Chapter 2
Chinese NGOs: Thriving Amidst Adversity

Abstract Notwithstanding media reports about how the authoritarian state in China has repressed its civil society, China's NGO sector has grown significantly in number over the past two decades. In fact, the state has played a decisive role in the emergence of the NGO sector in China, which is also highly diverse. It includes both organizations that are officially registered as nonprofit organizations and those that do not possess this status; it also includes organizations that should be more properly viewed as state institutions and those organizations that meet the conventional criteria for NGOs. However, despite the state's positive contributions to the development of China's NGO sector, it continues to view NGOs with suspicion and has adopted legal, political, and practical measures to control China's NGOs. A significant consequence of these control measures is that many Chinese NGOs are unable to attain official nonprofit registration status, thereby negatively impacting their social and political legitimacy. This fact, in combination with the state's overwhelming legitimacy, makes it all the more important for individual Chinese NGOs to reach out to the state, thereby affirming the value of state linkages. In recent years, the rising demand for rural migrant workers to contribute to China's modernization and urbanization has highlighted the institutionalized discrimination against this population group. Consequently, migrant NGOs have emerged to advocate on behalf of migrant workers and their dependents as well as to serve their needs. These NGOs are keenly aware of the value of state linkages. Some of these organizations have also been quite effective. Therefore, a close look at these organizations can help us understand how China's NGOs have been able to achieve their goals while allowing us to gain an in-depth understanding of migrant NGOs in contemporary China.

Keywords Government-organized NGO (GONGO) · Mass organization · State control · Registration status · Organizational legitimacy · Rural migrant worker · *Hukou* · Shadow case

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2.1 Rapid Growth of China's NGO Sector

China has been undergoing an "association revolution" over the last 20 years, particularly since the second half of the 1990s. By the end of 2013, there were over 500,000 registered NGOs in China. Between 1988 and 2013, the number of registered NGOs had increased over 100 times, from just under 4,500 in 1988 to over 540,000 in 2013 (Fig. 2.1). In addition, during the same time period, the categories of registered NGOs have also increased from one in 1988 (social groups) to three by 2004, with the introduction of non-state non-commercial groups and foundations. Most of these registered organizations were, and are, former state institutions like hospitals and schools, as well as state-sponsored trade and professional associations. However, there are also genuine NGOs involved in other sectors and engaged in other types of activities within this growing group.

According to many experts, the aforementioned number of NGOs does not even come close to representing the size of the NGO sector in China. For example, He Jianyu and Wang Shaoguang estimated that there might be over 8 million NGOs in China (He and Wang 2008: 162). Like the aforementioned population of registered groups, a majority of the 8 million groups are not genuine NGOs because they were created by the state, which continues to exercise direct control over the groups' personnel, financial, and general management decisions. Moreover, a significant number of those groups are exempted from the registration requirement. Examples of these groups include the Communist Youth League (CYL) at all administrative levels, which are essentially the administrative arms of the state.

Still, there is a growing number of grassroots NGOs that have been created by private citizens, including individual state officials who have funded their own NGO operations and who have retained the powers to make important organizational decisions without state interference. This type of NGO is characterized by a

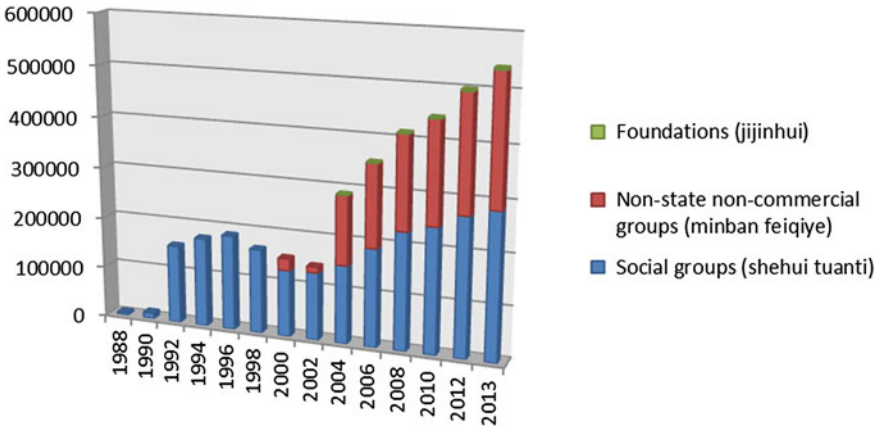

Fig. 2.1 Registered NGOs in China, 1988–2013. *Sources* PRC Ministry of Civil Affairs, Ying and Zhao (2010: 9), Zhongguo Shehui Zuzhi Wang (2014)

wide range of legal status. Based on surveys conducted by Wang and He, there might be as many as 1 million such grassroots NGOs in China (Ibid).

As suggested by the preceding discussion, the Chinese NGO sector is characterized by diversity in terms of their linkages to the state. Based on this observation, He and Wang developed four categories of domestic Chinese NGOs. In the first category are the "mass organizations," which number eight at the national level. These mass organizations are what Gregory Kasza referred to as "administered mass organizations" (AMOs) (Kasza 1995). Like AMOs elsewhere, China's mass organizations were created by the "incumbent regime…to augment [its] control over the rest of society" (Ibid: 8). Indeed, China's mass organizations were established to "execute the various policies and orders of the [Communist Party of China (CPC)] and the state" as well as to "understand and collect the opinions, perspectives, and interests of the masses" for the regime to consider during policy formulation (He and Wang 2008: 135). In this sense, China's mass organizations are not truly NGOs. In fact, they most resemble state agencies, but they may also fall under the broader category of government-organized NGOs (GONGOs). A prominent example of the mass organizations in China is the aforementioned CYL, which was headed by Hu Jintao before he became the head of the CPC and president of the People's Republic of China (PRC).

