

Mapping the Chinese NGO Sector

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Mainland China has been experiencing a striking upsurge of non-governmental associational activities in the past thirty years, especially since the mid-1990s. However, because of the high diversity and ambivalence among these new so-called NGOs, it is hard to introduce a western theoretical approach, such as civil society or corporatism to justify the nature of this emerging sector. This paper aims to map out a more mixed and pluralistic picture of the Chinese NGOs than is traditionally described.

What is the current position of NGOs in China? Even fifteen years ago, people used to doubt whether there were “real NGOs” in China, or only GONGOs. Nowadays, NGOs in China – no matter whether they have an international background, are grassroots, formal or informal– have increasing mobilizing capacity and influence on public policy. Certainly, NGOs have won greater autonomy in the past thirty years as the Chinese economy and society have become more and more pluralistic. The progress of NGOs clearly proves the transition of Chinese political and social governance. Does it indicate that a civil society has formed in China? Will NGOs be strong enough to promote the democratization of the People’s Republic of China, or to promote the so-called “small government, big society” reform?

On the other hand, since the Chinese Government has increasingly emphasized social management (shehui guanli, 社会管理) as a way to ease the current social tensions, the cooperation between the state and NGOs has been officially regarded as a part of social management. On February 19, 2011, at the opening session of a Special Seminar on Social Management and Its Innovation for Principal Leading Cadres at the Provincial and Ministerial Level (shengbuji zhuyao lingdao ganbu shehui guanli jiqi chuangxin zhuanli yantaoban, 省部级主要领导干部社会管理及其创新专题研讨班), President Hu Jintao said that “supporting people's organizations” was one of the eight tasks that were important in social management. Some provinces such as Guangdong and Beijing even have introduced a mechanism to outsource social services to NGOs to reform social management two years before. In 2012, the central government also allocated 200 million RMB fiscal budgets to support the social service provision by the NGOs¹.

¹ Ministry of Civil Affairs has established a website for the project. It can be accessed at <http://www.chinanpo.gov.cn/xiangmu/>.

Even though the partnership between the government and people's organizations (including most of the NGOs in China) has been officially recognized to be helpful to China's social management, and as a result, to coordinate various interests, the Chinese government believes that the regulation of these people's organizations, especially NGOs, is also vital to maintain the stability of the society. However, these two aims of social management – partnership with NGOs and their regulation – are to some extent contradictory. In addition, the purpose of many NGOs, especially those advocating “small government, big society”, clashes with the social management plan of Chinese Government.

This paper analyses the complex structure of the NGO sector in China. The historical review of NGOs regulation by the government and the establishment of a partnership with the government is a good angle to understand the contradictions and partnership between the Chinese government and NGOs in China.

Mapping NGOs in China

What exactly the term “non-governmental organizations” (NGOs) refers to in China is as yet unclear. There is no consensus between the official-legal definition and the academic definitions, and even among the different approaches of academic definitions. This is because of the gap between the theoretical researches and the complex and fluid nature of these organizations in China. There is not a clear-cut boundary between state and society in transitional China.

Borrowed from and driven by the western theories, such as civil society theory and corporatism, most of the literature on NGOs in China focuses on the political dimension of state-society relations, especially the political independence of NGOs. Since many of these studies confine the sector to real grassroot NGOs, they conclude that it is only a tiny sector under strong state control and political intervention, particularly through strict registration and regulation.

Nonetheless, due to an indistinct state-society boundary, “the Chinese state speaks with many voices and its bottom line is often unclear”², and under the impact of globalization, marketization, the internet, the ideology of liberalism, and the free movement of labor, etc., China's social space has expanded and social organizations have become more and more active. As a result, the number of registered social organizations (including NGOs) has doubled in the past decades and the unregistered NGOs are developing rapidly and traditional kinship associations are reviving.

