

Different Localizations: Development Paths of INGOs in China

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Abstract

The thousands of international non-governmental organizations (INGOs), operating in China, continued to grapple with the enduring issue of their legal and institutional status as China introduced rules governing their operations in China with the Law of the People's Republic of China on the Administration of Activities of Overseas Non-Governmental Organizations within the Territory of China in January 2017. So far, the law has received mixed reviews. For the first time, it allowed INGOs to apply for legal status, however, their work will now be monitored and controlled by the Public Security Ministry. INGOs must now work out how to cope with these changes. The government has always controlled INGOs in China, and over time some of them developed approaches to secure legitimacy for their long-term programs.

Choosing one INGO as a case study, we investigated the processes and strategies that they can use to develop within Chinese political and institutional contexts. The INGO in this study has been able to navigate the Chinese context for nearly two decades, taking on multiple identities (INGO, local organization, foundation, enterprise and so on) to adapt to different circumstances. This history makes it particularly well-positioned to handle

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the new law. It has tended towards localization; yet, it has neither completely abandoned its international organization identity nor practices. We find that INGO development in China can be divided into two distinct paths across different times and different regions. Organizational change revolves around a central question that is often extremely challenging—even contradictory—for INGOs in China: Should it insist on fulfilling its organizational mission or maintain its status as an INGO and hence operations in China?

Keywords: Internationalization, Localization, Chinese Government, Political Sensitivity

I. Introduction

Since international non-governmental organizations (INGOs) were allowed to return to the country in the 1980s, thousands of INGOs came to exist and operate in China (謝世宏、柯思林等 2012). Most INGOs continue to face the long-standing issue of legal and institutional status. Except for a few very large foreign foundations registered in accordance with the 2004 *Regulation on Foundation Administration*, ① most INGOs continue to choose alternative paths to obtain legal status in China (Hsia and White 2002; Yin 2009), such as registering in Hong Kong or Macao, registering as an enterprise, collaborating with Chinese partners as surrogates, setting up a temporary office for running discrete programs, and so on (馬秋莎 2006). Even if particular works of INGOs become “legal” through these *ad hoc* measures, their all-important formal legal status remains unresolved (韓俊魁等著 2011). Without firmly established and institutionalized legal status, the very legitimacy of many INGOs and their works is constantly being challenged. In the second part of this paper, we summarize the broader context and issues faced by INGOs.

For the first time, ① China has stipulated clear rules for governing INGOs in the Law of the People’s Republic of China on the Administration of Activities of Overseas Non-Governmental Organizations within the Territory of China (hereinafter referred to as Administrative Law), which has come into force on January, 2017. This has received mixed reviews. On the one hand, INGOs will be able to receive legal status and their works will have legal basis going forward. However, on the other hand, the government, especially the Ministry of Public Security (MPS) and its local Public Security Bureaus (PSB), has been newly empowered to supervise and control INGOs. The MPS and PSBs are now in charge of the registration and daily management of INGOs, including, but not limited to, interviewing the person in charge, entering and inspecting the premise and activities, and sealing or seizing facilities and assets. All of these can be done at their discretion and without notice. ② The *ad hoc* methods mentioned above that INGOs previously used to obtain status are no longer valid. When the law was proposed and discussed by the Chinese leaders in 2015, the Chinese INGO community paid a close attention to its development. Many international organizations expressed concerns. Some INGOs even considered withdrawing from China

註① *Regulation on Foundation Administration* was promulgated in 2004. It was the first time that overseas foundations were allowed to register their China offices. They could not call for or receive donations under the regulation. According to the China Social Network, only 29 overseas foundations have been successfully registered since 2004, a very small fraction of INGOs in China.

註② According to the fifth chapter of the Administrative Law.

altogether because of worries about potential suppression (Field Notes, 20150618). How have INGOs been coping with these changing contexts and trends? What are likely consequences of the new set of rules?

Using Emmeline International (EI), ^③ an INGO focused on family planning service and advocacy, as a case in point, we investigate the processes and strategies of INGO development under the Chinese political and institutional contexts. EI was founded in Europe in the last century, and entered China in the 1990s. It is a fitting case because it has been able to successively navigate the Chinese institutional environment for nearly two decades. As an INGO, EI has espoused multiple identities to adapt to different demands, including a fund for fundraising, an enterprise to promote safe abortion technology, and several local centers to provide services. As such, it is particularly well-positioned to handle the new law. We argue that the government's management and supervision of NGOs have always existed, and some INGOs have developed coping strategies in their long-term work.

The broad trend of EI's developmental transformation has been localization; yet, it has not completely abandoned its international organizational root, identity, and practices either. Our findings suggest that the localization of EI in China can be divided into two distinct paths across different regions. The first path is dependence on local government, the second path is localization and legal independence. What precipitated these two different paths within the same organization? The third and fourth parts mainly analyze the process of organizational change to address the questions.

Previous empirical studies on INGOs led to three main conclusions when discussing the effectiveness of their work in China: 1) the survival difficulties in China's political context (陳太勇 2011; 馬秋莎 2006; Yin 2009, 2) the unsatisfactory output (郭占鋒 2012; 湯蘊懿 2012; Brooks 2012) the gap between Western philosophy and China's domestic demand (Dai and Chen 2009; Spires 2012). The two localization paths in this paper not only respond to these issues to a certain extent, but also show the importance of studying the development *process* of INGO. The process has an impact on the future of both INGO itself and Chinese civil society. Focusing on the results may ignore these possibilities. In the conclusion section, we summarize the characteristics of different paths of INGO development and their possible future.

註③ In this paper, we take anonymity for the subjects and places of study.

II. Broader Context and Issues Faced by INGOs

The main issues faced by INGOs working in China are POLITICAL in nature. Their “apolitical” or “non-governmental” characteristic is the reason why INGOs can be accepted by host governments and societies (官有垣 2004, 17). Most INGOs in China also work in areas that are less politically sensitive (Yin, 2009), including EI. However, in addition to the above-mentioned registration issue, INGOs are still deeply affected by policies, political leadership, hidden rules, and even the central-local relations or China’s international relations.

