

BACKGROUND BRIEF COALITION FOR PEACE & ETHICS



NO. 1/6 (JUNE 2015) NON-GOVERNMENTAL ORGANIZATIONS IN CHINA ZHU SHAOMING

ABSTRACT: In 2015, Chinese authorities recently unveiled a Second Draft of the People's Republic of China Foreign Non-Governmental Organizations Management Law (Draft) (Second Reviewed Draft) (中华人民共和国境外非政府组织管理法(草案)(二次审议稿)). This Background Brief describes the types of non-governmental organizations operating in China, the legal framework for their regulation, the relationship between the Chinese Communist Party and NGOs, and a summary of academic discussion on NGOs in China.



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1. Types of NGOs in China

(1) Summary of the legal terms

There are four legal forms of "social organizations" in China, which is the official Chinese term for nongovernmental, not-for-profit organizations (NGOs):

A. Social Associations (SAs) (社会团体, shehui tuanti)

The standard translation for Social Associations has, in the past, been Social Organizations, which is confusing because Social Organizations is also the term used for the broader concept of shehui zuzhi, which includes SAs, CNIs and foundations. We therefore use Social Associations instead because they most closely resemble what we know of as membership associations. According to the Regulations on the Registration and Administration of Social Organizations (社会团体登记管理条例), "social organizations" are officially "means voluntary groups formed by Chinese citizens in order to realize a shared objective, according to their rules and to develop non profit making activities."

B. Private non-enterprise units, also named Civil Non-enterprise Institutions (CNIs), (民办非企业单位, minban fei qiye danwei)

According to the Regulations on the Registration and Administration of Private non-enterprise Units (民办非企业单位登记管理条例), "private non-enterprise units" are officially defined as "social organizations which are established by enterprises, institutions, associations or other social forces as well as individual citizens using non-state assets and conduct non-profit-making social service activities." Private schools, private not-for-profit research institutes, and private not-for-profit hospitals are often registered as CNIs.

C. Foundations (基金会, jijinhui)

According to The Regulation on Foundation Administration (基金会管理条例), 'foundations' are officially refers to the non-profit legal person established in accordance with this Regulation by making use of the property donated by natural persons, legal persons, or other organizations with the purpose of pursuing welfare undertakings.

D. Public institution or public service unit (事业单位 shiye danwei)

According to "Interim Regulations on the Registration and Administration of Public Institutions", "public institutions" are "social service organizations sponsored by

state organs or other organizations using state-owned assets that engage in educational, science and technological, cultural, medical, and other activities for the purpose of social benefit.” Public schools and universities, scientific research institutes, and public social care institutions are generally public institutions.

Except for these legal forms, there are many informal NGOs registered as for-profit businesses as well as unregistered NGOs.¹ Some unregistered NGOs gain legal status by attaching themselves to another legal entity, such as a social organization or a “public institution,” including universities and research institutes. NGOs registered as businesses and unregistered NGOs are technically not NGOs in a legal sense, but they are voluntary, nongovernmental, not-for-profit, self-governing organizations in an operational sense. They are mission-driven, not-for-profit organizations founded by and governed by private individuals. Many are funded by foreign governments and embassies, international organizations and foundations, and are required to justify the not-for-profit nature of their activities in their reports to funders.

In addition to the term “social organization,” Ministry of Civil Affairs authorities who oversee NGOs sometimes use the term *minjian zuzhi* (民建团体), which literally means “popular” organizations, or “citizen-initiated” organizations. There is no good English-language equivalent for this term but it is often used synonymously with civil society organization (公民社会组织 *gongminshehui zuzhi*; nongovernmental organization, 非政府组织, *feizhengfu zhuzhi*; or not-for-profit organization, 非盈利组织, *feiyingli zuzhi*). This “*minjian zuzhi*” category covers SAs, CNIs, and foundations, but not public institutions. The agency within the Ministry of Civil Affairs charged with supervising and registering these organizations – the NGO Management Bureau (民间组织管理局 *minjian zuzhi guanli ju*) – also uses the same term.