Observing the complexity of NGOs in China, Wang and He have built “a simple typology of associative forms of social life based upon the combination of two

² Rachel E. Stern & Kevin J. O'Brien, "Politics at the Boundary: Mixed Signals and the Chinese State," <http://polisci.berkeley.edu/people/faculty/OBrienK/MC2012.pdf>, 2011.

dimensions: their nature can be voluntary or involuntary, and their organization can be formal or informal”³:

		Nature	
		Voluntary	Involuntary
Organization	Formal	Organizations under the jurisdiction of the Ministry of Civil Affairs	Quasi-governmental organizations
	Informal	Grassroots groups Internet groups	[Traditional kinship]

Table 1: A Typology of Associations in China

Formal NGOs

Before 1989, no single government ministry was entrusted to take charge of the registration and regulation of associations. All party/state agencies could approve and take charge of certain types of organizations. Since 1989, the State Council has promulgated the Regulation of the Registration and Administration of Associations (shehui tuanti dengji guanli tiaoli), and entrusted the Ministry of Civil Affairs (MCA) as the sole authority for the registration of associations. With some exceptions⁴, all civil associations must first find an official permission of a party/state agency accepting to be their administrative supervising agency (yewu zhuguan danwei, 业务主管单位), before they can legally register with the MCA or its local bureaus, which thus forms the system of dual regulations (shuangchong guanli, 双重管理). Afterwards, centered on the MCA, a specific registration and administration system of NGOs gradually formed. This process can be described as a transition from “decentralized regulation” (fensan guanli, 分散管理) to “dual regulation”.

In addition, two other principles prescribed in the Regulations restrict the NGOs' development. One is “the non-competition principle” (feijingzheng yuanze, 非竞争原则), that is to say, in the same professional category of certain region, the registration of only one NGO is permitted. The other is “the principle of supervision at different levels”(fenji guanli, 分级管理), which requires the NGO to carry out activities within the region where it originally registered.

In 1998, the State Council amended the new Regulation on the Registration and Administration of Associations and stipulated the Interim Regulation on the Registration and Administration of Private Non-enterprise Unit (PNEU)(minban feiqiye dengji guanli zanxing tiaoli). The State Council changed the name of the MCA's bureau in charge of civil association from Ministerial “Department of Associations”(shetuan si, 社团司) to “National Bureau of Civil Organizations”

³ Wang Shaoguang & He Jianyu, "Associational Revolution in China: Mapping the Landscapes", Korea Observer, Vol.35, No.3 (Autumn 2004), pp: 485-533.

⁴ The registration exemption mainly concerns quasi-governmental organizations.

(NBCO)(guojia minjian zuzhi guanli ju, 国家民间组织管理局), which symbolized the official recognition of the non-governmental nature of the civil organizations. Since then, “civil organizations”(minjian zuzhi,民间组织) is the official name of NGOs in China.⁵ In 2004, the Regulation on Foundations was promulgated.

The legal recognition of new types of civil organizations, such as PNEU and foundations, and the maturity of the registration and administration procedure have undoubtedly contributed to the development of the social organizations in China (Figure 1). As to the new named private non-enterprise unit (PNEU), providers of social services whose purposes are not to maximize profits, their number has soared ever since the stipulation of the Interim Regulation in 1998. Hence, although the amended Regulation on associations first brought about a slump of the number of registered NGOs since it increased the threshold of the initial funds and required administrative supervising agencies to take full responsibility for the conducts of related associations, such a falling trend has been reversed since the turning of this century. The total number of registered civil organizations has increased from below 150 thousands in 1999 to nearly 450 thousands in 2010.