The conventional wisdom says that the Chinese government controls and dominates social organizations very strictly (李珍剛 2004; 魏斐德 1999; Spires 2007), even though some scholars have pointed out that such controls have not been as effective as expected (Ru 2004), and that government officials are less hostile to NGOs than before (Yin 2009). It is also argued that the Chinese government uses hidden rules outside the laws and regulations to manage NGOs, and “such hidden rules provide not only an implicit political and social framework for such NGOs to operate, but also exert influence on their modes of operation and the direction of future development (Deng 2010)”. Furthermore, as their understanding of the Chinese political context has improved, many INGOs have begun to proactively exercise self-censorship. Even before applying for government approval, for instance, they modify their project contents or avoid materials that may cause trouble. Greenpeace is a prime example. Traditionally, Greenpeace takes pride in exposing scandals and staging direct, sometimes militant, activism. Yet, in China, it has found it difficult to implement such tactics; instead, it engages in more indirect media strategies (Brooks 2012).

Furthermore, the local government’s attitude towards INGOs can differ significantly depending on their area of work, international reputation, and ability to bring external resources (Hsia and White 2002; Yin 2009). Its attitude is likely to change also when policies and leaderships change (陳太勇 2011). Different local political and social environments can precipitate different ways in which different local governments treat the same INGO; they can even be different from what the central government has intended (湯蘊懿 2012; Teets 2015). In other cases, hidden rules enable local governments to be flexible and innovative in their approach to INGOs, which can at times even break the existing legal hindrance (Interview, 20150728). Under such contexts, it is no surprising that when INGOs come to China, they often find themselves facing a complex and ambiguous set of rules. For example, more than a decade ago, as an eastern province subjected to relatively high degree of reform and opening-up, Shakang was more receptive to INGOs than interior provinces.

Heifer International and EI China (EIC) registered successfully there, when they could not do so in other regions (陳太勇 2011; 張肖敏 2007). However, today, Shakang is more cautious about EIC than the less-liberalized Yanglin Province in the west (Interview, 20150702A; Field Notes, 20150615).

Political sensitivity is the most basic of hidden rules. The relevant rules in the Chinese law is extremely vague concerning INGOs:

(NGOs) may neither endanger China's national unity, security and ethnic solidarity nor damage China's national interests, public interests and the lawful rights and interests of citizens, legal persons and other organizations, and shall not breach social morality. ④

In practice, there is much room for interpretation. It is often left to a local government agency to make an *ad hoc* judgment at the end without communicating with relevant NGOs or issuing a formal notification. Generally speaking, those INGOs focusing on politically sensitive issues like human rights or democracy are subject to more stringent restrictions. In contrast, disaster relief, poverty alleviation, environmental protection, education, and healthcare are generally regarded as less sensitive and relatively safe (Yin 2009). Yet, the reality on the ground can be much more complex. If a particular INGO's work is related to the interest of a particular government agency, even if the latter has no legal oversight prerogative over the former, the INGO can be at the mercy of the agency's whims. For instance, in 2011, a number of Chinese universities received an urgent notice from the national Ministry of Education (MOE), alleging Oxfam Hong Kong to be "an NGO attempting to infiltrate the mainland". The MOE prohibited all college students from participating in volunteer activities and programs organized by the Hong Kong Oxfam. The Oxfam was perplexed by the MOE's action, because they often worked together and the MOE had never criticized or accused the Oxfam of doing anything dubious. Incredibly, the MOE has never explained this notice, and the existing collaborative projects between the Oxfam and other government agencies proceeded as usual. ⑤

In fact, the Chinese government's caution is not limited to the INGO sector. Cracking down and closure of foreign websites and media control became much more forceful and severe after Beijing Olympics in 2008 and Jasmine Revolution in Africa. In previous years, the Chinese government used to be rather keen on having INGO presence in the country. It

註④ Related laws about NGOs, such as *Regulation on Registration and Administration of Social Organizations*, *Regulation on Foundation Administration*, and *Interim Provisions on Regulating Activities of Overseas Non-Governmental Organizations in Yunnan Province*, all have the requirement.

註⑤ Integrated Lianhe Zaobao, BBC reports.

was thought that INGOs brought a large amount of financial and technical assistance. The Chinese regime was eager to be accepted by the international community in the context of globalization. Moreover, civil society organizations can provide social and public goods and services that the government had difficulty in providing on its own. All in all, the Chinese leadership believed that even though proliferation of INGOs and participation of non-state actors can be risky for the political regime, the potential benefits outweighed risks (林德昌 2010; 馬秋莎 2006; Teets 2015). However, along with China's socio-economic development, the Chinese leadership began to be much more wary of potential or latent risks than the benefits that INGOs can bring.

The second conundrum that INGOs faces has to do with SOCIAL RELATIONS, both with collaborators and recipients. Because it is difficult for INGOs to work independently in China, their partners are often recipients and vice versa. Local governments, grassroots organizations, academic institutions, and so forth can all happen to be a particular INGO's partners and recipients at the same time, rendering the web of relationships murky and confusing. As INGOs can tap into a large reservoir of international financial resources, Chinese partners tend to interact with them differently compared to local NGOs. In addition, INGOs' distinct and "foreign" ways of operations can be incompatible with the existing local practices, such as INGOs' insistence on professionalism (Spires 2007) or emphasis on "empowerment", "partner", and "participant" over local rules of governance (戴光全、陳欣 2009). As a consequence, they can be further alienated from the local communities. Faced with such issues, more and more INGOs have appointed a Chinese national or overseas returnee as the head of their Chinese operation. Through persistent and deeper engagement with the Chinese society, INGOs have also revised their ways of doing work. For instance, Heifer International China increasingly depends on local employees, and trusts the local constituencies to carry out important projects. It also has strengthened collaboration with the local governments (陳太勇 2011). Likewise, the Guangdong Lions Clubs was able to deeply embed itself within the local community, heightening its legitimacy among the local constituents (朱健剛、景燕春 2013).