In He and Wang's conceptualization, "quasi-governmental organizations" constitute the second category of NGOs. Like the mass organizations, quasi-governmental organizations were founded by the government. They also have the function of mobilizing individuals and organizations within their respective industries or sectors and, in this manner, assist relevant government agencies (Ibid: 154). According to He and Wang, the quasi-governmental organizations may possess more limited political autonomy than the mass organizations. However, they may function more like NGOs due to their representative role. One example of quasi-governmental organizations is the China Disabled Persons' Federation (CDPF), which was founded in 1988 by Deng Pufang, a son of former CPC leader Deng Xiaoping. According to He and Wang, the CDPF is subsidized as an item in the state budget and its personnel are recruited through the civil service selection mechanism (Ibid). The CDPF indicated that in addition to "representing the interests of disabled persons" and "defending the legal rights of disabled persons," the organization is also "commissioned by the government to manage and develop the affairs of the disabled persons" (CDPF 2011).

The last two categories according to He and Wang are the "registered social groups" and the unregistered "grassroots social groups." The registered groups are made up of three types of registered NGOs: the social groups, the non-state non-commercial groups, and the foundations. Based on their 2003 national survey of over 3,000 registered social groups, He and Wang noted that the great majority of these registered groups were started up by government or CPC agencies (Ibid: 158). Yet, an equally large number of the registered social groups have retained organizational autonomy vis-à-vis the state in daily operations. In other words, many of the registered social groups operate as "hybrid" NGOs.

Altogether, He and Wang observed that the various types of NGOs in China numbered approximately 8.2 million by 2007 (Ibid: 162). In all likelihood China's NGO sector has grown significantly since the publication of He and Wang's report. For instance, at the time of their report, there were just over 200,000 registered social groups. In 2012, however, there were over 270,000 registered social groups. Similarly, the number of unregistered grassroots social groups has most likely exceeded He and Wang's estimate of 1 million. Therefore, there is reason to believe that China's NGO sector has moved even closer to the 10 million mark.

When examining China's NGO sector, it is clear that the state has been instrumental in its creation. In this respect, although the aforementioned grassroots groups are unregistered, state involvement is often observed in the founding and operation of those groups (Ibid: 161). Therefore, the development of China's NGO sector closely tracks global trends, which indicate that the expansion of the NGO sector has been closely related to government support, notably monetary support (Anheier 2005: 282).

The growth of China's NGO sector also reflects state policy. In particular, the emergence of the NGO sector in China in the 1990s was an outcome of the state's policy of promoting "small government, big society." This policy reflected the state's intention to divest its social responsibilities as a means to facilitate economic reform as well as the state's admission that its capacity was limited (Saich 2003). In this context, the state viewed NGOs as useful for performing many important functions of governance. In particular, NGOs could reduce the state's burden of social service provision (Wong 1998). In addition, NGOs could serve as vehicles for mobilizing societal resources to supplement state spending (Lu 2005). Moreover, NGOs could be created to accommodate excess government personnel (Gallagher 2004; Ma 2006). Therefore, recognizing the value of NGOs as a governance vehicle, the Chinese government has continued the call for all state agencies to support NGOs as a part of the effort to encourage society to become more involved in welfare provision (People's Daily 2010).

2.2 State Control and the Politics of Registration

Given the state's prominent role in the development of China's NGO sector, one may forget that China remains a one-party authoritarian regime. As such, the party-state has remained vigilant about potentially subversive forces even as it tried to promote the idea that more NGOs should be involved in the provision of social welfare. This ambivalence toward the NGOs helps to explain continued state restrictions and even repression against Chinese NGOs since various color revolutions swept across parts of the former Soviet Union between 2003 and 2005. In fact, senior PRC officials have made it clear that the color revolutions constituted the source of the government's suspicion about NGOs (Wang 2012).

For instance, before and during the 2008 Beijing Olympic Games, the 2009 celebration of the 60th anniversary of the founding of the People's Republic of China, and the 2010 Shanghai World Exposition, the state had maintained strict vigilance over the Chinese NGOs. Chinese NGO leaders were told not to host foreign visitors during these important national events and NGO leaders have either been placed under house arrest and extensive surveillance, or encouraged to go abroad.[1]

However, state sanctions against NGOs have not been limited to periods during which events of national significance were held. In fact, they have occurred quite regularly. For instance, in 2007 the original English version of the *China Development Brief*, which had been an authoritative source for the latest news and analyses about Chinese NGOs for over 10 years, was closed down by the government and the founder of the publication, who was not a PRC citizen, was eventually forced to leave China. In 2008, in the aftermath of the Wenchuan Earthquake in Sichuan Province, the government took control of the disaster area and effectively restricted the activities of Chinese NGOs. In 2009, Gongmeng, a Beijing-based NGO focused on providing legal aid to the common people and supporting constitutional reform, was closed down by the Beijing government on charges of tax evasion. In 2010, Peking University dissociated itself from its Women's Legal Aid Center, allegedly due to government pressure. In the same year, Wan Yanhai, China's leading AIDS activist and head of the Aizixing NGO, announced that he and his family had left China for the United States due to government harassment. Most recently, in July 2013, the Transition Institute, which has been committed to research and advocacy on governance issues and institutional reforms, was officially shut down by the Beijing government.

The state's behavior reflects its fundamental desire to control civil society actors. Enforcing the legal requirement that all NGOs must register with the government is a means to exercise that control. In particular, civil affairs agencies, which are tasked with registering and managing NGOs, are legally empowered with a range of broad justifications to deny registration. For instance, civil affairs agencies can deny registration if the work and mission of the applicant NGO are determined to contravene stipulations in the PRC Constitution, harm the interests of the state and the "unity of the nationalities," and go against the "society's moral customs." In addition, the government can deny registration to NGO applicants if registered NGOs engaged in similar work are already present within the same geographical administrative area. This stipulation ensures that existing GONGOs will continue to enjoy sectoral monopoly (Saich 2000: 131). In a related manner, it may provide the legal basis for local government officials to create GONGOs to prevent NGOs from obtaining government registration (Simon 2013: 244). Furthermore, registration may be denied if the leader(s) of the applicant NGO is found to lack the "capacity for civil conduct."

