

Political and Regulatory Framework for NGO activities in the P.R. China

Dr. habil. Berthold Kuhn

Professor Adjunct (PD), Faculty of Political
and Social Sciences, FU Berlin

berthold.kuhn@t-online.de

Berthold.Kuhn@bmz.bund.de

Content of the Presentation

- (1) Conceptualisation of civil society/NGOs
- (2) Structure of civil society/NGO landscape
- (3) Laws and regulatory framework
- (4) International cooperation
- (5) Conclusions and „windows of opportunities“

Key Characteristics, Features and Trends of Civil Society in the P.R. China

- Old and new elements of discourse co-exist with regard to people's participation: „masses“ and „citizens“.
- Civil society in the P.R. China may be regarded as a „nascent civil society within a transforming environment“ (Civicus, CSI)
- The NGO sector is growing in numbers and variety of organisations despite a rather restrictive regulatory environment.
- Social service oriented NGOs and environmental groups have increased their scope; advocacy groups face more difficulties.
- The NGO landscape consists of mainly „GONGOs“ (Government organised NGOs) and small „grassroots NGOs“, there are only a few independent middle size NGOs.
- Topics of development cooperation relevant to NGO development: legal advice and cooperation, NGO capacity development, NGO evaluation and certification, Corporate Social Responsibility (CSR)

Civil Society Discourse: Definitions and Perspectives

Sphere of social associations, separate from the state, the market and the family that brings citizens together for diverse forms of social action and interaction

CIVICUS defines *civil society* as

- the sphere or arena, outside of the family, the state and the market where people associate to advance common interests
- Associational ecology (Michael Edwards), rejecting the notion of sharp boundaries

Diversity of associational life may be compared to 'ecosystems', grass-roots groups, non-profit intermediaries and membership associations

Important reference website: www.civicus.org

NGOs: Criteria and Functions

- organized,
- private (institutionally separate from government),
- non-profit distributing,
- non-political partisan,
- self-governing,
- voluntary
- service-provider role
- advocacy role
- innovator role
- accountability tole
- value-guardian role

Ref.: CSI Heidelberg

Classification of NGOs

Legal classification:

- associations, foundations, non-profit enterprises, trusts
- Public benefit, mutual benefit NGOs

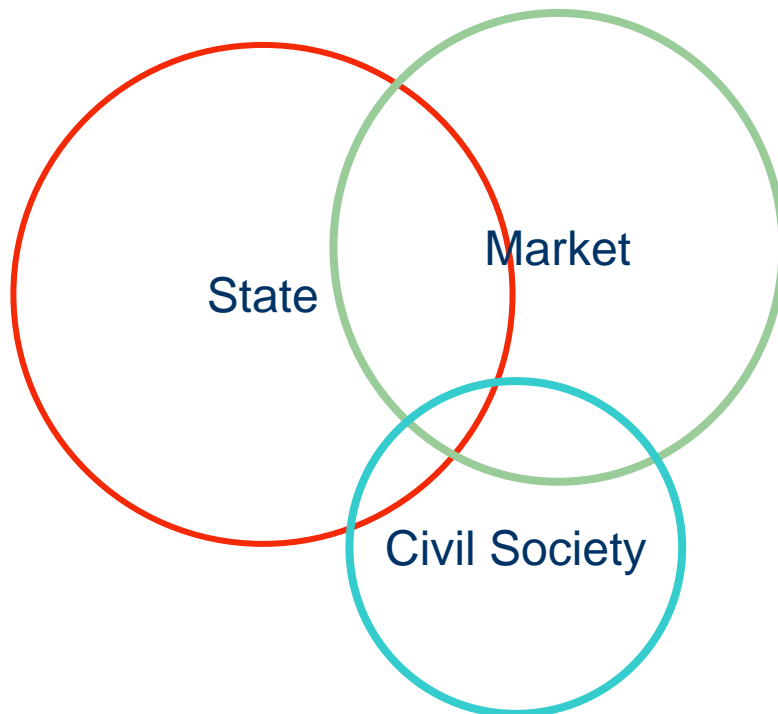
Political Science classifications:

- service provider and advocacy groups

Other classifications:

- sector wise (environment, health, education), outreach (international, national, local), size, themes/topics, target groups.