The third challenge faced by INGOs is RESOURCE. This issue is closely related to the two issues mentioned above, because resolving the two issues of political and social relations is critical to obtaining resources. Since the founding of the People's Republic of China (PRC), Chinese society has been subordinated to government (李珍剛 2004, 17). Under the model of "strong state and weak society" (孫立平、王漢生等 1994) the state monopolized most of important resources. It was only after the reform and opening-up that market began to play a role in allocating resources. In the past, INGOs relied mainly on their headquarters in the West for resources. However, with the rising socio-economic conditions of China, many headquarters began to reduce their China-focused aid. In addition, as

mentioned above, many INGOs are registered as local entities or affiliates of other local entities, which complicates accepting oversea funds. According to the Chinese law, INGOs are not allowed to solicit or accept domestic donations within China. Ironically, under this circumstance, those that have independent local status are better off, because they can more easily leverage other conduits for obtaining resources, such as applying for funds from other overseas foundations, establishing cooperation with private firms, or collaborating with government.

III. An INGO's Two Different Localization Models

EI was founded in Europe by a doctor, and provides services in family planning. It offers a full range of methods of contraception, and provide women with access to safe abortion services (where legal) and post-abortion care for low-income and underprivileged communities. During its decades of development, EI has established more than hundreds of centers around the world.

In 1990s when the United Nations Population Fund (UNFPA) was working with the Chinese government to promote its implementation of the ICPD Program of Action in the areas of reproductive health and women's empowerment, ⑥ UNFPA enabled EI's entry into China in collaboration with the National Family Planning Commission (NFPC) and the Chinese Ministry of Health (MOH). Later, EI formally registered with the Chinese government as the Emmeline International China (EIC) two years later. Although EIC has also faced the similar kinds of political, social relations, resource issues as other INGOs, it has been able to accomplish several notable achievements. EI is mainly service-oriented in the rest of the world, yet its work in China includes not only services but also advocacy. Since 2003, EIC has established "Family Planning" service centers in five cities: Haiyun, Jiye, Zhongzhou, Liangcheng, Xijing. Of these, Zhongzhou and Xijing centers have been shut down because they were unable to register legally. In 2013, EIC registered a marketing company to promote a technology which is safer and less harmful to women than the abortive techniques commonly used in Chinese hospitals. In 2015, EIC founded a fund, with the China Population Welfare Foundation serving as the agent, to educate more youth about sex and reproductive health. Perhaps most importantly, EIC has completely transformed

註⑥ At the 1994 International Conference on Population and Development (ICPD) in Cairo, 179 countries adopted a forward-looking, 20-year Programme of Action (PoA) that continues to serve as a comprehensive guide to people-centred development progress.

itself from pure international organization to localized international organization. In so doing, it has been able to lessen the effects of some of the more restrictive elements of the Administrative Law.

The rest of this paper details the process of these changes. First, we separately analyze EIC Liangcheng and Jiye centers' localized development paths. We then place these paths within the context of the overall development of EIC. This paper concludes by considering implications of these localization characteristics.

A. Path 1: Dependence on Local Government

The first distinct path is exemplified by the EIC Liangcheng center, and can be referred to as a local-government-dependency model. This can be seen in the center's origin, development, and maturation. Its distinct origin created a kind of path dependency. First, EIC carried out a three-year-long Kadoorie Charitable Foundation (KCF) project, which provided the initial capital for establishing and running the Liangcheng center (Internal Data). Second, the EIC country director had worked and lived in Liangcheng for many years before being appointed to work at the China Family Planning Association (CFPA). Hence, she had extensive personal and professional network in Liangcheng and within China's family planning system (Field Notes, 20150601). In addition, before the founding of the Liangcheng center, the Liangcheng Population and Family Planning Commission (PFPC) officials visited the EIC Jiye center's Generation Service Project, which was conducted in collaboration with Shakang PFPC. ① This site visit and the interactions with the EIC Jiye center and Shakang PFPC convinced the Liangcheng PFPC officials more about EIC's credibility. Even though the center could not register formally, Liangcheng PFPC decided to allow the center to be established and supported it throughout.

Thereafter, each time the Liangcheng center faced regulatory and institutional issues, the PFPC helped resolve them by communicating with other government agencies, such as tax bureaus, urban management bureaus, and commerce bureaus (Interview, 20150723). Therefore, to a large degree, the Liangcheng center's legitimacy—and legality—is embedded in its relationship with the Liangcheng PFPC. This is an important reason why the center continues to insist on engaging in family planning services. It is to maintain the legitimacy of its existence. In the beginning of 2015, the Liangcheng center moved into the building complex of Liangcheng Family Planning Service Station, thus further cementing its relationship with Liangcheng PFPC. At first, the network and trust of the EIC's director played a key role in engendering such a partnership between the center and the local

註① Jiye is the capital of Shakang province.

government. However, with the transfer of personnel, her influence in Liangcheng gradually weakened.

In the 2000s, many international organizations provided a large amount of funding to help China prevent and treat HIV/AIDS, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria (The Global Fund) and the Bill & Melinda Gates Foundation (Gates Foundation). The projects funded through such institutions were mostly carried out in collaboration with the Chinese government. In particular, it was usually the local Center for Disease and Prevention Control (CDC) who implemented the related projects and allocated funding to non-state or quasi-state organizations. In the case of the Liangcheng center, its involvement in local HIV prevention projects did not begin through formal conduits. In fact, it was quite the contrary. Initially, the local CDC asked the Liangcheng center's staff to help conduct blood testing for patients and registered drug addicts simply because of medical staff shortage. Later, female sex workers (FSWs) were included in the mix. Similarly, when The Global Fund called local non-profit organizations to apply for its projects, because it was not registered in Liangcheng, the Liangcheng center had to ask local Sexology Association to serve as the actual, nominal applicant. In 2010, China-Gates Foundation AIDS Plan decided to discontinue its FSWs project, and only focus on men who have sex with other men (MSM). Although they never had prior experience with the MSM community, in order to keep the funding intact, the Liangcheng center staff began to provide HIV testing services for MSM. For its roles, the Liangcheng center received a high praise from both Gates Foundation and the CDC, who remarked that its staff "are highly capable, know which populations to target, and accurate in detecting HIV cases" (Interview, 20150723). Such a track record became helpful when internationally-funded projects began to phase out of China and the Chinese government began to replace international organizations as the main funding institution. For instance, when the CDC began to directly purchase related services from non-state organizations, the Liangcheng center was able to easily outbid others.

