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中国国际环境非政府组织 的发展现状与变化研究

International ENGOS in China: a Significant Presence and a Fast- Changing Reality

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本文通过回顾非政府组织的发展历程及其在国际政治中的作用，考察国际环境非政府组织对中国环境治理的影响，以及中国境外非政府组织境内活动管理法《中华人民共和国境外非政府组织境内活动管理法》的主要含义。通过对国际气候变化会议中中国领导层行为历时变化的分析，探讨了中国国际环境非政府组织的现状、决策和项目。本文认为，国际环境非政府组织对保护中国环境、形成公民社会以及加强环境保护意识和公众参与意识起到了积极作用。《中华人民共和国境外非政府组织境内活动管理法》的实现国际环境非政府组织起到了更为严格的监督作用，其效果有待进一步研究。

The paper examines the impact that international ENGOS have had on Chinese environment situation and the implication of the Law of People's Republic of China on the Administration of the Activities of Overseas Nongovernmental Organisations in Mainland China. Based on the review of historical profile of NGOs and their enhanced role within the international politics, the paper analyzes China's leadership evolutionary behaviour in international climate change conferences and investigates the international ENGOS' current

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[关键词] 国际非政府组织; 气候变化; 国际政治; 《中华人民共和国境外非政府组织境内活动管理法》; 中国公民社会

status, strategies and projects in China. The paper argues that international ENGOs have had a positive, even if limited, impact in protecting Chinese environment and in supporting Chinese civil society to emerge and strengthening the public participation and awareness. It also argues that, the implementation of the new law certainly puts international NGOs under higher scrutiny; however, further implications are, to date, only partially predictable.

Key words: International NGO; climate change; international politics; the Law of People's Republic of China on the Administration of the Activities of Overseas Nongovernmental Organisations in Mainland China; Chinese civil society.

1. Introduction

In the last 40 years China's economic development has been impressive. It has contributed to huge transformations that reshaped the geopolitical context, giving to China a preeminent role in the world politics. The opening-up reform, launched by Deng Xiaoping in 1978, firstly established the "socialism with Chinese characteristics"¹, it accelerated agriculture decollectivization and promoted country's aperture to foreign investments. Secondly, it expedited China's participation into the international community (Dillon, 2012). The reform caused massive social and cultural changes, it produced internal migration from the rural areas to the cities and emancipated 200 million Chinese citizens from poverty (Davin, 2004, cited in Dillon, 2012).

Likewise, drawbacks have been dramatic: inequality swiftly increased and environmental issues related to air and water pollution, biodiversity loss, wildlife migration and dramatical climate change increased (Shapiro, 2012). As for China's involvement in the international community, it relevantly

¹ Expression coined by the former leader Deng Xiaoping who described the new Chinese socialism as devoted to capitalism and to the economic reform. Full speech may be consulted at: <http://newlearningonline.com/new-learning/chapter-4/deng-xiaoping-socialism-with-chinese-characteristics>

increased its participation and its influence in international conferences and meetings of multilateral organisations, becoming an active and integral part of the global system. Besides attracting foreign investments and facilitating international cultural and educational exchanges, China's government sought for international community contribution to China's development (Shieh, 2012). Its entrance in the World Trade Organisation (WTO) in 2001 affirmed its new role within the international community and showed its intention to adapt and become an integral part of the global system. In the process of adapting to international norms, China improved its commitment to sustainable development, climate change and environment pollution by participating more actively in international climate change conferences. In this framework, international NGOs (INGOs) started to operate in China from the early 80s. Since their arrival in China, INGOs are experiencing a contentious and fast-changing status: they have been deemed as useful and necessary partners because owners of advanced technology and professional expertise and, at the same time, as threatening entities because bearers of western democratic values (Shieh, 2012). The study provides an overview on NGOs' history by underlining their main features and characteristics and looks at China's improved attention to environment protection by analyzing China's leadership evolutionary behaviour in climate change international negotiations. This study tries to shed more light on what the impact that international ENGOs have had in China and how the Chinese government is dealing with their presence to confirm a positive, even though limited, impact of international ENGOs on Chinese environment protection and it also tries to analyze reasons and future implications of the new law.

2. Methodology

The present study is principally based on secondary resources: by looking at the extant relevant literature, by analyzing annual reports, programs and projects that international ENGOs have carried out in China. A deductive approach and a descriptive and explanatory method are employed in order to understand to what extent the international ENGOs have contributed to environment protection in China and to explain reasons and effects of the partnerships and network they have established. By focusing on projects implemented by three major international ENGOs (World Wildlife Fund, The Nature Conservancy and Greenpeace) a lack of representativeness of the whole international ENGOs' reality in China

may occur. However, their relevant presence within the international community and their long-lasting experience in China, make them valuable examples to explain which strategies an international ENGO has to employ to have a significant impact on Chinese environment protection and on Chinese civil society. In the attempt to analyze implications of the “Law on the Administration of the Activities of Overseas Nongovernmental Organisations in Mainland China”, implemented in January 2017, the study evaluates the current status of things, which is subjected to rapid evolution in the next years.

3. NGOs: Definition, history and evolutionary role in international environmental negotiations

Providing a precise definition for NGOs is extremely difficult and generalisation may be inaccurate and, to some extent, even misleading. DeMars (2005), Fowler (1997), Jordan and Van Tuijl (2006) and McCormick (2004) define NGOs as self-governing, private, non-profit groups of people (or organisations) who act outside the formal structures of government in an institutionalized manner devoted to a social mission. In this study I adopt the definition of NGO that Fazi and Smith (2006: 17) provide, defining them as “organizations who share most (if not all) of the following features”: non-state actors; non-profit making organizations; democratic organizations (joining is voluntary and free, the functioning of the organization is based upon democratic rules); independent from government; act in the public interest; rely on voluntary work and activists’ involvement, but often also employ professionals; have a mandate from their constituency.

Sharing these basic and key traits, NGOs are employed in many different areas with a wide range of approaches and commitments, making NGOs a heterogeneous body. A primary distinction needs to be made between Northern and Southern NGOs. Fowler (1997) claims that Northern NGOs have arisen from political affiliations for the promotion of national values to tackle specific issues, to advance in technological solutions and to promote particular ideologies. On the contrary, what mainly shaped Southern NGOs is their historical and social dimension, which encompasses a previous domination of foreign power and Western colonisation. That is the reason why Southern NGOs arose from independence struggles (Clark, 1991). Applying the North-South distinction to NGOs involved in environment protection field, it results in the Northern NGOs focused in handling the

environmental consequences of the industrialization and the Southern NGOs blaming the state of extreme poverty as the main cause of environment degradation (Sachdev, 2007). Weiss and Gordenker (1996) propose an alternative method of categorisation, which results particularly relevant for China's sociopolitical context. Employing a difference in the structural organization, they identify three variations: GONGOs (Government-organised non-governmental organisation) which are established and supervised by the government. QUANGOs (quasi-nongovernmental organisation) which receive most of their resources from public funds. Their action is committed to international-endorsed objectives and even if they depend on public funds, their actions are separated from the governments'. DONGOs (donor-organised non-governmental organisation) which are principally based on funds from voluntary donations.

While the differentiation of the last two types mainly consists in funding, GONGOs' peculiarity consists in the higher level of influence and control exerted by the government. The relation that a given NGO maintains with a government is strictly connected to the political context of the given country and, consequently, the degree to which NGOs may influence governments, highly depends on that relationship. In the last few years, China has also witnessed an extreme dynamism of the Chinese civil society alongside with an enhanced public participation in social issues. The increased attention to environmental issues has facilitated a rapid growth and development of local NGOs, whose peculiarities will be underlined in the following points.

3.1. Magic or illusion?

As voluntary, non-profit and independent organisations engaged in social mission, NGOs own strong and innovative peculiarities which empower them of a high level of trust and, at the same time, tangible weaknesses. The formal independence from government allows NGOs to have a high degree of community participation and to provide quicker solutions to community's needs. NGOs hold the capacity to reach the rural poor located in remote areas hardly accessible and where governments' programs are limited or ineffective (Cernea, 1988). Besides the capacity to arrive where government is not able to, NGOs empower local people to take part in the social transformation. As McCarthy (1992, cited in Weiss and Gordenker, 1996: 19) states: NGOs serve undeserved or neglected

populations to expand the freedom or to empower people, to engage in advocacy for social change, and to provide services.

