2004) can travel to the Far East and explain marine policy in China. More precisely, the paper analyzes two reform initiatives in the country: fisheries management and marine environmental protection. The comparison between the two reform initiatives, which involve different implementation structures, also allows us to develop some analytical insights on the influence of implementation structures on policy outputs, as well as further substantial insights into policy-making in the People's Republic of China.

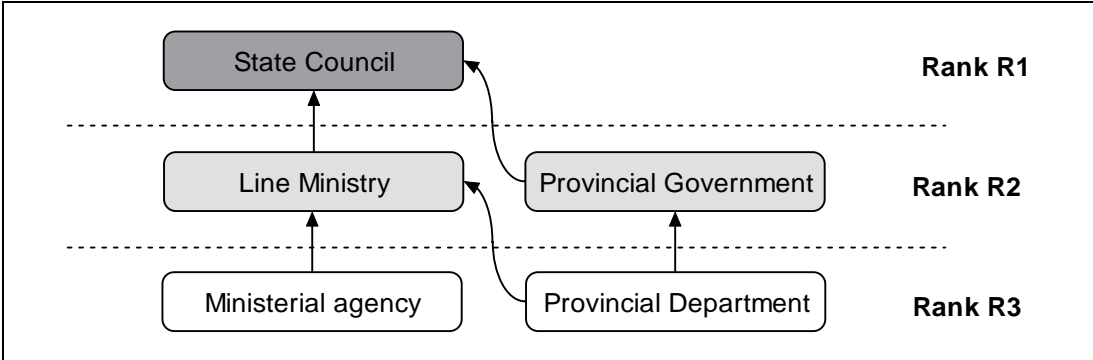
1. Introduction. Spatial domains and streams in the Chinese policy-making?

In recent years, the People's Republic of China (PRC) has entirely reformed her marine policy. In 1999, a new Marine Environmental Protection Law (after the one of 1982) was issued to rule marine environmental protection. One year later, the country also adopted a new Fisheries Law (to amend to previous one of 1986) which governs all fishing activities in the Chinese waters. These reform initiatives have led to disappointing results in terms of conservation of the living resources present in China's seas and protection of her entire marine environment (Ferraro et al. 2009). In general, Lieberthal and Oksenberg (1988) acknowledge the complex structure of the Chinese state as the main determinant of the country's policy outcomes, although (they state) scholars have tended to neglect its significance. Many authors – Dwivedi (2003) is one example – consider the PRC as an extremely centralized political system where power is entirely allocated at the centre. However, this conclusion is rather the result of an approximate observation than the fruit of a correct analysis (Halpern 1992; Saich 2004).

A peculiar aspect of the Chinese political and administrative system is that any governmental unit and subunit in China has a specific 'bureaucratic rank' (see figure 1). It defines the authority of each particular unit and, by so doing, establishes its status vis-à-vis all

other units (Lieberthal & Oksenberg 1988). The State Council (SC) constitutes the highest executive organ (or cabinet) of the People’s Republic of China, and acts both as the government of the country and the head of the national administration. We refer to this higher rank as R1. A central (line) ministry and the provincial government have the same rank; we indicate it as R2. Similarly, any ministerial bureau (or agency) has the same rank of a provincial department – indicated as R3. Thus, central ministries and provincial governments have a higher ranks (R2) than, respectively, a ministerial bureau (or agency) and a provincial department (R3) (Lampton 1992; Lieberthal 2004; Lieberthal & Oksenberg 1988).

Figure 1: Bureaucratic rank and accountability



The main feature to retain from this system of bureaucratic ranks, which affects any policy process in China, is clearly highlighted by Lieberthal and Oksenberg (1988: 143): “units of equal rank have no formal authority over each other”; hence, they “cannot issue binding orders to each other”. In marine policy, the Ministry of Agriculture (MOA), the Ministry for Environmental Protection (MEP), and the Ministry of Land and Resources (MLR) have the same rank of provincial governments (R2). However, they have a higher rank than ministerial bureaus (or agencies) and provincial departments (e.g., for fisheries management, environmental protection and oceanic affairs). Therefore, a provincial department (R3) is accountable to both the provincial government and the competent national ministry (R2). In turn, the provincial government and the national ministry, which have equal bureaucratic rank (R2), are both accountable to the State Council (R1), but not to each other.

These peculiarities of the Chinese system further complicate the general complexity of the policy process. According to Hill and Hupe (2009: 67) policy-making involves complex networks which “spread horizontally, between organizations of equivalent power and stature, as well as between organizations that are, in some respects, related vertically”. In accordance with other authors (see Winter 2003 as an example), Hill and Hupe (2009) also argue the relevance of these networks across both policy formation and implementation, which are usually studied as separate phases. Instead, the formation and implementation of public policies are often intertwined in real life so that, for instance, problems of implementation can emerge during policy formation, when conflicts may be solved through the adoption of ambiguous policies. Both the relevance of networks along multiple dimensions – vertical and horizontal – and the need to study the implementation of public policies without isolating it

from the entire policy process have been stressed by Exworthy and Powell (2004). In their attempt to present a more comprehensive framework to examine policy implementation, Exworthy and Powell (2004) bring together multi-level governance and the streams approach to public policy.

On one side, the authors highlight three spatial domains of implementation: a traditional vertical (i.e. central-local) dimension and two horizontal ones in the form of joined-up government at the centre (as central-central relations) and at the periphery (as local-local relations). Along the vertical dimension linking the centre with local agencies, the number of layers is generally acknowledged as a relevant independent variable impacting on policy implementation. With regard to horizontal linkages, the number of actors involved in networks is likely to determine implementation's results. More precisely, implementation is negatively related to the number of layers and the number of actors. Multi-layer governmental structures tend to increase the number of decisional units that can subvert policy objectives established by the centre. Likewise, successful implementation is likely to be negatively related to the number of actors involved. We will come back to these considerations during the discussion of results.