Because of its institutional dependence on the local government and its lack of formal registration, the Liangcheng center is unable to initiate any projects on its own. But the relevant local government agencies, such as PFPC and CDC, provide it with a sufficient level of institutional protection and financial resources. Hence, the Liangcheng center has been able to enjoy organizational stability for a long time, with which it turned family planning and HIV testing into its core programs.

As highlighted by various previous studies in the literature on Chinese INGOs, such a kind of dependency on the local government or government leaders is quite common in China (劉玉蘭、張黎夫 2009; Hsia and White 2002; Teets 2015). Most have focused on counterproductive or even negative consequences of such dependency. Some studies have

described INGOs as colluding with the local government to form parochial interest groups in the name of survival (湯蘊懿 2012). Others have highlighted INGOs' inability to fulfill their original missions because of such "dependent operation" (郭占鋒 2012).

However, EIC Liangcheng center's experiences have been significantly different. Notwithstanding—and arguably because of—its dependency on the local government, it has been able to survive and maintain its international root and status. It has also largely been able to fulfill its organizational mission and mandate. This can be attributed to a confluence of several forces. First, in terms of work content, local government agencies' demands are basically the same as the EI headquarters' mission. As long as the funded institutions, including INGOs, remain committed to family planning services, the government agencies are willing to invest in HIV / AIDS prevention-related projects as well, both of which are in line with EIC's organizational objectives. In addition, the Liangcheng center provides family planning services and manages itself in full accordance with the EI's regulations and protocols. Such "standardized" (*biaozhunhua*) ways of operation coincide with the government agencies' demands. Because of the harmonization of interests and preferences between these actors, the Liangcheng center has not faced the need or pressure to change the work contents, services, and organizational goals frequently. Furthermore, the resulting long-term stability has been able to further engender trust between the center and the local government agencies. In fact, the government actors have been enthusiastic in publicizing their collaboration with this "international organization", frequently citing it as a sign of its "open-mindedness" (*kaifang*) and "professionalization" (*zhuanye*). For instance, whereas the EIC Jiye center is allowed to publicize only their local name (i.e., Shakang Youth Health Service Center) in Jiye, the Liangcheng center has been required by the local government to display and use the name "Emmeline International Organization" (Field Notes, 20150615; 20150723).

Second, the Liangcheng center serves an important role in mitigating the local government's capacity and information issues. As a result, it is rather difficult for the local government actors to ignore the center. For instance, the center conducts thousands of HIV testing every year, accounting for 16% of new AIDS cases in Yanglin Province (Interview, 20150725). Not only does it help the local government agencies complete their own work tasks and responsibilities, but it also provides important data for policy-making. The center also regularly reports the latest trends and news related to HIV / AIDS to the local government actors. For example, the youngest case of AIDS infection in Liangcheng was informed by the center. After learning from the center in 2014 that 39% of HIV-positive population were under the age of 24 years old, the Liangcheng CDC expeditiously launched a project dedicated to youth called "health education into the university campus". The center has also found out that a significant portion of the people who come to the center for HIV-

testing have donated their blood in the past. Both the donation centers and the donors themselves frequently make hasty judgment about their HIV status based on the preliminary blood tests conducted by the blood donation center afterwards. These tests are often conducted within days of the donation rather than after the HIV virus's 10-day activation "window period". Since this poses a significant risk to both the general public and the donors themselves, the center recommended the CDC to modify the regulations. In response, the CDC modified the donation procedures so that the donors are no longer informed of their blood test results after donation (Interview, 20150723).

In short, this particular path of INGO development is characterized by dependence on the local governments to operate. At the same time, the INGO continues to work in the name of international organization. Regardless of whether in terms of work contents or status, such a kind of INGO is simultaneously an international organization and a local organization, because its dual roles have no obvious contradictions.

B. Path 2: From INGO Branch to Separate Local Organization

Unlike the Liangcheng center, EIC's Jiye center effectively transformed from an INGO's branch into an autonomous local organization. The transformation process illustrates the second path of INGO development in China. The Jiye center was established in the context of policy reform in the Shakang family planning system. At the time, the Shakang PFPC insiders believed that "one-child policy will be abolished in China sooner or later, so family planning agencies will also no longer exist (Interview, 20150318)". Previously, family planning agencies' work was mainly to catch and fine "over-birth-quota" families and individuals. As time passed, such cases became less and less, and so has their work. These agencies gradually became unimportant (Interview, 20150702B). The Shakang PFPC became acutely aware of the survival crisis; for the stakeholders, heightening the legitimacy of the family planning system became imperative (張肖敏 2007). One way, they believed, was to establish cooperation with EIC that has been a global leader in providing family planning services. The Shakang PFPC visited EI's headquarters and signed a cooperation agreement in 2004 (張春延、華曉梅 2004). Soon after, EIC was invited to set up a center in Jiye, which, they hoped, would serve as a template for official family planning service centers elsewhere (Interview, 20150728). Because none of the existing regulations could accommodate an INGO providing paid medical services, the Jiye center registered as a domestic local organization. As a result, the Jiye center had an independent status from the beginning. Although EIC still played a leadership role, the Jiye center was not legally bound to it as a subordinate. This formed the basis for the center's independent development in the subsequent years.