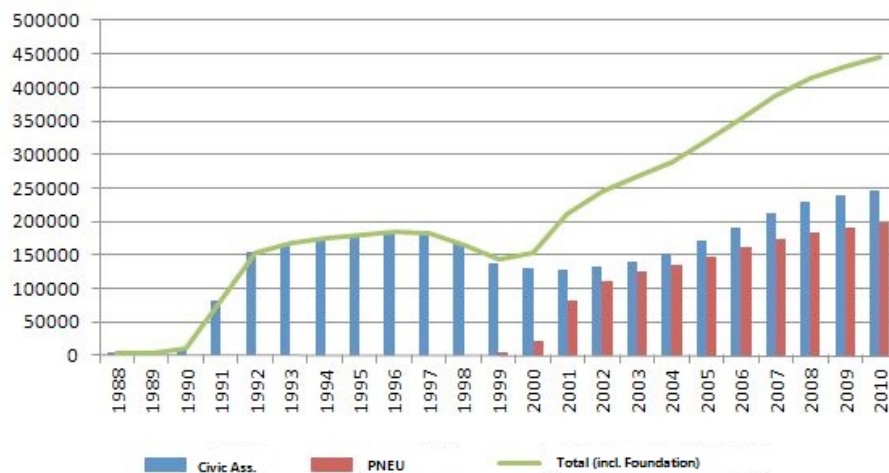


Figure 1: The number of registered social organizations in China⁶

Nowadays, the MCA and local civil affairs authorities at three different levels are in charge of the registration and administration of NGOs in China. The lower the administrative level, the more vulnerable.⁷ The National Bureau of Civil Organizations of MCA has officially divided the social organizations (NGOs) into four broad categories: social organizations, private non-enterprise units (PNEU), foundations, and representative institutions established on mainland China by overseas foundations.⁸ Table 2 shows the number of NGOs registered at the MCA in 2010:

⁵ In the past five years, the term, “civil organizations”, has gradually been replaced by “social organization”. (*shehui zuzhi*, 社会组织) in the party-state official files. But the name of NBCO has not been changed yet.

⁶ *China Statistical Yearbook of Civil Affairs*, 2011.

⁷ Wang Shaoguang & He Jianyu, "Associational Revolution in China: Mapping the Landscapes", 2004.

⁸ <http://mjj.mca.gov.cn/>

Categories	Number
Social organization	245,000
PNEU	198,000
Foundation	2,200
Representative institutions established on mainland China by overseas foundations	11

Table 2: Number of different social organizations in 20109

As for the quasi-governmental organizations, they mainly includes eight categories of mass organizations (renmin tuanti, 人民团体)¹⁰, registration-exempt associations approved by State Council¹¹, and intra-unit associations.

Informal NGOs

In May 2012, Mr. Liguang Li, Minister of Civil Affairs (MCA), said that China would relax its NGO registration rule and allow associations in the fields of business and economic, public interest, charitable, social welfare, and social services to register directly with the civil affairs departments.¹² Such a plan is a response to the public dissatisfaction with the dual management system which had long formed a major hindrance to NGOs' development in China because very few party/state agencies agree to supervise social organizations, particularly those formed at grassroots level.

As a matter of fact, in the past decades, because of the dual regulation, thousands of NGOs are not registered with the MCA. Most of them either register as commercial entities or simply continue their operation without registration at all. Nonetheless, without a legal identity permitted by the MCA, numerous NGOs have not been able to enjoy tax breaks, to apply for government projects or to legally solicit public donations.

In this sense, since China is under rapid transition in most aspects, the current legal framework and institutional restrictions of NGOs obviously cannot reflect the current situation and trends of the changing society and varying policies. Figure 2 is a general description of the actual registration landscape of NGOs in China.

⁹ Statistics Report on National Social Service Development (2010).

¹⁰ All mass organizations are umbrella organizations, each of which has thousands of branches and subsidiaries and millions of members throughout the country, for example, Trade Unions have 1,713,000 grassroots groups.

¹¹ There are 25 social organizations that are exempt from registrations with MCA by the State Council (e.g., the China Writers Association or the All-China Journalism Association).

¹² These NGOs can directly register with the Civil Affairs office, and are not required to "find a professional supervising unit". But they still need the help of the Civil Affairs administration to find a professional supervising unit in addition to registering with the Civil Affairs administration. Moreover, for some charity organizations, the Civil Affairs administration itself can serve as the supervising agency.