[1] I had intended to take a group of American students to visit a local NGO in Shanghai in May 2010, but was told by the NGO leader that local government officials had informed the organization that it should not host any foreign visitors during the period that the World Exposition was held in Shanghai.

A certificate of non-state non-commercial group registration. *Source* The author

The most important legal stipulation that allows the state to deny registration is a well-known clause in both the "Regulations for the Management and Registration of Social Organizations" and the "Temporary Regulations for the Management and Registration of Non-State Non-Commercial Groups," which stipulates that a key condition for attaining the registration status is that the applicant NGO must secure the sponsorship of a governmental or quasi-governmental agency that works in the relevant sector. In practice, many, if not most, NGOs are unable to become registered in large part because they could not meet the requirement of sponsorship (Deng 2010). Why?

Karla Simon identified two major reasons that account for this phenomenon. First, the potential sponsors may simply be unwilling to bear the responsibility of overseeing NGOs, especially since the sponsor is legally and politically liable for the activities and finances of the organizations under their charge (Simon 2013: 242). Second, the "unwillingness" of the potential sponsors may be a result of the fact that the law does not explicitly require the potential sponsoring entities to act on an application, even though there is an implicit understanding that they should take action to determine whether the applicant NGOs are qualified for sponsorship. Moreover, the lack of clarity with respect to the documents needed for approval further encourages the potential sponsors to drag their feet (Ibid). Ultimately, since potential sponsors have nearly absolute discretion in determining whether to sponsor any NGO, these legal considerations may simply serve as useful justifications for de facto denial of registration to NGOs.

In 2012, the government of Guangdong province launched a pilot program in which NGOs were permitted to acquire the nonprofit registration status without a sponsor (Caixin 2012). By the end of 2013, similar pilot programs have reportedly been launched in 26 provinces and five cities, enabling "more than 19,000 [NGOs] to register directly" with the government (China Daily 2013). Although many experts have expressed optimism about this development, it is still too early to know for certain the extent to which this pilot program will be institutionalized across the country. In addition, the pilot program has a limited scope in terms of the fields to which it applies: only NGOs providing social services and engage in non-political activities have been explicitly permitted to register under the pilot program (The Economist 2014). Labor advocacy is not included in the list of approved fields, even though some labor NGOs have apparently been approached about direct registration (Ibid).

There are also practical reasons for government agencies to deny registration to NGOs. These reasons again highlight the tremendous discretion that government agencies wield in determining whether and which NGOs may be registered. One reason is that local governments recognize that most NGOs exercise positive influences on society. However, registration cannot be granted to many NGOs because they are unable to meet the stringent legal requirements. Yet, banning those organizations are likely to result in some degree of resistance, not including the financial cost of implementing the ban. Therefore, local government agencies have instituted the unwritten rule of "no banning, no recognition, and no intervention" (Deng 2010: 195). In this case, the denial of registration has been motivated in part by pragmatism and expediency.

Lastly, government officials may also decide against registering NGOs because they believe that unregistered NGOs are easier to control since they will be more dependent on good relations with the state than are registered groups (Hildebrandt 2013: 72). In a related manner, since unregistered NGOs cannot access certain financial resources in a direct manner due to the organization's illegal status, they must rely on informal ties with state institutions and officials to obtain those resources. This type of situation offers government agencies and officials an opportunity to enrich their organizational coffers and individual pockets. This is especially the case for NGOs working in the HIV/AIDS sector, in which significant foreign funding is administered through the state (Ibid). Therefore, there are financial incentives for government officials to deny registration to NGOs.

2.3 Crisis of Legitimacy

The inability to obtain government approval has serious long-term consequences for China's NGOs. One important consequence is that these organizations possess weak legitimacy, both politically and socially. This is in contrast to the state's overwhelming legitimacy. In this context, it is not difficult to see how state linkages can be valuable assets for China's NGOs.

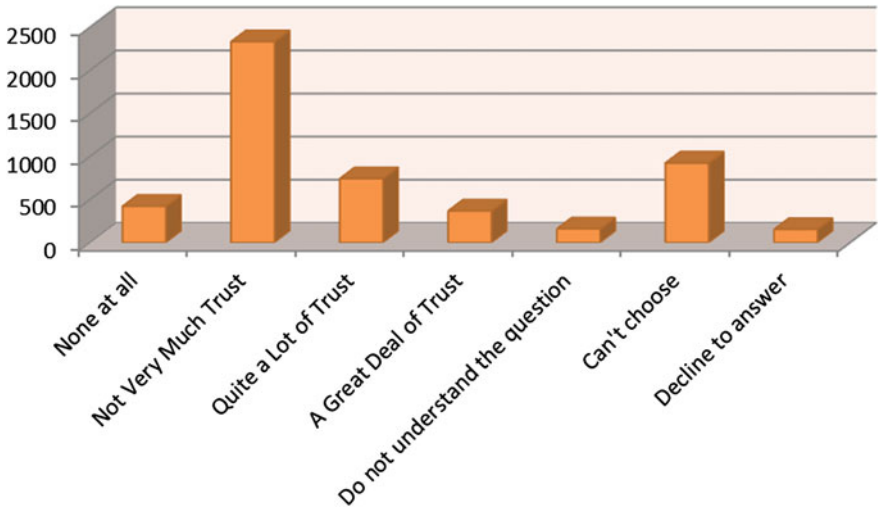

Fig. 2.2 Public trust in NGOs. *Source* Asian Barometer (2008); $n = 5098$

Recent research suggests that China's NGOs are enjoying greater social legitimacy even in the absence of state linkages (Brown and Hu 2012; Spires et al. 2014). As China's NGOs make important contributions to society by delivering valuable services and engaging in policy advocacy in an increasing manner, it is very likely that they will enjoy increasing popular support. However, that day has not yet arrived.