Thanks to their particular status, they are deemed as innovative and flexible. They are able to experiment and attempt in implementing new projects thanks to a highly committed and motivated staff. Flexibility contributes to make NGOs problem-oriented and non-bureaucratic entities, owners of a broad knowledge regarding the emancipation of the poor (Matanga, 2010). Often, large part of the NGO staff is made up by local people, a thing that facilitates and accelerates the progress of addressing people needs and necessities. High level of commitment is ensured by the shared values of social change mission and to the work itself rather than to the organisation (Clark, 1991). Staff members participatory behaviour is strengthened by the bottom-up nature of NGOs that enable them to pay more attention and respect to local values, creativity, knowledge, ideas and to provide local people with the opportunities to take part in planning agenda and projects according to their primary needs (Kang, 2011).

Because of these peculiarities, NGOs also have many weaknesses that, to some extent, endanger their outcomes and jeopardize their existence. As Annis (1987: 129) notices: In the face of pervasive poverty “politically independent” can mean “powerless” or “disconnected”, “innovative” can mean simply “temporary” or “unsustainable”.

The hardest challenge NGOs face is the problem of accountability. Jordan and Van Tuijl (2006) describe a trend from the XX century which sees states as necessary and predominant actors in ensuring safety and development and collocates NGOs accountability focused on balancing multiple responsibilities to different stakeholders, deemed as highly trustworthy by the public opinion. However, accountability, as Clark (1991: 72) states, “does not challenge the effectiveness of the projects supported but whether the funds go to where they were supposed to.” As Havrda and Kutilek (2010) underline, thanks to their impressive development, today NGOs are able to influence in planning and implementation in various EU policies areas, therefore they need to strengthen their accountability. Limited technical capacity and poor staff quality may also affect negatively NGOs’ activity. Moreover, many projects are often launched without proper analyses and sufficient relevant data that inevitably compromise their success (Cernea, 1988). Another complication has been noticed by Clark

(1991) who, by looking at the leadership, reported that importance of the development of leadership skills and management training is generally underestimated. In the Chinese sociopolitical context, leadership issue is even more complicated because of the high dependence on a charismatic and strong figure who is necessary for the success of a social organisation in the long run (Ho, 2001).

3.2. China's leadership behavioural trajectory within international climate change conferences: A spiral model

In order to explain the evolutionary behaviour of China's leadership in international climate change conferences, I will apply the spiral model that has been developed as 'a theory of the stages and mechanisms through which international norms can lead to changes in behaviour' (Risse et al 1999, cited in Schroeder, 2008: 509).² While Schroeder (2008) applies it to explain the pathway of China's global environmental policies internalization, I will utilise it to show the evolutionary behaviour of China's leadership in climate change conferences and its increased commitment to fight climate change. It consists in five different phases: Repression, denial, tactical concession, prescriptive status, and role-consistent behaviour.

The first phase, Phase of repression (1972-1992) starts with the UN Conference on Human Environment (UNCHE) held in Stockholm in 1972, which introduced China to the global environmental discussion and represented the first step towards an improved attention to environmental issues as a national and global matter. Despite it represented a turning point for China, its behaviour at the conference has been deemed defensive, blaming the West for the seriousness of global environmental problems. China's participation certainly demonstrated an increased consideration of environmental issues, however it also confirmed that the opening-up reform and economic development, which seriously heightened pollution rates and drained China's natural resources, remained Chinese government's top priority (Heggelund and Backer, 2007; Stalley, 2013). Throughout the 70s and 80s China's behaviour in international climate change negotiations

² For further details about the spiral model look at Schroeder (2008: 507-509).

has been influenced by two key principles which showed its steady and rigorous position: the equity principle and the common but differentiated responsibilities (CBDR) principle. Retaining developed countries as the main responsible for the gravity of global environment is the foundation of the equity principle.

Phase of denial (1992-COP13), the interim period between the UNCHE and UNCED held in Rio de Janeiro in 1992 signed a behavioural shift from contestation to participation among developing countries' leaderships (Najam, 2005). As one of the most relevant outcome of the UNCED, by integrating the Agenda 21 in the 9th Five Years Plan (FYP), China adopted a sustainable development concept at national level policy (Heggelund and Backer, 2007). It represented an enhanced attention to environment pollution, however, the Beijing Ministerial declaration on the Environment and Development (1991) made clear that economic development remained China's top-priority stating that Beijing will resist to any external diplomatic pressure that could endanger the course of China's development (Ong, 2012).

The ratification of United Nations Framework Conferences on Climate Changes (UNFCCC) in 1992 and Kyoto Protocol (KP) in 1998, perfectly reflected China's intention to mitigate with environmental issues without compromising its economic development and its status of developing country. As a Non-Annex I country³, China had no binding emission limit in either treaties (Lewis, 2007). Coming into force in 2005, Kyoto Protocol (1998) established that, between 2008-2012, only Annex-I parties were committed to reduce emissions of six GHG to roughly 5% comparing to the 1990 levels. Moreover, article 10 reaffirmed the CBDR principle by stating that all parties have to take into account "common but differentiated responsibilities and specific national and regional development priorities, objectives and circumstances" (Kyoto Protocol, 1998). Among the mechanisms established under the KP, the Clean Development Mechanism (CDM)⁴ perfectly showed China's initial skeptical behaviour shifting into

³ List of the Non-Annex I countries is visible at the following link: http://unfccc.int/parties_and_observers/parties/non_annex_i/items/2833.php

⁴ The article 12 of the KP (1998) establishes the CDM. It allows a developing country to host activities and projects, managed by developed countries, to facilitate emissions' reduction. This process helps

a fully sustain (Wu, 2013). When the mechanism was proposed at COP3 in Brazil, China strongly rejected it because it saw it as the occasion for developed countries to avoid binding emissions cut and an opportunity to penetrate into developing countries.

The negotiations for an international environmental treaty to the UNFCCC started at first Conference of parties (COP1) in 1995. The parties to the convention meet annually to evaluate progresses and actions to adopt regarding climate change. Throughout the 90s and the first years of the XXI century, China's leadership behaviour has been dominated by the necessity to prioritize economic development and therefore it employed the CBDR and equity principles in order to prevent any binding commitment to be implemented. During COP5, China clearly stated that it would not undertake any binding commitments until it would achieve a "medium development level" (International Institute for Sustainable Development, 1999: 13).

During the phase of tactical concession (COP13), China made two significant concessions which revealed its intention to strengthen its commitment to reduce GHG emission and put them under stricter control. They consisted in "accepting the 'nationally appropriate mitigation actions' (NAMAs) to mitigate GHG emissions and put them under either measuring, reporting, and verifying (MRV) or international consultation and analysis (ICA)" (Wu, 2013: 787). In this occasion, China also agreed to negotiate on a new binding protocol for all parties. The importance of the COP13 relied in the fact that China and Group of 77 agreed on the fact that MRV mitigations actions not only should be measured and reported, but also verified. Besides country's individual commitments, COP13 has been deemed as a core moment in climate change negotiations because of the shared vision for a long-term cooperation in terms of global emission reductions, actions on mitigations and technology and financing assistance for the post-KP period (Christoff, 2010).

The high expectations for the phase of prescriptive status (COP15) (2009), or the Copenhagen Summit, to provide a new legally binding protocol for all the parties have been deceived. At the end of the Conference no

developing countries in accumulating credits which can be traded (Zaman and Hughes, 2012).

new binding commitment for gas emission to maintain global average temperature increase under 2 degrees was established, and the nature of the funds (public or private) to take climate change action and to provide technology transfer from developed to developing countries was not clarified (Clegg, 2011). The failure of the Copenhagen Summit in providing a new legally binding protocol with mandatory mitigation targets has been addressed to China and its obstructive behaviour. Christoff (2010: 647) explains China's leadership steady position as a "nationalistic assertion of its sovereign rights" and, by blocking global and Annex I countries emissions goal for 2050, it provided the opportunity to avoid any external threat which may restrict and limit China's future emissions. By prioritizing, again, internal factors and domestic interests throughout international climate change negotiations, proved China's leadership intention to prevent any external influence threatening its economic growth path.