On the other side, Exworthy and Powell (2004) emphasize three streams: policy, process and resources. The policy stream relates to the clarity of policy objectives elaborated at the central level. The process stream consists of the causal, technical and political feasibility of public policies. Although we will take all of these three process aspects into account for our empirical analysis, we will emphasize the political feasibility of Chinese policies. The final stream refers to the resources needed for the implementation of a given policy. Exworthy and Powell (2004) argue that implementation requires: clear objectives (policy stream); causal, technical and political feasibility (process stream); and an adequate amount of resources, such as funds, personnel, power, etc. (resources stream). If the three streams are aligned along the spatial domains at both the national level (big windows) and local level (little windows), then implementation is more likely to be successful.

The two authors have developed this analytical framework on the basis of the existing literature from policy studies focusing on the Western world. However, different patterns in the policy process may emerge when the cases studied are developing countries (Lazin 1999). Studies with this focus (e.g. Grindle 1980) have proven that approaches of implementation research valid for western contexts have limits in explaining implementation in developing countries (O'Toole 2000). In the wake of these considerations, our paper wants to understand the transferability of Exworthy and Powell's (2004) analytical framework to non-Western contexts, particularly the People's Republic of China. For this purpose, the paper analyzes the implementation of two major reform initiatives in China's marine policy: fisheries resources management and marine environmental protection. These two reform initiatives involve different implementation structures; hence, a cross-sectoral comparison allows us to develop analytical insights on the influence of implementation structures on policy outputs. Particularly the values, relationships and power patterns existing in these differently organized contexts are of interest to us. Substantial insights on policy implementation in the People's Republic of China are also elaborated.

2. Data collection

Data have been collected through document analysis and semi-structured interviews with relevant stakeholders. A total of twenty-six interviews were conducted between June 2007 and October 2009 with governmental authorities – at national and local level – and non-state actors from the fishing industry, non-governmental organizations, academia and regional organizations.

Firstly, information on China's political system came from books and articles. Secondly, we analyzed the content of governmental acts related to fisheries and the marine environment, such as national laws, regulations and measures, as well as provincial legislative documents. Thirdly, more in-depth data on the reform process were collected through interviews. We interviewed policy makers in Beijing, at both the Fisheries Management Bureau of the Ministry of Agriculture and the State Oceanic Administration. Civil servants from the provincial and local administration were also interviewed in the Guangdong Province from both fisheries management and (marine) environmental protection departments. The Guangdong Province was selected as our local spatial domain because it represents China's largest provincial economy (Chen 2002; Saich 2004). The director of a provincial state-owned enterprise was also interviewed in Guangdong.

In order to verify the reliability of the data provided during interviews with Chinese state actors, these data were compared with three other sets of interviews we conducted in Asia. Firstly, a Chinese interviewee from an international NGO we met in Beijing has clarified the data presented by policy officers and civil servants, and elaborated on them from a non-governmental perspective. Secondly, academics from the University of Hong Kong helped us to contextualize those data in the framework of the peculiar Chinese politico-administrative system. Thirdly, one interview at the FAO Regional Office for Asia and the Pacific based in Bangkok helped us to further validate the data collected through interviews in China.

3. The vertical 'central-local' dimension

In implementation studies, the vertical dimension has been usually understood as the one linking central departments with local agencies. This dimension has often been the focus of analysis for the tendency of public policies to be diluted, distorted and evaded during their implementation and journey from the centre to subnational authorities (Exworthy & Powell 2004). In China, the Centre steers the state bureaucracy below the national level through a formal 'vertical functional control'. This vertical bureaucratic control develops from the ministry in charge of a specific field, to all agencies and functions dealing with that field. All sub-national administrative units (e.g. provincial departments) are accountable to the competent national ministry in Beijing (Lieberthal & Oksenberg 1988). Despite this vertical functional control, the direct leadership of central ministries on subordinate territorial levels of administration has weakened through the years. At each territorial level, subnational governments exercise a more direct leadership than national ministries. Ministries have rather assumed a supervisory role (Lieberthal 2004). Because of the equal bureaucratic rank between

ministries and provincial governments (see above), and the increased revenues, powers, and role of provinces, a functional department in a provincial government is responsible to both the provincial government and the competent central ministry. This double accountability results into an overlap of authorities along two main dimensions: a vertical-functional line of authority (along a specific competence branch) and a horizontal-territorial one (within a given geographical jurisdiction) (Lieberthal & Oksenberg 1988). Such overlap of authorities complicates the policy process, because the dominance of one over the other will determine how national policies are implemented (Saich 2004).

