# Navigation, Circumvention and Brokerage: The Tricks of the Trade of Developing NGOs in China

Hans Jørgen Gåsemyr\*

#### Abstract

Chinese NGOs face strong coercive pressures and limitations yet have still emerged as notable actors in several issue areas. This article studies why and explains how a group of NGOs working on AIDS-related issues have been able to progress into relatively large and vibrant operations. It documents how NGO leaders have learned to navigate opportunities and risks, circumvent formal restrictions and broker pragmatic and largely informal arrangements that have enabled their organizations to grow and advance within China's authoritarian settings. The article contributes to the literature on Chinese NGO development and new institutionalism theory, and introduces a framework for studying NGOs based on their organizational forms and activities.

Keywords: China; NGO; civil society; AIDS; HIV; institutions

A growing body of literature is documenting the steady expansion of non-governmental organizations (NGOs) in China. Many studies have analysed how changing opportunity structures have enabled certain types of NGOs to grow within China's authoritarian constraints. Much of the literature points to the importance of leadership skills and the ability to seek out opportunities, which are often related to some type of service provision, while at the same time adjusting to political restrictions. A number of scholars have also studied this in connection to institutional dynamics and institutionalist theory, and further highlight the importance of NGO adaptability. However, few studies have looked at how NGOs develop over time, or how organizational leaders continue to navigate within an everchanging political, economic and social

- \* University of Bergen, Norway and Norwegian Institute of International Affairs. Email: hans.gasemyr@uib.no.
- 1 NGOs are, building on Salamon, Sokolowski and List (2004, 9–10), defined as organizations that operate in their own capacity, are not directly part of the state or government, are relatively free to set their own priorities, operate their own budgets and are based on voluntary participation. The definition is loose in terms of formal structure but does not include organizations with direct affiliations to state and Party organs, such as government-organized NGOs.
- 2 For comprehensive insights, see Teets 2014; Hildebrandt 2013; Ma 2006.
- 3 Hsu, Carolyn, and Jiang 2015; Hasmath and Hsu 2014; Tam and Hasmath 2015; Yang, Guobin 2005.



environment.<sup>4</sup> This article attempts to provide some answers to these questions by studying the period of development of a number of NGOs working in the field of AIDS prevention and care.

Organizing around AIDS-related issues is one of the areas where Chinese NGOs have become notable actors. Limited political openings and access to more international resources in the early 2000s paved the way for a relatively rapid organizational growth.<sup>5</sup> Hundreds of NGOs and many smaller groups emerged, particularly among people living with HIV and the so-called high-risk communities of gay men and men who have sex with men (MSM), sex workers and drug users.<sup>6</sup> Although most organizations have remained small and focused on narrow projects, some NGOs have, over the years, evolved into larger and relatively vibrant operations.

Studies of civil society in China have tended to be state-centric, often treating NGOs as rather passive agents. Building on previous research, this article conceptualizes Chinese NGOs as active actors in an organizational field that is still emerging, where many rules remain unclear and unsettled, and where NGOs have to adjust to state pressures, many uncertainties and changing realities. It further explores and explains the proactive, and in many instances innovative, strategies employed by some NGOs. By introducing a framework for studying NGOs based on their different forms and activities, the article demonstrates how some organizations have actually been able to grow and progress within China's authoritarian constraints. In particular, the article documents the importance of a set of proactive navigation skills, which not only enables NGOs to pursue opportunities and avoid risks but also allows them to circumvent formal restrictions and broker functional arrangements that work within China's restrictive but relatively flexible institutional settings.

The overall research builds on over 150 interviews, conducted in 2007 and 2008 and between 2012 and 2015, with interviewees from Chinese NGOs, government agencies, official associations, international organizations and academia. The article follows the development of 38 Chinese NGOs. The sampling builds on the author's mapping of the organizational growth that occurred in connection to AIDS in China between 1996 and 2013, drawing on a large number of sources. The 38 NGOs were selected for qualitative assessments, which included

<sup>4</sup> Institutions are defined as formal or informal procedures, routines, norms or conventions. See Hall and Taylor 1996, 938.