The Jiye center's independent legal status has influenced its development in three important ways. First, the local government has merely been a partner with the Jiye center. This can be a boon or curse depending on circumstances. For instance, when times are tough, especially politically, if the center encounters problems, the government agencies may not assist at all. Second, the Jiye center may not receive preferential treatments that are available to other international organizations. For instance, it can apply for projects on its own, but it needs to compete with other domestic social organizations just like any other local organization. Third, the director of the center has the legal personality and the center's financial system is independent, which creates room for independent operation.

Since it was established in 2005, the Jiye center operated according to the instructions given by the EIC Representative Office (Interview, 20150702B). It continued to do so until the headquarters considered closing it in 2011 because of its continuous annual financial deficit (Field Notes, 20150616). Due to the specific local environment and organizational issues, ⑧ the Jiye center did not have enough family planning customers to break even as the other centers did. Nevertheless, between 2005 and 2011, the financial crisis did not yet pose an immediate threat, because, as a formally registered legal entity, the center was still able to apply for a large number of HIV/AIDS projects in addition to strong support from the EIC Representative office (Field Notes, 20150615). International foundations have significantly decreased funding for HIV/AIDS prevention in China since 2010s. Unlike the Liangcheng center, which takes advantage of professional medical staff to do direct testing—a “professional” service clearly favored by the CDC—the Jiye center carried out HIV/AIDS projects by education and advocacy only up to that point (Internal data). When the CDC, who attaches importance to data and HIV-positive rate (Interview, 20150702A), became the major financial sponsor, the Jiye center needed to start competing with other non-state organizations for limited resources. Survival crisis broke out in full force.

In an interesting turn of events, however, the organizational crisis was also an opportunity for the Jiye center to initiate reforms, which eventually led to its organizational autonomy. The transformation occurred gradually through a series of organizational restructuring and institutional changes.

First, the EIC Representative Office decided to hire a new director when the crisis arose.

註⑧ There are many reasons for lower family planning services in the Jiye center. Jiye has abundant medical resources and its socio-cultural atmosphere is more liberal. Hence, EIC abortion has no advantage compared with local hospitals (Interview, 20150317). In addition, Shakang PFPC was building their own family planning centers when the Jiye center was set up, so it was difficult to receive resources from the government (Interview, 20150702B). The Jiye center built reputation in providing safe-sex education, and organized a large team of volunteers. This created a kind of path dependency, and the center increasingly focused on and specialized in sex education and advocacy.

Several candidates went to the Jiye center successively, and the instability in the leadership led to shift in power relations. The new directors, appointed by EIC, resigned after a brief time (Interview, 20150318). The existing staff at the center began to distrust the newcomers. In addition, the new directors all came from out of the region, and one of them even had virtually no background in medicine or healthcare system. In contrast, the existing staff were all medical professionals. Not only were they familiar with the center's business and day-to-day operations, but they were also in control of the resources related to the customer base. The Jiye staff were more concerned about the center's future than the new directors, and hence began to ask for more decision-making power. All of these led to de-verticalization of the power structure in the Jiye center.

In the newly decentralized system, the mode of decision-making within the organization has undergone a significant change. Although the authority relations are still present, the previous mode strictly based on authority and power gave way to one based more on deliberation. The current director, for instance, knows little about clinical medicine. The specific medical treatments provided to the customers are determined by the staff, who report data to the director afterwards. In contrast to the previous years, the director makes operational decisions only after conducting discussion with the staff. Even minor daily errands are collectively decided, such as scheduling shift times, bulk purchases, and so on. Even when the director has already made up her mind about a particular issue, she would still allocate time to listen to other staff's opinions. It is not entirely impossible or rare to alter the decision in the aftermath of such deliberations. (Field, notes) These decision-making processes have strengthened communication—and indeed trust—between the protagonists. The resulting organizational structure is a distinct combination of authoritative relations and horizontal information flows (Pfeffer 1982, 215).

The transformation of organizational structure brought a variety of institutional changes, both formal and informal. The distribution of bonus is a prime example. In general, at EIC, the doctors take half of the bonus and the rest is divided between the nurses. Because each center only has one doctor and several nurses, the doctors naturally take much more bonus than nurses. In the case of Jiye center, as mentioned before, it could not give its staff bonus previously because it made no profit. When its balance sheet finally turned positive since the end of 2014, the Jiye center decided to allocate bonus equally among all staff members because everyone felt that nurses made an equal contribution to profit (Field Notes, 20150715). Another example is the division of labor. There is certainly a general or rough division of labor between the staff members, accordingly to their expertise. However, it is not written in stone; nor is it implemented inflexibly. Routinely, a lot of tasks are provisionally distributed and shared between different staff members according to particular circumstances (Field, Notes). In other words, to a large extent, every staff member is a

generalist. In turn, these institutional mechanisms have contributed to further organizational decentralization and horizontal communication.

Such a series of changes has made the Jiye center increasingly different from the other centers. It no longer simply obeyed EIC Representative Office's instructions. In order to keep the balance sheet positive, the Jiye center needs to increase revenue from service provision. Hence, meeting the specific demands of the local clientele has become much more important than meeting the headquarters' demands and standards; customer satisfaction has come to occupy more central place than the headquarters' evaluation. The center's provision of abortion service is in the "gray area" ⑨ (*huisedidai*) in terms of government policy (Interview, 20150702A), as there is no law or regulation specifically allowing or forbidding non-state institutions to do so. Unlike the Liangcheng center that operates under the protection of the PFPC, a tiny accident would be enough to kill the Jiye center. Hence, to protect itself, it developed other less risky services like gynecological examinations or sexually-transmitted disease (STD) treatments, and provides services to those who have no access to appropriate services in public hospitals, such as female sex workers, people living with HIV, and men who have sex with men. The center's independent status is critical to obtaining these clients' trust because they fear disclosure of their private information, especially to the government. Therefore, the center purposefully cut its formal ties with the government. Precisely because it was able to build trust with such groups of clients, the center could carry out the kinds of work that the government agencies could not. And precisely because it is able to carry out such kinds of works that the government actors are willing to collaborate with the center. For the latter, it could *de facto* devolve important tasks to the former without taking on the associated risks. For both the Jiye center itself and the local government actors, the equilibrium state in the gray area hence offers a level of safety that neither the fully international status nor the fully domestic status could offer. Over time, these dynamics have further reinforced the center's localized organizational identity.