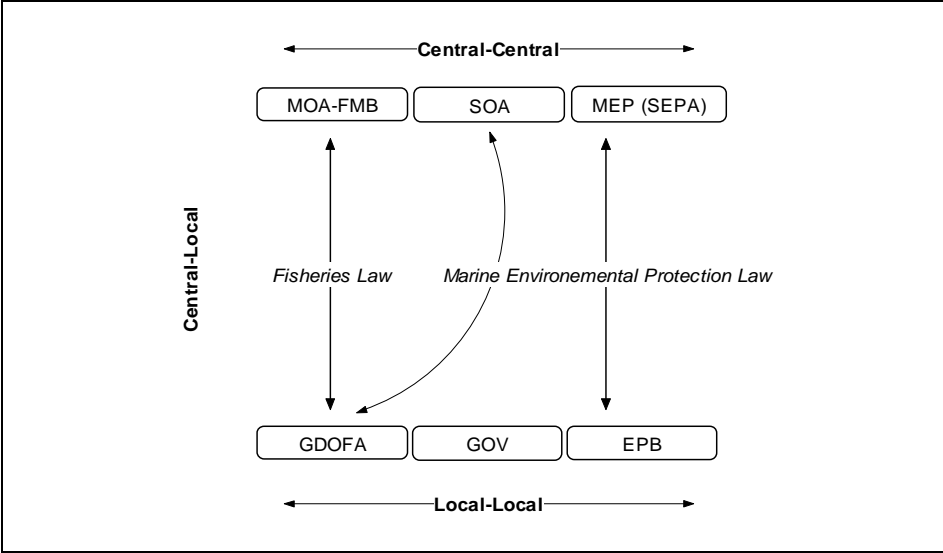
Fisheries resources management

In 2000, a new Fisheries Law (FL 2000) was issued “for the purpose of enhancing the protection, proliferation, exploitation and rational utilization of fishery resources, [...] and boosting fisheries production, so as to meet the requirements of socialist construction and the needs of people” (Art. 1, FL 2000). The article clearly presents an ambiguous balance between opposing goals: it aims at enhancing both protection and exploitation, and the rational utilization is ultimately envisaged to boost the national production for the needs of the country (policy stream). The clarity of objectives is commonly recognized as a way to decrease the discretion of the actors involved in policy implementation (Barrett 2006; Sabatier & Mazmanian 1979; Winter 2006). However, it may also prevent the achievement of consensus. As long as policy contents remain general, they more easily meet support and approval; once they become specific, they also become more contentious (Fingar 1987). Policy makers, then, often favour compromise through the adoption of ambiguous policy objectives which facilitates consensus among stakeholders (Grindle 1980; Lazin 1999). In the peculiar political system of the PRC, characterized by a complex multi-layer structure where the province constitutes a powerful layer, policy makers in Beijing need to conciliate national policy priorities with provincial concerns. Subnational governments in China are mainly concerned with economic growth, rather than environmental protection, which represents their main policy priority. The ambiguity of the policy stream in the vertical (central-local) dimension allows consensual acceptance, provincial adaptation and the eventual distortion of policy objectives.

With regard to the process stream, the Fisheries Law (2000) enable both the central Ministry (through its Fisheries Management Bureau) and the provincial administration to manage fisheries resources, e.g. through the issuing of fishing licenses. Under the competence of the Ministry of Agriculture (MOA) and its Fisheries Management Bureau (FMB), Local Fisheries Management Bureaus (LFMBs) are located at the provincial level, for each one of the coastal provinces. They are involved (together with the central FMB) in the management and conservation of fisheries resources, controls on fishing operations, and enforcement of fisheries laws (through the Fishery Patrol) (Xue 2005; Zou 2005; confirmed by an interview with an officer of the State Oceanic Administration, Guangdong, May 2008, Interview File GD.AV.08). The Local Fisheries Management Bureau of the Guangdong Province is the ‘Guangdong Oceanic and Fishery Administration’ (GDOFA) (see figure 2). Like for all other Local Fisheries Management Bureaus (LFMBs) (see Zou 2005), most of GDOFA’s funds do

not come from the central administration, but from the provincial government (resources stream).

Figure 2: Big and little windows in China's marine policy



Source: Adaptation from Exworthy and Powell (2004).

Through provincial funding, the Guangdong government has, thus, a high degree of influence on the activity of GDOFA. This creates institutional overlap and tensions between natural resources conservation (officially promoted by the national administration) and development priorities (defended by the provincial governments). The presence of tensions between incoherent objectives in China has not only been reported in the literature (e.g., Xue 2005), but also confirmed by interviewees at several levels, from international organizations (Bangkok, May 2008, Interview File BK.AV.08) and international NGOs (Beijing, October 2009, Interview File BJ.EX.09), down to the provincial administration (Guangdong, June 2007, Interview File GD.OVI.07). Pulled in different directions, the GDOFA enjoys in the end a high degree of autonomy, which makes it a relevant veto point under a fluid network of pressures. Particularly, the powerful pressure from the provincial government has relevant consequences in the enforcement of the regulatory system put in place (see below, the horizontal-local dimension).

In the case of the implementation of the Fisheries Law, the three streams are, then, disjointed along the vertical (central-local) dimension. Clarity of objectives, political feasibility and resources availability are jeopardized by the provincial discretion. It is provincial discretion, rather than a hierarchical control form the centre, that seems to prevail at this spatial level.

Marine environmental protection

The MEPL of 1999 states its commitment to the principle of sustainable development in a very clear way (policy stream). According to article 1, the MEPL 1999, “is formulated to protect and improve the marine environment and resources, prevent and control pollution damage, maintain ecological balance, safeguard human health and advance sustainable economic and social development”.

Similarly to the Fisheries Management Bureau, the Ministry for Environmental Protection (MEP) has decentralized structures, i.e. the Environmental Protection Bureaus (EPBs), at the provincial (and local) levels (see figure 2). They are in charge of implementing China’s environmental regulatory framework at the sub-national level. Like the Local Fisheries Management Bureaus (LFMBs), also the Environmental Protection Bureaus (EPBs) have a ‘dual allegiance’: they respond vertically to the MEP (competence branch) and horizontally to the subnational government of which they are part (geographical jurisdiction) (Beyer 2006; Wu & Wang 2007; Zusman & Turner 2005). The conflict between the objectives of Beijing (sustainable development) and the Province (economic growth) explains the weak implementation of marine environmental protection, as well as fisheries management, in China (process stream). Although national ministries have formal authority over sub-national agencies (e.g., provincial departments), it is difficult for sub-national agencies to neglect the priorities decided and pursued by the respective provincial (or local) government. This is not only explained by the bureaucratic ranking system explained above, but also by economic considerations.

Most of the budget of sub-national administrative departments and agencies originates, indeed, from provincial and local authorities (resources stream). It follows that sub-national agencies tend to follow rather the directions of the people’s governments at their territorial level than the guidelines of their respective central authority in Beijing. The allocation of resources for MPAs constitutes a useful example. On the basis of the MEPL, MPAs can be established either by the central government (‘national MPAs’) or by the provincial government (‘local MPAs’), according to their relevance. While national MPAs (established by Beijing) are financed mainly by the provincial (rather than the central) government, local MPAs (established by the province) are entirely financed by the provincial government. Therefore, for the functioning and funding of both types of area, the involvement and commitment of the provincial government is pivotal. Yet, provincial governments have other priorities on their policy agenda. Particularly coastal provinces, where most of China’s population is concentrated, have set economic development as their primary policy objective. This scarce commitment from the side of the Province was reported by an officer of the State Oceanic Administration interviewed in Beijing (October 2009, Interview File BJ.DX.09) as the main obstacle in the right functioning of MPAs. The point raised by Beijing’s administration has confirmation in interviews conducted in the Guangdong Province at the management body of an MPA (November 2007, Interview File GD.NXI.07) and with an officer of the SOA (May 2008, Interview File GD.AV.08). Both interviewees in Guangdong reported that, concerned with economic development rather than environmental protection, provincial governments have usually not included any budget line for MPAs management into

their financial plan. The result has been that MPAs management has not been sufficiently funded, as it is further confirmed by the literature (e.g., Qiu et al. 2009; Zou 2005).