In contrast to the low-point in history of climate change reached at the COP15 (Savaresi, 2016), COP21, held in Paris in 2015, represented an unprecedented global collaboration in producing a universal legally binding agreement (Ivanova, 2016) and the phase of role-consistent behaviour. Paris Agreement's (2015) most important outcomes are the set of a long-term goal of "holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above preindustrial levels" (article 2.1) and the aim to global peaking of greenhouse gas emissions as soon as possible, to undertake rapid reductions thereafter achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century (article 4.1).

The efficiency of the Paris Agreement still needs to be tested and the melioration of the global environment still need to be proved, however, the current status of ratification, which shows 169 out of 197 parties who have already ratified it⁵, represents a good premise. In conclusion, compared to the Copenhagen Summit, COP21 was a successful diplomatic negotiation thanks also to China's contribution. Its behavioural shift from steady and obstructive toward cooperative and flexible could be explained by the fact

⁵ Updated on October 25th 2017.

that, at the end of the 12th FYP (2011-2015), international climate change arrangements no longer represented a threat to the Chinese economy development. By reducing carbon intensity and employing a slower and less-intensive energy growth, China was able to make the international commitment to peak emissions around 2030 (Hilton and Kerr, 2017), putting China in the privileged position of “under-promise” and “over-deliver” (Green and Stern, 2017: 436). Moreover, Paris Agreement provided China with an unexpected opportunity to further enhance its position on the international stage as a global leader in the environment protection because of the recent US withdrawal from the Paris Agreement.

4. International ENGOs in China

4.1. Current situation

With the opening-up reform (1978) China not only opened the doors to foreign investments, but also started to welcome international community to assist in China’s development (Shieh, 2012). Its interest in joining international community and the fast-growing influence of international civil society in global politics, both facilitated INGOs’ penetration in China (Ma, 2006). In addition, China’s rapid economic growth, based on a heavy coal and oil consumption and its harmful impact on environment and climate change, attracted environmentalists and activists from all over the world (Chen, 2010). All these factors contributed to a fast-increasing presence of INGOs in China. Ma (2006, no pagination) well photographs this phenomenon: “Chinese government allowed INGOs to have their fingers in a good variety of domestic matters ranging from economic cooperation, legal construction, development of social communities, battles against poverty and disasters, protection of environment, prevention and treatment of AIDS, culture and art, medical care, education of all levels, women’s health programs and reproduction health.”

Starting from the 80s, INGOs presence in China drastically increased. However, since many of them do not have a registered office in China, stating their exact number is a complicated matter. According to CDB’s⁶

⁶ See: <http://chinadevelopmentbrief.cn/> CDB was founded in order to provide media and communication, research and consulting, services and networking to NGOs, foundations, development practitioners, businesses, researchers, and policy makers.

database, one of the most reliable sources, 189 INGOs are currently active in China in many different fields (Table 1):

Table 1: INGOs presence in China (CDB)⁷

Field	Number	Field	Number
Education	58	Labour and Migrants	8
Environment	56	Culture	7
Emergency/Disaster Relief	19	Animal protection	6
Community development	30	Media/Information	6
Children	25	Volunteering	6
Capacity building	24	Poverty Alleviation	5
Rural development	24	Social Enterprises	5
Health	52	Microfinance	2
HIV/AIDS	18	International Relations	2
Disabilities	16	Ethnic minorities	1
Law and Governance	15	Social Work	1
Woman	12	Think Tanks	1

Environment is the second most relevant field in terms of INGOs presence. According to the CDB's database, international ENGOs' distribution on Chinese territory is clearly uneven: most of them are located in South-Western China and in Beijing area. Concentration in poorer provinces such as Sichuan, Yunnan, Tibet, Qinghai could be explained by Chinese leadership restrictive behaviour toward civil society in the richest provinces, while the offices in Beijing provide a direct contact with central authorities (Chen, 2010).

⁷ Updated on 25th October 2017. The total number of INGOs in the table is larger than the INGOs registered because many NGOs are active in more than one field.

4.2. Common goals but different strategies

The increasing impoverishment of Chinese environment affected water and air quality, endangered animal species survival, harmed natural habitats and facilitated climate change (Shapiro, 2012). Since their arrival, international ENGOs started to be engaged in many different areas in order to safeguard lands, freshwater and oceans, to fight climate change and to enhance cities' air quality. By focusing on three different areas, I will look at the projects and different strategies employed by three major international ENGOs: the World Wildlife Fund (WWF), The Nature Conservancy (TNC) and Greenpeace.

4.2.1. Forestry and animal protection

Since 1998, TNC is working on restoration of Yunnan's forest in order to safeguard golden monkey natural habitat. In collaboration with Yunnan's government and local communities, TNC have planted 3.2 million trees, 730.000 just along 2016. Its action also contributed to protect golden monkey population which has increased from 1000, in the 70s, to the current 3000. Its intervention has not been limited to the reforestation project; by installing more than 12.000 alternative energy units in houses and schools in 420 different villages, TNC got local communities involved in protecting golden monkey natural habitat and contributed to highlight the importance of shifting toward a more eco-friendly livelihood (The Nature Conservancy, 2016). Greenpeace has conducted a two-year investigation which revealed an illegal logging activity in Ya'an city prefecture, in Sichuan Province. According to its records, it has caused the loss of 3,200 acres of pristine natural forest. Greenpeace East Asia (GPEA) discovered loopholes which allow an area of nationally and internationally recognised significance to be exploited for profit endanger local wildlife and global treasures, severely undermining the Chinese government's effort to preserve its and the world's natural heritage (Greenpeace, 2015b).

GPEA's findings highlighted how logging activity caused not only serious damages to the natural heritage of the giant panda reservation, but it also endangered survival chance of the rare Chinese yew. Being a direct violation of the article 40 of the People's Republic of China Forest Law (Guowuyuan, 1998d)⁸, Greenpeace denunciation facilitated

⁸ Article 40 of the People's Republic of China Forest Law literally states: "Whoever illegally fells

Sichuan Forestry Bureau to launch an investigation (Greenpeace, 2015b) which resulted in 23 cases filed, 22 officials held accountable and the loophole's closure (Greenpeace, 2016b). As one of the first international ENGOs active in China, WWF is also highly committed to safeguard and protect natural environment of endangered animal species. The *Green Heart of China—Yangtze River Giant Panda Protection and Sustainable Development Project* was a two-phase project (2007-2010, 2011-2013) which aimed to “safeguard the long-term sustainable recovery of the giant panda population and its habitat from the threats of natural disasters such as earthquakes and climate change”(WWF, 2010: 14). The project consisted of five main sections: mitigation and adaptation of key threats of infrastructures, mass tourism and climate changes; key corridors and critical forests management; sustainable livelihoods and alternative energies; communications for better administrative management; policy advocacy and promotion of law and regulation review, guideline releasing and generalization of piloted practices at regional, provincial and national levels. With the realization of this project, WWF estimated that “by 2030, a viable giant panda population will live in the well-managed forests of the upper reaches of the Yangtze River, which in turn will provide ecological services to the people living further downstream” (WWF, no date: 17). This project is particularly relevant because it accounted for many distinguished partners which contributed to its realization. Besides the help from WWF network donors and a large participation of volunteers, WWF could count on the collaboration from Chinese government's key departments such as Ministry of Environment (MEP), State Forestry Administration, Shaanxi, Sichuan and Gansu forestry Departments.

4.2.2. Yangtze River

The Yangtze River is the longest river in Asia. From its source on the Plateau of Tibet to its mouth on the East China Sea, the river passes through 10 provinces with a total length of 3,915 miles (6,300 kilometres). Nearly one-third of the national population lives in its basin (Pavlovich Muranov and Greer, no date). Today, the Yangtze River is home to the largest dam in the world, the Three Gorges dam. Its construction aimed

or destroys rare and precious trees in violation of the provisions of this Law shall be investigated of criminal liability according to law”.

to reduce the flood hazard, to generate an adequate electricity amount to meet the industrial and domestic demand in Eastern and Central China and to improve navigation along the Yangtze River (Wilmsen et al., 2011). Different international ENGOs have intervened in the area in order to safeguard animal species survival and to moderate hydroelectric dams' environmental impact. WWF is engaged in the area by improving management of the water resources and by enhancing nature's resilience to climate change. It contributed in stretching the Protected Areas Network (PA) to 102 areas, covering 1,850,000 ha⁹ of wetland area. Led by the State Forestry Administration, its establishment

laid the foundation to conserve more than 3000km² of wetlands in the central and lower ranges of the Yangtze; [and] contributed to [an] effective protection of more than 50 endangered species like the Yangtze alligator (*Alligator sinensis*) and Pere David's deer (*Elaphurus davidianus*); and raised the resistibility and resilience of the wetlands ecosystem, which is impacted by climate change at a river basin level (WWF, 2010: 24).