The term “social organization,” in its broadest and unofficial sense, is also used to refer to trade unions, religious organizations, and other “people’s organizations” (人民团体, *renmin tuanti*), which have been created by the Communist Party of China as links to specific social constituencies. Examples include the All China Federation of Trade Unions, Communist Youth League, All China Women’s Federation, China Science and Technology Association, All China Youth Federation, and All China Federation of Industry and Commerce. These people’s organizations are governed by separate laws and are beyond the scope of this Note. Similarly, certain not-for-profit organizations such as the Chinese Red Cross enjoy special status and are governed by their own laws. In addition, specific rules governing various kinds of not-for-profit organizations may apply in certain provinces and cities. These rules may be, but are not always, available in Chinese on the websites of the local Civil

¹ As of 2012, there were approximately 450,000 legally-registered NGOs, but estimates of the number of informal NGOs run from 1-3 million depending on which types of organizations are counted as NGOs.

Affairs authorities or the website of the Ministry of Civil Affairs based in Beijing. This Note focuses primarily on national legislation.

(2) Literature Review

Definition and types of NGOs have been discussed among scholars. For example,

Wang Ming and Liu Peifeng think that NGOs refer to the social organizations with the characteristics of non-profit, autonomy, voluntary, providing public welfare.²

Hui Qin considers NGO as the third sector organization. The third sector organization aims to seek voluntary welfare, which separates from government department that seeks forcing welfare and other private market sector that seeks voluntary interests.³

Xiaofeng Li thinks that, NGO is a functional concept under a particular government economic management model. It is an intermediary organization that plays role of transferring information between the government and social subject, balancing social interests conflicts, and coordinating all actions. NPO can be well adapted to market economy model with premise of diverse interests.⁴

Qingjue Ma states that non-government organization or private non-profit organization refers to the non-profit, non-political and non-religious organization aiming to social welfare activities or mutual benefits activities that is the legally established, relatively independent from political parties and national government systems, and based on voluntary participation of social members, self-organization and self-management.⁵

2. NGOs and the Party

(1) Relevant articles from Party Decisions

A. Decision of the CCCPC on Some Major Issues Concerning Comprehensively Deepening the Reform⁶

² 王名, 刘培峰, 民间组织通论, 北京: 时事出版社, 2004 年版 (Wang Ming, Liu Pei-feng. The General Theory of Non-Government Organizations [M]. Beijing: Current Affairs Press, 2004.)

³ 秦晖, “NGO 反对 WTO”的社会历史背景: 全球化进程与入世后的中国第三部门——“北大讲坛精品讲座系列—WTO 与中国”第一讲

⁴ 李晓凤, 非政府组织的发展现状初探, 求实 Li Xiaofeng, Study on Current Development of NGOs

⁵ 马庆钰, 对非政府组织概念和性质的再思考, 天津行政学院学报 Ma Qingjue, Reconsideration on the Concept and Nature of NGOs

⁶ Adopted at the Third Plenary Session of the 18th Central Committee of the Communist Party of China on November 12, 2013

We will build a consultative democracy featuring appropriate procedures and complete segments to expand the consultation channels of the organs of state power, committees of the Chinese People's Political Consultative Conference, political parties, and community-level and social organizations. We will conduct intensive consultations on issues relating to legislation, administration, democracy, political participation and social problems. We will strengthen the building of new types of think tanks with Chinese characteristics, and establish and improve the consultation system on decision-making. We will give full play to the important role of the united front in consultative democracy.

Giving full play to democracy at the community level. We will open wider the channels for democracy and improve the system of community-level election, political discussion, information disclosure, duty reporting and accountability. We will exercise community-level consultative democracy in various forms and make it institutional. We will establish and improve supervision by urban residents and villagers, encouraging them to conduct self-management, self-service, self-education and self-oversight in exercising urban and rural community governance, in managing community-level public affairs and in running public service programs. We will improve the democratic management system in enterprises and public institutions with workers and employees' congress as its basic form, strengthen the building of the democratic mechanism in social organizations, and ensure employees' democratic rights in participating in management and supervision.

We will respond actively to the aging of the population, quicken steps in the establishment of a social endowment service system and development of the service industry for the elderly. We will improve the caring service system for children, women and seniors left behind in the rural areas and a classified security system to protect the rights and interests of the disabled and children in difficulties.

