

A look at NGOs in China

*Verena Richardier* • Doctorante en sociologie à l'École normale supérieure de Lyon  
(France)

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As is the case for a number of issues, simplification is commonplace when describing Chinese society. The field of organizations is not exempt from this, which often leads some to deny the very idea of non-governmental organizations in a country which is perceived as centralised and suspicious about anything that could be in competition with the State. Verena Richardier helps us to enter into the complexity of Chinese civil society, the better to understand the place occupied by NGOs.

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Defining Chinese civil society according to Western notions is a major challenge raised by a number of authors. The issue of translation alone hints at the complexity of the exercise. How do you say “non-governmental organization” in Chinese? In truth, there are more than eight different terms. Whilst some of them are very far from the European notion of “NGOs”, others are based on realities which are closer in principle, but also harder to qualify. What is the difference, for example, between 民间组织 (*minjian zuzhi*) and 非政府组织 (*feizhengfu zuzhi*)? The first term could be translated as “the people’s organization”, whereas the second is the literal translation of “non-governmental organization”. The former is preferred by the associations to the latter, which is sometimes understood as “against” or “anti” government. Our own representations induce a definition of autonomy that is not observed in China, limiting our understanding of the nuances between these two terms. As a matter of fact, space does exist in China for the negotiation and manoeuvring of an independent civil society, but in a contingent, contextual way, that is continuously evolving and on the edge. Are NGOs a separate category, easily identifiable by their status? How to distinguish them from other associations? Can we consider NGOs as organizations which are representative of their members, and not of the State? Thinking in terms of situations, rather than types of organizations, seems to be an interesting approach in answering these questions. The creation of “situations” is indeed the consequence of historical and legal developments that have shaped part of Chinese civil society. The balance between the need for NGOs and the wariness of them on behalf of government actors also helps to grasp the place of NGOs. Some are necessary partners for a State which is far from monolithic, whilst others embody a rapidly expanding international presence.

**Grasping Chinese Civil Society: key dates in the reconfiguration of the relationship between State and society**

By and large, the link between civil society and NGOs seems clear, if civil society is understood as being the sum of “citizen” organizations which embody society outside the State. NGOs being “non-governmental”, they would make up the main elements of this civil society. Yet NGOs are part of wider dynamics of tension and reconfiguration between the State and the individuals who make up its society. This is especially true in China, which is why I suggest an historical detour in order to grasp these reconfigurations by means of a few key dates.

## HUMANITARIAN ALTERNATIVES

First of all, the reform led by Deng Xiaoping from 1980 onwards opened China up to the market economy, creating a space between State and society for the first time in decades, which was invested by capitalism. Following this major turning point, a multitude of organizations were created, asking the State to take the path of what was presented as being the ultimate progress, the “fifth modernisation”<sup>1</sup>, that is to say, democracy. These organizations were considered at the time to be the expressions of a burgeoning Chinese civil society, benefiting from a permissive climate which would prove short-lived. Indeed, the clampdown on student demonstrations in Beijing on June 4<sup>th</sup> 1989 marked a violent turning point. From this point on, economic growth and social peace became the central focus of the new social contract, which left little room for individual rights. Incidentally, the Regulations for Registration and Management of Social Organizations were announced in the same year of 1989<sup>2</sup>. Two main obligations for their legal existence have since contributed to shaping the landscape of official organizations: dual registration and the principle of non-competition. Dual registration means that organizations must be registered with the Ministry of Civil Affairs and have the support of a “supervisory” State organization. Non-competition refers to the impossibility of registering two organizations working in the same sector in the same administrative area. This law favours para-governmental organizations, successors of mass communist organizations, but prevents the legal registration of many others. Supervisory State organizations limit the number of organizations they agree to sponsor because they become accountable to the State. This first law was completed and clarified in 1998<sup>3</sup>.