As shown above, the EIC Jiye center exemplifies the second path of INGO development in China. By registering nominally as a local organization, such INGOs' branch obtain independent legal status in China. Although they are still under the auspices of their headquarters in the West, in response to the dual pressures coming from the political specificities of China and resource constraints, they began to search for organizational autonomy. Over time, both their identity and daily operations have become increasingly localized.

註⑨ According to state regulations, abortion belongs to the category of medical surgery, and hence only hospitals can carry it out. EIC centers are not hospitals.

IV. De-internationalization by Branding as Local Organization

We have analyzed EIC centers' different paths of localization in different cities which are part of EI's overall development in China. Therefore, the overall development of EIC can be described as "de-internationalization by branding as local organization".

Relying on great reputation, EI entered China through cooperation with the Chinese government. Together, they carried out reproductive health and family planning services in more than 30 counties across the country (internal data). There was a localization trend in the early days of EIC establishment. EI had a prior relation with an official in the China Family Planning Association (CFPA) and invited her to become EI China office's country director. At the time, EI mainly provided contraception and abortion services, but in her opinion, the most important issues in China were instead sex education and reproductive health of adolescents. After receiving EI's promise that she could have a significant level of autonomy in formulating a development strategy according to China's existing conditions, she decided to accept the job (Interview, 20150728).

EIC's development in China can be divided into three phases. The first, from 2000 to 2003, was a start-up period. After successfully negotiating its entry into China, EIC completed formal registration, pursued to specialize in adolescent sex and reproductive health education. In 2000, when EIC was registering in the capital, INGOs were developing rapidly in China (王名、楊麗 2011), and it was not difficult to obtain some kind of "legal" status. However, the existing legal framework was not entirely compatible with or able to encompass the new organizational breed in INGOs. As such, even if registered, their work was still limited. For instance, the information on EIC's registration includes "forbidding any activities involving monetary remuneration", which made it impossible for EIC to provide paid family planning services. Hence, each local branch had to re-register locally. Such a limitation had a significant impact on the organization's ability to survive and develop.

In the beginning, EIC focused on educating the youth about sex and reproductive health according to what the country director had in mind. It was also able to receive funding from some overseas organizations specifically designated for such purposes. But sex education and advocacy were "off limits" at EI, and they fell outside its organizational mandates and missions at the global level. Although the INGO's founder did not directly oppose them as long as the China office was able to raise funds on its own, neither was he keen on promoting or encouraging them. For EI, family planning services were still considered its main focus (Interview, 20150728). To do so, EIC had to establish clinical centers in China. Nonetheless, under Chinese laws and regulations, it was almost impossible for international

organizations to establish non-profit medical institutions in China (Field Notes, 20150316; Interview, 20150728).

The second phase, from 2003 to 2010, is the developmental period, and the Jiye center and the Liangcheng center were established during this period. While continuing to work on sex education and advocacy, EIC tried to open service centers in China. The first clinic was founded in Haiyun in September 2003, because a vice district mayor of Haiyun was willing to break the norm (Interview, 20150728). During this period, there was a large influx of overseas funds for China's AIDS prevention and control, and the reform of China's family planning system provided a political environment conducive to the new developments. After the establishment of the Haiyun service center, EIC also set up service centers in Jiye, Xijing, Liangcheng, and Zhongzhou to provide clinical services. However local policies and political climate were not the same. Xijing and Zhongzhou centers had to be closed soon after because the local governments were not willing to approve license. The Liangcheng center failed to register as well. However, as mentioned above, with the support of a local government agency, the Liangcheng center was able to continue its operation (Field Notes, 20150601; Interview, 20150723). On the other hand, EIC sustained their educational programs with the support of foreign foundation, Chinese and foreign governments, intergovernmental organizations (IGO) and enterprises (EIC 2007). Because donors were mostly interested in HIV/AIDS, EIC needed to frame its programs accordingly to receive grants. However, the chief representative continued to emphasize that "we are not an organization to prevent AIDS, but AIDS is an important component of sexual and reproductive health" (Interview, 20150728).

The third phase is from 2011 to the present, which can be described as adjustment period. It was during this period that the Jiye center transformed from an INGO's branch into an autonomous local organization. It was not only the Jiye center; the rest of EIC became more diverse through restructuring. Although still remaining as an international organization, EIC has increasingly identified itself with local constituents and issues. The changing external environment has contributed to such transformation. First and most importantly, most collaboration between international organizations and the Chinese government to address AIDS has been gradually phased out. As such, availability of overseas funding has been greatly reduced. At the same time, government procurement came to dominate the sector. Hence, the Chinese government instead of international organizations became the most important financial sponsor in the sector. Second, the government's control and management of INGO has been strengthened. The former affected EIC's programs. With the decrease in HIV/AIDS-prevention related funding, EIC shifted away from HIV/AIDS-prevention related programs, and concentrated increasingly on sex and reproductive health education and advocacy. The latter affected EIC's service centers. The two failures in Xijing

and Zhongzhou convinced them that it is too costly to deal with the local governments because they can be rather unpredictable and whimsical. Although there was a demand for service centers in other regions, EIC determined that it was not cost effective to deal with unknowns. Instead, it decided to focus on the development of the three existing service centers (Interview, 20150728).