Improving methods of social governance. We will persist in implementing system governance, strengthen leadership by the Party committee, give full play to the leading role of the government and encourage and support the participation of all sectors of the society, so as to achieve positive interaction between the government management on the one hand and social self-management and residents' self-management on the other. We will adhere to governance in accordance with the law, strengthen the legal guarantees, and resolve social conflicts in line with the thought and approaches of the rule of law. We will persist in adopting a holistic approach in this work, strengthen moral restraint, discipline social behavior, adjust interest relationships, coordinate social relationships and solve social problems. We will persist in governing from the source, dealing with both the symptoms and root causes with the focus on the root causes, taking networked management and socialized service as our direction, improving grass-roots level comprehensive

service platforms, reflecting and coordinating in a timely manner the interests and appeals of the people from all walks of life and at all levels.

Kindling the vigor of social organizations. We will correctly handle the relationship between the government and society, intensify efforts to separate government administration and social organizations, encourage the social organizations to clarify their rights and obligations, and enforce self-management and play their role in accordance with the law. Social organizations should be commissioned to provide public services that they are apt to supply and tackle matters that they are able to tackle. We will support and develop volunteer service organizations. We will achieve a true disconnection of trade associations and chambers of commerce from administrative departments, prioritize fostering and development of such social organizations as trade associations and chambers of commerce, scientific and technological associations, charity and philanthropic organizations, and urban and rural community service organizations. These organizations can directly apply for registration in accordance with the law when they are established. We will strengthen the management of social organizations and foreign NGOs in China, and guide them to carry out their activities in accordance with the law.

B. CCP Central Committee Decision concerning Several Major Issues in Comprehensively Advancing Governance According to Law⁷

Complete channels and methods for all walks of society to orderly participate in legislation with legislative bodies in the lead. Explore entrusting third parties with drawing up laws and regulations drafts.

Complete mechanisms for legislative bodies to communicate with the social public, broaden legislative consultation, fully give rein to the roles of consultative conference members, democratic parties, industry and commerce associations, non-party persons, people's organizations and social organizations in consultation, explore the establishment of mechanisms for relevant State bodies, social organizations and expert scholars to elucidate and consult on the restructuring of major interests involved in legislation. Broaden channels for citizens' orderly participation in legislation, complete mechanisms for the open solicitation of opinions concerning draft laws, regulations and rules and feedback mechanisms concerning the extent to which the public's ideas are adopted, broadly bring together a social consensus.

⁷ Passed on 23 October at the 4th Plenary Session of the 18th Central Committee of the Chinese Communist Party

Accelerate the construction of innovative legal systems to guarantee and improve people's livelihoods and move social governance forward. Strengthen and standardize public services according to the law, perfect laws and regulations in the areas of education, employment, income distribution, social security, healthcare and hygiene, food security, poverty, charity, social support and for the protection of the lawful rights and interests of women, children, the elderly, the disabled, etc. Strengthen legislation on social organizations, standardize and guide the healthy development of all kinds of social organizations. Formulate a community correction law.

Actively practice the government legal advisor system, establish legal advisor teams with government legal affairs body personnel in the lead, which attract expert and lawyer participation, to guarantee that legal advisors play a positive role in formulating major administrative policy decisions and moving administration according to the law forward.

Advance governance according to the law at multiple levels and in multiple areas. Persist in systematic governance, governance according to the law, comprehensive governance, and governance from the source, raise the rule of law levels of social governance. Deeply launch rule of law creation activities at multiple levels and in multiple forms, deepen governance of grass roots organizations, departments and sectors according to the law, support all kinds of social subjects' self-restraint and self-management. Give rein to the positive rule of residents' conventions, village rules, sector rules, organizations' charters and other social norms in social governance.

Give rein to the positive functions of people's organizations and social organization in the construction of a rule of law society. Establish and complete mechanisms and institutional channels for social organizations to participate in social affairs, safeguard the public interests, assist masses in need, help particular groups, and prevent law-breaking and crime. Support sector associations and commercial association-type social organizations in playing a rule in self-discipline and specialist services. Give rein to the role of social organizations in guiding the actions of their members, regulating and restraining them, and safeguarding their rights and interests. Strengthen the management of foreign non-governmental organizations operating in China, guide and supervise their deploying activities according to the law.