The three streams (policy, process and resources) are disjointed along the vertical (central-local) dimension for the implementation of the Marine Environmental Protection Law. Although objectives are clearly stated by the text of the law, the Province is in fact steered by a different set of policy priorities. Similarly to the Fisheries Law, provincial discretion prevails on the central hierarchical control and impacts on the amount of resources made available for the management of marine environmental protection.

4. The horizontal ‘central’ dimension

The departmental structure at the central level may cause cross-departmental conflicts and, consequently, hinder the implementation of policy initiatives that require the involvement of more than one department or agency (Exworthy & Powell 2004). An important line of bureaucratic fragmentation in the Chinese politico-administrative system goes with the vertical specialization among functions. Often in China, given policy fields are characterized by the sharing of competences among agencies pursuing very different objectives. Inter-organizational differences in values and interests can lead to different levels of commitment to implementation (Barrett 2006; Winter 2006) and problematic organizational interactions. This seems to characterize marine affairs in China. At the central level, competencies for marine resources are allocated along two main bureaucratic branches: one strictly dealing with fisheries management, the other in charge of marine environmental protection. Within these two branches, three major bureaucratic actors can be highlighted at the Centre (see figure 2): the Ministry of Agriculture and its Fisheries Management Bureau; the Ministry for Environmental Protection (ex State Environmental Protection Agency); and the State Oceanic Administration under the Ministry of Land and Resources.

The Fisheries Law of 1986 attributed competences for fisheries management to the Ministry of Agriculture (MOA). Under this ministry, the Fisheries Management Bureau (FMB) (which responds to the MOA) is in charge of implementing fisheries laws and managing all aspects of fishing activities, which makes it China’s highest fisheries authority (Xue 2005; Zou 2005).

The Marine Environmental Protection Law of 1982 indicated several agencies in charge of its implementation. Two agencies seem particularly important for the policy processes analyzed in this paper: the State Environmental Protection Agency (SEPA), now Ministry for Environmental Protection (MEP), and the State Oceanic Administration (SOA). The State Environmental Protection Administration (SEPA) has been “the chief architect of national environmental protection standards, regulations, and laws” (Zusman & Turner 2005: 122) (see also Beyer 2006; Wu & Wang 2007). It acts as the watchdog of environmental protection on the whole territory of the country, which embraces the land as well as the marine area under national jurisdiction. In the early months of 2008, SEPA became the first Chinese Ministry for Environmental Protection (MEP). Such an upgrade of bureaucratic rank to a ministerial level was motivated by the need of enhancing administrative coordination in China’s environmental policy (Interviews at the State Oceanic Administration, Beijing,

October 2009, Interview File BJ.CX.09; at a local Environmental Protection Bureau, Guangdong, May 2008, Interview file GD.CV.08; and with academics, Hong Kong, October 2009, Interview Files HK.CX.09, HK.BX.09 and HK.EX.09).

While the MEP (ex SEPA) is in charge of the supervision on environmental protection at a macro level, the State Oceanic Administration (SOA), under the Ministry of Land and Resources (MOLR), constitutes China's governmental agency for marine environmental protection in particular (Interview with an officer of the State Oceanic Administration, Beijing, October 2009, Interview File BJ.DX.09).

Fisheries resources management

The Fisheries Law 2000 (and its delegated legislation) results from the attempt to accommodate different interests. At the time of the revision of the law, diverging views did not only exist between Beijing and the provinces (see above) but also between central agencies, particularly the Fisheries Management Bureau (FMB) and the State Oceanic Administration (SOA). While the Fisheries Management Bureau (FMB) traditionally acts as 'the servants of the fishers' and worries about fishers' activity and income, the State Oceanic Administration (SOA) considers itself as 'the owners of the sea' and pursues the protection of the sea by restricting the access to marine resources. These diverging objectives were emphasized during an interview we conducted in Beijing (Ministry of Agriculture, October 2009, Interview File BJ.AX.09) as the main cause of delays in the revision of China's Fisheries Law. These conflicts at the central-horizontal spatial level, which affected rather policy formation than implementation, contribute to explain the ambiguous content of the law (policy stream).

After the adoption of the law, the process of implementation of the Fisheries Law has been hindered by matters of technical rather than political feasibility (process stream). With regard to the implementation of licenses, the clear designation of the agencies in charge and the presence of a lower number of actors in the bureaucratic arena (i.e. Ministry of Agriculture and GDOFA) have eased the implementation process and the delegated legislation has been issued by the MOA. This confirms Pressman and Wildavsky's (1973) 'complexity of joint action': successful implementation is likely to be negatively related to the number of actors. Other aspects of the law, particularly the implementation of a quota system, have faced technical difficulties during implementation. Determining quotas requires an amount of technical expertise that is still insufficient in China (Interview Files BJ.AX.09, GD.BV.08). The interruption in the process of implementation of quotas due to matters of technical complexity has, nonetheless, gone hand in hand with problems in the resources stream.

Interviewees in Beijing (Interview Files BJ.AX.09) and the Guangdong Province (Interview Files GD.FVI.08 and GD.GV.08) have explained that, in the absence of adequate administrative resources, the high number of small fishers present in China, and particularly in the South China Sea, represents an important obstacle to any monitoring effort, both for licenses and quotas. Particularly for quotas, the delegated legislation clarifying the implementation framework is still missing.

In conclusion, central agencies with diverging objectives (exploitation and conservation) have had both their views included in the text of the new law (policy stream). Although this ambiguity could perpetuate conflicts during implementation, the full execution of the law has been impeded by technical rather political difficulties. The low number of state actors involved has not eased the implementation of measures that imply technical efforts (process stream) and a high amount of resources (resources stream). Streams have remained disjointed.