<sup>5</sup> Kaufman 2009; Gåsemyr 2015; Hildebrandt 2013.

<sup>6</sup> It is estimated that there are 780,000 Chinese living with HIV, with 48,000 new infections annually. The main transmission routes are heterosexual sex (52%), male-to-male sex (29%) and injecting drugs with tainted equipment (18%). See UNAIDS China website for 2012 figures, http://www.unaids.org.cn/en/index/page.asp?id=197&class=2&classname=China+Epidemic+%26+Response. Accessed 24 January 2016.

<sup>7</sup> For a discussion, see Teets 2014.

<sup>8</sup> Hsu, Carolyn, and Jiang 2015; Hasmath and Hsu 2014; Tam and Hasmath 2015.

<sup>9</sup> Interviews were semi-structured and conducted by the author in Chinese or English.

<sup>10</sup> Main sources include the 2006–07 China HIV/AIDS Directory (China AIDS Info, with AIDS Care China, the China HIV/AIDS Information Network and Pengyou Tongxin); the 2009, 2009–10 and

interviews, field visits and participant observation. They are based in 12 different provincial cities and municipalities, <sup>11</sup> and they cover all the main communities (and issues) involved in AIDS-related organizing in China. The article does not focus on geographic or community-specific variations, but instead identifies and explains the commonalities that characterize organizations that have been able to progress into larger and more vibrant operations.

Of the 38 sampled NGOs, 28 qualify as larger and more vibrant organizations. This means that they have met the following criteria: they have been in operation for at least five years; they have at least three regular staff who receive basic salaries and benefits; they have a designated office or activity space; they have planned work activities and budgets; and they participate in networks or meetings in local, national or international settings. The remaining ten NGOs have also been in operation for at least five years but have, for various reasons and sometimes by choice, remained smaller and less developed. The purpose of the overall analysis is not to determine which NGOs are more or less successful, but to identify and theorize around the factors that enable some NGOs to grow and advance within China today. The 28 larger and more vibrant organizations remain the main focus throughout the analyses and discussions.

The article has the following structure. This introduction is followed by a presentation of the theoretical framework. Thereafter follows a section with some background on AIDS and non-governmental organizing in China. The next part of the article focuses on the development traits and navigation practices of the sampled NGOs, starting with a presentation of a framework and an overview of organizational forms and activities. The subsequent subsections discuss the navigation of resources, of organizational statuses and of work priorities, as well as community links and navigation of government contacts and external risks. The article ends with a brief conclusion.

#### Theoretical Framework

In order to establish and build organizations, NGO leaders react to and learn to navigate opportunities and restrictions, often understood as opportunity structures that change with political and economic circumstances. Moreover, the resource-mobilization literature has taught us that NGOs have to pursue and compete for resources in order to grow or survive. Many NGOs, particularly in developing country settings, garner opportunities and resources from providing services that are regarded as useful by national authorities and international

footnote continued

<sup>2012</sup> NGO directories produced by the China HIV/AIDS Information Network; Global Fund China programmes 2003–2013 bidding, implementation and CCM election lists; and various Gates programme lists from 2007–2013.

<sup>11</sup> Beijing, Tianjin, Shanghai, Zhejiang, Guangdong, Henan, Hebei, Yunnan, Chongqing, Sichuan, Heilongjiang and Liaoning.

donors.<sup>12</sup> Moreover, in China, as in other authoritarian countries, the political and legal space for NGOs is constrained and conditional, and service provision is an area where the state is welcoming of some non-governmental participation.<sup>13</sup> Regardless of their area of work, however, all Chinese NGOs have to navigate and adjust to the restrictive pressures that come with operating inside an authoritarian regime.