Indeed, the majority of the ordinary Chinese people have no knowledge of NGOs and certainly no understanding of its operations.[2] Some studies even show that in general people in China are highly suspicious of NGOs because these organizations are perceived to be anti-government and anarchical (He 2012: 170–171). In 2008, the investigators of the Asian Barometer survey project found that over 45 % of the respondents in China indicated that they did not harbor very much trust in NGOs and over 8 % of the respondents stated that they had no trust in NGOs at all (Fig. 2.2). This means that over half of the respondents expressed little trust in NGOs. At the same time, <15 % of the respondents said that they had "quite a lot of trust" in NGOs and only about 7 % of the respondents said that they had a "great deal of trust" in NGOs (Ibid). Altogether, <25 % of the respondents expressed confidence in NGOs.

The NGOs' state of public legitimacy is in significant contrast to that of the government. Today, over 20 years after the top Chinese leaders decided to use

[2] In my field interviews, a theme that recurred on a regular basis is that the ordinary Chinese people do not understand why nonprofit organizations would need to solicit outside funding. Therefore, in the mindset of many, if not most, Chinese persons, organizations that claim to be nonprofit in nature and yet openly seek funding must have ulterior motives and thus cannot be trusted.

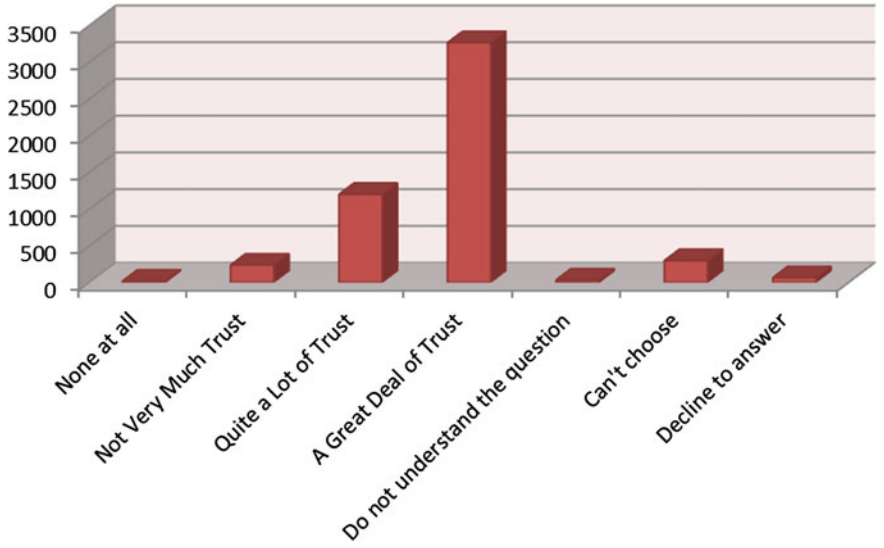

Fig. 2.3 Public trust in central government. *Source* Asian Barometer (2008); $n = 5098$

military force against protesting students assembling in Beijing's Tiananmen Square, the state seems securely ensconced in its position as the most legitimate entity in China. As experts have noted, the state has successfully employed a range of incentives and coercive measures to ensure general political compliance (Tong 2009; Chen and Dickson 2010; Michelson and Liu 2010; Wright 2010). Notwithstanding the regular grumblings of individual Chinese persons and the rise of local protests about official corruption, the unresponsiveness of government agencies, and even the inappropriate use of force against Chinese citizens, the reality is that the communist regime is the only political game in town. In survey after survey, popular support for the current political system has remained high (Chen 2004).

Again, the findings of the Asian Barometer are instructive. According to the survey's 2008 findings, 64 % of the respondents in China expressed a "great deal of trust" in China's central government while another 23.5 % expressed "quite a lot of trust" in the central government (Fig. 2.3). This means that nearly 90 % of the respondents expressed considerable trust in the central government. Even China's local governments, which have been the main objects of popular grievances, received better overall ratings than the NGOs, with over 50 % of the respondents expressing confidence in them.

These findings suggest that China's NGOs must look to the state in their search for social legitimacy. Indeed, research has shown that China's NGOs acquire public legitimacy by displaying their ties to the state (Lu 2009: 53). However, as valuable as public trust may be for the long-term development of China's NGOs, the above findings also make it clear that gaining legitimacy in the eyes of the state, i.e., political legitimacy, should be even more important to the NGOs.

Indeed, political legitimacy has its advantages. For instance, NGOs with ties to the state are protected from predatory behavior by state agencies (Ibid: 56). In addition, political legitimacy can help NGOs enhance organization capacity by obtaining state resources to maintain organizational operations and implement projects (Ibid; Spires et al. 2014: 88). Moreover, as subsequent chapters will show, political legitimacy is necessary for advocacy NGOs that want to participate in the policy process. Furthermore, it can be a vehicle to access foreign funding. These advantages are not lost on NGOs that work in sensitive issue areas, such as migrant labor.

2.4 Migrant Workers: Objects of Institutionalized Discrimination

Labor-related issues have always been high on the agenda of any government because the state of labor concerns the state of the economy, which ultimately has political implications. For non-democratic states, there is an added dimension to the general concern about labor, which is the fear that labor could act as a force to effect political change. Particularly for non-democratic states with a socialist past, labor must be treated with special care, i.e., controlled, given the states' historical claim to represent the interests of the workers. Therefore, for the Chinese state, the fact that hundreds of millions of rural migrant workers (*nongmingong*) have been running around the country, seemingly out of control, has understandably been a source of concern even as the state has recognized that this "floating population" is necessary for the state to achieve its ultimate modernization goals.