Marine environmental protection

The amendment of the MEPL 1982 was delayed by conflicts over the allocation of competences among the multiple governmental departments involved in marine environmental protection. In order to overcome these conflicts and amend the MEPL 1982, multiple competent authorities were confirmed for marine environmental protection. The exact role of each agency in the implementation of the new law would be specified by implementing measures after the approval of the new law (Zou 2001; 2005; confirmed by an interviewee of the State Oceanic Administration we met in Beijing in October 2009, Interview File BJ.BX.09). However, the ambiguity in the attribution of competences left unsolved by the MEPL 1999 has perpetuated bureaucratic conflicts during implementation. As argued by Winter (2003), the ambiguity in policy design which results from the search for compromise during policy formation can generate problems in implementation. Therefore, notwithstanding the clarity of the objectives contained in the new law (policy stream), the confused division of competences reflects in the process stream during implementation. The implementation of marine protected areas (MPAs) provides a useful example.

The MEPL 1999 recognizes the State Oceanic Administration (SOA) as the competent authority for the supervision and management of the marine environment (MEPL 1999, Art. 5). However, the law (at the same article) specifies that also the State Environmental Protection Agency – now the Ministry for Environmental Protection (MEP) – is involved in the protection of the marine environment because of its broad competence on national environmental protection (on these competences see also Wu & Wang 2007). It follows that marine protected areas (MPAs) fall under two competent bodies (see figure 2): the SEPA, on one side, because it manages environmental protection and all nature reserves of the country, and the SOA, on the other, because it manages the marine environment and its resources (Zou 2005; confirmed by an interviewee from the State Oceanic Administration, Guangdong, May 2008, Interview File GD.AV.08). In the absence of a clear leadership among these authorities that may steer the execution process around an agreed administrative revision, bureaucratic politics has blocked the revision of the implementing measures for MPAs. This often happens in China. Vague and incomplete primary laws usually refer for details to future implementing texts that are, often, never issued (Lampton 1992: 57). With regard to MPAs, the implementation framework has not been updated and still consists of the one related to the old MEPL of 1982 (Xue 2005; Zou 2005). This determines also a problem of low sanctions against violations foreseen by the delegated legislation, which, then, have not been adequately updated (Ferraro et al. 2009).

Moreover, among these central actors there is no coordination for the management of MPAs (Interview with an officer of the State Oceanic Administration, Beijing, October 2009, Interview file BJ.DX.09). Suffice it to mention, as a mere example, that the MEPL calls for SEPA and SOA to manage independently their own monitoring activities, which duplicates efforts and wastes manpower and already limited financial resources (resources stream) (Zou 2005).

In marine environmental protection, cross-departmental conflicts and inter-agency competition have characterized the policy formation, similarly to the FL2000. However, unlike the FL2000 (see above), the confirmation of multiple competent authorities has perpetuated bureaucratic conflicts between central agencies also during implementation. The consequent misalignment of the process and resources streams has negatively impacted on policy implementation for marine environmental protection even in the presence of clear objectives contained in the MEPL 1999.

5. The horizontal 'local' dimension

This final dimension refers to partnerships built across departments at the local (or subnational) level. Exworthy and Powell (2004) clarify that such partnerships at the local level do not always emerge spontaneously; often, shared organizational purposes across agencies are imposed from above. Commitment to a shared purpose for the whole territorial layer in China is, instead, rather imposed by the Communist Party Committee ruling that layer. We have explained that subnational administrative agencies are responsible, vertically, to the competent central ministry and, horizontally, to the subnational government of their specific territorial jurisdiction (see above). Subnational agencies respond horizontally also to the party committee of that jurisdiction (horizontal political leadership) (Saich 2004; Wu & Wang 2007; Zusman & Turner 2005). A Communist Party Territorial Committee is present in all territorial units at each level of the state organization (e.g., the Province); it exercises a horizontal political leadership by prioritizing the action of each territorial unit (Lieberthal 2004).

An overarching interference of the Chinese Communist Party (CCP) characterizes China's state structure: legislature, executive and bureaucracy at all levels (centre, provinces and localities) (Lieberthal 2004; Saich 2004). Party leaders and representatives are also state leaders, which makes the state structure de facto intertwined with the Party. As an example, top officials in territorial governments often hold a position in the party committee of that territorial unit (e.g., the Province), with some provincial governors even sitting in the Politburo (Burns 2007; Lieberthal 2004). Through these blurred borderlines between the Party and the State, the CCP asserts its role as a linking structure across the whole Chinese political system (Interview with a representative of an international NGO, Beijing, October 2009, Interview File BJ.EX.09). Particularly when the vertical-functional control of central ministries conflicts with the horizontal-territorial control of subnational governments, consensus is pursued through the integrating function of the Party (Saich 2000). Although issues tend to be solved at the level where they originate (e.g., between ministries and provincial governments – with equal bureaucratic rank), in case of deadlocks, the issue is pushed up in the system to the Party (more precisely its Politburo) which mediates between

conflicting actors (Lampton 1992a; Schroeder 1992). Notwithstanding its unifying role in the Chinese political system, the Party is not always free from internal contrasts and should not be conceived as a monolith with a single set of policy objectives (Saich 2000). For example, provincial administrative leaders are also party members, and their territorial disputes are brought into the Party. The result is that competition among different views and interests exists within the Party, too, between the Centre and the local Party branches (Schroeder 1992).

Fisheries resources management

The lack of clarity in the policy objectives of the law has been sufficiently discussed above. The provincial discretion that ambiguous objectives allow is particularly evident during the enforcement of Beijing's laws and rules at the local level by the Fishery Patrol which responds to the provincial administration (i.e. GDOFA). Enforcement is characterized by a high degree of tolerance for evasion shown by the local fisheries inspectors who act as street-level bureaucrats. The administrative tolerance and inaction of street-level bureaucrats is usually explained on the basis of the inadequate amount of available resources (Lipsky 1980). Although we will come back to this explanation, which remains valid, administrative tolerance in the PRC seems to be explained also by the patron-client relationships that characterize the Chinese state, particularly at the provincial and local level. In a country characterized by a high level of corruption across civil servants (Burns 2007), personal relations are decisive. Fees and fines are more often negotiated than imposed authoritatively (Beyer 2006) and regulations of any kind are set aside on receipt of bribes (Lieberthal 2004). The increased control of local governments on resources under their jurisdiction, which has occurred with the decentralization process, has strengthened this practice of local clientelism. Particularly, Saich (2004: 9) has emphasized the re-emergence of traditional power structures within Chinese villages in the form of lineages and clans, which has "made the implementation of party rule more difficult". The point has been confirmed for fisheries. A civil servant from a subnational authority (Guangdong, October 2007, Interview File GD.PX.07), has stated that evasion occurs frequently along informal relationships between fishers, local enforcement officials and higher authorities. Clientelist ties are even more recurrent when local enterprises are run by local officials. Indeed, since the late 1990s, with the promotion of shareholding (coupled with the decentralization process), local officials have used their position of power to acquire majority shareholdings in enterprises and started to run major local businesses (Wank 2002). The conflict between official public interests and the informal pursuit of personal gain is evident (policy process).