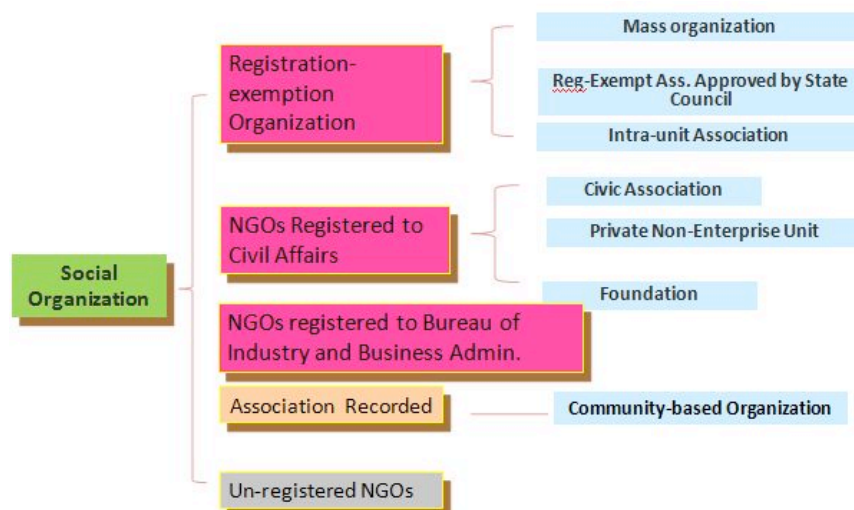


Figure 2: Different legal status of NGOs in China

As Figure 2 shows, there is a co-existence of NGOs registered with the MCA, NGOs registered with Bureau of Industry and Business Administration, associations recorded (community-based organizations), and a huge number of non-registered NGOs.

Among them, the community-based organizations refer to the grassroots NGOs below the county level, especially those operating within enterprises, government agencies, schools, urban neighborhoods, rural townships and villages etc., which do not have to register with the MCA according to the Regulations. Even though grassroots NGOs such as students' associations at college campuses, book discussion clubs, choral societies, hiking clubs, amateur sports clubs, literary circles, etc., are very active in Chinese associational life, they have long been ignored by the official documents and statistics because their operation scope is relatively limited to specific small regions or local social groups.

Besides the NGOs with physical existence, Internet groups are of increasing importance. Interaction between members is both the main cause and function of association. Internet forum provides a general community structure around which users can gather and interact. Any individual who frequents an internet forum or online community can be considered a member of virtual association, simply by their attendance. By the end of June 2012, China had more than 538 million Internet users and over 388 million mobile Internet users¹³. According to CNNIC report, the Chinese Internet users enjoy various Internet communication tools and form their communities based on different interests. Bulletin boards on portals or elsewhere, chat rooms, instant messaging groups (445 million), blogs (353 million) and micro-blogs (274 million) are very active, while photo-sharing and social networking sites (251 million)

¹³ Cited from the 30th Statistical Report on Internet Development by China Internet Network Information Center (CNNIC), http://www.cnnic.net.cn/hlwfzyj/hlwxzbg/hlwtjbg/201207/t20120723_32497.htm (accessed on 2 Oct, 2012)

are growing rapidly.

As a case, Tianya Club (www.tianya.cn), one of the largest and most comprehensive and active online forum, has now more 74 million registered users and there are always more than 70,000 online visitors simultaneously¹⁴. In some famous collective protests or public events, these kind of Internet associations has shown great potential for social mobilization and collective action. In some cases, virtual associations in the cyberspace will be transformed into associations in the real world, such as the Cornfield Education Foundation (www.mowo.cn). Cornfield was initiated by several netcitizens, who have not met each other in the real world, in 2005. It is now one of the most famous operational education foundations in China. It has mobilized more than 17 million RMB donations and has now more 6,000 volunteers from 21 provincial units. The impact of Internet on the associational life of the Chinese people should not be ignored.

It is all these quite different types of organizations that compose the NGO sector in China. Based on the observation of only one part of the comprehensive picture, the justification or theorization might be biased - for instance, the prevailing civil society theory inspired both the academic and practical interests in the research of Chinese NGOs in early 1990s. Specialists have debated for nearly twenty years whether the civil society could be formed in transitional China. This mixed and plural sector is bound to impact on the mixed nature of the state-society relations in China.

Partnership between Chinese Government and NGOs in China

Under transformation from a revolutionary party to a governing party, the CCP has gradually changed its attitudes towards NGOs. Since development – economic and social – has become the legitimacy basis of the CCP, NGOs are no longer simply regarded as a potential threat, but also as a possible partner for social management and “maintaining stability” (weiwen, 维稳).