All levels' Party Committees must lead and support labour unions, the Communist Youth League, the Women's Federation and other such people's organizations and social organizations in playing a positive rule in ruling the country according to the law.

(2) Literature Review

Shangli Lin believes that the overall growth of NGOs is inherently challenging Chinese Communist Party. The Party ought to comprehensively promote the construction of Chinese society to re-locate its position and function in the society, in order to achieve a harmonious relationship between the dominant political party and social development.⁸

Deci Yi points out that NGOs are permeating every corner of Chinese society and playing different roles. This pattern broke the absolute control of the ruling party over the various resources and thus challenge the traditional way of governing and ruling validity, namely the challenges involving social mobilization, political indoctrination methods, decision making and operation mode towards the ruling party.⁹

Xinye Wu says in an article that, according to the basic law of modern political party and combing with the reality of NGOs in China, the Party shall adopt an inclusive and communication governance to strengthen the leadership of the role of the Party in the aspects of ideology, policy service, organizational influence and ruling art.¹⁰

Wencheng Zhang believes that NGOs and the Party can be mutual resources for each other. NGOs can either become the source of political power, communication channels, mobilization tools, ruling foundation and governance helper, can also become a social competitor, communication barriers, mobilization obstacles and resister to the political power.¹¹

3. NGOs and Government

(1) Current governing

SAs are subject to joint oversight by (1) their registration and administration agency (generally the Ministry of Civil Affairs in Beijing or a provincial, municipal, or local civil affairs bureau or office); and (2) a professional agency responsible for the organization (generally a government ministry or other state agency at the national, provincial, municipal, or local level with jurisdiction over the SA's sphere of activity). As with all NPOs, the Civil Affairs bureaucracy carries out a “multi-level management system” (分级管理, fenji guanli) in which SAs with nationwide activities or impact are regulated at the national level, while SAs with regional or

⁸ 林尚立, 两种社会建构: 中国共产党与非政府组织, 中国社会科学 (英文版) Lin Shangli, CCP and NGO—Two Social Construtivism

⁹ 尹德慈, 中国民间组织发展与党的执政方式研究, 探求 Yin Deci, Research on the Development of Chinese Social Organizations and the Leadership of the Party

¹⁰ 吴新叶, 包容与沟通: 执政党与非政府组织的互动关系——一个比较视角的检视与思考, 南京社会科学 Wu Xinye, Tolerance and Communication: Interaction between the Ruling Party and NGOs

¹¹ 张文成, 关于我国执政党与民间组织关系的思考, 当代世界与社会主义 Zhang Wenwu, Thought on the Relationship between the Ruling Party and Social Organizations

local activities or impact are regulated at the provincial, city, or county level. The requirements for registering as a SA, particularly a national-level SA, are set quite high and it is difficult to obtain SA status without some kind of government support. As a result, many SAs have some sort of government background, rather than independent NPOs. CNIs are subject to the joint oversight of a registration and administration agency (generally Ministry of Civil Affairs or provincial or local civil affairs authority) and a professional agency such as a government ministry or agency at the provincial or local level. It is generally easier to register as a CNI than an SA, and more independent NPOs have been able to register as CNIs, especially at the local level. Foundations are regulated by both a registration and administration agency, usually the Ministry of Civil Affairs in Beijing or a provincial, municipal, or local Civil Affairs bureau or office, and by a professional agency such as the relevant government ministry or agency at the national, provincial, municipal, or local level. Public institution is a quasi-governmental agency, generally formed by the government and staffed with government employees. These organizations are commonly more closely linked to the state than other types of NGOs.¹²

Li Huifeng held the idea in the article “A Path to Optimize the Government Behaviors in Public Governance” that: “China’s social construction has long been led by the government, which is the basic feature of Chinese social management.” He analyzed the social management from the perspective of public governance, and highlighted the “public” feature of social management. To achieve the unity of the form and essence of “public”, the government needs to establish partnerships with other entities. Unlike the hypotactic relationship under the “central-marginal” structure, the various subjects in the public governance are under equal status, and their interaction depends on the inter-cognitive and the expectation of behavior synergy and mutual benefits. Since government behaviors are effected by policy issues, tool selection and the relationship between organizations and the like, therefore, the governments needs to amend its original preferences and optimize its behaviors so as to promote public governance.¹³

