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Re-conceptualizing China's civil society sector

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傅洛达

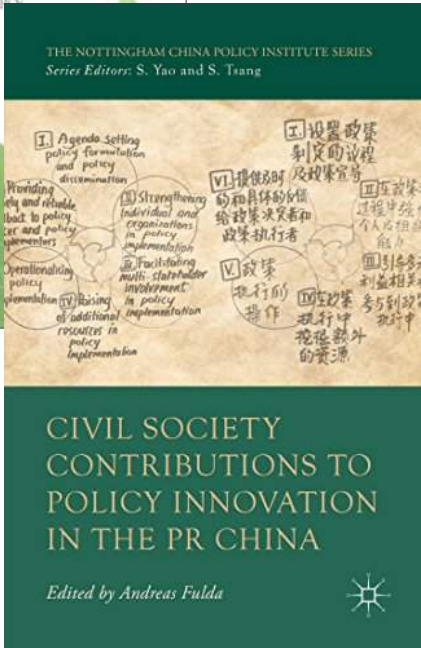
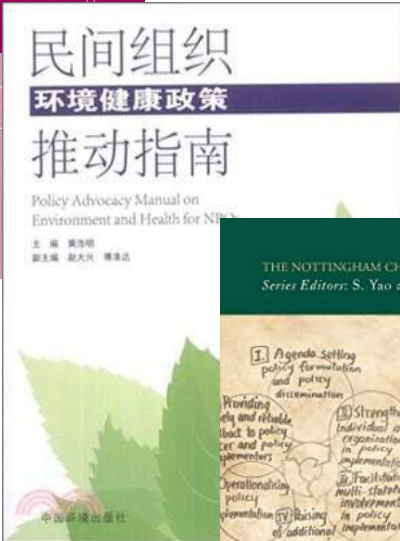


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Institut Français des Relations Internationales, China's Stability at Risk: Economic, Social and Environmental Challenges, 26 January 2017

Andreas Fulda
Förderung partizipativer
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Einflussnahme durch Akteure der
deutsch-chinesischen Entwicklungs-
zusammenarbeit



Motivation

Academic and *practical* engagement with China's civil society since 2003.