Nevertheless, since Hu Jintao came to power in 2002, the Chinese State has begun a new policy which has again changed the links between State, individuals and society, to place “the human at the Centre”<sup>4</sup>. In September 2004, the expression “harmonious society” was launched during a plenary session of the Communist Party’s Central Committee. At the heart of this new approach are individual well-being and the resolution of social tension brought on by the opening up to capitalism. Social organizations are therefore considered as contributing to collective harmony, and as service providers. In 2008, the Sichuan earthquake also paved the way for new organizations, on the population’s own initiative, geared towards assistance and care for the victims of the catastrophe. Xi Jinping, the PRC’s new President since 2013, has continued with this policy launched by his predecessor, but the events in Hong Kong in 2014 (the “Umbrella Revolution”<sup>5</sup>) contributed to rendering the government’s position with regard to community-based associations more inflexible. The State renegotiated individual and social participation, subjecting both to tighter control. The fault-line between legally registered organizations and the others should be bridged thanks to the new laws on international NGOs and on “charity” announced in 2016. Nevertheless, the laws regulate the registering and fundraising processes for organizations, without amending the basic principle: in order to exist legally, an organization must be “sponsored” by a State institution, commonly known as the “mother-in-law”<sup>6</sup>. This restriction contributes to the polyphony of social organizations in China, due for example to the desire to escape these administrative constraints.

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<sup>1</sup> Deng Xiaoping’s four official modernisations concerned reforms in agriculture, industry, science, and national defence.

<sup>2</sup> He Jianyu, « Comprendre les ONG chinoises », La Vie des Idées, 2013.

<sup>3</sup> Qiusha Ma, *Non-Governmental Organizations in Contemporary China: Paving the Way to Civil Society?*, Routledge, 2005, p. 94.

<sup>4</sup> Amandine Monteil, “La Chine en quête d’une ‘société harmonieuse’”, *CERISCOPE Pauvreté*, 2012, consulted on 20/09/2016, <http://ceriscope.sciences-po.fr/pauvrete/content/la-chine-en-quete-dune-societe-harmonieuse>

<sup>5</sup> The Umbrella Revolution began in 2014 as a reaction to the restrictions by the Chinese government on the Hong Kong population’s right to vote. It ended with the bill’s withdrawal.

<sup>6</sup> Zi Jin Dong, “Five Considerations Regarding the Charity Law”, *China Development Brief*, 2016, <http://chinadevelopmentbrief.cn/articles/ive-considerations-regarding-the-charity-law/>, consulted on 26/09/2016

## HUMANITARIAN ALTERNATIVES

### Some examples of the polyphonic variety of associations

Categorising associations in China is rarely exempt from moral judgement. Many authors divide them into formal and informal organizations, or according to their degree of dependence towards the State. Aside from the fact that they imply that there are “good” and “false” civil societies, these two approaches mask a basic principle: no organization in China can exist without being linked to the State. Yet the State is not always a homogenous block of policies and practices. The reform, along with significant administrative decentralisation and the various tensions evoked above, contributed to shaping a polyphony of organizations who work either together, separately, or in competition... I have made the choice in this section to present the main types of organizations in the field of social action, working for example in education, care, help for the aged... To be clear, I nevertheless distinguish between organizations whose origins - but not necessarily their functioning - are marked by a strong link to the State, and those born without State intervention.

The organizations which the State is directly responsible for, historically as well as financially, are the eight mass organizations<sup>7</sup>, sometimes called “government-organized non-governmental organizations” (GONGOs), direct successors of Maoism. Other GONGOs fall outside of this group, though their way of functioning is similar. This is the case of the China Disabled Persons’ Federation, an important organization present at all levels of the administration, from local to regional. The first president of this Federation was none other than Deng Xiaoping’s son, Deng Pufang, who was injured during the Cultural Revolution and became a paraplegic as a result of his injuries.