State, Market and Civil Society



Organizational Principles

- Political Power and Hierarchy
- Profit seeking contractual transactions
- Solidarity

Political Science Concepts

- principle of subsidiarity
- multi-level and multi stakeholder governance
- comparative institutional advantages

Comparative Advantages of NGOs



- Access
- Agenda Setting
- Cross-national
- Empowerment
- Experiments
- Flexibility
- Fundraising
- Innovation
- Mobilisation
- Participation
- Sustainability
- Volunteers

Types of NGOs in the P.R. China

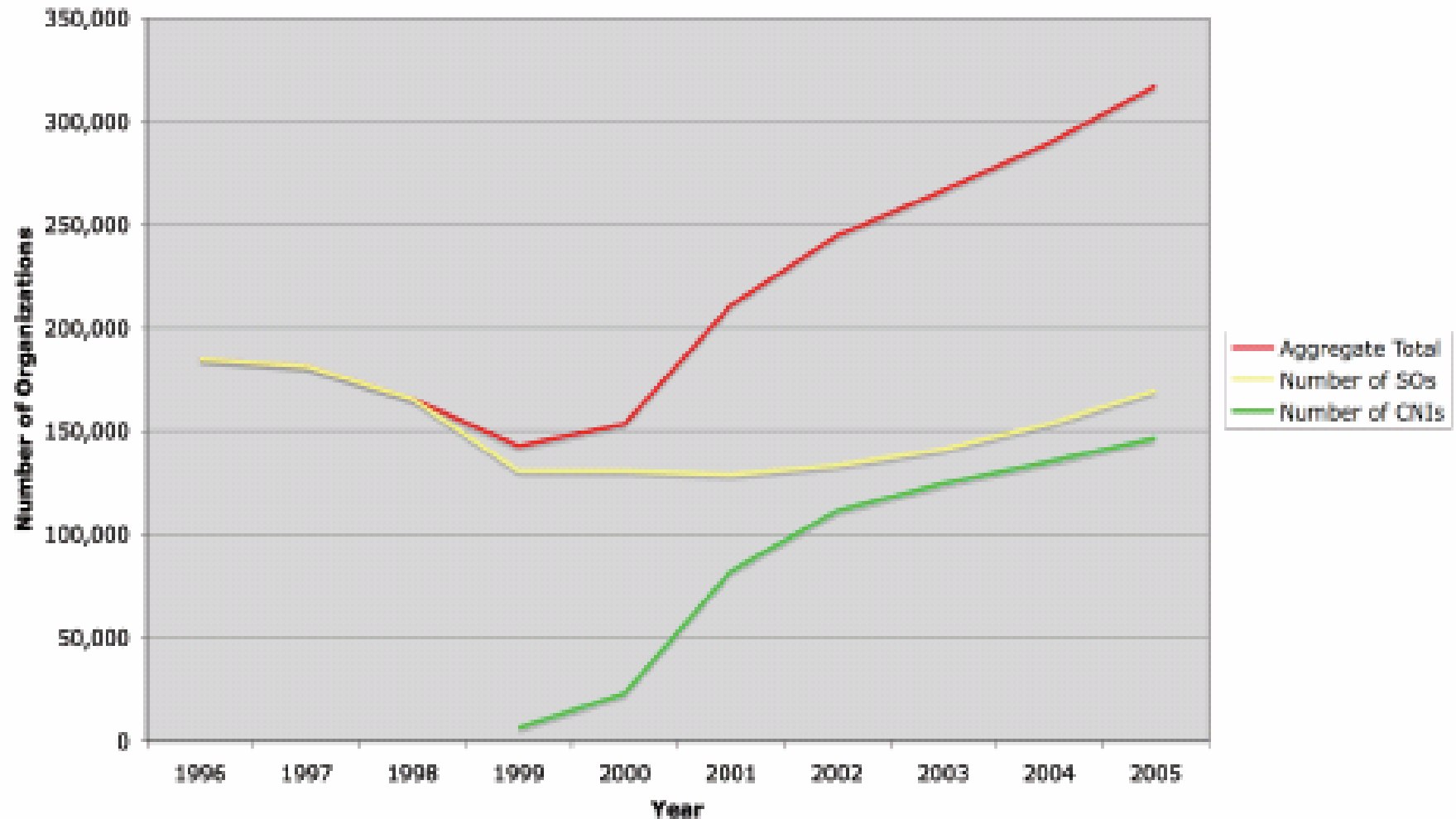
- The mass organizations
- GONGOs, including some major foundations
- Service-based NGOs
- Independent Foundations
- Research or study associations
- Business associations
- Issue-based groups
- Rural associations
- Grass roots groups