While giving up the strategy of regional expansion, EIC turned towards diversification. In order to promote the use of a technique less harmful to females undergoing abortion in hospitals, it set up a social marketing enterprise. In order to mobilize more individuals and organizations to participate in adolescent safe-sex education, it established a dedicated fund. In the regional centers that were registered separately in the three cities, all operations have been localized. Even though they are still regarded externally as an international organization and all of their programs are conducted in the name of Emmeline International China, the regional centers today are significantly different from their old selves in every meaningful aspect. The chief representative pointed out that the transformation did not follow a plan laid out *ex ante*; rather, EIC was “forced” (*beibi*) to make those adaptations. Today, localization has occurred to such an extent that even if EIC Country Office ceases to exist one day, its work and mission would still be carried out as usual by the local centers, specialized funds, and social marketing enterprise (Field Notes, 20150618).

In short, both in the case of the Liangcheng center’s “local-government-dependency” model and the case of the Jiye center’s “separate local organization” model, EIC has negotiated a process of *de facto* de-internationalization by branding as a local organization. In the aftermath of these processes, most of the work is localized, notwithstanding the formal “international organization” status on the book.

V. Conclusion: Characteristics of Different Paths of INGO Development in China

Using EIC as a case in point, we have analyzed two distinct paths of INGO development in China. Our findings are informed by both latitudinal and longitudinal analyses across different regions and time periods. The findings are summarized in Table 1. It is evident that each of the paths has arisen as a solution to a specific set of issues faced by a particular organization. The issues are broadly related to political context, social and relational resources, and financial constraints. How a particular organization has tried to cope with these issues has largely conditioned its overall development path.

Table 1 Characteristics of different Paths of INGO Development in China

Institutional Characteristics		Liangcheng Center (PATH 1)	Jiye Center (PATH 2)	EIC (OVERALL)
Political context	Registration status	No ^⑩	Yes (As a local organization)	Yes (As an international organization)
	Relationship with the local government	Close	Estrangement	Depending on specific location
Social relations and networks	Local network	Estrangement	Embedment	No
	Relationship with the clientele	Loose	Close	Depending on specific program
Financial resources	Availability of resources	Yes	Before: No; Now: Yes	Yes
	Sources of resources	service provision, projects	Before: projects, allocation from headquarters; Now: own service provision, projects	Projects, service provision
Consequences				
Internationalization		Yes	No	de-internationalization
localization		Yes	Yes	brand as local organization
Compatibility of organizational missions vis-à-vis missions of the headquarters		Consistent	Re-interpretation	Adjusted according to specific local conditions

Source: Author.

The first development path is characterized by an INGO and the local government actors attempting to find an arrangement that produces co-benefits to each other. Theoretically this can be a tenuous situation, fraught with critical institutional issues such as free-riding and short-term utility maximization. In the case of the Liangcheng center, however, there were specific conditions that favored mutually beneficial, rather than predatory, relationship to arise and sustain. Most crucially, EIC and the Liangcheng local government actors happen to have a similar set of organizational goals and objectives. The local government actors enabled the Liangcheng center to operate as an international organization. In return, the latter redirected the focus of its work to provision of family planning services and HIV testing services. Later on, it even began to collect a large amount of data related to HIV/AIDS. By doing so, the Liangcheng center essentially helped the government actors resolve their own capacity problem. The center *de facto* carried out many of the work tasks that used to belong to the government actors.

In the second development path, the INGO completely localizes in local China. At the same time, it significantly removes itself from the headquarters' influence. As a result, it has

^⑩ The Liangcheng center officially registered as the local government in February 2015.

the ostensible look of domestic grassroots organization. In the case of Jiye center, it registered as a local non-state organization. Hence, it has a legal status independent from its relationship with the headquarters. Although broadly speaking the Jiye center does not engage in activities that contradict the ideals and missions of the headquarters, it has nevertheless significantly altered its services and mode of operation to better conform to the specific needs of its local clientele. Many of its services and activities are not explicitly endorsed by the headquarters. The independent legal status can be a double-edged sword, however. On the one hand, it brings a greater degree of autonomy to the INGO. On the other hand, the organization has to deal with most issues by itself without a ready helping hand from the headquarters. Yet, both have reinforced the process of localization in the case of Jiye center.

Similar to the first path, the Jiye center's path to localization has been highly conditioned by a set of local circumstances distinct from the other cases. In contrast to them, the Jiye center's localization was mainly catalyzed by an internal resource crisis and had less to do with regulatory instability or institutional ambiguities. Year after year, the center was unable to make sufficient revenue to cover the operational cost, which eventually led to an organizational crisis. In the process of finding a way to resolve this financial issue, the center found itself increasingly localizing and paying more attention to the local clientele's needs rather than the headquarters' mandates. As a result, while the other regional centers of EIC may still be considered as an international organization, the Jiye center operates as a *de facto* local organization.

Some features of the two paths are distinct from each other (Table 1). Demand-side discrepancies bring about differences in other related characteristics. In Path 1, since the local government pays attention to data, the center has to complete a single job large enough to meet the government's needs (thousands of tests a year), making it impossible to establish close connection with customers. There is no need to enter the local social network. In contrast, Path 2 is to get funding from services, so it is important to provide good service to clients and to establish good relationships with them. Embedding in a local community network can make the center more accessible and trustworthy to them who are primarily marginalized.

In the EIC's overall development process, the organization essentially remains as an international organization. It is true that in the process of responding to China's political and social environment, the original identity of the organization has been incessantly challenged. Nevertheless, it continues to follow and uphold the headquarters' mission and values. The organization developed multiple status in order to ensure its operations are relatively unaffected by unexpected and constant policy changes. This process was not planned *ex ante*; nor was there a blueprint to follow. Rather, under the unfavorable and constantly changing

socio-political contexts, it exhibited an experimentalist nature (Field Note, 20150618). For instance, EI entered China by collaborating with the central government. Hence, status did not pose a problem in the beginning. Yet, when the organization wanted to set up a health clinic in local China, it found that it was impossible to do so under the existing laws and regulations. In response, EI decided to experiment with different kinds of legal status. Its transformation was conditioned by three institutional forces: i) organizational autonomy endowed by its headquarters in the West; ii) the personal and professional networks the local managers in China had with the leadership in the headquarters; and iii) policies and attitudes of the related government agencies in China.