Regarding the Three Gorges dam project, WWF partnered with Chinese government and the Three Gorges Dam Corporation by signing the 5-year Memorandum of Understanding in March 2010 "in order to maximize the ecological, economic and social benefits downstream" (WWF, 2010: 24). The Memorandum has been signed also by TNC (International Rivers, no date). TNC's commitment to safeguard Yangtze natural environment is similar to the WWF's: TNC established a New Global Centre for Sustainable Hydropower to help Chinese and international hydropower companies to take a more environmental friendly approach (The Nature Conservancy, 2015). Through the collaboration with Chinese government and major hydropower companies, TNC is working on how to reduce dam's effect on Yangtze's natural flow which would have a negative impact on fish migration and on traditional agricultural methods. By collaborating with Three Gorges dam's operators, TNC helped in modifying the amount of water which flows through the structure, resembling more the natural river's course and increasing the supply of protein sources (The Nature Conservancy, 2014). Greenpeace's action focused on testing the presence

⁹ Symbol for one hectare. One hectare corresponds to 10,000 m².

of hazardous chemicals in four different location along the Yangtze River's path. Its investigation revealed a "widespread presence of certain hazardous chemicals within wild fish from the upper, middle and lower sections of the Yangtze River" (Greenpeace, 2010: 15). GPEA concluded that China urgently needed a sound plan to reduce, restrict and eliminate the release of various hazardous chemicals.

4.2.3. Air pollution

Another major issue related to Chinese environment is air pollution. Over the course of the economic and the opening-up reform, logging activity increased by the 25% in the period between 1978/1986 and the coal consumption doubled from 600 million tons to more than 1.2 billion metric tons (Economy, 2004), reaching the dramatic peak of 3.6 billion tons in 2013 (Jing, 2015). Coal and oil consumption are considered the main responsible for the release of $PM_{2.5}$. In order to lower the progressive reduction of the forest coverage, which today is assessed at 16.55%, well below the world average of 27% (Economy, 2004), and to tackle coal consumption, international ENGOs have launched projects which may help. In Liangshan region, in Sichuan Province, TNC, in collaboration with Novartis¹⁰, the Chinese government and the Liangshan community, is restoring 3,900 hectares of lush forest. Carbon for parks project directly involves local villagers and is estimated to remove 40.000 tons of carbon emission yearly over the next 30 years (TNC, no date). Even though it was hard to explain to local people the concept of carbon sequestration, they soon realized the benefit of the project and as a CDM project, it also generates emission reduction credits (Lan Lan, 2014). This is particularly relevant because it shows how international ENGOs and Chinese government relationship could be fruitful in carrying out a project which simultaneously benefits local communities and corporations under an international mechanism (CDM). Greenpeace action focused on the release of $PM_{2.5}$ in the Jingjinji area (Beijing, Tianjin and Hebei). Its investigation, run together with a team led by Dr. Dabo Guan from the University of Leeds, concluded that " $PM_{2.5}$ emissions in Beijing, Tianjin and Hebei mainly come from coal-fired power generation, industrial production, combustions of small-scale boilers for commercial and domestic purposes and the transportation sector"

¹⁰ Novartis is a global healthcare company based in Switzerland.

(Greenpeace, 2013: 46). It therefore pointed out that if stronger efforts will not be made in order to reduce PM_{2.5} releases, the National Air Quality Standard Level II of 35 µg/m³ will not be achieved until 2030.

This picture shows that international ENGOs, being involved in many different fields in order to protect endangered species, preserve their natural habitat and enhance environmental status, have a relevant role in Chinese environment protection. It also highlights how most of their projects are run together with the Chinese government and private companies, reaffirming the idea that Chinese government collaboration and support is something strictly needed to have a considerable impact on environment protection (Chen, 2010; Hsia and White, 2002). However, this picture shows also that international ENGOs employ different strategies. TNC and WWF usually launch their projects partnering with central or local government and other organisations. Through the years TNC and WWF collaboration with Chinese government has always been tight. As Chen (2010) noticed, WWF has been also a resourceful support for Chinese government to spread environmental awareness in schools by compiling, for example, the *Environmental education implementation guideline for middle and primary school*, which was adopted by the government in 2003, while TNC helped in providing experts' support when the Environment and Resources Protection Committee of the National People's Congress started to work on a Protected area law. Greenpeace's action usually starts by investigating and, when necessarily, by denouncing an illegal or harmful behaviour in order to attract Chinese institutions' attention to take action. This strategy has also been particularly effective to draw attention on the illegal fishery activities committed by Chinese vessels in West African waters (Greenpeace, 2016a). Greenpeace employs the IDEAL model¹¹ to start its campaign, which consists in investigating through its investigation unit, documenting to show what is happening, exposing the environmental crime to attract followers, acting by carrying out an action to create a change and finally lobbying the governments and companies to adopt solutions to environmental problems (Greenpeace, 2015a).

In the light of these findings it seems safe to state that international ENGOs positively contributed to the Chinese environment protection. Generally speaking, the adaptation process to the Chinese local context

¹¹ Investigating, Documenting, Exposing, Acting and, at the end, Lobbying.

encouraged them to establish a tight collaboration with central and local governments, state agencies and private companies, and, even employing different strategies, it pushed them to adopt a non-confrontational attitude. However, the implementation of the “*Law on the Administration of the Activities of Overseas Nongovernmental Organisations in Mainland China*”, opened a new scenery for international NGOs. Details and implication of the new law will be discussed in the following chapters.

4.3. International ENGOs and Chinese civil society

Generally speaking, environmental pollution centred on cities is still increasing, and creeping into the villages. The scope of environmental destruction is increasing, and its seriousness, too (NEPA, no date, cited in Vermeer, 1998: 960). With this extract from the 9th FYP (1996-2000), China’s leadership admitted the seriousness of pollution increase in China. However, at the end of the 90s, public awareness regarding the consequences of the Chinese environment degradation was still limited. An urban survey shows that peoples’ major concerns related to the increasing pollution were circumscribed to water and air pollution (Vermeer, 1998). In order to further enhance civil society participation towards a more conscious attitude regarding environmental issues, the government released the “State Council Decision Concerning Certain Environmental Protection Issues” (1996), which encouraged public reporting on violations of environmental protection laws and regulations (Schwartz, 2004). Social attention to a more environment-caring attitude was also driven by the harmful impact that some government’s projects have had on Chinese environment. Located at Sandouping of Yichang city, in Hubei province, the Three Gorges dam generates 18,200MW and an average annual output of 84.7 terawatt-hours (trillion watt hours) (Jiazhu, 2002). Its negative impact on rare species of dolphins and sturgeons and the forced resettlement of at least 1.3 million people, caused contestations and demonstrations at national level (Ho, 2001).

The need for a strengthened civil society to face the multitude of Chinese environmental issues (Schwartz, 2004), the rapid impoverishment of Chinese environment and the increased social attention on environmental issues (Ho, 2001) facilitated a rapid growth of Chinese environmental social organisations. China’s official regulation call them *shehui tuanti* or private, non-profit work units *minban fei qiye danwei* (Yang, 2005).

Analyzing this phenomenon, Yang (2005) divided Chinese environmental NGOs in China in seven different types, underlying a different registration status for each group, as shown in Table 2:

Table 2: Different types of Chinese environmental NGOs in China (Yang, 2005)

Organizational type	Registration status
Registered NGOs	Registered as social organizations or private, non-profit work units
Non-profit enterprises	Registered as business enterprises but operate as non-profit organizations
Unregistered voluntary groups	Unregistered organizations that function as NGOs
Web-based groups	Unregistered groups that operate mainly through internet
Student environmental associations	Registered with campus Youth Leagues yet function and perceived as NGOs
University research centers/Institutes	Affiliated with institutions of higher learning but operate as NGOs
Government-organised NGOs (GONGOs)	Social organizations established by state agencies also known as state-owned NGOs (SONGOs)

The registration status basically clarifies what is the relation with government and state agencies and provides an idea about the space of maneuver NGOs have. Schwartz (2004) highlighted weaknesses and strengths of Chinese traditional NGOs and GONGOs. Traditional NGOs' weaknesses mostly lie in the shortage of experienced and professional staff, lack of access to relevant and sensitive data, extreme difficulty in obtaining funding and highly dependence on the leading figure. On this last point, for instance, Friends of Nature (FON), one of the earliest and most relevant Chinese environmental NGO, was founded in 1993 and officially registered in 1994 by Liang Congjie, the grandson of the well-known reformer Liang Qichao. Only thanks to his ability to treat such a sensitive topic and his connection within the political structure, he successfully mobilised the environmental movement in China, achieving global recognition (Shapiro, 2012).