The 17th Party Congress (2007) report of the CCP includes the self-organized social organizations in the scope of “the political system with Chinese characteristics”, for the first time. Moreover, it allows these organizations to expand public participation, to promote the positive functions of things with popular appeal, and to strengthen society’s ability to govern itself. Since then, the CCP and the Chinese government, which had previously emphasized control, have begun to put more emphasis on nurturing and support of the NGOs.

It is true that sharp social tensions make the need for a partnership between the government and NGOs particularly acute. Nevertheless, it does not necessarily mean that all NGOs in China will gain autonomy at once. The legal status of the vast

¹⁴ In 2003, the number of the registered users was just more than 1 million, see also Wang Shaoguang & He Jianyu, "Associational Revolution in China: Mapping the Landscapes", 2004.

majority of unregistered or commercially registered NGOs is still unclear. The official support and resources still tend to go to “qualified” NGOs, which mainly refers to those registered with the Civil Affairs Administration. Therefore, two main aspects help understand the current situation of Chinese NGOs: the common need for a mature and well-organized civil society and the gradual and relatively slow reform of the registration and regulation system of NGOs.

Partnership in Social Management

In a speech given in February 2011, President Hu Jintao pointed out that China is now in a strategically important developmental phase where social tensions are magnified and many problems still exist in the field of social management. In July 2011, the CCP introduced the “Central Committee and State Council Opinions on Enhancing and Innovating Social Management”(zhonggong zhongyang guowuyuan guanyu jiaqiang he chuangxin shehui guanli de yijian), which is the first official document produced by the Chinese government on social management innovation. This document officially expands the space for NGOs. It proposes to form a public service provision mechanism which would be government-led but with wide ranging participation by NGOs and other public service units.

Chinese society as a whole is under rapid modernization, and in this context many people are suffering from social risk. On the one hand, Chinese people are more and more independent from their family and work unit (employer) because traditional social structure and social organizations are being disintegrated by modernization. But at the same time, such liberty is won at the cost of being more and more dependent on society. Hence, the more independent but lonely modern Chinese people have an increasing demand for association. The rapid expansion of Internet communication tools is an example of such demand. Being networking organizations, NGOs are important social capital entities. As a public good, such a kind of social capital can benefit both their members and the society. Besides, the market economy is very active in China now. The development of guilds and chamber of commerce is rapid and ubiquitous. As a result, the social transition of modernization can be seen as the main cause of association in China.

On the other hand, social conflicts and public crises endlessly arise in modern China. Although we cannot only ascribe all these social conflicts to the current Chinese system, it is widely recognized that, in China, trust as an important social capital is in crisis. The past years’ experience has proved that the traditional state-led mode can no longer function well enough to reconstruct social trust. Instead, diverse cooperative governance would be more effective. NGOs, because of the mutual trust relation among their members, could better relieve social tension and balance social interests within a given social group. Voluntarily established and organized NGOs, with an interactive relationship with the government, could form an important part of such cooperative governance.

Moreover, the rapid development of the Chinese economy and society is demanding an improving and diversified public service. Nonetheless, the current public service provided by the government can hardly fulfill such an increasing requirement. A huge number of NGOs in China aim at filling up the vacancy of public service in certain aspects, for example, environmental protection, assistance to weak groups, public health, etc. The diversity of NGOs helps them to meet diversified social needs. In addition, for those who are indifferent to political participation, NGOs can stimulate desires of public participation in various forms. That is to say, NGOs promote public participation and can thus be helpful to resolve problems of social exclusion. This is yet another reason for cooperation between Chinese Government and NGOs in China.