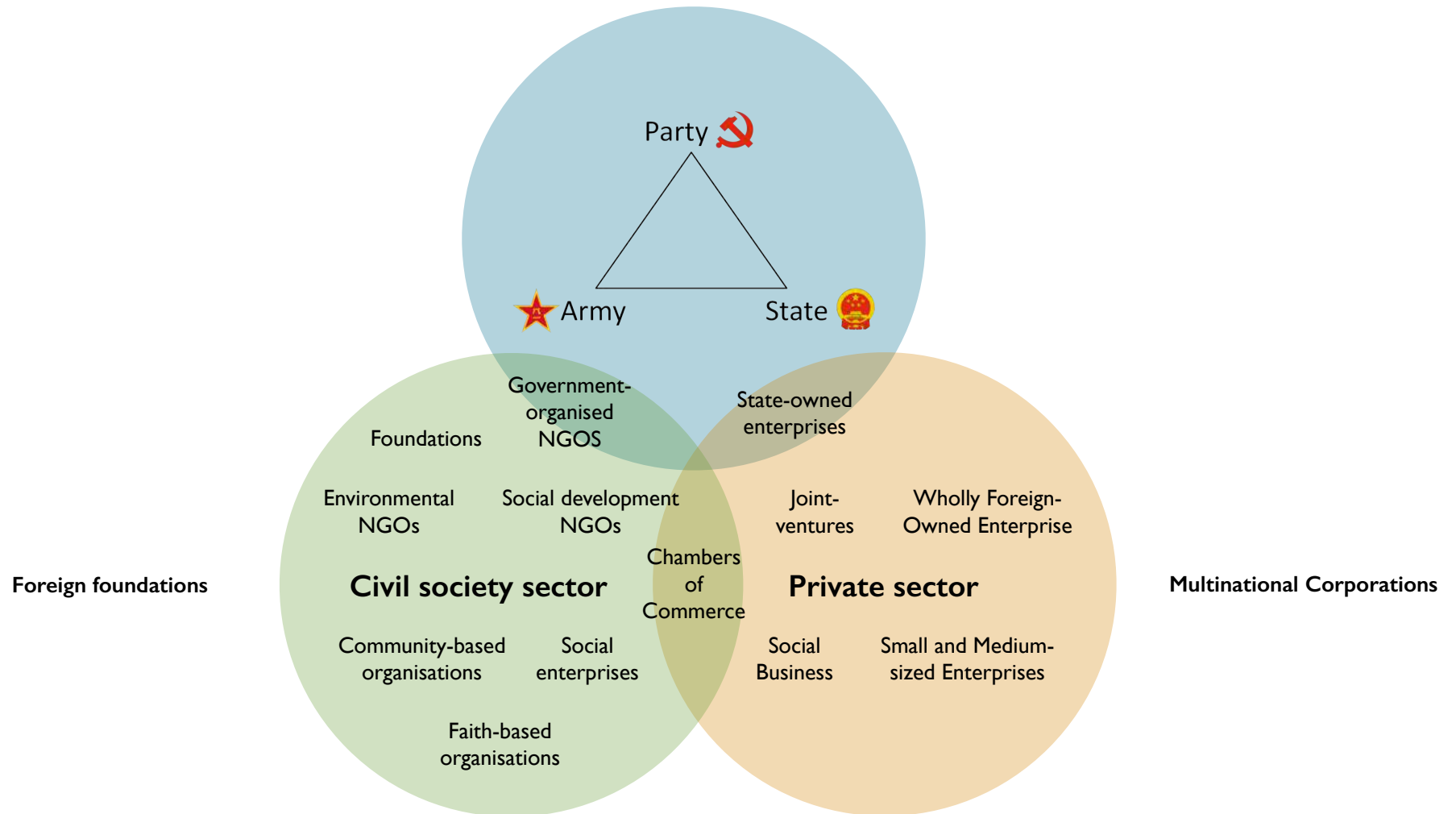
Research active in the fields of participatory development, civil society, policy advocacy, policy innovation, social movements, and communities of practice.

Design and delivery of three major *capacity building initiatives* for Chinese CSOs between 2006 and 2014.

Learning outcomes

(1) Participants *identify* key relationships between a) Chinese civil society organisations (CSOs) and the party-state, b) CSOs and foreign and domestic funders and c) CSOs and the market.

(2) Participants *discuss* the contradictory trends of CSO professionalisation, marginalisation, co-optation and political neutering, as well as marketisation.





Foreign funders



Resource-dependent civil society organisations (CSOs)



Chinese CSOs as partners of grant-making foundations

“(...) Chinese NGOs are more independent, friendly and cooperative, free from bureaucratic procedures, and willing to do things as requested by donors, and some of them may be able to maintain autonomy and create truly alternative types of political reform.”



He Baogang (2006), Consultancy: A Different Gate to the Field (December 3, 2014). Maria Heimer and Stig Thøgersen (Eds.), *Doing Fieldwork in China*, NiaS press, p. 172.

Limited US funding for grassroots NGOs (2002-09)

“(...) a mere 5.61% went to grassroots NGOs, and that the ten projects receiving the largest grants were all government-run ministries, academies, and universities.”



Holly E. Fetter (2013), *From DC to the PRC: Examining the strategies and consequences of US funding for Chinese civil society*. Retrieved from cddrl.fsi.stanford.edu/sites/default/files/Holly_Fetter.pdf, p. 44-45.

Calls for continued support for Chinese civil society

“(…) despite the rapid growth of domestic donations in China the majority of funds are directly donated to the government or GONGOs. Only about 1.32% of the donated funds are actually given to grassroots NGOs. The environment for grassroots NGOs in China is still very miserable. It is thus necessary for the INGOs to continue to support grassroots NGOs in China.”