Like Liang Congjie, Liao Xiaoyi established Global Village of Beijing (GVB) in 1996, with the main purposes of improving environmental education. She employed a really different approach from Liang's. Founding her organisation as a business, she avoided the supervision from a supervising agency. In her views, an efficient environment protection program needs to involve government, enterprises and non-profit sector at the same time, highly relying also on media's influence. By organizing conferences on sustainable consumption with the participation of NGOs leaders, senior Chinese officials, officials from the UNEP and UNDP and business leaders, allowed her not only to have national and international visibility, but also to enhance public education on environmental matters (Economy, 2004). Despite tireless efforts made by such strong personalities and their organisations, due to the difficulties listed above, Chinese NGOs have a constricted space of maneuver and a limited impact on decision-making process. On the other side, GONGOs enjoy a completely different existence: their establishment within the political structure gives them an easier access to relevant data and the possibility to count on the most qualified, experienced and professional researchers and staff. Since GONGOs' members are usually former government officials, relations and contacts with state bureaucracy are usually free of obstacles. Obviously this tight relation with the central state deeply influences their research area, which largely corresponds to government's agenda (Schwartz, 2004).

Presence of international ENGOs partially helped to overcome some challenges that traditional Chinese NGOs face in the domestic environment. Besides giving support to their Chinese counterparts in becoming more mature civil society actors, international ENGOs deeply contributed in introducing them into the global community (Chen, 2010). After the international embarrassment at 1992 UNCED, due to the lack of Chinese NGOs, Liao Xiaoyi led the organisation of an exhibition for the World Summit on Sustainable Development (WSSD) in Johannesburg (2002). It represented the occasion to introduce many Chinese NGOs to the international community (Economy, 2004). On the financial aspect, many NGOs may count on international funding provided by western foundations and international NGOs to realize their projects: for example 44% of FON's income in 2004-2005, 60% in 2005-2006 and 70-80% of GVB's income derived from INGO and foundations (Chen, 2010). INGOs have also supported environmental activists against ambitious governmental projects. During the 2003-2004 campaign against the construction of 13 hydroelectric dams

on Nujiang River, in South-West Yunnan Province, INGOs helped in attracting international visibility (Chen, 2010). Even though the major international ENGOs, such as TNC, WWF and Greenpeace never officially joined the campaign, thanks to a multilevel collaboration between Chinese ENGOs, national media, scientists, and members of the government it was possible to stop the government's project. The most relevant ally for Chinese ENGOs was the State Environmental Protection Agency (SEPA).¹² Its collaboration mainly consisted in a personal association between activists and a senior official and in the support from the Vice-Minister Pan Yue (Buesgen, 2008). The campaign successfully resulted in the temporary suspension of the dams' project. In the former premier Wen Jiabao's words: "We should carefully consider and make scientific decision about major hydro-electric projects like this that have aroused a high level of concern in society, and with which the environmental protection side disagrees" (cited in Buesgen, 2008: 168).

As Buesgen (2008) concluded, the success of this campaign highly depended on the heterogeneity of the partners that took part in it. He, therefore, suggests that the simple dichotomous state/civil society approach is not sufficient to explain the reality of the Chinese social context. His research shows how Chinese civil society may have an impact on decision-making process through the mobilisation of an expanded network. The success of the campaign also demonstrates how looking at social organisations solely within the "transmission belt" framework (Woodman 1997, cited in Hsia and White, 2002: 331) and by a top-down corporatist approach is no longer appropriate.¹³ To stress on this point of view, Saich (2000) cites the example of FON. By utilizing his connection and political skills, Liang Congjie has been able to lead his NGO through a series of successful projects to protect natural habitat of golden monkeys in Yunnan. By mobilizing public support and catching media attention, he made the local authorities ban activities which would endanger golden monkeys' natural habitat. A further example is given by GVB's activity. Liao Xiaoyi focused her attention on urban issues and community development.

¹² Currently the Ministry of Environment (MEP).

¹³ According to the conventional corporatist approach, social organisations should serve government's purposes. Using Woodman words, the state looks at them as "transmission belt" which convey central ideas and purposes from the top to the bottom in a hierarchical and vertical manner.

By partnering with the government, local EPB and other departments of the local government, GVB launched a recycling project in Xuanwu district in Beijing to enhance public attention on a green and energy-saving life. Green River¹⁴ has been devoted to the nature protection in the headwater region of the Yangtze River to fight the poaching of the Tibetan antelope and to foster environmental research in the area. The success that this NGO achieved has been partly facilitated by the good connections with local government officials (Economy, 2004). The corporatist and top-down system has been also altered by the presence of international ENGOs in China.

Partnering with international ENGOs provides Chinese ENGOs with the opportunity to not only gain an international exposure by participating to international conferences, but also allows them to broaden their knowledge regarding environmental issues. Most of the benefits derive from “funding, information exchange, mutual learning and easy access to expertise on climate change”¹⁵ (Schroeder, 2008: 520). Their relation also shapes the role that Chinese ENGOs have had on democratic and political change. They established public platforms to facilitate public participation and volunteerism, launched public debates and became more involved in the decision-making process regarding environmental matters (Chen, 2010).

The top-down and corporatist approach definitively seems not sufficient to explain the dynamic world of Chinese civil society, which results deeply influenced by the presence of the international ENGOs helping them in realizing their projects and strengthening horizontal contacts. However, as Saich (2000) pointed out, even the most autonomous organisation need to take into account relations with central authorities, if it aims to influence the decision-making process.

4.4. Chinese legal framework: The evolutionary relationship between international ENGOs and the government

Before 1978 the great majority of social organisations consisted of highly-bureaucratized and hierarchically-organised social organisations which had a tight and strong relationship with the central party (Whiting, 1991). At that time China’s government deemed foreign organisations as

¹⁴ Chinese NGO founded by Yang Xing.

¹⁵ Based on the interviews carried out by the author.

unnecessary and dangerous (Hsia and White, 2002). The regulation governing social organisations was the State Council's 1950 "Interim Provision on the Registration of Social Organization". However, starting from the reform period, social aggregation phenomenon increased dramatically and many foreign foundations, private and non-profit research institutes, schools and hospitals were founded (Whiting, 1991). Chinese government looked at them, on one side, as valuable partners in providing assistance to foster China's development in terms of funds, advanced technology and foreign expertise and, on the other side, as competitors for international funds and potential enemies because bearers of western democratic values (Shieh, 2012).

In the eyes of the China's leadership, the proliferation of these organisations and Tiananmen's crackdown in June 1989, revealed the need for a new set of rules regarding social organisations. Therefore, in 1989, the State Council promulgated the "Regulations on the registration and management of Social Groups". In 1998, these regulations were revised (Guowuyuan, 1998a)¹⁶ alongside with the promulgation of the "Provisional regulations on the registration and management of people-organized and non-enterprise units" (Guowuyuan, 1998b).¹⁷ If on one side they represented the official recognition of the legal status of such organisations, they also imposed some limitations. According to Saich (2000: 129), these regulations "provide a clear example of the attempt to incorporate social organisations more closely with existing party-state structures". Those restrictions are mainly related to the obligation to have a sponsor unit and the prohibition to establish more than one organisation in the same area of work (Yang, 2005). Registration process consisted on a first examination led by a professional leading unit (*yewu zhanguan danwei*) and, if successful, the application for registration could have been submitted to the Ministry of Civil Affairs.¹⁸ As Yang (2005) highlighted, this mechanism facilitated the increase of student associations which were not required to follow the same registration's path.