A growing body of research has started to use institutionalist perspectives when studying the development of Chinese NGOs. <sup>14</sup> Building on new institutionalism theory, NGOs can be seen as constituting an organizational field in which they are bound together by a set of shared conditions and pressures that regulates and constrains their actions. <sup>15</sup> However, since the rules and restrictions surrounding Chinese NGOs are in many instances unclear and keep evolving, this organizational field may be considered to be one that is still emerging and has yet to be fully institutionalized. <sup>16</sup> As actors in an organizational field, NGOs adapt to pressures that often, over time, make them act in similar ways. This is called isomorphism. <sup>17</sup> However, since the field is still emerging, NGOs also have to navigate their way through unsettled territories, which begs more experimentation and innovation than is the case for actors operating in more settled fields.

Previous studies have primarily emphasized two types of isomorphic pressures in connection to the development of Chinese NGOs. In particular, NGOs meet strong coercive pressures from state and government actors, to which they have to respond and adapt. In addition, since Chinese NGOs experience a great deal of uncertainty, they often look to other organizations for clues on how to model their own work. When NGOs copy other organizations, they respond to what is called mimetic isomorphic pressures. This article builds on the contributions of previous studies, explaining how coercive and mimetic pressures lead to strategic navigation and institutional adaption on the part of Chinese NGOs. However, the article further explores the evolution of a set of more proactive and innovative strategies that is frequently employed by some, but not all, NGOs. In particular, it elaborates on two types of tactics referred to as *circumvention* and *brokerage*, which, in addition to continuous navigation and adaption, allow some Chinese NGO leaders to build relatively large and vibrant organizations in the midst of many limitations, pressures and constraints.

Formal associational freedoms are limited in China, and organizational leaders have long learned to manoeuvre around, or circumvent, formal restrictions in order to establish NGOs. Circumvention practices have included ignoring rules stipulating that all organizations must formally register with the civil affairs

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12 Howell and Pearce 2001, 91, 145.
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<sup>13</sup> Jing 2015; Howell 2015.

<sup>14</sup> Yang, Guobin 2005; Hsu, Carolyn and Jiang 2015; Hasmath and Hsu 2014; Tam and Hasmath 2015.

<sup>15</sup> DiMaggio and Powell 1991, 65.

<sup>16</sup> Hsu, Carolyn, and Jiang 2015, 101.

<sup>17</sup> DiMaggio and Powell 1991, 66.

<sup>18</sup> Hasmath and Hsu 2014, 945; Tam and Hasmath 2015, 289, 293.

authorities as well as rules restricting the number of organizations that can work on any one particular issue in any one location.<sup>19</sup> NGOs are far from the only actors who have circumvented official restrictions throughout China's post—Mao reform period. Kellee S. Tsai has documented the avoidance practices of many business entrepreneurs who for many years had to sidestep formal rules in order to build private businesses. Tsai refers to these practices as acts of institutional subversion, which is similar to circumvention as explained in this article. However, subversion is typically part of more complex processes, through which repeated acts of infraction weaken and change the formally restricting institutions.<sup>20</sup> I choose the term circumvention to describe the tactics used by NGOs to actively ignore formal restrictions but which are not actually aimed at or effective at subverting (understood as changing or overthrowing) formal rules.

The final coping mechanism often employed by NGO leaders, particularly those building larger and more vibrant NGOs, is brokerage. Brokerage here is defined as the act of establishing new, practical and informal arrangements that work within formally restrictive, but in practice relatively flexible, institutional settings. Brokerage comes after circumvention and implies limited, gradual and largely informal institutional evolution. It enables new institutional outcomes but does not necessarily involve or lead to any changes to formal or official rules.<sup>21</sup> Brokerage is an essential part of the proactive navigation that has enabled the development of the types of larger and more vibrant NGOs that are analysed in this article. Before moving into the development traits of these organizations, however, the following section presents some general background on NGOs and AIDS in China.

## **Openings for Non-governmental Organizing**

Expanding opportunities to organize around AIDS-related issues in China have come in different phases. By the mid-1990s, AIDS had still garnered limited government responses and civil society activities were only starting to emerge. A few hotlines and support groups for homosexuals had been set up in Beijing, and in 1994, Wan Yanhai 万延海 established his Aizhi 爱知 organization, which would later, as Aizhixing 爱知行, progress to become a leading NGO. In 1998, Zhang Beichuan 张北川 launched the journal, *Friend (Pengyou 朋友)*, which discusses health topics and gay culture. In the same year, one of the first support groups for HIV-positive people was set up in a Beijing hospital.<sup>22</sup> These were early signs of civil society organizing around AIDS. Similar developments were

<sup>19</sup> Saich 2000, 131-35.

