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The “Guangdong model”: Towards real NGOs?

Analysis by Jérôme Doyon based on:

- Wang Jing, ⁽¹⁾ “Guangdong’s civil society organisations get a freer hand,” *Xin Shiji – New Century*, no. 479, December 2011.
- Deng Xinjian, ⁽²⁾ “Process of separating civil society organisations from civil administration and the relaxation of controls in Guangdong,” *Fazhi Ribao – Legal Daily*, 28 November 2011.
- Xiao Han, ⁽³⁾ “From controls to freedom,” *Xin Shiji – New Century*, no. 479, December 2011.

The Guangdong provincial government’s publication of new measures for managing civil society organisations ⁽⁴⁾ was overshadowed in media reports by the unrest in Wukan Village in mid-December 2011. The resolution of that crisis received praise in *People’s Daily*, ⁽⁵⁾ as well as from the regime’s reformist faction. ⁽⁶⁾ The new measures are a foretaste of what in practice could signify the “Guangdong model,” perhaps even more than the peaceful resolution of the Wukan crisis.

On 22 November 2011, Liu Hong, director of Guangdong’s civil affairs department, announced the “Regulations for boosting support for developing civil society organisations and standardising their management” (*Guanyu Guangdong sheng jinyibu peiyu fazhan he guifan guanli shehui zuzhi de fang’an* 关于广东省进一步培育发展和规范管理社会组织的方案), to take effect from July 2012. A major change introduced in the regulations is that such organisations will no longer need to be under the charge of an administrative unit (*yewu zhuguan danwei* 业务主管单位) in order to receive official recognition. They will be able to register directly with the civil affairs department, which will have no authority over them but will simply ensure supervision of their activities (*yewu zhidao danwei* 业务指导单位).

Under the current national “Regulations on the management and registration of civil society organisations” (*Shehui tuanti dengji guanli tiaoli* 社会团体登记管理条例), it is imperative to obtain permission from an administrative structure that would act as guardian and be responsible for a civil society organisation. Depending on the organisation’s line of activity, this administrative body was the corresponding department under the State Council or local government, or even “another relevant administration.” In practice, it has been extremely difficult to arrange such linkups, thus highly restricting the formation of officially recognised civil society bodies.

According to the *Fazhi Ribao* journalist, this system has throttled civil society organisations with too much control, thus weakening public participation in them. The Guangdong reforms aim at ending the need to attach such organisations to an administrative unit and instead moving towards a simple “supervision” of their activities. For local cadres it would mean no concrete control over civil society organisations but minimal management, as *Fazhi Ribao* has pointed out. Rather than incorporating such organisations into an administrative system with a hierarchical structure, the reforms impart to the process “administrative separation” (*qu xingzhenghua* 去行政化) in running them. According to local cadres interviewed by the daily, insufficient assistance measures for developing civil society organisations limits citizen participation and thus their role as a “bridge” between the state and the public. In an interview with *Xin Shiji*, Wang Zhenyao ⁽⁷⁾ takes a similar

approach by presenting the reforms as a foretaste of opening for social organisations, letting them play to the full a role complementary to that of the state in ushering in economic and social change in the country.

Fazhi Ribao sees the Guangdong reforms as being much different in spirit from the main national regulations on the management of civil society organisations, breaking especially with the rules adopted in 1998 governing the registration of such organisations. These rules had sought to advance a strong government in the face of a highly restricted civil society. Wang Jing notes that the current reforms are part of continuing experimentation and advances made in Guangdong, which in 2006 became the first province to introduce a process of separating administrative units from civil society organisations. In July 2009, the national and Guangdong provincial civil affairs departments signed an “Agreement for joint adoption of reforms and development of civil affairs work in the Pearl River Delta” (*Gongtong tuijin zhujiang sanjiao zhoudiqu minzheng gongzuo gaige fazhan xieyi* 共同推进珠江三角洲地区民政工作改革发展协议). Several such texts have been unveiled at local levels, especially covering the registration of such organisations or extension of public funds for their development.

These changes have certainly not been limited to Guangdong. In early 2011, Beijing municipality likewise introduced a new measure to lower the obstacles civil society organisations faced in registration matters. Sector-wise, professional bodies, charities, and social service (*shehui fuwu* 社会服务) or social welfare (*shehui fuli* 社会福利) organisations could register directly with the civil affairs department, which then took on the role of guardian or helped them find one. However, as Wang Jing reported in *Jinghua Shibao*, in the actual implementation process, only those civil society organisations engaged in activities covered by the civil affairs depart-

1. Wang Jing is a journalist for *Xin Shiji*.
2. Deng Xinjian is a journalist for *Fazhi Ribao*.
3. Xiao Han is associate professor at the China University of Political Science and Law.
4. The term civil society organisation (*shehui zuzhi* 社会组织) is more relevant to the Chinese situation than NGO, which implies an autonomy that is almost non-existent in China.
5. “What does the ‘turnaround in Wukan’ clue us into?”, *Renmin Ribao–People’s Daily*, 22 December 2011.
6. In an Internet forum, for instance, Hu Deping, son of the reformist leader Hu Yaobang, who was ousted as Party general secretary in 1987, and Wang Zhanyang, Director of the Political Science Department at the Central Institute of Socialism, approved the peaceful resolution of the crisis. The occasion also highlighted problems in the political system revealed by the crisis, beyond the Wukan episode (for English translations, see: <http://chinadigitaltimes.net/2011/12/hu-deping-rural-land-does-not-belong-to-the-state> and <http://chinadigitaltimes.net/2012/01/wang-zhanyang-on-wukan-and-village-autonomy> [consulted on 20 April 2012]).
7. Director, Beijing Normal University One Foundation Philanthropy Research Institute.

ment could qualify for its tutelage. This would be true, for instance, of organisations concerned with elderly care or similar charities but not of those in the area of public health or workers engaged in more “sensitive” tasks. The latter kind has to seek links with other administrative units.

