CASE STUDY SEVENTEEN

China is closing the doors:
For International NGOs the opening up period of China seems to have stalled and reversed

A key objective of this Ford Foundation-funded research project is to monitor and evaluate the state of implementation of China’s Overseas NGO Law by documenting the intended and unintended consequences of the new law for European non-profit organisations and their Chinese partners. This case study is based on an in-depth interview conducted after the enactment of the law. It has been anonymised to protect the identity of both the organisation and interviewee(s).

Short version

Past

The small European organisation has worked on Chinese European exchanges and dialogues for many years on a range of topics. It was launched as an independent initiative in 2005. Over the years it raised the interest and active participation of many public and private institutions on both sides in Europe and China. The organisation operated as an informal process without legal status and no membership structure. It focused on society-to-society dialogue processes to take up common challenges facing Europe and China.

These exchanges and dialogues identified opportunities to strengthen the cooperation between European and Chinese societies on issues such as climate change, sustainable urbanisation and global development models. Representatives of all sectors and of all social and professional backgrounds joined these events and in most cases freely discussed subjects of concern and issues that are common to our contemporary societies. Participants' individual experiences were the starting point of debates which continued through the Internet, as well as at regular meetings organised alternately in China and in Europe.

The organisation previously was not registered in China and did not have a representative office. It worked on a project to project basis together with other Chinese organisations, including government-organised non-governmental organisations (GONGOs), think tanks and universities to organise the exchange and dialogue activities. It did not have any specific long term partners which were dependant on funding from this European organisation.
Present

The registration was raised several times in the past, but the organisation never pursued the registration and focused on organising dialogues and events. A small office was rented in Beijing to coordinate activities on the ground. Before the new Overseas NGO Law (henceforth: the law) this was no issue and not being registered did not affect implementation. Now with the new law, the organisation does not have any prospect of registering. The cost issue and administrative burden of registration has been a major barrier. As a result the Beijing office has been closed. As the organisation is based in Europe, the law does not directly apply. The organisation has not attempted to register, due to the nature of the work the likelihood of finding a supervisory unit is close to zero. Furthermore, there are no specific local activities or projects in China.

However, the law still impacts the way the organisation can operate and for now the organisation is not able to continue its previous work, especially political dialogues. Although the majority of activities took place either in Europe or in Hong Kong, the new political climate, the law, and other restrictions on travel of Chinese academics and experts make it nearly impossible to organise open dialogue events with leading academics and officials as they will not get official approval to participate. Approval for academics with official duties takes more than one year for approval, but it is unpractical to start organising invitations more than one year in advance. This is not directly linked to the law, but to wider restrictions posed on travel of government officials and party members.

The law has not affected any of the previous partners as such. However, some individuals who cooperated with the organisation in the past, are experiencing restrictions on international travel and international engagement. This is not as a result of the organisation's activities, but due to the harsher political climate and state control. This European organisation developed some very strong relationships build on mutual trust that developed over the years. The strengths of individual relationships have been at the core of the cooperation model, but the current political climate has even had impacts on these long standing relationships between key individuals.

Future

The new law has significantly impacted this organisation's ability to continue its work, especially political and cultural dialogues. The law has affected the wider topics of opening up, institutional reform and democratization of China, which were some of the topics of many discussion fora. These are topics which cannot be discussed freely, especially not by Chinese officials and academics whose participation was essential for the former dialogues.

The organisation's future China engagement and strategy is highly uncertain. For the future work of this European organisation in China there do not seem to be any options as any type of activity requires official permission and approval. There even is a high degree of uncertainty if any type of activity with meaningful Chinese participation can be held in Europe.

In conclusion it can be said that the future engagement and existence of the organisation is highly uncertain. The latest activity updates on the organisations website dates back to late 2016, no new initiatives and programmes have been initiated since then.
EU-China relations beyond aid

Based on the organisation's experiences of the past, the European Union and Europe's civil society could play an important role and positively influence Europe-China relations, for example through people-to-people dialogues. However, one of the main issues is that Europe has not a united voice in its engagement with China, each country has a different position and speaks with a single voice. The different countries also have very different understanding of China, different objectives, and without common understanding and a common position it is difficult to have a united voice. The EU-China relationship should not only be about doing business together, but needs cultural exchanges and dialogues. Europe could do much more in this respect, however, Europe has become too inward looking, rather than engaging China proactively, promoting cultural exchange, dialogues, and civic rights and democratic values.

Full version

This small European organisation has worked on Chinese European exchanges and dialogues for many years on a range of topics. It was launched as an independent initiative in 2005. Over the years it raised the interest and active participation of many public and private institutions on both sides in Europe and China. The organisation operated as an informal process without legal status and no membership structure. It focused on society-to-society dialog processes to take up common challenges facing Europe and China. These exchanges and dialogues identified opportunities to strengthen the cooperation between European and Chinese societies on issues such as climate change, sustainable urbanisation and global development models.

Representatives of all sectors and of all social and professional backgrounds joined these events and freely discussed subjects of concern and issues that are common to our contemporary societies. Participants’ individual experiences were the starting point of debates which continued through the Internet, as well as at regular meetings organised alternately in China and in Europe.

The organisation previously was not registered in China and did not have a representative office. It worked on a project to project basis together with other Chinese organisations, including government-organised non-governmental organisations (GONGOs), think tanks and universities to organise the exchange and dialogue activities. It did not have any specific long term partners which were dependant on funding from this French CSO.