Deng Guosheng (2013), The decline of foreign aid and the dilemma of the Chinese grassroots NGOs, Religions & Christianity in Today's China, Vol. III, 2013, No. 1, p. 28.

Example of a well-resourced and highly professional Chinese CSO



Institute of Public &
Environmental Affairs (IPE)



IPE's Corporate Information
Transparency Index

Pollution Information
Transparency Index

Green Choice Alliance

Political restrictions

Date	Name of oral or written directive	Key contents
January 2017	Overseas NGO Law 中华人民共和国境外非政府组织境内活动管理法	Article 5. Overseas NGOs that conduct activities in China shall operate according to Chinese laws; not threaten China's security or national and ethnic unity; and not harm China's national interests, societal public interests, and the legal rights of citizens, legal persons and other groups.
September 2015	Opinion on Enhancing Party Building Work in Social Organizations (trial) (关于加强社会组织党的建设工作的意见 (试行))	Establishment of CCP party cells in all social organisations (including GONGOs, NGOs, NPOs, social enterprises etc)
April 2013	Document No. 9 (9号文件)	Ideological situation as a complicated, intense struggle; the following ideological trends, positions, and activities are considered false: constitutional democracy, universal values, civil society, neoliberalism, West's idea of journalism, historical nihilism, questioning Reform and Opening and the socialist nature of socialism with Chinese characteristics
May 2013	Seven Don't Speaks (七不讲)	1. Universal values, 2. Freedom of speech, 3. Civil society, 4. Civil rights, 5. The historical errors of the CCP, 6. Official bourgeoisie, 7. Judicial independence

Example of a first victim of China's controversial Overseas NGO Law



— Migrant Workers Home

- New Workers Art Troupe
- Migrant workers' Spring Festival
- Culture and Arts Museum of Migrant Laborers in Picun, Beijing

Regulatory progress

Date	Name of oral or written directive	Key contents
September 2016	Charity Law of the People's Republic of China (中华人民共和国慈善法)	Article 1: This law is drafted so as to develop the charity field, to promote a culture of charity, to regulate charitable activities; to protect the legal rights and interests of charitable organizations, donors, volunteers, and beneficiaries; and to promote social progress and share the developmental accomplishments.
October 2014	Guangzhou guidelines on social organization Management (广州市社会组织管理办法)	This local provision cancelled the registration funding requirement for civil non-enterprise organizations and allowed them to have their office in private residences.
June 2004	Regulations on the Management of Foundations (基金会管理条例)	Article 1: These regulations have been drafted in order to standardise the organisation and activities of foundations, to protect the legitimate rights and interests of foundations, donors and beneficiaries, and to promote social forces' participation in public benefit enterprises.



Resource-dependent civil
society organisations
(CSOs)

Domestic
funders

Similarities and differences between foreign and domestic foundations

	Foreign foundations	Domestic foundations
Operating or grant-making foundations?	Vast majority of foreign foundations are grant-making foundations	Vast majority of domestic foundations are operating foundations
Legal status	Regulations on the Management of Foundations (基金会管理条例) for the few registered foundations, legal limbo for the rest	Regulations on the Management of Foundations (基金会管理条例)
Main activity areas	Health/HIV, education, multi-sectoral programmes, capacity building, environment, rural development, children, and disability	Agriculture, children, education, medical care, mental health, philanthropy development, poverty alleviation, environment, rural areas and farmers, safety/disasters, scientific research, voluntarism, women, and youth entrepreneurship
Motivations	Religious impulses, humanitarian and ecological concerns, philanthropic ambitions	“(…) most private foundations are not clear on questions such as, who am I? What do I want to do? What community do I represent? Where are my roots?” (Zhai Yan as quoted by Liu, 2010, p. 43)

Contested role of domestic foundations

“[The] three big differences are a lack of equality, the exploitation, and misguided leadership. They not only do not support grassroots NGOs but also reduce the management fee and labor costs to very low levels. They let you do things but they do not allow your organisation to develop. I think that this is actually hurting civil society rather than helping to build up the third sector. They want to completely put us into their low-cost workforce, which runs counter the spirit of civil society.”



