

How European NGOs cope with Chinese International NGO Law – Experiences of European NGOs

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Chengdu, 03-05.08.2018



European Perspective and Intercultural Communication: Some Reflections

➤ Start: Reflection about my perspective from intercultural perspective:

❖ Paradox

➤ We all are located and speak from a bounded position

- Following analysis is **my truth; my perspective: European**

➤ At the same time: **truth is shared and can be checked + debated transnationally**

➤ I want to enter or stay into dialogue with a mixed audience, Chinese and European

- And want to share and test my truth in a critical dialogue with you



Introduction: Reflection

How to address contentious issues in intercultural cooperation

- As a matter of fact **uneven development**: China + Europe have had different historical trajectories and experiences, political systems and geopolitical interests
- This means: different perspectives and valuations + a big potential of misunderstanding, divergent interests and conflict
- It is task of civil societies to clarify misunderstandings, to counter prejudices, to create partially shared narratives, to prevent and moderate conflicts, to cooperate on global common goods projects, to enhance joint solutions
- This task is difficult as it means to respect our differences but also to address our differences and disagreements to bridge them
- Sometimes **our role: early warning system!** This is the case today!
- I am well aware that the Chinese culture prefers not to address disagreement in an open way
- Therefore I will propose some rules facilitating respectful debate



Conditions + Rules of (our) Intercultural Exchange: and the Advantage of a Different Perspective

- ❖ **Rules:** emotional inclusion, respect, overlapping values
- **Connected by emotional inclusion** (trust) by our history of cooperation
- Shared commitments and references: international **values embodied in global treaties + overlapping idea of sustainable development**
- **Moral obligation to truth:** All of us should be addicted to truth (Deng/Havel) – no fake news, no propaganda
- **Intercultural empathy: Taking stands, not sides:** Our positions: open, bridging space, no garrison – we are partners, no enemies
- Respect for different perspectives + dissense:
- You can enter into dialogue with my perspective, add your perspective, question me, make distinctions, contradict me
- *Without meaningful dialogue: misunderstanding, hidden agendas, threats and fear, confrontation, power plays and finally war*



Monitoring China's International NGO Law: A European Perspective

Note:

- This is an analysis based on field interviews
- In general presentation of views of European NGOs, not mine
- Where I interpret these, I will notify you



Monitoring China's International NGO Law: A European Perspective

- Mandated by Ford Foundation
- Composition of Project Group
 - Team Leader: Andreas Fulda, Nottingham University
 - Nicola MacBean, Rights Practice, a British NGO
 - Patrick Schröder, Institute for Development Studies, Sussex, Britain
 - Horst Fabian, independent researcher/consultant – in cooperation with BBE, the German umbrella organization of all German NGOs
- **Publishing platforms:**
 - Asia Dialogue, Nottingham University / ChinaFile, NGO project:
 - Hopefully: exchange with parallel Chinese research group at end of the year
 - Scope of research: Interviews with 24 European NGOs
 - Regional selectiveness: just a few European civil societies are engaged with China (unfortunately no East European NGO)



Diversity of European NGOs:

Different profiles - diverse impact -overlapping experiences

- Diverse profiles, positioning, diverse strategies (goals + focus, different partners, different arenas):
 - Some are focused more on developmental issues in China
 - Some are cooperating mainly with grassroots
 - Several facilitate dialogue programs
 - some facilitate European strategic debates on European platforms

- Variable impact of the Law according to different strategies:
 - Those working on strategic European interests or with grassroots (?till now) are less affected
 - In climate sector European and Chinese interests are still aligned
 - Exchange and dialogue programs have become less meaningful as often free speech is impossible for Chinese participants
 - As a rule INGO Law has not been applied to NGOs active in EU - China science cooperation, and recently sports cooperation
- Nevertheless: 1. Different positions mean different options to handle the Law - *not: no restrictions*