All the above points illustrate that the attitude of the Chinese party-state toward the NGOs has changed greatly from onefold political control to more balanced consideration. Chinese scholars Kang and Han have shown that Chinese NGOs are managed by “a system of graduated control”: “the state, in its own interests, exerts various control strategies over different types of social organizations according to the capacities of the social organizations to challenge the state and the value of the public goods they provide.”¹⁵ Mr. Weilin Sun, the head of NBCO, writes that there are three different strategic ideas on the administration of NGOs in China: development-oriented strategy, control-oriented strategy, and regulation-oriented strategy. These three interacting strategic ideas have driven institutional changes and development of NGOs.¹⁶

Mixed, Pluralistic & Ambivalent

This state-led mode of development has been quite successful in China. As a matter of fact, the role the State can play in future China has never been ascertained: “top-down” with an active State, or “bottom-up” through market economy or NGOs. Although a lot of studies have indicated that neither “top-down” nor “bottom-up” efforts are sufficient for broad-based development, how to realize the cooperative governance and relative autonomy of each is still in question. Therefore, NGOs in China are “mixed, pluralistic and ambivalent”.

Firstly, NGOs in China present a mixture of autonomy and dependence. Early in 1990s, Bingyao Sun and other scholars showed that NGOs in China had the duality of being both official and civil: many NGOs are associations with strong official color, many others are pure civil ones, and quite a number of NGOs are being both official and civil¹⁷. Accordingly, Yiyi Lu distinguishes independence from autonomy of

¹⁵ Kang Xiaoguang & Han Heng, "Graduated Controls: The State-Society Relationship in Contemporary China", *Modern China*, Volume 34, No.1(Jan 1, 2008), pp. 36-55.

¹⁶ Wang Ming & Sun Weilin, "Social Organization Management System: Internal Logic and Developing Trend", *Chinese Public Administration*, Vol. 313, No. 7 (2011), pp. 16-19.

¹⁷ Sun Bingyao, "On the Duality of 'Official-Civil' Nature of Chinese Civic Associations"[*Zhongguo Shehuiwanti*

NGOs in China¹⁸. She comments that registered NGOs are a unity of structural dependence and functional autonomy: they are dependent on government as to the registration and institutional framework; while they enjoy high autonomy during their actual operation. Structurally, because of the existence of the supervising agency, the leaders of registered NGOs are always appointed or approved by the government, and there are formal or informal organizational and personal links between them. But in most cases, there are no specific offices and even no specific officials in the supervising agencies to implement the duties of supervision of relevant NGOs. And the resources do not come from the supervising agencies. Consequently, most of the registered NGOs have both operational and functional autonomy even in key agenda-setting and decision-making processes.

Secondly, NGOs in China present an ambivalent nature of profit and non-profit organizations. Legally and theoretically speaking, NGOs should strictly be non-profit. Nonetheless, the distinction between profit and non-profit is unclear in the actual registration process. A lot of registered PNEU actually are for profit.

Finally, NGOs in China are both formal and informal. According to the regulations and duties assigned to the Ministry of Civil Affairs by the state council, the MCA and its local bureaus assume the duties of registration, control and development of NGOs, especially registered NGOs. But the number of unregistered NGOs is now much larger than that of their registered counterparts, as mentioned before. These informal organizations play a more and more active and important role in both the provision of social services and the social mobilization. The MCA and its local bureaus have to explore how to interact with these informal organizations. Some local actors, such as Qingdao in 2002 and Nanjing in 2005 at first and many other cities later on, have established a recording system as an easy registration procedure for these informal organizations. In some sense, the acceptance of informal grassroots NGOs expands the space of social innovation and creates new possibilities for change.

To conclude, this paper maps a quite mixed, pluralistic and even ambivalent landscape of Chinese NGOs, a complex sector that the Chinese government is now interacting and coping with. It is still hard to say that a robust civil society has been formed in China based on this mixed picture. The government has shown tolerance towards NGOs, although it has remained very cautious about the political challenges that these new types of organizations might bring. However, it should also be kept in mind that political control by the state and resistance from the NGOs are only one dimension of the state and society relations in China. This mixed and pluralistic map shows that the Chinese government is busy learning through such interactions with different NGOs, and that it shows great adaptability to social change.

Published in Books & Ideas.net 19 November 2012. [©booksandideas.net](http://booksandideas.net)

Guanmin Erchongxing Wenti], *China Quarterly of Social Sciences (Hong Kong)*, Iss.6 (Feb. 1994): 17-23.

¹⁸ Lu Yiyi, *Non-Governmental Organizations in China*, Abingdon UK: Routledge, 2009.