Main Sectors/Activities of NGOs in the P.R. China

- Professional Associations
- Education: innovative quality services
- Environment: service, awareness, expertise, dialogue
- Health, HIV-Aids (Global Fund): services and awareness
- Disabled People: services, advocacy
- Services for elderly, children, minorities

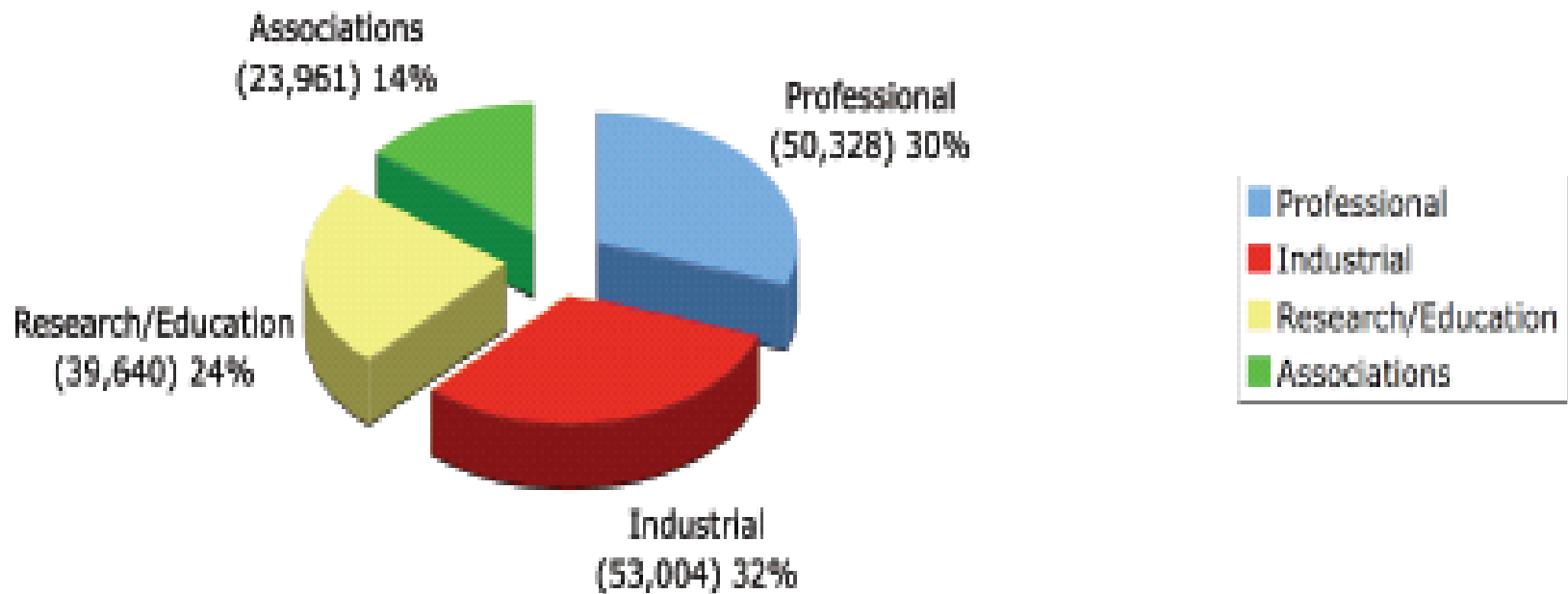
4. GROWTH & COMPOSITION OF NPOs, SOs & CNIs