(2) Literature Review

Based on the case study of interactions between government and different types of non-governmental organizations (NGOs) in the social service field, Minglin Fan’s research attempts to make an in-depth examination and comprehensive analysis of the interactions and develop a preliminary typology from the perspectives of corporatism and civil society theory. By integration of the interaction types into the

¹² <http://www.cof.org/content/china>

¹³ 李慧凤，公共治理视域下的社会管理行为优化，中国人民大学学报，2014年第2期 Li Huifeng, A Path to Optimize the Government Behaviors in Public Governance

discussion, the author tries to better describe the current interactions between domestic government and non-governmental organizations.¹⁴

4. NGOs and Market

(1) Literature Review

In general, Chinese scholars don't pay a lot of attention to the relationship between NGOs and Market. Most ideas from this aspect can be divided into three categories. From the perspective of government failure and market failure, some scholars believe that NGOs have advantages that market and government don't have.¹⁵ And they believe that the expansion of NGOs is a fundamental rule of socio-economic development in terms of the hierarchy of needs, industry structure and market failure.¹⁶ The second basic idea is that some scholars analyzed that NGOs have the function to compensate for market mechanisms and government mechanisms with a certain sense of institutional innovation, from the perspective of resource allocation.¹⁷ The third idea is a discussion of the possibility of strategic alliance between non-profit organizations and profit organizations and the cooperation mechanism, risks and prevention issues that should be taken into account.¹⁸

5. NGOs and other Developing Problems

(1) Literature Review

Wang Ming Wang Ming is Professor and Director of NGO Research Center, School of Public Policy & Management, Tsinghua University. He wrote a few articles about the development of NGOs. In "Trends and Characteristics in the Development of China's Social Organizations", he analyzed the trends and characteristics of the number, participation in social work, institutional construction, activities areas of NGOs.¹⁹ In article "Some Ideas on How to Build Modern Social Institutions in China quickly," he analyzed the strategic objectives and major tasks for modern social institution, especially from the perspectives of supervision system, support system, cooperation

¹⁴ 范明林, 非政府组织与政府的互动关系研究, 社会学研究, p159 Fan Minglin, Study on the Interaction between NGOs and the Government

¹⁵ 王玉明, 第三部门及其社会管理功能, 中共福建省委党校学报 Wang Yuming, The Third Sector and Social Management Function

¹⁶ 陈晓春, 非营利组织初论, 湖南大学学报(社会科学版) Chen Xiaochun, On Non-profit Organization

¹⁷ 刘银喜, 非政府组织: 资源配置领域的制度创新, 内蒙古社会科学 Liu Yinxi, Innovation on the System of Resource Allocation

¹⁸ 乐为, 非营利组织与营利组织之间的战略联盟浅析. 科学管理研究 Le Wei, Analysis on Strategic Alliance between Nonprofits and For-profit Organization

¹⁹ 王名, 孙伟林, 我国社会组织发展的趋势和特点, 中国非营利评论 Wang Ming, Sun Weilin, Trends and Characteristics in the Development of China's Social Organizations

system, governance system and operation system.²⁰ In article “History, Development and Trends of Social Organization in China,” Wang Ming analyzed the process and inner power that China’s society moved forward to a civil society promoted by society organizations.²¹ In article “Social Organization Management System: Inner Logic and Developing Trend”, he argues that social organization management system in China, corresponding to the booming of social organizations, has been experiencing a significant institutional innovation since the reform and opening up. Behind this historical process, there are three different strategic ideas: development-oriented strategy, control-oriented strategy, and regulation-oriented strategy. Three kinds of power generated from these strategies, interact contest with each other, driving the whole evolution of social organization management system.²²

Wang Yunjun believes that the development of NGOs in China is under the domination of the logic of China’s political system. There are two qualifications. One is due to the inherent logic of the changes of the political system caused by prescriptive path. The other one is the developing space reserved by the new structure of the political system. The value of socialism, the new relationship between the state and society, the leadership of the CPC, the rank characteristics of the political structure, the inevitable choice and other factors compose the restrictive conditions of the development of NGOs in China.²³