¹⁶ Analysis of the law based on the translation provided by the CDB visible at the following link: <http://www.chinadevelopmentbrief.cn/wp-content/uploads/2014/08/Regulations-for-Registration-and-Management-of-Social-Associations.pdf>

¹⁷ Analysis of the law based on the translation provided by the CDB visible at the following link: <http://chinadevelopmentbrief.cn/wp-content/uploads/2014/08/PROVISIONAL-REGULATIONS-FOR-THE-REGISTRATION-AND-MANAGEMENT-OF-CIVIL-NON-ENTERPRISE-WORK-UNITS1.pdf>

¹⁸ Art. 9 of "Regulations on the registration and management of social groups".

However, the failing in registration implied serious obstacles in obtaining funding, legal protection and government collaboration (Schwartz, 2004). According to the regulation, NGOs application was rejected in the case its activity oppose the basic principles of the constitution, harm the unity security or ethnic harmony of the state, or interests of the state and society, or the lawful interests of other organisations or citizens, or offend social morality (Art 4 of the “Regulations on the registration and management of social groups”).

As Hsia and White (2002) stated, these two regulations did not concern foreign organisations, which should operate under separated rules. However, no specific regulation for international NGOs had been implemented until January 2017. The only foreign NGOs-related regulation was a five-point policy, adopted by the Ministry of Civil Affairs in 1989, which advised local Civil Affairs Bureaus to:

maintain contact with foreign groups openly operating, provided their activities were confined to social communication and friendship; not to take the initiative to contact groups that were not operating openly; tell representatives of foreign groups that inquired about registration that regulation were being drafted; ensure that foreign groups did not interfere with official business or perform any diplomatic functions on behalf of their embassies or consulates; enforce the rule that Chinese citizens are not permitted to join foreign groups or participate in any of their activities without receiving permissions to do so from the foreign affairs departments of their work unit (Human Rights in China, 1997).

The only foreign NGOs-related regulation was the “Regulations on foundation administration” (Guowuyuan 1998c) which was first issued in 1998 and revised in 2004. It allowed foreign NGOs to register a representative office in China (Shieh, 2012), but it did not make this process compulsory.

The lack of a clear legal framework reflected the government’s tolerant behaviour and its ambiguous opinion about INGOs, which were deemed as useful entities to address China’s development issues as long as they did not interfere in sensitive issues (Hsia and White, 2002; Ma, 2006; Schwartz, 2004; Shieh, 2012). However, this situation of uncertainty considerably changed with the promulgation of the “Law of the People’s Republic of China on the Administration of the Activities of Overseas Nongovernmental Organizations within Mainland China” (Guowuyuan, 2017).

First of all as “Overseas NGOs” the law refers to the no-profit, non-governmental social organisations that have been lawfully established outside mainland China involved in fields such as economy, education, science and technology, culture, health, sports, environmental protection, poverty alleviation and disaster relief.¹⁹ According to this law, all the Overseas NGOs (for convenience ONGOs hereafter) shall register and establish a representative office in China, while unregistered ONGOs, which wish to conduct temporary activities in China, shall file a record.²⁰ A similarity with the “Regulations on the registration and management of social groups”, can be noted in the Professional Supervisory Units, from which, ONGOs intentioned to register and establish a representative office, shall receive a consent.²¹ Knup (cited in Hsia and White, 2002: 339) called them “mother-in-law”. The supervision of the Professional Supervisory Unit mainly consists in screening the activity plan that the ONGO should submit every year before the December 30th, in which it shall indicate projects’ details it is intended to run.²² ONGOs are also required to submit an annual report that firstly shall be given to their Professional Supervisory Unit, after whose feedback, shall be sent to the registration management authorities by March 31st for annual inspection²³. Professional Supervisory Unit are also required to give advices to ONGOs to set up their representative office, to oversee ONGOs activities and to assist public security authorities in investigating and punishing illegal activities²⁴. Regarding favorable policies, the law establishes some tax benefits for ONGOs.²⁵

The implementation of this law is an obvious attempt to fulfill the lack of the legal framework which regulates INGOs. Like the “Regulations on the registration and management of social groups” revised in 1998, this law simultaneously recognises ONGOs legal status and clarifies their

¹⁹ Art. 2 and 3.

²⁰ Art. 9.

²¹ Art. 9 of the “Regulations on the registration and management of social groups” and art. 11 of the “*Law of the People’s Republic of China on the Administration of the Activities of Overseas Nongovernmental Organisations in Mainland China*”.

²² Art. 19.

²³ Art. 31.

²⁴ Art. 40.

²⁵ Art. 36.

space of maneuver. The most discussed concern is the obligation to find a Professional Supervisory Unit: as Sze Pang Cheung, Executive Director of Greenpeace East Asia, said “for many years the Chinese government has given tacit consent to the activities of many overseas NGOs in China. And for those NGOs the biggest hurdle to acquiring legal status is not so much political - it will be overcoming the bureaucratic obstacles to registering in accordance with the rules” (Haiying, 2016). This concern is shared by Jia Xijin, professor at Tsinghua University who, speaking about the Professional Supervisory Unit, highlights three main concerns: 1) contact the actual responsible department; 2) wait for a reply from the Professional Supervisory Unit; 3) the discretionary power the Professional Supervisory Unit holds for establish the field of activity (Xijin, 2017).

Concerns are not restricted to the Professional Supervisory Unit: being supervised by the Public Security Bureau rather than by the Ministry of Civil Affairs, ONGOs may be perceived more as a risk rather than government’s partner. However, Zhang Yong²⁶ reassured on Chinese government intentions, stressing on how it always had welcomed ONGOs, but due to a small number of ONGOs engaged in activities which could endanger China’s social stability and state security, it is necessary to apply the rule of law (Denyer, 2016). The compulsory approval from a Professional Supervisory Unit and the Public Security Bureau appointed in charge for the registration and management for ONGOs, clearly shows Chinese government’s intention to put ONGOs’ increasing phenomenon under a higher scrutiny and control. Speaking of the “Regulations on the registration and management of social groups”, Schwartz (2004) stated that, thanks to the authority that the relevant government bureau holds to shut down an NGO in the case its activity has been deemed as unsatisfactory, the government actually decides the NGOs’ fate. Even though the legal space of maneuver for ONGOs is clearly defined within the art 4, which states that ONGOs shall operate according to the law without threatening China’s security or national and ethnicity unity, harming China’s national interest, societal public interests, and the legal right of citizens, legal person and other groups, the art. 15 comma 4, which states that “the representative office of an overseas NGO may be publically de-registered by the registration management authorities if the

²⁶ Member of the NPC’s Legislative Affairs Committee.

activities of the NGO are no longer permitted due to other reasons”, gives to the authorities an undefined space to exert their authority.

Shieh (2016) interprets the implementation of the law as part of Xi Jinping’s policy to govern the country according to the law. The law simultaneously provides ONGOs with a legal status and well-defined boundaries for their activities and protects China from external threats. However, the potential to restrict foreign funding (Hsu and Hasmath, 2017), could have a harmful impact on domestic NGOs opportunities to grow and develop within the national and international community. From this perspective, GONGOs are more likely to emerge as the principal civil society actors, providing the central authorities with the opportunity to foster Chinese government’s agenda through social actors strictly connected with the centre. A more optimistic opinion is provided by Hsu and Teets (2016), who consider the implementation of the law as the opportunity for domestic NGOs to be emancipated from the heavy reliance on INGOs. According to their view, the implementation of the new law, alongside with the new proposed draft of the charity law, shows the leadership’s preference for a Chinese civil sector populated by indigenous actors rather than internationals.

After a month of its implementation, Professor Jia Xijin highlighted how the first ONGOs registered were the ones already registered with the Ministry of Civil Affairs or with the Administration of Industry and Commerce under the Rules on the Management of Foundations. He also noted how priority had been given to the economic field, since the ONGOs legally recognized within the first month were all active in the economic field (Jia, 2017). After 8 months of implementation (August 2017), the economic field still results the prioritized one, with a 22.6% of the total ONGOs registered. However, many representative offices of organisations²⁷ that work in poverty alleviation, disaster relief, health, environmental protection, education, culture and sport field have been opened.