Figure 1 Number of SOs, CNIs and Their Aggregate Total Between 1996-2005



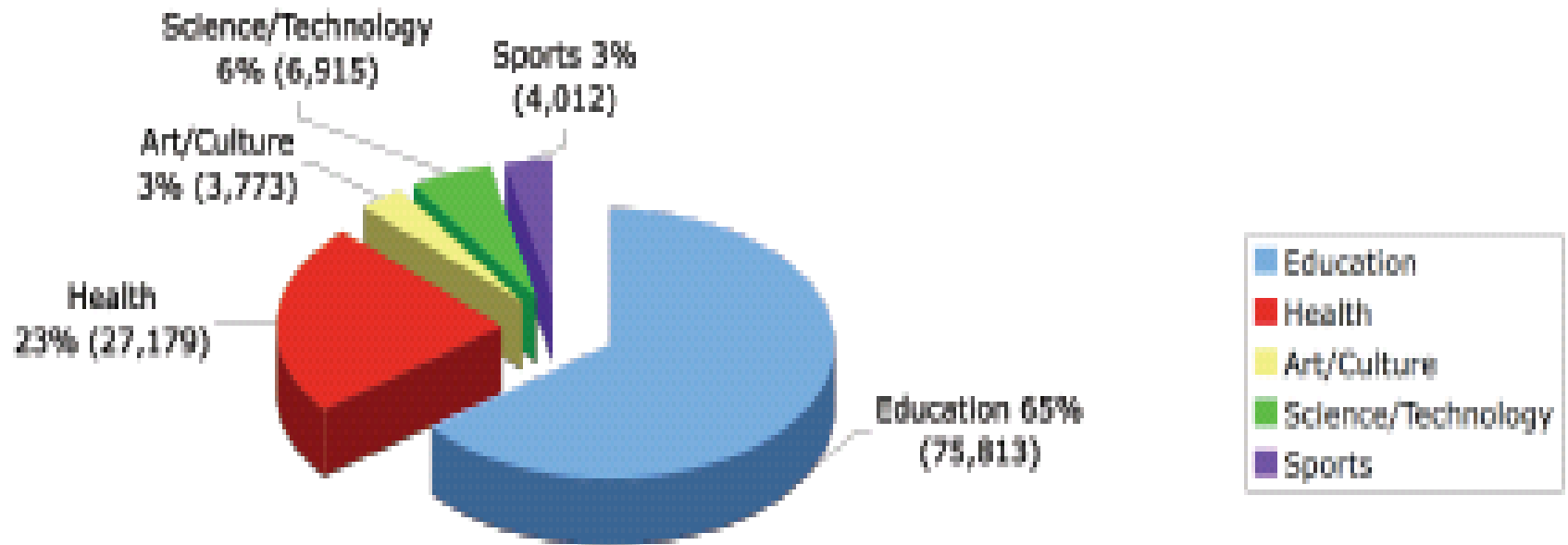
Source: Kaur IJCSL 4/2006

Composition of Social Organizations (2005)



Source MOFCOM (2005), Kaur, IJCSL 4/2006

Composition of Non Profit Enterprises /Civil Non Enterprise Institutions (2005)



Laws and Regulations

- Provisional Regulation for Social Organisations (1998), membership based
- Provisional Regulation for Foundations (2004), asset/endowment based
- Provisional Regulation for non-commercial enterprises (1998)*, management of social sectors
- Draft Charity Law, Public Welfare Donation Law, Trust Law, Enterprise Income Tax Law
- *non-profit distributing constraint less pronounced

Registration of NGOs in the P.R. China

- Approval of supervisory organization (zhuguan bumen), Bürgschaftsorganisation, “mother in law”, z.B. Briefmarkenverband über Post angemeldet.
- Compliance with state policy
- Monopoly of representation
- Specifically defined geographical scope
- Ban on regional chapters
- Show minimum membership and capital