Histories of China Engagement: Take-off around 2000

Duration: Most rather long China engagement

- Many: 20 - 30 years
- All at least a decade

Timing and Dynamics:

- Early entry: Long-term engagement with clear commitment to support fight against poverty
 - Latest entry: foundation to facilitate German, European strategies in context of China's rise
- **China engagement took off after 2000 in response to Chinese civil society boom**



Experience of EU – China Civil Society Cooperation prior to the INGO Law



Main Results of the Interviews

Here an overview of the main results reflected in the structure of the following analysis:

- All confirmed that there was a more liberal phase of CS cooperation with China: more open, more horizontal, more meaningful dialogues
 - There were different positioning, profiles but all agreed that the INGO Law is a barrier and a setback for meaningful cooperation
 - Registration under the new Law was burdensome, slow, uneven, selective with many NGOs not registered (willing- or unwillingly)
 - Low level of activities because of more administrative efforts, uncertainty and less engagement and risk avoidance of partners
 - Former partner and trust networks have been largely eroded and substituted by state control hierarchies led by MPS
 - Dialogues have become less meaningful
- For sure, there are exceptions. Look at us. But we cannot ignore the general experiences



Prior CS cooperation: More liberal Framework: Open, Meaningful Dialogues within Trust Networks

- **Common experience:** Nearly all interview partners agreed that before the INGO Law cooperation was more liberal, more open, more trustful, more meaningful, more diverse + more effective:
 - Fewer and well-known Chinese red lines
 - Low registration barriers: Chinese solutions available
 - Freer choice of partners, including grassroots
 - Partners were open, interested, supportive because there were benefits: learning, networks, money (MS not involved)
 - Facilitating, supportive NGO platform
 - Development of trust networks based on reciprocity
 - Partially shared narratives referring to international agreements and standards
 - Tolerance of diversity and debate within limits = meaningful dialogues



Pragmatic Reasons for More Liberal Setting in China facilitating CS Cooperation

Developmental and political setting before 2012 and obvious Chinese stakes and benefits in cooperation:

- Chinese NGOs at beginning of learning curve: eager to learn
 - Strong interest in poverty reduction supported by NGOs/civil society more effective
 - No internationalization of Chinese CS: promoted by INGOs
 - CS cooperation contributed to international recognition of China
- **These are some pragmatic reasons for a more liberal, facilitating access structure**



After INGO Law



Registration under the New Law: European Experiences

Registration under the new Law was slow, uneven, selective/partial

- 2017 for some transition period with flexible Chinese solutions. Real test in 2018 - for some already near paralysis
- Registration was rather slow and uneven
 - For a few registration was rather easy: economic + technological associations, overseas Chinese
 - For those engaged in contentious policy fields (rights and human rights, HIV/AIDS, autonomous feminism, etc.) high barriers=lowNrs.
- Partial: Only a minor fraction of the number of about 7000 INGOs (Chinese numbers) registered: **300 Representative Offices; about 800 for temporary activities**
- Selective: Issues with least registration: Labor, migrants, energy (?), ethnic affairs, religion, LGBT issues, Human Rights (last!)
- ❖ Reasons: Change of political responsibility: 1.MOCA to Security: security logic; 2. New Professional Service Units (PSU) = all state agencies, late regulatory framework (Guidelines, etc.), low level of information and engagement of PSUs



Impacts of INGO Law: Summary of some General Trends

- Less INGOs active in China
- Low level of activity: uncertainty, no incentives, fear of sanctions
- Much higher administrative costs as disincentive
- Erosion of more open, horizontal, inclusive trust networks substituted by state security-controlled, hierarchical networks:
- Dialogues have become less meaningful because of politically ordered framing: ban on dialogue with Western ideas
- Heavy doubt, if projects still meet standards of sustainable transformation projects: transparency, public participation + advocacy, etc.
- ❖ **But: there is no closed space – sectoral exceptions – some protected spaces – grey zones - loopholes**
- ❖ **Law aims to deter - Deterrence only works with fear**