<sup>20</sup> Tsai 2007, 208.

<sup>21</sup> The process bears resemblance to gradual institutional change mechanisms theorized by Mahoney and Thelen (2010, 16–18). However, brokerage points more directly to the act of establishing largely informal arrangements that co-exist with, and may not alter, formal rules.

<sup>22</sup> Young 2003.

occurring in other issue areas where new types of NGOs were emerging, often driven by leaders with exposure to international resources and experiences.

In the 1990s, following the downsizing of the state sector, government leaders were warming up to the idea of more non-governmental organizing, especially with regards to service provision and the utilization of international development aid. However, strict formal regulations set the threshold high for NGOs wanting to register as "social organizations" with the civil affairs authorities. Even well-connected organizers have struggled to meet the formal requirements, of which the biggest hurdle has been to find official organizations willing to serve as responsible "management units" (yewu zhuguan danwei 业务主管单位). Many have therefore sought out alternative means for establishing organizations. Some have developed affiliations to state agencies that can serve as official "shelters" in the form of formal "attachments" (guakao 挂靠) or semi-formalized agreements (tuoguan 托管). Large numbers of NGOs, moreover, have registered as businesses with the commerce authorities. National and local authorities have turned a blind eye to the dubious or illegal nature of many of these practices. 24

Although AIDS-related NGOs are very much part of China's general NGO field, AIDS also came with a particular opportunity structure. In the 1990s, a range of international development actors were entering China and many were interested in supporting AIDS and NGO-related work.<sup>25</sup> In 2000, the China-UK HIV/AIDS Prevention and Care Project (hereafter, the China-UK programme) was launched. Knowledge about HIV and AIDS was by that time increasing among Chinese authorities, but a report by the United Nations in 2002 still criticized China's overall AIDS response for being weak and lacking political commitment.<sup>26</sup> It was not until after China emerged from the Severe Acute Respiratory Syndrome (SARS) crisis in 2002–2003 that AIDS moved up the political agenda. Institutionally speaking, SARS was a critical juncture for broader changes to China's AIDS policies, opening up the way for international cooperation and more play for NGOs.<sup>27</sup> As is further discussed in the following sections, these changes translated into golden opportunities for many NGOs in much the same way that the liberalization around environmental issues had done for environmental NGOs a few years earlier.<sup>28</sup> A distinct feature of the opportunities that came with AIDS, however, was the combination of increased political interest and relatively ample access to international resources sustained over many years.

Following SARS, the Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund), and the Clinton, the Merck (of the pharmaceutical company) and the Bill and Melinda Gates foundations all set up AIDS programmes in

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23 Saich 2000, 134-35.
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<sup>24</sup> Liu 2007, 112–13.

<sup>25</sup> Sun et al. 2010, ii15.

<sup>26</sup> United Nations 2002.

<sup>27</sup> Kaufman 2009; Gåsemyr 2015.

<sup>28</sup> Yang, Guobin 2005, 47.

China, which, in addition to other funds and organizations, provided Chinese NGOs with unprecedented opportunities. A total of 600 NGOs and about 1,400 smaller and more loosely organized groups emerged in connection to AIDS between 1994 and 2013.<sup>29</sup> The growth has been skewed towards some issues and communities, with a great majority of the NGOs working with gay men and MSM (45 per cent) and HIV-positive persons (28 per cent), and far fewer dealing with sex workers, drug users and other issues. Still, the overall growth was substantial, which speaks of the considerable space and resources left open for NGOs to pursue and navigate. The next section zooms in on the development traits and the navigation of the NGOs that were sampled for this article, and in particular the 28 organizations that have progressed into larger and more vibrant operations.

