We will seek to unpick some assumptions about transparency and accountability by looking at the unintended consequences of accountability mechanisms in China. That is; local officials seeking to minimise the risk posed by accountability mechanisms by doing as little as possible. When we think about the application of the principles of transparency and accountability to administrative conduct in China the harms upon which we tend to focus relate to those resulting from exceeding the lawful limits of power or abuse of power. What we do not expect to find, and what administrative law principles in China do not address very well, is the problem of failure to act and the harms that arise out of this failure. Yet inertia is an increasingly serious problem of administration in China. We explore the ways in which transparency and accountability have been implicated by increasing the cost and risk of administrative action and have been used as a tool to strengthen disciplinary control by the Party and higher-level authorities over local authorities.

Sarah Biddulph

Assistant Deputy Vice Chancellor International – China

Sarah Biddulph is Assistant Deputy Vice Chancellor International – China. She is also Professor of Law at the Melbourne Law School and Director of its Asian Law Centre. Sarah’s research focuses on the Chinese legal system with a particular emphasis on legal policy, law making and enforcement as they affect the administration of justice in China. Her particular areas of research are contemporary Chinese administrative law, criminal procedure, labour, comparative law and the law regulating social and economic rights. Her recent publications include The Stability Imperative: Human Rights and Law in China, Good Governance in Economic Development: International Norms and Chinese Perspectives edited with Ljiljana Biukovic, and Handbook of Human Rights in China Edward Elgar 2019 edited with Josh Rosenzweig.