Impact of INGO Law (1): Low, Less Engaged and Lively, Risk Avoidance Cooperation Activities

- Low level of activity with less engagement of PSUs:
 - Already during the last year before the Law there was a period of paralysis because of uncertainty and fear of sanctions
 - after the Law Chinese partners were even more insecure, reluctant to take risks.
 - Often PSU partners (all were state institutions without prior engagement with CS) did not match or were not really interested
 - For some NGOs new PSUs were created without matching the former and needed affinity of engagement
- ❖ Climate politics is the only field where European and Chinese interests are still aligned
 - Even here severe doubts: Is there still a shared understanding of project design based international sustainability standards including democratic buildings blocs (transparency, public advocacy, public participation and monitoring, etc.).



Impact of Law (2): Substitution of former Partner Trust Networks by State Control Hierarchies

- Nearly two decades of cooperation had established more or less horizontal, trust networks: free „marriages“, based on shared interests, narratives + trust, spaces of free exchange + for social innovation
 - European perception: Law and its implementation was designed to destroy these trust networks
- Lead agency: Ministry of State Security instead of MOCA – part of security strategy – security logic of the Law (general clauses)
- All PSUs = state agencies with no experience, no affinity, no interest, no incentive to support civil society cooperation
- Former NGO platforms were excluded as PSUs
- No incentive for PSUs: more work load without any benefits (manpower, greater budget, etc.)
 - **Some even spoke verbatim of the „poisoning of atmosphere of cooperation.“**



Impact of the Law (3): Less Meaningful Dialogues

➤ **Less meaningful dialogues because of**

- Chinese proposals for conferences often were dictated not by international public good issues but by exclusive Chinese priorities
- Strong presence of official participants without competencies and engagement
- Often mechanic reproduction of official Xi Jinping statements
- Other participants no longer dared to speak out



Strategic Options and Responses of European NGOs



Reasons to continue CS cooperation with China in difficult times: Fundamental and Strategic

❖ **Fundamental reasons: State of globalization**

- Global public goods need joint action + inclusion of civil society
- In a globalized world there is both: **cooperation and competition**

❖ **Reasons of relationship and strategy**

- Shrinking spaces of cooperation, no closed space
- Obligation to long-term partners and friends
- Conserving the legacy / Saving the social capital of two decades of trustful and fruitful cooperation
- Belief in strength of European political values / culture: fostering innovation, civilizing of politics, international peace

- ❖ Our evaluation : China's **innovation economy** (China 2025) **needs different culture and society**: culture of enlightenment, tolerance for innovative views, horizontal two-way networking, open information flows (= Liu Yadong, Science + Tech. Daily: "China lacks scientific spirit")



Red Lines Forcing Outmigration in European Perception

- If European NGOs would be misused for financing Chinese social services without any know-how transfer and co-ownership of design of projects
- If dialogue formats would become even less meaningful
- If costs would become prohibitive (in some cases tenfold)
- If high administrative efforts would absorb too much time or if there would be scarce results
- Some said: if cooperation with marginalized groups, semi-autonomous NGOs or on critical issues (HIV/AIDS, human rights, etc.) would be obstructed
- ❖ *If one or several of these red lines would be crossed, then out-migration*



Strategic Options Discussed by European NGOs

- *Externalization of cooperation to Europe easy for some NGOs* (foundation focussing on European strategic debates)
- *Difficult* for political foundations as regulatory rules do not allow: financing of dialogues in Europe, core funding of NGOs, etc..
- Often: *Sidestepping* mainland China in Hongkong
- *Circumventing* high admin. efforts / costs and control by financing grassroots based on registration via temporary activities: *Viable???*
- *Selection of few trustful partnerships* with strategic partners in trust networks
- Developing *new business models* beyond aid based on *reciprocity of interests*
- *Sectoral strategies of aligned interests*: climate politics