The second type of structure includes the organizations that are legally registered as associations or foundations, but whose creation was not the result of State initiative. Each of these organizations is sponsored by a supervisory organization, a ministry or a GONGO, following the principle of dual registration<sup>8</sup>. *One Foundation* and *China Foundation for Poverty Alleviation* are two very well known foundations. The former, founded by the actor Jet Li, was the first to register as a foundation. Initially linked to the Chinese Red Cross, it quickly distanced itself from the latter, particularly in the wake of the Guo Meimei scandal<sup>9</sup>.

Unregistered organizations make up a third category. Founded without any State participation, they work under the status of for-profit organizations, or without any legal status, which does not mean that they do not maintain ties with the State. The choice not to register may be made freely (lack of interest in registering as an association), or under duress (inability to find sponsorship). These are mainly “local” organizations, created for example following the earthquake in Sichuan in 2008 and in Yunnan in 2014. The members of these organizations are often volunteers, relatives, and are organized for example in “clubs”<sup>10</sup>.

Finally, a fourth type of organization is made up of social companies, linked to a relatively new phenomenon in China. Midway between for-and non-profit, these organizations represent a middle ground between the market and civil society. Borne of negotiations between actors from different domains, they constitute an original answer to tensions in the sector. Their future

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<sup>7</sup> Mass organizations served as relays between the State and the Chinese population, principally for propaganda purposes. They are now considered as social organizations.

<sup>8</sup> Qiusha Ma, *Non-Governmental Organizations...*, *op. cit.*, p. 79.

<sup>9</sup> Guo Meimei, a Weibo star (Chinese Facebook), passed herself off as a Red Cross official and posted photographs of herself with designer clothes and handbags. This lifestyle given her supposed position, shocked public opinion. The Chinese Red Cross subsequently tried to explain that Guo Meimei had never worked for the organization, but the damage was done.

<sup>10</sup> Yiyi Lu, *Non-Governmental Organizations in China*, 2008, Routledge, p. 46.

**HUMANITARIAN ALTERNATIVES**

remains still fuzzy for the moment because despite their success, they do not have a very secure legal status. “The state is watching us and is waiting,” said an entrepreneur during an interview. Despite these tensions for the registration of organizations, the authoritarianism of the state reveals, according to the situations, opportunities to defend certain rights.

**Organizations in the interstices of a “democratic authoritarianism”**

Beyond the case of China, a critique of “democratic transitology”<sup>11</sup> has become necessary in the face of the stability of so-called authoritarian regimes. The idea of a natural evolution of such regimes towards a more democratic way of functioning has therefore been undermined. That is why it is becoming increasingly important to analyse these regimes in order to grasp the different spaces for mobilisation and the grey areas between authoritarianism and democracy. If democratic regimes can function in spite of pockets of authoritarianism, the same is true for authoritarian regimes which can create democratic spaces in their interstices<sup>12</sup>. Social organizations embody these spaces for individual participation in the political life of the country. Spire’s idea of “contingent symbiosis”<sup>13</sup> is a possible analytical proposal. The author uses this notion to explain the persistence of local, unregistered, illegal non-governmental organizations, and their continued growth. How do these organizations survive in an authoritarian context? Why, in spite of their presence, is the State not influenced, and does not try to open up? Spire explains “contingent symbiosis” by two series of factors. On the one hand, he places the fragmented governance of the PRC, due in particular to the significant decentralisation of power<sup>14</sup>, as well as the different applications of the law resulting from this fragmentation. On the other hand, he notes a reciprocal need for and a wariness of the actors towards each other. At the local level, indeed, NGOs respond to strong needs, whilst local leaders are charged with preserving social peace, especially with regard to their superiors, on whom their promotions depend. These circumstances contribute to creating a symbiosis between NGOs and leaders, though the relationship is unequal, since local leaders obviously have the power to stop an organization’s activities. Nevertheless, as long as the organizations remain small enough and do not seek any political rights, they can operate in peace. The whole problem lies in standing in for and influencing the State, without this being considered as a critique of its shortcomings. Considering the limited resources which the State supplies on a local level, and given its demands for social peace, the mutual need is great. Moreover, in the absence of independent media to point out daily, ordinary difficulties, authorities benefit from NGOs as conduits for information. The significant administrative fragmentation is also an important factor enabling democratic interstices. For example, the notion of advocacy has taken a very particular turn in China. Demands are rarely explicit, but they pass by personal contact between authorities and members of NGOs, playing off services or levels of the administration against each other.