In recent years, the NGO in China has played very important part in public affairs such as social welfare provision, environment protection and humane resource work. Songnian Ying believes that attention to the following legal problems shall be called: the concept and classification of the NGO, what rules and regulations should it have. What is the range of study concerning the administrative law. What is the difference between the NGO and NGO in their functions. And how can the government exercise proper supervision over the NGO,²⁴

Shoujie Wang believes that the development of NGOs in China has facilitated the formation of the third party governance. Due to the incompleteness of social transition which includes political democratization, economic mercerization and social

²⁰ 王名, 张严冰, 马建银, 谈谈加快形成现代社会组织体制问题, 社会, 2013 年第 3 期 Wang Ming, Zhang Yanbing, Ma Jianyin, Some Ideas on How to Build Modern Social Institutions in China quickly

²¹ 王名, 走向公民社会——我国社会组织发展的历史及趋势, 吉林大学社会科学学报 Wang Ming, History, Development and Trends of Social Organization in China

²² 王名, 孙伟林, 社会组织管理体制: 内在逻辑与发展趋势, 社会管理 Wang Ming, Sun Weilin, Social Organization Management System: Inner Logic and Developing Trend

²³ 王云骏, 中国非政府组织发展的限定性条件分析, 江海学刊 Wang Yunjun, The Limiting Conditions for Chinese NGOs Development

²⁴ 应松年, 非政府组织的若干法律问题 Ying Songnian, Some Legal Issues for NGOs

modernization, Chinese third party governance showed different forms from the development countries. Weak rules of ad vocations and reconstruction of NGOs will lead to social institutional risk; weak correction of Market failure of NGOs will lead to class solidification; weak correction of Government failure will lead to collapse of social organization.²⁵

Hao Gao claims that, as one important part of social managers, the NGO's healthy development has been restricted by the problems as follow: the reduction of public sector-funded efforts, over- reliance on government, lack of public trust and the scale of financial problems. The problems faced by the NGOs can be solved through the methods of governmental organizations' reforms and innovations. Hao Gao proposed to three ways that the NGOs can learn from to solve their own problems, and may be it can bring about positive results in the NGO's own structure, the NGO'S social impact and the NGO's sustainable development: innovative motivation of governmental organizations, innovative models of governmental organizations, as well as innovative trends of governmental organizations.²⁶

Gao Hong said in the article "The Innovation Pattern and the Safeguard System that Community—Based Social Organization Participate in the Social Construction" that: "The communist construction in the western countries has proved that the government, enterprise and NGO are the ternary subject. To give full play to the function of the community-based social organization, it is necessary to build the institutionalization pattern that they participate in the social construction, which has to be lead by the government, driven by project and developed comprehensively."²⁷

Gao Daoshun stated in his article "The Development of Chinese Social Organization: from Social Subjects to State Consciousness—the Development of Civil Social Organizations and the Influence on Ideological Construction" that "Since the reform and opening up in China, the development of Chinese social organization has gone through such four stages as preliminary restoration, rapid development, regulated development and strategic development. At present, the development is characterized by high-speed increase, overall weakness and unbalanced distribution in spheres and regions. Lack of money and talents that Chinese social organizations are subjected to stems from the deficiency in state consciousness. On the one hand, cooperation among governments, enterprises and social organizations should be

²⁵ 王守杰, 非政府组织功能失灵与第三方治理, 河南师范大学学报(哲学社会科学版) 2013 年第 6 期 Wang Shoujie, NGO Malfunction and Third-Party Management

²⁶ 高浩等, 政府组织创新及其对非政府组织的启示, 上海管理科学, 2013 年 8 月 Gao Hao, Innovation of Government and its Implications on NGOs, Shanghai Management Science

²⁷ 高红, 社区社会组织参与与社会建设的模式创新与制度保障, 社会科学 Gao Hong, The Innovation Pattern and the Safeguard System that Community—Based Social Organization Participate in the Social Construction

established; on the other hand, state consciousness should be cultivated to enhance the subjectivity of social organizations.”²⁸