Where the Guangdong reforms differ from those in Beijing is that in the southern province, the system of tutelage is totally abandoned in favour of supervision by an administrative unit. Moreover, the Guangdong arrangement covers more ground, and as Wang Jing has shown, most types of civil society organisations are covered. As for implementation, an NGO management office (*minjian zuzhi guanliju* 民间组织管理局) cadre in Dongguan City told Wang that registration would henceforth be easy and quick, except in cases where the central government explicitly says an organisation should not be approved as it poses political hurdles.

Wang Jing says the new Guangdong measures have led to a transformation of relations between civil society organisations and the state, from one of dependence to that of contractual collaboration. In November, Guangdong provincial Party secretary Wang Yang called for moving away from a strong state-directed model and towards a more remote management of civil society bodies. The reforms seek to delegate (*fangquan* 放权) a part of the state’s prerogatives to such organisations to create linkages among public powers (*jieli* 接力). The first stage of this power delegation consists of developing and supporting strong and well-planted civil society organisations. Therefore it is necessary to expand the financial resources for such organisations through state funding or incentives to the private sector to back them financially. Special funds also need to be set up at the local level to help establish and develop civil society organisations.

As part of the measures, the second stage towards delegation of powers is to promote competition among civil society organisations leading to a “survival of the fittest” (*yousheng lietai* 优胜劣汰) process. As per the new provisions, such organisations must on their own develop transparent information disclosure on their activities and accept third-party rating (*jieshou disanfang de dengji pinggu* 接受第三方的等级评估). However, the details were not spelt out. Only those rated 3A or above would be eligible for taking charge of some public services and be remunerated for it (*zhengfu goumai fuwu* 政府购买服务).

This practice of entrusting to civil society organisations some public services that the government cannot – or prefers not to – take on is already relatively widespread in Guangdong. According to *Fazhi Ribao*, 15 percent of registered civil society organisations have already taken over government functions, and 9 percent receive state remuneration for this. One of the reforms’ aims is to standardise and generalise this practice so as to create a network of civil society organisations complementing state functions by 2015. By then the number of such organisations is expected to exceed 50,000 in Guangdong Province. They are also expected to have become more and more professionalised, with about 80 percent full-time staff. State funding in exchange for public services taken on by these organisations thus makes up a major financial resource for their growth. Liang Shuxin, who formed the Weijijin foundation, told Wang Jing that a system of state remuneration for services rendered by civil society organisations could greatly reduce their material difficulties and at the same time make public resource allocation more transparent and equitable.

In order to ensure effective implementation of these reforms, Guangdong’s provincial and municipal officials must adopt, in the first half of 2012, an initial list of state functions that can be handed over to civil society organisations as well as remuneration arrangements. The form such delegation

of functions has to take, the conditions thereof, and the remuneration modes are all still being formulated.

Another facet of the Guangdong reforms is the possibility of developing multi-sector professional associations (*yiye duohui* 一业多会), rather than the current system in which one association may monopolise representation of a professional sector (*yiye yihui* 一业一会). Further, the reform facilitates the merging of several organisations or, conversely, the splitting of one into a group; it also allows for creation of civil society bodies across localities or even affiliation of professional associations from Hong Kong and Taiwan operating locally.

Wang Jing clearly shows that a debate persists in academia between those who favour monopoly for a professional association over a sector of activity and those preferring free competition among such associations. The main problem facing these associations is that generally an organisation “managed by cadres” (*guanban zuzhi* 官办组织) enjoys a monopoly over a sector and prevents the entry of “popular” organisations. Expanding the number of sectorial associations would break these monopolies and usher in competition among them, leading to less efficient ones being phased out even if they registered first. On the other hand, defenders of a monopolistic corporatist system note that a major role of sectorial professional associations is to establish norms that enterprises in their sector must follow. A multiplicity of associations would therefore only lead to a jumble of competing norms and thus to chaos.

Xiao Han, associate professor at the China University of Political Science and Law, plays devil’s advocate in an article in *Xin Shiji*, focusing on the risks entailed in the reforms as a whole, quite apart from the disarray within professional associations. He says replacing the tutelage of an administrative unit with supervision of civil society organisations solely by the civil affairs department is not necessarily a positive move. In the old system the structure overseeing such organisations shared the responsibility of control that henceforth behoves entirely on the civil affairs department. With expanded powers, the department has greater opportunity for rent-seeking and corruption, Xiao Han says. Therefore, organisations better attuned to “unwritten rules” (*qiangui* 潜规则) will prevail. Xiao Han thus stresses the potential instability of this half-way house where the reforms are headed in terms of relations between the state and civil society organisations, i.e., a relaxation of links but their persistence, nevertheless.

■ Translated by N. Jayaram