According to the 1990 PRC government census, there were approximately 30 million rural migrant workers in China who engaged regularly in work outside their official places of residence (Liang 2004: 251). Ten years later, the 2000 census reported that the total number of rural migrant workers had reached 79 million (cited in Liang and Ma 2004: 470). At the end of the first decade of the 21st century, there were over 220 million rural migrant workers in China (Xinhua 2011). In 2010, the All-China Federation of Trade Unions released a report about the state of migrant workers who were between the ages of 16 and 30, who constituted nearly 62 % of the overall rural migrant population (All-China Federation of Trade Unions 2010). The report indicated that as of 2009, the average age of this cohort was 23 years old. Most of them began their lives as migrant workers before they turned 20. Eighty percent were unmarried and approximately 70 % had obtained a middle-school education or less. In a nutshell, Chinese rural migrant workers are young, single, and have low educational attainment.

Deng Xiaoping's policy of economic reform and opening has produced an economic miracle in China that has arguably been unprecedented in terms of the speed, scale, and nature of the transformation. The social consequences of this

economic transformation are multiple and are still being felt today. The emergence of the rural migrant workers is one of those consequences. By definition, rural migrant workers originated from non-urban areas where they had been expected to engage in agricultural work.[3] Migrant workers have flocked to urban areas, especially the first-tier cities along China's eastern coast—Beijing, Shanghai, and Guangzhou/Shenzhen, in increasing numbers at an accelerated pace over the past 25 years.

Individually and collectively, rural migrant workers have contributed to China's modernization, urbanization, and growing affluence. China's economic miracle has essentially been a product of their sweat and blood. Yet, migrant workers and their dependents have been living on the margins of the Chinese society, both literally and figuratively. In fact, scholars have observed that the Chinese rural migrant workers are at best second-class citizens. Some experts have even argued that the rural migrant workers are really third-class and fourth-class citizens (Fan 2002).

There is a consensus that the fundamental reason for the low socio-political status of the rural migrants is institutional. The household registration (*hukou*) system has been identified as the source of institutionalized discrimination against the rural migrants. Every Chinese citizen is required to maintain a *hukou*, which identifies his or her official place of residence and the type as well as quantity of social benefits to which he or she is entitled. In essence, the *hukou* system is a system for social control and resource allocation or subsidization. It channels critical resources to urban residents as a part of the state-led program to industrialize and modernize China. In this respect, it has served as the political-legal means to justify, not without popular resistance, the fact that persons with rural *hukou* status receive significantly less social benefits and of poorer quality than their urban peers.[4] It is also a mechanism for regulating internal migration. More specifically, it is a means for limiting the flow of rural residents to urban areas. Therefore, the system has not only institutionalized the wide disparities between the rural areas and the urban areas in China; it has in fact exacerbated the urban-rural gap.

[3] Although there seems to be a consensus among researchers, including Chinese government researchers, about the rural origins of the migrant workers, this understanding is not reflected in the government census, which uses the category of "floating population" to describe all persons who "lived in places other than the towns (townships or streets) of their household registration where they had left for over 6 months" National Bureau of Statistics of China (2011).

[4] Fei-ling Wang, a leading expert on the *hukou* system, wrote that until 2006, "victims with different *hukou* types suffering the same wrongful injury or death were compensated very differently….[In] death, the family of a victim with a rural *hukou* generally brought about half to one-third of that awarded to a victim with an urban *hukou*." Wang (2010), 92–93.

Courtyard/playground of Beijing's Mingyuan School for migrant children. *Source* The author

The *hukou* system, because it has institutionalized the disparity in social status between rural residents and their urban peers, has thus given license to official and public discriminatory views and practices about rural migrants. For example, for a long time, the general perception has been that rural migrants have contributed significantly to rising crime rates in major urban areas. Experts, however, have generally found the widespread perception to be inconsistent with reality (Zhao and Kipnis 2000; Han 2010). Notwithstanding these expert findings, it has proven difficult to change popular perception.[5]

Similarly, the *hukou* system has exerted direct effects on the ability of the rural migrants to access the necessary social welfare resources while they live and work in urban areas. Because rural migrants are not legal urban residents, they cannot access the basic health services that are available to those who have legal urban residencies (Jacka 2006: 111–113). Likewise, the lack of legal residency has prevented children of migrant workers from accessing local public schools (Kwong 2004). Although health services and public education can be purchased, rural migrants' low incomes have effectively barred them and their children from

[5] During the 4 years that I lived in Beijing and Shanghai (2007–2011), just before the annual lunar New Year holidays, local residents consistently reminded each other to be cautious of cash-strapped rural migrant workers who might perpetrate crimes against local residents.

accessing social resources, notably public education, that have been guaranteed by law. As a result, migrants have had to establish schools, often unregistered, for their children, which pale in comparison to public schools in terms of the quality of school facilities and instructional resources. These problems notwithstanding, the main long-standing complaint among migrant workers has been the inability to collect wage arrears from employers. A related problem has been the lack of knowledge among the migrant workers about their legal rights, especially before they leave for their eventual destinations.

In general, the state's response to the problems that migrant workers have faced can be characterized as negative, slow, and inconsistent. Only in the last 10 years have individual central government leaders come out publicly to speak favorably about migrant workers (Associated Press 2010). And that only happened after media reports about the dire consequences of the existing institutions for individual migrants have caused public uproar.[6]

2.5 Migrant NGOs: Introducing the Core Cases

In this environment, NGOs that engage in migrant worker advocacy and service provisions to migrant workers and their families have been established across China, especially in China's major urban centers along the country's eastern coast (Hsu 2012a, b). This book focuses on four of these NGOs, all of which are based in Beijing, but the leaders of all four organizations have made the development of nationwide reach an important organizational goal. In this respect, all four organizations have established physical presence beyond China's capital city. The four organizations, however, vary in organizational effectiveness. In the remainder of this section, I will describe the general conditions of the four NGOs, with a particular focus on the extent to which each organization has achieved its stated objectives, i.e., effectiveness.