Focusing on the environment field, it is important to note that historic ONGOs like WWF, TNC and CI have already obtained their legal status. Respectively established in China in 1980, 1998 and 2002 they have witnessed the process of the opening-up reform and its environmental

²⁷ The total number of representative offices opened are 99. 73 of the ONGOs listed are active in more than one field.

drawbacks. They have collaborated with Chinese government in order to protect Chinese environment. The registration of their representative offices testifies their relevance in this process, it shows China's intention to foster its cooperation with the international community and partly confirms Hsu and Teets (2016) opinion that law's implementation would not cause dramatic changes.

It is difficult to predict future consequences of the implementation of this law, however, I tend to agree with Hsu and Teets (2016) who suggest that, more likely, the smaller social organisations involved in sensitive areas may find more difficulties in finding a Professional Supervisory Unit and complete the registration process. As TNC's experience shows, the hardest challenge was to find a Professional Supervisory Unit suitable to establish a representative office in China. However, its long-lasting partnership with the State Forestry Administration of China made the whole process smoother with the two parts honored to foster this collaboration (CDB, 2017). As Hsu and Teets stated (2016: 12) for larger and well-established ONGOs, the implementation of the law will basically consist in an "additional layer of government approvals for collaborating with domestic groups, hiring, and recruiting volunteers". However, everything will depend on the relation that ONGOs will establish with the Professional Supervisory Unit and on the Public Security Bureau enforcement of the law.

5. Conclusions

Global warming and climate change are rapidly emerging as major concerns in global politics and as a top-priority matter in domestic affairs of many different countries. The shift from the no-debate behaviour in the UNCHE to the active and leading role employed during the successful COP21, shows how environmentalism has become a state-priority in China, and how it has helped to enhance its role within the international community. The renewed attention to the harmful environmental impact of decades of high reliance of coal and oil consumption and the improved contacts with international institutions and other organisations, have been both facilitated by the presence of international ENGOs in China. For China, the arrival of international ENGOs meant a step forward in terms of professional expertise and implementation of advanced technology. Their

usual large disposal of funds and their connections with the international community have also helped Chinese civil society to emerge and increase public attention towards environment protection; furthermore, they have encouraged domestic NGOs relations with international partners. At this stage, international ENGOs relation with Chinese partners consisted in a donor-recipient collaboration. However, they had to adapt to the Chinese political and social context. The partnership with Chinese government, state agencies and private companies, shows how a collaborating behaviour rather than a confrontational one has been fruitful in order to implement a diverse amount of projects to protect Chinese environment. At the same time the IDEAL strategy, employed by Greenpeace, shows that there is still space to independently investigate, report and denounce illegal and harmful activity. As democratic organisations, which act in public interest and are independent from government, in the eyes of China's leadership, they also constitute a probable threat to national security and domestic interests. This ambiguous and contradictory opinion regarding international NGOs, clearly explained the lack of the foreign NGOs-related legal framework. However, the implementation of the "*Law of the People's Republic of China on the Administration of the Activities of Overseas Nongovernmental Organizations within Mainland China*", in January 2017, establishes new regulations for INGOs which wish to conduct activities in China. This clearly represents China's leadership attempt to eliminate the legal gap and to put INGOs under higher scrutiny and control. It also reveals how the donor-recipient collaboration, which had deeply characterized the 80s and 90s, has shifted its course, towards an equal-contributor partnership between international NGOs and government's departments in a legal and well-defined environment. After a first period of its implementation, the largest international ENGOs (WWF, TNC and CI) have already received their legal status, confirming China's intention to foster its collaboration with international actors. From this fact, it can be inferred that no huge changes will occur, however, smaller organisations involved in sensitive areas, might struggle in finding a Professional Supervisory Unit necessary to complete the registration process. Further researches may focus on how this law will differently impact larger and smaller international NGOs.

REFERENCES

- Annis, S. 1987. Can small-scale development be a large-scale policy? The case of Latin America. *World Development* 15, 1: 129-134.
- Buesgen, M. 2008. Environmental NGOs' role in expanding social spaces - diversification with Chinese characteristics: a case study of ENGOs' opposition to the Nujiang dam in China's Yunnan Province. *China Journal of Social Work* 1, 2: 160-171. CDB, 2017. *Our registration story: The Nature Conservancy*. [Online]. [Accessed 27 October 2017]. Available from: <http://chinadevelopmentbrief.cn/articles/our-registration-story-the-nature-conservancy-tnc/>
- Cernea, M.M. 1988. Nongovernmental organizations and local development. *World Bank Discussion Papers*. N. WDP40. Washington: The World Bank.
- Chen, J. 2010. Transnational environmental movement: impacts on the green civil society in China. *Journal of Contemporary China* 19, 65: 503-523.
- Christoff, P. 2010. Cold climate in Copenhagen: China and the United States at COP15. *Environmental Politics* 19, 4: 637-656.
- Clark, J. 1991. Reprinted edition 1995. *Democratizing development: the role of voluntary organizations*. London: Earthscan Publications Ltd.
- Clegg, J. 2011. China at the global summit table: rule-taker, deal-wrecker or bridge-builder? *Contemporary Politics* 17, 4: 447-465.
- DeMars, W.E. 2005. *NGOs and transnational networks: wild cards in world politics*. London: Pluto Press.
- Dillon, M. 2012. *China: a modern history*. London: I.B. Tauris & Co Ltd.
- Economy, E.C. 2004. *The river runs black: the environmental challenge to China's future*. New York: Cornell University Press.
- Fazi, E. and Smith, J. 2006. *Civil dialogue, making it work better*. [Online]. Bruxelles: EU Civil Society Contact Group. [Accessed 10 July 2017]. Available from: http://www.metiseurope.eu/content/pdf/n7/12_civil_dialogue.pdf
- Fowler, A. 1997. *Striking a balance: a guide to enhancing the effectiveness of non-governmental organisations in international development*. London: Earthscan Publications Ltd.
- Green, F. and Stern, N. 2017. China's changing economy: implications for its carbon dioxide emissions. *Climate Policy* 17, 4: 423-442.
- Greenpeace, 2010. *Swimming in poison*. [Online]. [Accessed 16 July 2017]. Available from: <http://www.greenpeace.org/eastasia/publications/reports/toxics/2010/swimming-in-poison-yangtze-fish/>

- , 2013. *Tracing back the smog: source analysis and control strategies for PM_{2.5} pollution in Beijing-Tianjin-Hebei*. [Online]. [Accessed 3 June 2017]. Available from: <http://www.greenpeace.org/eastasia/publications/reports/climate-energy/2013/tracing-back-the-smog/>
- , 2015b. *Summary of a Greenpeace East Asia investigation into deforestation in UNESCO Sichuan giant panda sanctuaries*. [Online]. [Accessed 23 July 2017]. Available from: https://issuu.com/gpchina/docs/gpea_sichuan_deforestation_briefing_e8c21ac2bf2377/1?ff=true&e=2023844/30841047
- , 2016a. *Annual Report 2015*. [Online]. [Accessed on 17 July 2017]. Available from: <http://www.greenpeace.org/eastasia/publications/annual-reports/2015/>
- , 2016b. *We did it! Victory for China's Giant Pandas*. [Press release]. [Accessed 30 June 2017]. Available from: <http://www.greenpeace.org/eastasia/news/blog/we-did-it-victory-for-chinas-giant-pandas/blog/55262/>
- Guowuyuan, 1998a. Shehui tuanti dengji guanli tiaoli. [Regulations on the registration and management of social groups]. *China Development Brief*. Available from: <http://chinadevelopmentbrief.cn/research/regulations-for-registration-and-management-of-social-organisations/>
- , 1998b. Minban feiqiye danwei dengji guanli zanxing tiaoli. [Provisional regulations on the registration and management of people-organized and non-enterprise units]. *China Development Brief*. Available from: <http://chinadevelopmentbrief.cn/wp-content/uploads/2014/08/PROVISIONAL-REGULATIONS-FOR-THE-REGISTRATION-AND-MANAGEMENT-OF-CIVIL-NON-ENTERPRISE-WORK-UNITS1.pdf>
- , 1998c. Jijinhui guanli banfa. [Regulations on foundation administration].
- Haiying, L. 2016. International NGOs worry over finding sponsors. *China Development Brief*. [Online]. 20 October. [Accessed 4 June 2017]. Available from: <http://chinadevelopmentbrief.cn/articles/ngos-in-china-worry-over-finding-sponsors/>
- Havrda, M. and Kutilek, P. 2010. Accountability 2.0 - In search for a new approach to international non-governmental organisations' accountability. In: Steffek, J. and Hahn, K. eds. *Evaluating transnational NGOs. legitimacy, accountability, representation*. New York: Palgrave MacMillan, 157-178.
- Heggelund, G. and Backer, E.B. 2007. China and UN environmental policy: institutional growth, learning and implementation. *International Environmental Agreements: Politics, Law and Economics* 7, 4: 415-438.