These are some first possible inventive measures to continue CS coop. with China under restrictive conditions



Conclusions

- In perception of European NGOs severe restrictions of dialogue and cooperation in terms of sectors, issues, norms + atmosphere of cooperation
 - Nevertheless: no totally closed spaces (as CIVICUS suggests)
- As the Chinese state is promoting its agenda, values and norms European actors, states and citizens are forced to reconsider how to sustain and promote our values and norms, most of them embodied in global agreements (Human Rights Agreement)
 - Shrinking spaces are only one aspect
 - UN Human Rights (HR) standards and procedures another very important aspect (China has its HR tradition + signed the HR Convention)
- ❖ European actors - state, civil society, business - have heard the wake-up call and are in midst of a strategic debate how to respond



China Challenge from a Civil Society Perspective: How to respond to the new hard authoritarianism and export of its authoritarian development model?



INGO Law - Part of a Larger, more Complex Picture and Trend

- The INGO Law is part of a general shift towards a hard authoritarianism repressing intercultural dialogue with democratic ideas - starting in 2009, accelerating in 2013 (Doc. No. 9)
- On 19. Party Congress China has launched a new wave of international systemic competition: state- and infrastructure-led, authoritarian development versus Western development model based on citizen rights + democratic values (See critique of binary argument)
- **At the same time:** China's developmental transformation (China 2025) create in China more contentious issues (civil society, rights of all kinds; an enlightened innovation culture with free, open information systems, free speech, autonomy of decentralized economic units)
- ❖ **The terms (!) of the rise of China, its challenges and threats forces an ongoing political-strategic reconsideration of European governments, businesses and civil society**



European response to China's systemic competition: Strategic challenges from a civil society perspective

- Building strategic political alliances without being instrumentalized by our governments
- Respecting intercultural differences and at the same time questioning authoritarian norms and disrespect for agreed upon global human right standards
- Challenging the Chinese development model + its authoritarian values **without supporting a discourse of political hostility** (we are partners and competitors, not enemies)
 - By reflecting the different historical trajectories
 - By acknowledging and learning from strengths of Chinese development model (e. g. relevance of scale, infrastructure)
 - By understanding + respecting that the process, the sequence, the ways of democratization and the model of democracy have to be internal, national decisions
- **The right strategic options for Europe are neither appeasement nor containment but integration of China in a resilient international liberal order (Human Rights Convention, WTO),**



Our Strategic Proposal
from a Civil Society Perspective:
Civil Society Cooperation as Institutional Building
Block of EU – China Cooperation



Strategic Proposal: Institutionalizing Civil Society Cooperation as Cornerstone of EU – China

- Up to now: **People-to-People Dialogues**: elitist, bias towards officials, low citizen participation, pre-arranged, hierarchical, top-down
 - This is a **caricature** of free, horizontal **citizen dialogue** – a fake
 - ❖ **Our proposition:**
 - **Institutionalization** of civil society cooperation in EU – China cooperation architecture
 - **Systemic Inclusion of civil society cooperation** in all sectoral dialogues where it does make sense (enhances social change, support, effectivity)
 - Cooperation has to be pragmatic but must include **reflection on our different cultural traditions** for two reasons:
 - 1. Global conventions embodying shared values
 - 2. China launched a systemic competition based on the exclusion of Western, democratic ideas – An absolute No-Go: ideas cannot be ordered
 - ❖ **We need an open, comprehensive citizen dialogue across civilizations**



Key Design Principles of EU – China Citizen Dialogue

- Trust in people – rejection of exclusive elite politics
- Freedom of speech – a precondition of any authentic, effective dialogue
- Accepting and reflecting cultural differences – without giving up shared, universal values
- Tolerating intercultural ambiguities and developing + practicing methods of voice disagreement (supported by professional facilitators)
- Both sides displaying „emotional inclusiveness“: Debating and disagreeing but paying respect and maintaining trust