Furthermore, the provincial emphasis on economic development that we discussed above generates a dangerous 'conflict of interest' when sub-national governments sponsor or own industries (Beyer 2006) which impacts on the process stream. As for all economic domains, state-owned fishing companies are still very present in China (Interview File BJ.AX.09, Ministry of Agriculture, Beijing, October 2009). In the Guangdong Province, the provincial administration is a pivotal actor in the enforcement of the licensing system, but the Guangdong's government also owns one of the major companies fishing in the South China Sea. The Province results as both the 'ruler' (i.e. the main actor in fisheries policy

implementation) and the ‘ruled’ (through the ownership of an important local fishing company). This creates an evident conflict of interests which undermines any credible commitment to the responsible management of fishing activities and, indeed, pushes further the exploitation of fisheries resources in a situation of fiscal decentralization.

With regard to resources, China has introduced a system of collection of fees since the late 1980s which is linked to the emission or renewal of licenses. However, these resources are in general limited vis-à-vis the vast marine area to be monitored, crossed by a high number of vessels and characterized by numerous harbours (Xue 2005; Zou 2005). Particularly for quotas (which are not yet in place), monitoring on catches would be extremely difficult unless a high amount of bureaucratic resources was provided for control and police operations both by Beijing and the Province. It is commonly acknowledged in China that the resources provided would instead be limited (Interview Files BJ.AX.09; GD.FVI.08; GD.GV.08).

Disjointed policy streams characterize the local dimension of the implementation of the Fisheries Law 2000. Implementing agencies and agents are steered by conflicting objectives, which weakens the political feasibility of the process and couple with resource scarcity to undermine any effective result.

Marine environmental protection

Broad environmental objectives are pursued at the local level by the Environmental Protection Bureaus (EPBs), which are decentralized structures of the Ministry for Environmental Protection (MEP) present at the provincial and local levels. However, the management of the marine environment is also a competence of the subnational departments responding to the SOA (see figure 2). In Guangdong, the Guangdong Oceanic and Fishery Administration (GDOFA) comprises a provincial office of the State Oceanic Administration (SOA), as it happens for many other Local Fisheries Management Bureaus (LFMBs) in China (Interview with an officer of the State Oceanic Administration, Beijing, October 2009, Interview File BJ.DX.09). Within GDOFA, then, ‘friends of the fishers’ and ‘friends of the fish’ co-exist; they respectively respond to both the Ministry of Agriculture (MOA) through its Fisheries Management Bureau (FMB) and the Ministry of Land and Resource (MLR) through the State Oceanic Administration (SOA) (Interview with an officer of the State Oceanic Administration, Guangdong, May 2008, Interview File GD.AV.08). Although the upgrade in the bureaucratic ranking system of the Ministry for Environmental Protection (MEP) should be followed by a stronger leadership of the EPBs at the local level, field research in Guangdong has revealed that the oceanic and fisheries administration (i.e. GDOFA) is actually the most powerful actor in marine affairs at the provincial level; particularly its focus on fisheries exploitation for economic growth (backed up by the political will of the provincial government and Party committee) tend to prevail in the Province (policy stream).

The agencies in charge of enforcing marine protection at the local level seem to intervene seldomly. For example MPAs police forces present a diffuse administrative tolerance. A general administrative inaction characterizes the relationships between street-level bureaucrats and fishers. Such tolerance for violations is due not only to workload and

discretionary decisions (see Lipsky 1980), but to the will of avoiding overt conflicts and maintaining social peace. In other words, potential conflicts with fishers during enforcement tend to be watered down by inspectors through administrative tolerance (backed up by a political will higher in the country's hierarchy), so that tensions never reach a sufficient level of visibility (process stream).

Notwithstanding this explanation for the tolerance shown by street-level bureaucrats, traditional explanations remain valid. In the presence of scarce resources and workload, implementation heavily relies on the discretionary decisions of street-level bureaucrats (Lipsky 1980). Administrative inactivity at the street level is also partially due to the lack of administrative resources: more funds, more personnel, and better equipment are required for a stricter monitoring and sanctioning activity on potential violations from the target groups. Resources are, instead, often limited in the enforcement of MPAs (Xue 2005; Zou 2005; confirmed by an interviewee of a Local Environmental Protection Bureau, Guangdong, May 2008, Interview File GD.CV.08).

In conclusion, the disconnection of policy, process, and resources streams at the horizontal-local level has hindered the implementation of the Marine Environmental Protection Law of 1999.

6. Cross-sectoral comparison and discussion of results

One of the purposes of our research is to explain how the implementation organization and its power structure impact on the three streams (policy, process and resources) at each spatial level. As it has been clarified above, for the three streams, the focus is, respectively, the inconsistency of objectives, the political malignancy and the presence of adequate resources. At the end of each section, we also elaborate one proposition.

Vertical dimension. Sub-national distortion in the absence of a champion at the centre

Both processes of implementation (Fisheries Law 2000 and Marine Environmental Protection Law 1999) seem to be jeopardized by the multi-layer structure of the PRC and the discretion exerted by the provincial government and its agencies during the process of implementation. No matter whether the policy objectives formally stated by the primary legislation of the country are ambiguous (like in the Fisheries Law 2000) or clear (like in the Marine Environmental Protection Law 1999) (policy stream), provincial governments are able to impose their different set of priorities (i.e. economic development) during implementation (process stream). The veto power of the Province is at the origin of the scarce administrative resources made available for fisheries management and marine environmental protection (resources stream). Under this provincial discretion, streams are disjointed along the vertical dimension in both policy initiatives.