- Hilton, I. and Kerr, O. 2017. The Paris Agreement: China's "New Normal" role in international climate negotiations. *Climate Policy* 17, 1: 48-58.
- Ho, P. 2001. Greening without conflict? Environmentalism, NGOs and civil society in China. *Development and Change* 32, 5: 893-921.
- Hsia, R.Y.J., and White, L.T., 2002. Working amid corporatism and confusion: foreign NGOs in China. *Nonprofit Voluntary Sector Quarterly* 31, 3: 329-351.
- Hsu, C. and Teets, J. 2016. Is China's New Overseas NGO Management Law Sounding the Death Knell for Civil Society? Maybe Not. *Asia Pacific Journal* 14, 4: 1-17.
- International Institute for Sustainable Development. 1999. COP5 Final. *Earth Negotiations Bulletin* 12, 123: 1-16.
- Ivanova, M. 2016. Good COP, bad COP: climate reality after Paris. *Global Policy* 7, 3: 411-419.
- Jiazhu, W. 2002. Three gorges project: the largest water conservancy project in the world. *Public Administration and Development* 22, 5: 369-375.
- Jing, C. 2015. *Under The Dome*. [Online]. [Accessed 10 July 2017]. Available from: https://www.youtube.com/results?search_query=china+under+the+dome+documentary+english
- Jordan, L. and Van Tuijl, P. eds. 2006. *NGO accountability: politics, principles and innovations*. London: Earthscan Publications Ltd.
- Kang, J. 2011. Understanding non-governmental organizations in community development: strengths, limitations and suggestions. *International Social Work* 54, 2: 223-237.
- Kyoto Protocol*, 1998. [Online]. Opened for signature 16 March 1998, entered into force 16 February 2005. [Accessed 10 March 2017]. Available from <http://unfccc.int/resource/docs/convkp/kpeng.pdf>
- Lan Lan. 2014. Novartis to tackle climate change with Sichuan tree planting project. *Chinadaily*. [Online]. 17 September. [Accessed 24 June 2017]. Available from: http://www.chinadaily.com.cn/bizchina/2014-09/17/content_18612325.htm
- Lewis, J.I. 2007. China's strategic priorities in international climate change negotiations. *The Washington Quarterly* 31, 1: 155-174.
- Ma, Q. 2006. *Impact of globalization and international nongovernmental organizations on the development of non-governmental organizations in China*. East Asian Department of Oberlin University.

- Matanga, F.K. 2010. NGOs and the politics of development in Africa. *Development* 53, 1: 114-119.
- McCormick, J. 2004. The role of environmental NGOs in international regimes. In: Axelrod, R. S., Downie, D.L., Vig, N.J. eds. *The global environment: institutions, law and policy*. 2nd edition. Washington: CQ Press.
- Najam, A. 2005. Developing countries and global environmental governance: from contestation to participation to engagement. *International Environmental Agreements: Politics, Law and Economics* 5, 3: 303-321.
- Ong, L.H. 2012. The apparent “paradox” in China’s climate policies. *Asian Survey* 52, 6: 1138-1160.
- Paris Agreement*. 2015. [Online]. Opened for signature 22 April 2016, entered into force 4 November 2016. [Accessed 23 July 2017]. Available from: http://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf
- Saich, T. 2000. Negotiating the state: the development of social organizations in China. *The China Quarterly* 161: 124-141.
- Savaresi, A. 2016. The Paris Agreement: a new beginning? *Journal of Energy & Natural Resources Law* 34,1: 16-26.
- Schroeder, M. 2008. The construction of China’s climate politics: transnational NGOs and the spiral model of international relations. *Cambridge Review of International affairs* 21,4: 505-525.
- Schwartz, J. 2004. Environmental NGOs in China: roles and limits. *Pacific Affairs* 77, 1: 28-49.
- Shapiro, J. 2012. *China’s environmental challenges*. Cambridge: Polity Press.
- Shieh, S. 2012. Special Report: the roles and challenges of international NGOs in China’s development. [Online] *China Development Brief*. [Accessed 5 August 2017]. Available from <http://chinadevelopmentbrief.cn/publications/special-report-the-roles-and-challenges-of-international-ngos-in-chinas-development/>
- , S. 2016. The evolution and the intent of China’s Overseas NGO law. 30 December. *NGOs in China*. [Online]. [Accessed 23 June 2017]. Available from: <http://ngochina.blogspot.co.uk/2016/12/the-evolution-and-implication-of-chinas.html>
- Stalley, P. 2013. Principled strategy: the role of equity norms in China’s climate change diplomacy. *Global Environmental Politics* 13,1: 1-8.

- The Nature Conservancy, [no date]. *Fighting deforestation, climate change and bad air quality in China*. [Online]. [Accessed 5 July 2017]. Available from: <https://www.tnc.org.hk/our-work/by-country/china/fighting-deforestation-climate-change-bad-air-quality-china/>
- The Nature Conservancy, 2014. *Asia Pacific Annual Report*. [Online]. [Accessed 20 July 2017]. Available from: <https://www.tnc.org.hk/download/2014-annual-report/mobile/index.html>
- , 2015. *Asia Pacific Annual Report*. [Online]. [Accessed 27 July 2017]. Available from: <https://www.tnc.org.hk/download/2015-annual-report/mobile/index.html#p=1>
- , 2016. *Asia Pacific Annual Report*. [Online]. [Accessed 28 July 2017]. Available from: <https://www.tnc.org.hk/download/2016-annual-report/mobile/index.html#p=2>
- Vermeer, E.B. 1998. Industrial pollution in China and remedial policies. *The China Quarterly* 156: 952-985.
- UN Charter. 1945. [Online]. Signed 26 June 1945, entered into force 24 October 1945. [Accessed 23 June 2017]. Available from: <http://www.un.org/en/charter-united-nations/index.html>
- UNCED. 1992. *Agenda 21*. [Online]. [Accessed on 23 June 2017]. Available from: <https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>
- UNEP. 2015. *The emissions gap report 2015: a UNEP synthesis report*. Nairobi: UNEP.
- United Nations Framework Convention on Climate Change*. 1992. [Online]. Opened for signature from 3 to 14 June 1992, entered into force 21 March 1994 [Accessed 10 March 2017]. Available from <http://unfccc.int/resource/docs/convkp/conveng.pdf>
- Universal Declaration of Human Rights*. 1945. [Online]. [Accessed 23 June 2017]. Available from: <http://www.un.org/en/universal-declaration-human-rights/index.html>
- Weiss, T.G. and Gordenker, L. eds. 1996. *NGOs, the UN, and global governance*. Boulder: Lynne Rienner Publishers.
- Whiting, S.H. 1991. The politics of NGO development in China. *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 2, 2: 16-48.
- Wilmsen, B., Webber, M. and Yuefang, D. 2011. Development for whom? Rural to urban resettlement at the three gorges dam, China. *Asian Studies Review* 35, 1: 21-42.

- Wu, F. 2013. China's pragmatic tactics in international climate change negotiations. *Asian Survey* 53, 4: 778-800.
- WWF, 2010. *Annual Report*. [Online]. [Accessed 7 July 2017]. Available from http://awsassets.wwf.cn.panda.org/downloads/wwf2010_annual_report.pdf
- , [no date] *The Green Heart of China*. [Online]. [Accessed 23 July 2017]. Available from http://awsassets.wwf.cn.panda.org/downloads/brocure_the_green_heart_of_china_en.pdf
- Xijin, J. 2017. China's implementation of the Overseas NGO management law. *China Development Brief*. [Online]. 6 march. [Accessed 4 July 2017]. Available from: <http://chinadevelopmentbrief.cn/articles/chinas-implementation-of-the-overseas-ngo-management-law/>
- Yang, G. 2005. Environmental NGOs and institutional dynamics in China. *The China Quarterly* 181: 46-66.