Wang shizong and Song Chengcheng talked about the question of independence and autonomy in the article “Independence or Autonomy: A Reflection on the Characteristics of Chinese Social Organizations”. They pointed out that there are two perspectives on the characteristics of Chinese social organizations: the structure perspective and the agency perspective. Although they show huge differences in arguments, both perspectives have confused “independence” with “autonomy.” A scrutiny of existing theoretical achievements reveal that neither “independence” nor “autonomy” alone can provide a complete description of the characteristics of Chinese social organizations. Basked on an integrated idea of structure and agency and the late modern achievements of neo-institutional theory, our study shows that the peculiar structure and practice of Chinese social organizations is an active “response” of the organizations to “institutional complexity”; this response has led to a complex and diverse combination of “independence” and “autonomy,” generally known as “dependent autonomy.” Meanwhile a multi-level institutional analysis of Chinese social organizations from the perspective of institutional logic will generate a systematic description of the causes for the defendant autonomy of Chinese social organizations, and may lead to a new topic of Chinese social organizations.²⁹

Wang Ruini talked about the NGOs and public crisis governance in the article “The Blocking Factor and Achieving Strategy of NGO Participating in Multiple Synergetic Public Crisis Governance.” Public crisis emergency management mechanism with the government as the sole management subject is relatively weak to cope with the increasingly frequent, diverse and complex public crisis. In order to solve this problem, multiple synergetic public crisis governance mechanism has to be built. Non-governmental organizations have become an important subject of pluralistic multiple synergetic public crisis governance because of their advantages. Therefore, aiming at multiple synergetic public crisis governance mechanism and considering the real situation of China's society, the paper discusses the blocking factors of non-governmental organizations participating in multiple synergetic public crisis governance from the inside and outside aspects. Wang Ruini suggests that non-governmental organizations' participation in public crisis governance can be

²⁸ 葛道顺，中国社会组织发展：从社会主体到国家意识——公民社会组织发展及其对意识形态构建的影响，江苏社会科学，2011 年第 3 期 Gao Daoshun, The Development of Chinese Social Organization: from Social Subjects to State Consciousness—the Development of Civil Social Organizations and the Influence on Ideological Construction

²⁹ 王诗宗，宋程成，独立抑或自主：中国社会组织特征问题重思 Wang shizong, Song Chengcheng, Independence or Autonomy: A Reflection on the Characteristics of Chinese Social Organizations

boosted from the legal construction, governance mechanism construction, incentive and supervisory mechanism construction.³⁰

Liu Minchan did analyze the relationship between NGOs and enterprises. In the article “Australian NGO’s Experience with Promoting Corporate Citizenship—Considering on Chinese NGOs.” The author examines the experience of three representative Australian NGOs (World Vision Australia, The Smith Family and mission Australia) in developing partnership with corporations that aim at promoting corporate citizenship. The author believed that the findings that NGOs provide services to corporations, employ professionals from business and carry out corporative programs to attract business involvement are instructive ideas for China NGOs to orientate their strategy.³¹

6. Applicable Laws and Regulations

The key laws and regulations include:

- (1) Constitution of the People’s Republic of China, Article 35 宪法第 35 条
- (2) Trade Union Law of People’ Republic of China 工会法
- (3) Law of the People's Republic of China on the Red Cross Society 红十字会法
- (4) Welfare Donations Law of the People's Republic of China and relevant tax provisions 公益事业捐赠法
- (5) Law of the People's Republic of China on the Promotion of Privately-run Schools 民办教育促进法
- (6) Trust Law of the People's Republic of China 信托法
- (7) Organic Law of the Urban Residents Committees of the PRC 城市居民委员会组织法
- (8) Organic Law of the Villagers Committees of the People's Republic of China 村民委员会组织法

³⁰ 王瑞妮, NGO 参与多元协作式公共危机治理的阻滞因素与实现策略, 渭南师范学院学报, 2014 年第 22 期 Wang Ruini, The Blocking Factor and Achieving Strategy of NGO Participating in Multiple Synergetic Public Crisis Governance

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(9) Regulations on the Registration and Administration of Social Organizations 社会团体登记管理条例

(10) Interim Regulations on the Registration and Administration of Private Non-enterprise Units 民办非企业单位登记管理条例

(11) The Regulation on the Management of Foundations 基金会管理条例

(12) Regulations on the Religious Affairs 宗教事务条例

(13) Provisional Measures on Banning Illegal NGOs 取缔非法民间组织条例