The organisation hosted both large and small high-level events which can be considered 'track 2 diplomacy'. It facilitated unofficial dialogues and problem-solving activities aimed at building better relationships between Europe and China. The activities encouraged new thinking that in some cases informed the official process. These processes brought together influential academic, businesses, Chinese GONGOs, European and Chinese NGO leaders and other civil society actors who interacted more freely than high-ranking EU and China officials.

The organisation also applied a range of participatory methods for organising and conducting the workshops and dialogues. The dialogues were built on the premise that people-to-people exchanges begin with everyone's individual experience. The facilitation and summarisation methods took full advantage of experience sharing amongst participants and made it possible to put a lot of effort into building clarity on complex themes and topics. The meetings and conferences organised by this European organisation generated significant media exposure, including in China’s new online fora and social media.
One of the last set of activities and exchanges of the organisation involved the Paris climate change negotiations of the United Nations in 2015. The success of the Paris Agreement can be partially contributed to the events and active participation of both European and Chinese stakeholders from policy, business and civil society in these dialogues.

Present

State of China-related activities. The registration was raised several times in the past, but the organisation never pursued the registration and focused on organising dialogues and events. A small office was rented in Beijing to coordinate activities on the ground. Before the new law this was no issue and not being registered did not affect implementation. Now with the new law, the organisation does not have any prospect of registering. The cost issue and administrative burden of registration has been a major barrier. As a result the Beijing office has been closed. As the organisation is based in Europe, the law does not directly apply. The organisation has not attempted to register, due to the nature of the work the likelihood of finding a supervisory unit is close to zero. Furthermore, there are no specific local activities or projects in China.

However, the law still impacts the way the organisation can operate and for now the organisation is not able to continue its previous work, especially political dialogues. Although the majority of activities took place either in Europe or in Hong Kong, the new political climate, the law, and other restrictions on travel of Chinese academics and experts make it nearly impossible to organise open dialogue events with leading academics and officials as they will not get official approval to participate. Approval for academics with official duties takes more than one year for approval, but it is unpractical to start organising invitations more than one year in advance. This is not directly linked to the new law, but to wider restrictions posed on travel of government officials and party members.

The organisation has not yet fully stopped its operations, but is in a wait-and-see mode. The perspective of the organisation is negative, it is expected that this situation will get worse in the future. China is closing the doors, and International NGOs (INGOs) are the first to experience the new restrictions. The opening up period of China seems, at the time of writing, to have stalled and reversed.

The situation has also impacted the funding of the organisation. As there are no opportunities to continue the activities neither in Europe nor in China, there is no funding for the CSO beyond minimal funds to cover office operations. Funders also need to find new ways to continue their existing partnerships under these changed circumstances.

Impact of the law on Chinese partners. The law has not affected any of the previous partners as such. However, some individuals who cooperated with the organisation in the past, are experiencing restrictions on international travel and international engagement. This is not as a result of the organisation's activities, but due to the harsher political climate and state control. This European organisation developed some very strong relationships build on mutual trust that developed over the years. The strengths of individual relationships have been at the core of the cooperation model, but the current political climate has even had impacts on these long standing relationships between key individuals.
The overall portfolio of activities the European organisation used to implement in the past cannot be continued, largely to the control of previous Chinese partners and the restrictions on their travel. Several of former partners have also moved into new positions at new organisations with new responsibilities which further limits the options. Finding a new set of partners is currently very unlikely.

**Future**

The new law has significantly impacted this organisation's ability to continue its work, especially political and cultural dialogues. The law has affected the wider topics of opening up, institutional reform and democratization of China, which were some of the topics of many discussion fora. These are topics which cannot be discussed freely, especially not by Chinese officials and academics whose participation was essential for the former dialogues.

The organisation's future China engagement and strategy is highly uncertain. For the future work of the organisation in China there do not seem to be any options as any type of activity requires official permission and approval. There even is a high degree of uncertainty if any type of activity with meaningful Chinese participation can be held in Europe. In conclusion it can be said that the future engagement and existence of the organisation is highly uncertain. The latest activity updates on the organisations website dates back to late 2016, no new initiatives and programmes have been initiated since then.

There are potential options to continue the work through organising dialogues in the context of UN negotiations, for example, the annual climate change negotiations. Many Chinese officials and delegates participate in the UN negotiations, including Chinese NGOs many of which now have observer status. But also for the UN context, registration in the UN systems and accreditations are required.

**EU-China relations beyond aid**

The organisation has not participated in any official bilateral dialogues or NGO forums, but instead set up their own networks and platforms.

Based on the organisation's experiences of the past, the European Union and Europe's civil society could play an important role and positively influence Europe-China relations, for example through people-to-people dialogues. However, one of the main issues is that Europe has not a united voice in its engagement with China, each country has a different position and speaks with a single voice. The different countries also have very different understanding of China, different objectives, and without common understanding and a common position it is difficult to have a united voice. The EU-China relationship should not only be about doing business together, but needs cultural exchanges and dialogues. Europe could do much more in this respect, however, Europe has become too inward looking, rather than engaging China proactively, promoting cultural exchange, dialogues, and civic rights and democratic values.

Furthermore, the international political environment, especially the US-China relationship, has deteriorated significantly over the last few years, all of which has influenced China's policies and restrictions on INGO activities. The EU does not have a clear position on many of the issues at stake, sitting on the fence, rather than taking a clear stance. The ongoing trade war and security issues such as the South China Sea disputes cause further concerns and limit the opportunities for people-to-people dialogues and put trusted relationships under pressure.
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