VI. Implications: China's New Administrative Law and INGOs' Future Development

The Administrative Law was passed on April 28, 2016. When it went effective on January 1, 2017, it affected the entire third sector in China, including grassroots organizations, research institutions founded by or affiliated with INGOs, and even collaborative ventures between the Chinese government agencies and INGOs.

The enactment of the Administrative Law shows that the Chinese government is furthering its hierarchical reach into the civil society. In fact, China's engagement with INGOs has undergone several adjustments in previous years, and there was never a uniform system—that is, until now. The early years were marked by general welcome, as specific, designated organizations were invited to enter China. This was later replaced with the ambivalent policy of “neither recognizing, banning, nor interfering” (*bu chengren, bu qudi, bu ganyu*) (謝曉慶 2011). Previous studies have informed that eventually, as the civil society continued to evolve, two models came to dominate the sector (Teets 2015). One, widespread in Yunnan, was the more open and liberal of the two; the other was the more conservative and strict government-supervision model espoused and endorsed by Beijing. In 2009, *Interim Provisions of Yunnan Province on the Regulation of the Activities of Oversea Non-Governmental Organizations* was enacted. It reflected not only the local governments' trepidation with the rapid growth of the “unmanaged” third sector, but also the central government's desire to impose and diffuse the Beijing model across the country. The focus of the Beijing model was government-led NGO development, through heavy-handed nurturing and drastic increase of government procurement.

The conventional wisdom is that the Administrative Law marks a sudden policy shift and the Chinese leadership's intention to disrupt the third sector. Clearly, there are a number of signs that lead one to believe that the future development of civil society will be quite

linear, leading to an end fraught with pain and disappointment. First, with the newly imposed limits on the local actors' latitude to interpret and implement the national regulations, it would be more difficult for INGOs to carry out activities of any kind in China. Overseas INGOs that are unregistered with the government are strictly forbidden; they are not even allowed to fund domestic Chinese organizations or individuals. Already feeling enormous pressure, some INGOs have already decided to withdraw from China. Second, the non-state organizations' finances will be under draconian supervision and control. In addition to the limitations on funding sources, INGOs and their bank accounts will be placed under annual financial audits, and they will need to submit annual budget to the government. Third, non-state organizations are no longer allowed to register in Hong Kong or Macao for the purpose of gaining legal status and then carry out activities in the mainland. Lastly, the government agency in charge of governing the third sector will change from the Civil Affairs Bureau to Public Security Bureau (PSB). The latter is endowed with a series of new powers and prerogatives, including interviewing INGOs' staff at will and entering INGOs' offices to check, examine and copy internal documents and materials. These can be done *ad hoc*, arbitrarily, and without prior notifications. The PSB officers can even investigate about related individuals and entities, and seal or seize what they deem to be suspicious venues, facilities, and assets. In short, a dark age is predicted for China's third sector.

Nevertheless, our findings offer a much more nuanced interpretation. First, the new Administrative Law is not necessarily a sudden development or abrupt departure from the previous years. The history of EIC suggests that the relationship between the Chinese state and INGOs has gone through constant adjustments in the past. The new Law was likely a byproduct of an evolutionary process, which took years in the making. Second, under the strict financial control of the new Administrative Law, grassroots organizations will be more difficult to obtain foreign funding. It is quite likely that the level of government procurement will continue to increase at the expense of international donors, and an increasing number of grassroots organizations will be formally registered to qualify for government grants. This will in turn likely further reduce China-based organizations' reliance on international organizations, catalyzing or expediting the process of localization in some cases. However, it is difficult to predict whether such localization will prove to be a boon or bane for the particular local community in question (or for China's civil society writ large, for that matter). As shown in several examples in this paper, mechanically following the foreign headquarters' mandates may not necessarily be conducive to serving the local community. In many cases, localization can serve as an important policy corrective (above mentioned examples of the Liangcheng center). Lastly, if history is any indication, even under the new Administrative Law, the path of civil society development in China will likely be also multi-linear rather than linear. If anything, our findings suggest that it is determined by a

combination, interaction, frictions, and complementarities between formal *and* informal institutions.

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(收件：106年4月13日，接受：107年4月27日)

不同類型的在地化： 國際非政府組織在中國的發展路徑

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摘 要

數千個國際非政府組織 (International Non-Governmental Organizations, INGO) 先後在中國開展工作，其中大部分都長期面臨著法律和體制上的身分問題。〈中華人民共和國境外非政府組織境內活動管理法〉首次明確規定了對 INGO 的管理，它受到來自各方的不同評論。一方面，INGO 能夠獲得法律地位，其工作將有法律依據。但另一方面，政府，特別是公安機關，已經被賦予新的權力來監控 INGO。如何應對不斷變化的環境和趨勢是每個在中國的 INGO 都必須面對的常態議題。政府對 INGO 的管理和監督一直存在，一些 INGO 在其長期工作中發展出獲得合法性的方法。

本文調查了在中國政治和制度背景下一個 INGO 發展的過程和策略。在過去近二十年中，這個 INGO 為適應中國不斷變化的情況發展出多種身分 (國際非政府組織、地方組織、基金會、企業等)。因此，新法案並未對它造成較大衝擊。該 INGO 在中國的轉型大方向是在地化，但它並沒有完全放棄其國際組織的身分和實踐。我們發現 INGO 在中國的不同時空下發展出兩條不同路徑。對於所有在中國的 INGO 來說，組織變遷圍繞著一個中心問題展開，這個問題往往極具挑戰性，甚至相互矛盾，即是應該堅持履行其組織使命還是維持其國際組織身份並在中國長期運作？

關鍵詞：國際化、在地化、中國政府、政治敏感

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