China Development Brief and Geneva Global (2015), Serving the community through training volunteers and volunteer activities: Huizeren's contribution to civil society building in China (Zhai Yan, Huizeren, Founder and Director). Retrieved from <http://chinadevelopmentbrief.cn/articles/thinking-strategically-an-interview-with-zhai-yan-founder-of-huizeren/>

Challenges in the relationship between grant-maker and grantee

Chinese CSO practitioners have expressed their misgivings about domestic grant-making foundations, including excessive donorship, arrogance, unprofessional behavior, unrealistic resource allocation, low overheads, letting CSOs carry unreasonable financial risks, ineffective project and financial management, lack of domestic support for legal aid and rule-of-law CSOs, broken promises, the sudden cessation of funding, stolen project designs, taking undue credit for CSO work, unclear property rights, and unfair assessment of CSO grantees.



Zhongguo jijinhui pingjiabang (2013), *Pingjiabang*. Zhongguo jijinhui pingjiabang. November 2013. pp. 32-35.

Problems in government-procurement of CSO services

Government procurement of public services is a window of opportunity for any Chinese CSO willing to align itself with the policy goals of the Chinese government.

Government officials willing to procure the services provided by CSOs are sometimes overly enthusiastic, too anxious and impatient to succeed. This can lead to disappointment when they realize that the CSOs are not prepared or sufficiently qualified to meet the government's needs.



Yang Tuan, Huang Haoming and Andreas Fulda (2015), How Policy Entrepreneurs Convinced China's Government to Start Procuring Public Services from CSOs, in: Andreas Fulda (Ed.) (2015), Civil Society Contributions to Policy Innovation in the PR China, Palgrave Macmillan.



**Resource-dependent civil
society organisations
(CSOs)**

Market

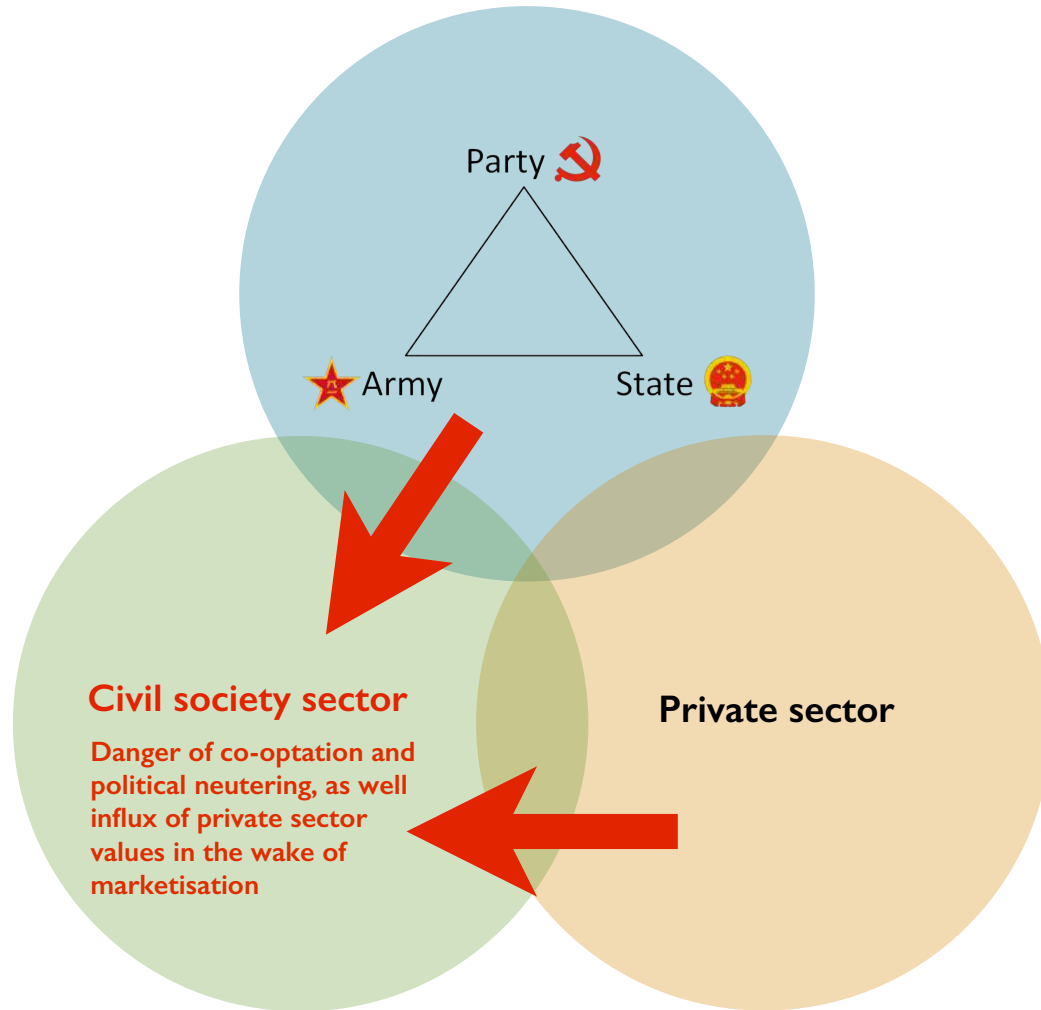
Examples of Chinese CSOs turning to the social enterprise model