2.5.1 Zhicheng Public Interest Law NGO

The first NGO is the Zhicheng Public Interest Law NGO (hereafter referred to as Zhicheng). The organization has been committed to the protection of the rights of minors and migrant workers, and the establishment of appropriate laws and regulations in these areas. This organization began operation in 1999 as a part of a Beijing law firm under the jurisdiction of a sub-municipal justice bureau. No

[6] The most well-known case here is the 2003 death of Sun Zhigang, who was a college-educated migrant worker in Guangdong who was beaten to death by the local police while in detention for failing to produce documents that proved he was legally permitted to work in Guangdong.

member of the NGO staff appears to be on the payroll of any state agency.[7] This NGO has two major organizational arms, reflecting the organization's interest in two areas of law: the rights of migrant workers and the rights of minors. The two organizational arms have attained the nonprofit registration status separately. To support the NGO's mission, its leader and staff have engaged in the provision of free legal aid, the establishment of nationwide networks of public interest lawyers, conducting research and publishing writings about the two areas of the law, and participating in the lawmaking processes at the national and sub-national levels. Meanwhile, Zhicheng and its founder, Tong Lihua, have enjoyed a strong reputation in the field of public interest law in China. Tong Lihua, in particular, has been widely considered one of China's top 10 public interest lawyers.[8] Tong has been featured in media reports along with other giants in the field of public interest law, such as Guo Jianmei, the founder of the former Women's Legal Aid Center at the Peking University.[9]

Zhicheng has been quite successful in meeting its own goals. Since its establishment, the organization's staff has handled numerous legal cases concerning children and migrant workers. For example, in 2010, on average, each month the NGO provided free legal advice involving nearly 600 cases concerning the welfare of minors (Zhicheng Beijing Children's Legal Aid and Research Center 2010). During the same time period, the NGO directly handled over 300 cases concerning the rights of minors and provided support to lawyers who were involved in over 500 cases throughout China (People's Daily 2011).

Although the migrant worker arm of the NGO had a later beginning, its record has been even more impressive than the record of the children's arm. As of the end of April 2011, the organization has provided free legal advice involving over 35,000 cases throughout China (People's Daily 2011). Over 100,000 migrant workers have reportedly benefited from the NGO's work. Meanwhile, the organization had directly handled and completed nearly 16,000 cases that involved nearly 26,000 migrant workers. The sum of money associated with these cases totaled over

[7] According to Tong's biographical sketch, the original Zhicheng Law Office was administratively attached to Fengtai district's justice bureau in Beijing. When Tong became the head of that office in 1998, the office still held this administrative status. According to Wang Fang, a Zhicheng staff lawyer who I interviewed in 2008, the law office had been privatized since the establishment of the NGO, and all the lawyers who were employed at the law office when the founder was first employed there had since then resigned from the law office. All current members of the NGO staff were hired much later. For example, the majority of the staff lawyers in the Zhicheng Migrant Center joined the NGO after 2004. Wang's claim that the law firm had been privatized corresponds to the understanding that by 2001, all state-owned law firms in Beijing had been privatized. Michelson (2007), 373.

[8] LawFirm50 (2009). LawFirm50 is reportedly an NGO that focuses on collecting and reporting about the quality of lawyers and law firms in China. The organization reported that the ranking was based on the survey responses of nearly 2,500 lawyers, government officials, and other legal practitioners in China.

[9] Feng (2007). In this news report, which was re-published on the website of Guo Jianmei's NGO, Guo and Tong were the only two public interest lawyers who were featured.

300 million Chinese yuan (approximately $50 million), of which nearly 200 million were already distributed to the victims (People's Daily 2011).

As of the end of 2011, Zhicheng coordinated a national network of 20 migrant worker legal aid stations, involving approximately 60 lawyers and 40 administrative staff working in different Chinese provinces and other provincial-level administrative areas. Similarly, it has created a network of 8,900 lawyers working in over 20 provinces and provincial-level administrative areas to protect the interests and rights of minors. As of 2014, the network of lawyers working on issues pertaining to the rights of minors has expanded to include 9,000 lawyers. In addition, the organization coordinates the work of 30 public interest law organizations on the rights of migrant workers (US-Asia Law Institute 2014).

The NGO has also been quite prolific with respect to publishing reports concerning the rights of minors and the rights of migrant workers. As of 2010, Zhicheng's staff produced over 50 book-length reports. The most recent report was published in 2010 and dealt with legal issues in China's rural areas (Tong 2010). The volume includes a chapter based on the NGO's research about corruption among village cadres.

The most impressive aspect of Zhicheng's history, however, has been the NGO staff's repeated participation in law-making processes at both the national and the municipal levels. Between 2002 and 2011, Tong and his colleagues were involved in the modification of nearly a dozen national laws and municipal regulations concerning minors and migrant workers. The NGO has also been commissioned by central government and municipal agencies to conduct original policy research and the crafting of legal handbooks.

2.5.2 Rural Women

The Rural Women NGO, which was established in 1993 as a magazine, has been the leading Chinese NGO that addresses issues concerning Chinese women from the rural parts of the country. The organization is committed to the promotion and protection of the interests and rights of women in China's rural areas, which has included helping female migrant workers in urban areas to acquire the necessary skills and awareness to transition successfully to urban life. Rural Women is made up of three main components: the Cultural Development Center for Rural Women; the Migrant Women's Club, which is administratively part of the Cultural Development Center; and the Practical Skills Training Center. Up until 2012, the NGO also published a monthly magazine entitled *Rural Women*. Between 1993 and 2012, the magazine was operating legally through the flagship newspaper of the All-China Women's Federation (ACWF), which is the leading mass organization on women's issues. The Cultural Development Center was registered as a commercial enterprise while the Practical Skills Training Center was registered as a private, nonprofit

education provider. To support its mission of developing the potential of rural women, defending the rights of rural women, and cultivating rural women talents, the NGO has provided opportunities for ordinary rural women to educate themselves and speak out, provided skills training to rural women, and, to an increasing degree, published research reports about the situations concerning rural women in general and female migrants in particular as well as engage in legal advocacy. Since 2007, Rural Women has also been involved in training and promoting female public officials in China's villages.