In China, central decisions are frequently deflected towards directions favourable to the territorial organization in charge of carrying out central policy objectives (Lampton 1992; Fingar 1987). Although our study analyzes only two layers, the Centre and the Province,

many more layers exist in China below the Province (cities, counties, etc.). Since each actor intervening in implementation introduces an ‘implementation bias’, in a polity like the Chinese system that resembles a honeycomb with multiple intervening layers, such bias is usually of high degree (Lampton 1992; Naughton 1987). As it is argued by Lampton (1992: 57), “by the time one has moved through six, seven, or more layers of the system, the cumulative distortion (not to mention the bureaucratic constipation) can be great. Almost invariably, unanticipated and unwelcome consequences are part of the implementation process from the Center’s perspective”. The discretion exerted by provincial governments through their horizontal territorial control, rarely takes the form of overt opposition to the will of Beijing. More often provincial discretion is exerted through evasion: subordinate units proclaim adherence to a specific policy objective, but do nothing to carry it out (Lieberthal & Oksenberg 1988). By so doing, the Province can delay the achievement of specific objectives and the carrying out of central policy decisions.

More precisely, provincial leaders tend to evade orders that are not given high priority by the national leaders (Lieberthal 2004). Indeed, obstruction to Beijing’s decisions can occur only in the absence of a champion, understood as the support of one or more top leaders at the highest level of the system. Academics we met in Hong Kong (October 2009, Interview Files HK.BX.09 and HK.EX.09) specified that the central power is strong enough to overcome bureaucratic conflicts depending, though, on the ‘centrality of the issue’. In the trade-off between economic growth and sustainable use of natural resources, the former still constitutes a central issue. China remains a developing country and economic development still ranks high on both the national and provincial political agendas, whether it is expressed formally in policy documents or it lies informally on the back of formal commitments. In the absence of a champion (understood as the support of the country’s most powerful leaders), any policy is an ‘orphan’, i.e. “just one among several other urgent matters” (Fingar 1987: 233). No one pushes for better policies or more effective implementation, no one intervenes to end bureaucratic squabbling or administrative dalliance.

The considerations on the vertical dimension developed here are summarized in the following proposition. While the first part of the proposition is common knowledge in implementation studies, we think that the centrality of the issue as an intervening variable has not been sufficiently stressed in the literature.

PROPOSITION 1 ‘MULTIPLE LAYERS’. Multi-layer governmental structures tend to increase the number of decisional units that can subvert policy objectives established by the centre. *However*, subnational distortion is more likely to take place when policy issues are not central in the national political agenda.

Horizontal-central dimension. Inter-agency competition in the absence of a clear leadership

Winter (2003) argues that roots of problems in implementation can be traced in the policy formation, when conflicts and the consequent search for compromise can lead to an unclear policy design. It is during policy formation that the main conflicts have emerged across central agencies and departments for both cases analyzed, i.e. FL 2000 and MEPL 1999. Compromise among different views has determined an ambiguous definition of the policy

objectives contained in the Fisheries Law (exploitation and protection), were fishers and fish were the main concern respectively for the FMB and the SOA (policy stream). Compromise has also characterized the adoption of the new Marine Environmental Protection Law, which impeded the simplification of overlapping competences among multiple authorities. It seems to be a recurrent feature that legal texts in the People's Republic of China are incomplete and ambiguous about the division of decision-making authority among functional (as well as territorial) actors (see Schroeder 1992). In general, unclear primary laws usually refer for details to future implementing acts (Lampton 1992), which often, though, do not better specify the duties implied by primary laws (Beyer 2006; Saich 2004). It can also happen that these administrative measures are actually never issued, so that policy designs lack completeness and full development (Lampton 1992; on the point, see also Xue 2005 and Zou 2005 for marine affairs).

This perpetuates a general state of ambiguity in the allocation of competences, which causes problems of coordination, inter-agency competition, and severe bureaucratic struggles (Lieberthal & Oksenberg 1988). Consequently, bargaining among multiple agents remains a necessity along the whole process of implementation. This is even more evident when leadership is divided among agencies with a similar bureaucratic rank like in the case analyzed above for the Fisheries Management Bureau (FMB), State Environmental Protection Agency (SEPA) and State Oceanic Administration (SOA). In the absence of a clear leadership steering the policy process, bureaucratic politics impedes the achievement of any clear output, already during policy formation (process stream). This confirms a common feature of China's policy contents: they are "vague enough to appease bureaucratic stakeholders but often so ineffective that policy problems remain unsettled" (Zusman & Turner 2005: 122). In this situation of high ambiguity, when fewer authorities are involved during implementation, the whole policy process benefits from the decrease possibility of conflicts. This is evident when fisheries management (populated by fewer actors) is compared with marine environmental protection (where leadership is highly dispersed). In the latter case, the presence of multiple competent authorities also during implementation determines a dangerous dispersion of already limited resources, too (resources stream).

The need to have a body responsible for environmental protection on the whole country made it necessary to enhance the bureaucratic status or, more precisely, the 'rank' of the State Environmental Protection Agency (SEPA) to a ministerial level. The upgraded rank has given SEPA (now Ministry for Environmental Protection, MEP) a higher role in the Chinese policy-making system. Therefore, while in the past, SEPA had the same rank of the State Oceanic Administration (SOA), the MEP has now a superior rank to the SOA. On the basis of this higher status, the Ministry for Environmental Protection (MEP) can, in theory, impose decisions to the State Oceanic Administration (SOA) and all other agencies intervening in environmental protection. In fact, not much has changed in the complex, and often conflicting, relationships between the SOA and the MEP (ex-SEPA) (Interviews at the State Oceanic Administration, Beijing, October 2009, Interview File BJ.CX.09; at a local Environmental Protection Bureau, Guangdong, May 2008, Interview file GD.CV.08; and with academics, Hong Kong, October 2009, Interview Files HK.CX.09, HK.BX.09 and HK.EX.09).

These considerations on the vertical dimension lead us to develop a second proposition. It integrates leadership, as an intervening variable, with the number of actors, which has usually been used as an independent variable to explain the complexity of joint action (see Pressman & Wildavsky 1973). The proposition seems to apply to policy formation, as well as implementation.