The functioning of Chinese NGOs abroad is similar, though situated at the extreme opposite of this very local level. Indeed, NGOs which become international in scope contribute to reinforcing the image of a powerful China, which the Chinese State is partial to. As a result of the

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<sup>11</sup> Caroline Dufy and Thiriot Céline, « Les apories de la transitologie : quelques pistes de recherche à la lumière d'exemples africains et post-soviétiques », *Revue internationale de politique comparée*, 2014, p. 19-40.

<sup>12</sup> Olivier Dabène, Vincent Geisser and Gilles Massardier (ed.), *Autoritarismes démocratiques et démocraties autoritaires au XXI<sup>e</sup> siècle : convergences Nord-Sud. Mélanges offerts à Michel Camau*, La Découverte, 2008.

<sup>13</sup> Anthony Spire, “Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China’s Grassroots NGOs”, *American Journal of Sociology*, 2011, p. 1-45.

<sup>14</sup> The first “level” of the administration is a good example of this fragmentation. It is divided between 22 provinces, 5 autonomous regions, 4 municipalities, 2 special administrative regions (Hong Kong and Macao). The provinces have a certain degree of independence, manage some of their taxes while the four “municipalities” (Beijing, Shanghai, Tianjin, Chongqing) are under the control of the central government and not the provinces in which they are located.

## HUMANITARIAN ALTERNATIVES

UN's fourth World Conference on Women, which took place in Beijing in 1995, a number of foreign international NGOs began arriving in the country. It was also during this period that the term "non-governmental" became popular. Following the conference, and through the actions of international NGOs like *Asia Foundation*<sup>15</sup>, Chinese social organizations began operating beyond their national borders. The phenomenon remains undeveloped compared to the inter-governmental cooperation widely practiced by the government. Chinese NGOs with international scope intervene in the wake of this cooperation, favouring China's traditional zones of influence. A significant number of organizations therefore intervened in Nepal in 2015 after the earthquake. Interventions also favour China's economic interests in certain African countries, such as Ethiopia. This new phenomenon of internationalisation raises a major question. Should we consider that Chinese NGOs are "internationalising", or that they are "going abroad"? The nuance is important since it raises the issue of the standardisation, or otherwise, of these NGOs in the humanitarian field, which remains broadly shaped by Western organizations. Do international Chinese NGOs adapt themselves to this model, or do they propose a new language? This question alone deserves an article to itself.

This short journey to the land of Chinese associations and "non-governmental" organizations seems to bring forward more questions than answers. However, understanding the complexity of a society and the operational mode of its administration, sometimes far from our standards, is essential to work in China. If this complexity is mastered by most Western NGOs in China today, its consequences for future cooperation abroad remain to be discovered.

*Translated from the French by Juliet Powys*

### Biography • Verena Richardier

Doctoral student at the École Normale Supérieure (ENS) in Lyon, Triangle UMR 5206. In 2014 she began a thesis in sociology entitled "De-Westernisation of the Humanitarian Government and the shift towards new sovereignties", supervised by Laurence Roulleau-Berger, research director at the CNRS, Triangle, ENS Lyon and French director of IAL (International Associated Laboratory) CNRS/ Académie des Sciences Sociales de Chine, "Post-Western Sociologies in France and China". Verena is studying the evolution of an action increasingly shared among international NGOs of western origin and NGOs in their countries of intervention. She holds a CIFRE doctoral scholarship at Handicap International, where she also works as a Partnership research analyst. Verena has been working regularly in China since 2012, after completing a research Masters on contemporary East Asia at ENS.

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<sup>15</sup> An American organization operating in Asia since 1954.