Disability NGO	Background
Huiling (1985-)	In 1985, inspired by Mother Teresa, 30-year-old Ms Meng Weina founded Huiling (慧灵), the first private, non-profit-making organization to provide special education in Guangzhou. Huiling's mission is to help mentally-disabled people lead better and more fulfilling lives. (...) Huiling has grown into one of China's biggest disability charity franchises. It employs a staff of 256 workers across 13 different locations in China, including Beijing, Guangzhou and Tianjin, and improves the lives of about a thousand mentally-disabled people aged 16 and above.
Hong Dan Dan (2004-)	Hong Dan Dan (红丹丹) is a Beijing-based educational and cultural exchange centre founded in 2004 by Ms Zheng Xiaojie. It currently employs 15 members of staff and provides services to the visually impaired with a view to improving their quality of life. In addition, Hong Dan Dan educates the public about visual impairment and advocates on behalf of their constituency.
Gift of Hope (2008-)	Meixin Lee (李美鑫), the founder of Gift of Hope, had to overcome severe obstacles throughout her life. As a child she developed a rare disease that was supposed to render her unable to walk or take care of herself for the rest of her life. Refusing to let her disability stop her personal development, she persisted, learnt to cope with her disability and became an advocate and entrepreneur who inspired others. Lee founded Gift of Hope in 2008.



Andreas Fulda, Andrea Lane, Francesco Valente (2015), Disability Groups Turn to the Social Enterprise Model: A New Trajectory?, in: Andreas Fulda (Ed.) (2015), Civil Society Contributions to Policy Innovation in the PR China, Palgrave Macmillan.

Foreign foundations



Civil society sector

Danger of co-optation and political neutering, as well as influx of private sector values in the wake of marketisation

Private sector

Conclusions and policy recommendations

China's civil society sector is characterised by the contradictory trends of CSO professionalisation, marginalisation, co-optation and political neutering, as well as marketisation.

China's controversial Overseas NGO Law is indicative of a global trend of restricting the political space available for civil society in countries as disparate as India, Israel, Russia, Egypt, Ethiopia, Uganda, and Cambodia. It radically alters the terms of engagement with China for foreign NPOs and is intended to be a game changer. Public monitoring of the law can be a first step to continue European civil society cooperation with the PRC.