The NGO's publications have constituted an important avenue through which ordinary rural women could educate and express themselves. In addition to the *Rural Women* magazine, the NGO has also published a newsletter through the Migrant Women's Club and a publication through the book club project. A few years ago, the NGO introduced a publication targeting female village cadres entitled *Women Village Head*. However, this publication appears to have gone out of public circulation. Through these publications, rural women have been able to obtain advice about marriage, child-rearing, and their legal rights. Moreover, they could submit essays to have their voices heard. And the publications were distributed throughout the country, essentially via the nationwide networks of sub-national ACWFs. In this manner, the NGO's impact was felt by hundreds of thousands of Chinese rural women.

The primary organizational network of Rural Women has been the 66 village book clubs around the country. The central aim of the book club project is to combat illiteracy among rural women. And the project has involved nearly 10,000 rural women as of 2010. As mentioned in the preceding paragraph, a publication was associated with the project. The publication primarily served as a platform for rural women to express themselves through short written pieces.

Perhaps the most invested component of Rural Women's efforts to empower rural women in general and female migrant workers in particular has been its training center, which is located on the outskirts of Beijing municipality. Since the center's establishment in 1998, it has trained over 10,000 persons, most of whom until recently have been female migrant workers in the Beijing area. At the center, female migrant workers, most of whom were quite young and who hailed from different parts of China, have received vocational and basic skill training, mostly in preparation for jobs in the domestic help industry and kinder care. Training has also included post-training job placement. In recent years, the center has included an entrepreneurship program to encourage rural women to become business owners.

Logos of migrant worker NGOs and schools for migrant children. *Source* The author

Before 2010, the NGO had a very small legal aid project (Milwertz 2002; Shang 2007).[10] However since early 2010, it has devoted, on an annual basis, nearly one million Chinese yuan (approximately $154,000) to legal aid-related projects. According to Rural Women's 2010 Annual Report, it expected that its legal aid program would affect several thousand people on an annual basis (Rural Women 2010). Likewise, before 2010, the NGO had published no book-length research report.[11] However, in 2010, under the direction of the organization's newly-appointed chief executive officer, who is a well-known and published expert on

[10] When I first visited the NGO in June 2008, I met with one of the two lawyers on the staff. It was clear from our conversation that the NGO handled very few cases and was more involved in referring cases to other NGOs. It is also noteworthy that the NGO's legal aid program has not been mentioned by other writers who have studied this NGO.

[11] One of the two co-founders of Rural Women, however, did co-author a book about the history of China's women's movement in the reform era, which profiled the key Chinese NGOs, including Rural Women.

rural women in China, the NGO published a survey report about the land rights of migrant women.[12]

2.5.3 Little Bird Migrant Workers Mutual Support Hotline

The Little Bird Migrant Workers Mutual Support Hotline (hereafter referred to as Little Bird) was established in 1999 as a mutual support group for migrant workers in China's capital. Very soon after the organization's establishment, the founder of the NGO committed the organization to a focus on the defense of the legal rights of the migrant workers. Although it has not attained nonprofit registration status, since 2004 Little Bird has been in a partnership with a local justice bureau in Beijing and has functioned as an authorized labor dispute resolution agency.

Since 1999 and ending in December 2012, by the organization's own documented account, Little Bird has helped migrant workers around the country obtain over 180 million Chinese yuan (approximately $30 million) in wage arrears (Little Bird 2013). The NGO's telephone hotline, which was established in 2000, had accounted for a majority of the legal cases that the NGO has handled. Since its inception, the telephone hotline has received over 166,000 telephone calls (Little Bird 2013). In 2010 alone, the NGO received nearly 10,000 telephone calls and helped migrant workers obtain over 14 million Chinese yuan ($2.15 million) in wage arrears (Little Bird 2010).

Even more impressively, as the first state-approved non-state dispute resolution committee (*renmin tiaojie weiyuanhui*) in China that addresses the labor dispute needs of migrant workers, Little Bird has successfully settled 70 % of the labor dispute cases that it managed. Just as impressively, Wei claimed that his organization was able to resolve 50 % of the legal dispute cases over the telephone (Interview with Wei Wei 2009).

Little Bird has expanded its operations beyond Beijing. It has offices in Beijing, Shenzhen, Shenyang (center of China's northeast rust belt), and Shanghai. This means that the NGO has a presence in the most important labor centers in China. Wei Wei, the founder of Little Bird, had plans to establish branches in Xi'an, Zhengzhou, and Chongqing, which represent the three largest inland Chinese cities (Little Bird 2011).

[12] The book was by Wu Zhiping and entitled *Zhongguo Liudong Funu Tudi Quanyi Zhuangkuang Diaocha* [*An Investigation on the State of Chinese Migrant Women's Land Rights*]. It was published by the Social Sciences Academic Press of China. Since then, a book on female participation in public affairs in China by the deputy CEO of the NGO was also published by the same publisher. In addition, the NGO published a handbook on protecting the land rights of female migrant workers.

2.5.4 On Action International Cultural Center

The On Action International Cultural Center (hereafter referred to as On Action) was founded in 2006 and was registered as a commercial enterprise. At the establishment of the NGO, its founder had set as the goals of the organization (1) the provision of legal aid; (2) the promotion of corporate social responsibility; (3) the holding of activities to build up the "knowledge, physical, and mental capacity" of individual migrant workers; (4) policy advocacy through the publication of original research reports; (5) the encouragement of migrant workers to engage in self-empowerment and mutual understanding through the performing arts; and (6) the sponsorship of activities to promote the building of civil society (On Action). Unfortunately, On Action has yet to deliver on its founder's promises. In this study, On Action is clearly the least effective among the four featured cases.