PROPOSITION 2 ‘MULTIPLE ACTORS (AT THE SAME LAYER)’. Successful policy formation and implementation are negatively related to the number of actors involved. *However*, when multiple actors are involved, it is the diffusion of power among them and the absence of a clear leadership on a specific policy initiative that hinders policy formation and implementation.

Horizontal-local dimension. Conflicts of interests in a blurred public-private setting

The salience of the local spatial level is particularly evident during the enforcement phase. We understand enforcement as a mix of rewards and sanctions for the promotion of behavioural compliance from target groups – fishers in our case – with legal and administrative requirements (for a similar definition, see Breitmeier et al. 2006). The process of enforcement has shown that both fisheries management and marine environmental protection in China are jeopardized by an inadequate system of sanctions and diffuse administrative tolerance by local implementing agencies and their street-level bureaucrats (e.g., inspectors of the Fishery Patrol and MPAs police forces). Tolerance for violations from street-level bureaucrats has several explanations, which can be located along the three streams of policy, process and resources.

With regard to the policy stream, conflicting policy objectives can be detected at several levels: the individual, organizational and political level. Firstly, since the late 1990s a number of local officials also share the holding of local enterprises, thus directly intervening in the local fishing industry. Secondly, conflicts exist within the Guangdong Oceanic and Fishery Administration (GDOFA), where local bureaucrats must respond to the Fisheries Management Bureau advocating for fishers’ interests and the State Oceanic Administration with its concern for the fish and the marine environment. Thirdly, the Province acts as the ruler and the ruled in marine policy, which result in a schizophrenic application of Beijing’s laws and rules.

It is evident that particularly this dual nature of the Province easily reflects into an ambivalent and complex process stream. The complexity of the process is due not only to the matters of political feasibility – or rather unfeasibility – because of the multiple interests of the Province, but also to considerations of political convenience aimed at avoiding potential social conflicts. Administrative tolerance of inspectors (during enforcement) is used to dilute potential conflicts with the local fishing communities, as both overt opposition against a stricter access to sea resources and higher social tensions.

Finally, the street-level administrative inactivity is also due to the lack of administrative resources (resources stream). In the presence of scarce resources and workload, implementation heavily relies on the discretionary decisions of street-level bureaucrats (Lipsky 1980).

The comparison of the horizontal-local spatial level for both reform initiatives (fisheries resources management and marine environmental protection) emphasizes the presence of multiple (and conflicting) interests as the main hindrances in implementation. This is summarised by the following proposition.

PROPOSITION 3 ‘MULTIPLE INTERESTS (WITHIN THE SAME INDIVIDUAL OR CORPORATE ACTOR)’. In situations where public functions and private roles are confused, implementation is likely to occur at a schizophrenic pace in order to accommodate the multiple interests in which public actors are involved as individuals or organizations.

7. Conclusion

The core hypothesis of Exworthy and Powell (2004: 268-269) is that “successful implementation is more likely when the three streams are joined across three dimensions: the vertical (central-local) dimension; the central horizontal dimension and the horizontal (local-local) dimension”. For both initiatives (Fisheries Law and Marine Environmental Protection), streams were not joined, in none of the three spatial levels. On the one hand, this seems to explain the few results achieved by the implementation of the two initiatives. This ultimately proves the explanatory value of the analytical framework developed by Exworthy and Powell (2004) beyond their British case. On the other hand, this calls for further research relying on a purposive comparative design which should include successful cases of implementation. However, the comparison between the two policy initiatives presented in this paper allows us to conclude with general analytical considerations, as well as final recommendations that are specific to the Chinese case.

Firstly, with regard to layers, the study shows that multi-layer governmental structures tend to increase the number of decisional units that can subvert policy objectives established by the centre. This happens mainly during policy implementation, when the Chinese provinces take the lead in the process. Although this is commonly acknowledged, the Chinese case reveals that subnational distortion is more likely to take place when policy issues are not central in the national political agenda. Provided a champion is present at the central level, the inclusion of marine environmental protection targets into national and subnational development plans may tie all layers of governments around a more sustainable use of marine resources. In China, a system of incentives could accompany the formulation of environmental targets by subnational authorities and their compliance with those targets.

Secondly, at each of this layer, successful implementation is likely to be negatively related to the number of actors involved. Nevertheless, when multiple actors are involved, it is the diffusion of power among them rather than their number that weakens not only policy implementation but also the formation of new policies. Therefore, a clear leadership for a specific policy initiative is needed to push such initiative through the policy process from its appearance on the policy agenda to its complete execution. In China, once the bureaucratic rank of the Ministry for Environmental Protection has been upgraded to a ministerial level, its actual role in the management of all natural resources (included the marine ones) should be strengthened together with its physical resources (funds, personnel, facilities, etc.). At a broader level, cross-departmental co-ordination within the framework of marine affairs is

needed: marine resources utilization (decided upon by the Ministry of Agriculture) cannot be detached from marine environmental protection (defended by the Ministry for Environmental Protection).

Thirdly, the peculiar system of the People's Republic of China has revealed that in situations where public functions and private roles are confused, implementation is likely to occur at a schizophrenic pace in order to please the multiple interests in which public actors are involved at an individual or corporate level. However, we think that such problems of credible commitment – which particularly weaken enforcement – cannot be easily solved in China. Unlike the previous two organizational matters, this last problem is strictly linked to the nature of the political and socio-economic regime existing in the country.

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China, officially the People's Republic of China (Zhonghua Renmin Gongheguo), country in East Asia, the world's largest country by population and one of the largest by area, measuring about the same size as the United States. The Chinese call their country Zhongguo, which means "Central Country" or "Middle Kingdom." Beginning in the late 1970s, however, the government implemented economic reforms that reversed some of the earlier policies and encouraged foreign investment. Although China remains a poor country by world standards, the economy has grown dramatically as a result of the reforms of the 1980s and 1990s. In 1997 Hong Kong was transferred from Britain to China under an agreement that gave the region considerable autonomy. The tribunal ruled almost categorically in favor of the Philippines, which had challenged some of China's territorial claims. It also said China had broken international law by endangering Philippine ships and damaging the marine environment. Maybe most important, the tribunal largely rejected the nine-dash line that China has used to indicate its South China Sea claims. This could open the way for other Asian states to challenge China's claims.