With respect to the area of policy advocacy through the publication of original research, since the founding of the NGO in late 2006, the organization has conducted small-sample surveys about the state of migrant workers in Beijing and Suzhou. The surveys were conducted years apart and none offered new insights with expert analyses about potentially new issues facing the migrant working population. The survey also did not garner significant media coverage. Needless to say, the impact of both surveys has been minimal to nonexistent.

On Action has committed more resources to the dissemination of legal information. For example, On Action's 2010 annual report has shown that well over 80 % of the organization's activities in that year appear to have involved the dissemination of information about laws and regulations, notably information about the 2008 Labor Contract Law (On Action 2010). However, the impact of this effort is not obvious, perhaps due to the fact that the activity was seasonal and indirect, meaning that information dissemination did not generally involve visits to factories and construction sites, although the organization's volunteers have disseminated information in schools for the children of migrant workers and in areas where migrants lived.

The remaining few non-legal aid activities that On Action had participated in 2010, as reported in the NGO's 2010 annual report, involved citizenship education and NGO capacity building. Virtually all of the listed activities were not sponsored by the NGO. The NGO staff members were essentially attendees. Although the NGO's website has posted information about lawyers who may be able to provide legal aid, there is no indication of any significant legal aid activity being sponsored on a continuous basis by the organization. A foreign observer had lamented how Chinese NGOs have spent too much time and efforts on holding activities (Interview BJ032209). It appears that On Action has exemplified this problem and has not been particularly successful even in this respect.

In 2009, the organization suffered a serious financial scandal, which was reported in the chief Chinese publication about NGOs. The financial scandal involved accusations by several organizational staff and members of the board of directors that the founder of the NGO had engaged in deliberate false reporting

about the performance of the NGO and its accounting. The immediate consequence was that all the members of the board resigned.

Through a detailed treatment of each of these core NGO cases, I intend to explore the relative significance of the three types of leadership ties and examine the process through which each type of leadership ties contributes to NGO effectiveness. At the same time, I hope that we will be able to gain a more profound understanding of how NGOs have served rural migrant workers in contemporary China.

2.6 The Shadow Cases

Based on the information provided about each core case, one may understandably point to the possibility that On Action's organizational youthfulness may be a factor in determining its level of effectiveness. One may also suggest that the cases are applicable only to NGOs in Beijing that service migrant workers. To address these concerns, the following shadow cases will be examined with several objectives in mind. First, they will corroborate the central argument of this book, which is that leadership ties that facilitate state linkages for the organization have constituted the main contributor to NGO effectiveness in China. Second, the shadow cases will show that similar leadership mechanisms can be found in NGOs working in different issue areas and in different geographical locations throughout China. Third, they will illustrate that leadership ties are able to account for organizational effectiveness regardless of organizational age.

2.6.1 Friends of Nature

The Beijing-based Friends of Nature (FON) is arguably China's most well-known NGO. It is certainly the most prominent Chinese environmental NGO. Since its establishment in 1994, FON has been committed to the promotion of environmental protection in China. The NGO, through its founder, had led or coordinated several well-publicized environmental campaigns involving government officials and other NGOs, the most famous of which was the 2003 campaign to halt the Nu River dam project in the southwestern province of Yunnan. It has published an annual volume, with essays written by journalists, government officials, and academic researchers, which reports on the state of environment in China. The NGO has also developed a nationwide network of individual and organizational members, and FON has contributed directly to the establishment of other environmental NGOs in China.[13]

[13] The founder of the Beijing-based Brooks NGO was a project manager at FON before she established her own organization. Interview BJ121207. Likewise, the founder of the Chongqing Green League has been a long-time FON member. Interview CQ040908.

2.6.2 Yirenping

Although the organization was only established in 2006, the Beijing-based Yirenping has become China's most successful advocate of the rights of individuals and groups that have been the objects of discrimination in the workplace and in schools. Yirenping's main constituents have been the approximately 120 million Hepatitis-B carriers and patients in China. However, it has expanded its constituencies to include people who are physically handicapped as well as mental health patients. In the short period of its existence, Yirenping has already successfully contributed to changes in the government's policies and practices and those of multinational corporations.

2.6.3 Self-Empowerment Service Center for Disabled Persons

Established in 2002 in a rural county of the Chongqing municipality in south-central China, the Self-Empowerment Service Center for Disabled Persons (hereafter referred to as the Self-Empowerment Center) has committed its resources to service the 230,000 local residents, approximately one-third of them either are or have been migrant workers in other parts of China. The NGO's primary activities have been educating outbound migrant workers and providing physical and psychological examinations and counseling to residents who have returned to the county after suffering debilitating injuries while working as migrant workers in China's coastal regions. In this manner, the NGO has reached out to tens of thousands of local residents over the years. Lastly, the NGO has provided limited input to local governments with respect to policies concerning handicapped persons.

2.7 Conclusion

China's NGOs are born in the midst of tremendous political uncertainty. The state is at once their benefactor and their oppressor. NGOs that work in the field of migrant labor face additional challenges due to the sensitivity of the topic that they deal with. Yet, many of these organizations have not only survived; they have thrived. The main factor for success has been the ability of the NGOs to become beneficiaries of the state. And the leaders of those organizations play the critical role in facilitating access to state resources. In the following chapters, we will see how the leaders of China's NGOs, notably those that serve migrant workers, have been able to do just that through their various social ties. We will begin our story in the next chapter with a look at how China's NGO leaders have used their ties to the state to advance the missions of the organizations that they lead.

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