## **Building Larger and More Vibrant NGOs**

NGO leaders deal with opportunities and resources as well as threats and various pressures. Despite operating inside authoritarian and constraining settings, some Chinese NGOs have been able to grow into larger and relatively vibrant operations, and the main purpose of this article is to explain why that is the case. To identify what characterizes larger and more vibrant NGOs, and to document how NGOs navigate, I have developed a framework focusing on different organizational forms and activities.<sup>30</sup> Forms include times of establishment (older and newer NGOs), sources of funding, budget sizes and registration statuses. Activities include the NGOs' main types of work, which communities or issues they represent or deal with, their networking activities, how they deal with government contacts and to what extent they calculate external (political and legal) risks. Organizational forms and activities may be fluid and overlap, but documenting how NGOs differ in relation to these characteristics helps to unwrap the key components of their navigation practices. Table 1 lists the characteristics of the 28 larger and more vibrant NGOs that were included in the sample. The qualities of the ten smaller and less developed NGOs are not listed in a table but are discussed throughout the analyses.

# Funding organizations and navigating resources

The 28 larger and more vibrant organizations have many commonalities but they also constitute a relatively diverse group. Their leaders come from different backgrounds: many come from companies and smaller businesses but some also come from the media, state and government institutions, or straight from university. NGO leaders working on AIDS typically have a personal connection to the issues

<sup>29</sup> This figure is based on the author's mapping and research.

<sup>30</sup> The framework is based on Alagappa's (2004, 53–54) mapping of civil society functions and roles, but has been modified to incorporate more variables related to NGO development.

Table 1: Forms and Activities of the 28 Larger and More Vibrant NGOs

Forms Activities

Time of establishment

1990s: 6 2000–2004: 9 2005–2009: 13

Sources of funding

Mainly international: 22 Mainly local/domestic: 6

Some government funding: 20

Budgets (annual)

Above CNY 400,000: 11 CNY 2–400,000: 15 Below CNY 200,000: 2 Registration status Social organization: 5 Formally attached (guakao): 1

Business: 15 No registration: 7

Combine more than one status: 8

Main work
Mainly services: 23

Mainly advocacy/information: 5 Mainly social activities: 0

Combine different types of work: 24

Community and issue orientation

HIV-positive: 5 Gay/MSM: 13 Sex work: 5 Drugs: 1 General: 4

Active in networks/forums: 25

Government contact
Regular interaction: 25

Risk calculation

Active and considerate: 28

and communities they work for or represent, for instance, some are HIV positive, many identify as gay and some have struggled with drug abuse. Other leaders have a more indirect connection, like having seen family members or friends struggle with AIDS-related issues. They all, however, share an interest in organizational work and they have all found opportunities to build NGOs with an explicit connection to AIDS.

By definition, the larger and more vibrant NGOs represent an experienced group. Six started out back in the 1990s, when civil society organizing in China, in connection to AIDS or any other issue area, was very limited. Personal or local resources were behind some of these early initiatives. For example, the beginnings of Aizhixing (1994) were supported by the personal resources of its leader, and the organizational activities of Guangtong Wang 戶同网 (1998) emerged from a commercial website for gay men. However, most of these early breakout NGOs gained initial support from international resources.

In 2000, China began to work with the bilateral China–UK programme, which helped to kick-start many organizations. The big break, however, came with changes following the SARS crisis in 2003. China opened up for more cooperation, inviting international programmes into the country to work and allowing more domestic NGOs to participate in AIDS-related projects. The most significant resource boost came with the Global Fund. Starting in 2003 and spread out over the next ten years, the fund contributed US\$323 million to China's AIDS response.<sup>31</sup> Around 1,400 non-governmental groups and organizations,

<sup>31</sup> See http://portfolio.theglobalfund.org/en/Country/Index/CHN. Accessed 16 July 2014.

all across China, tapped into these funds. Although the fund's history in China produced a mixed legacy,<sup>32</sup> there is no doubt that it opened doors for many domestic NGOs.<sup>33</sup> Another major actor was the Gates Foundation, which launched a US\$50 million programme in 2007 covering 15 cities. This programme, which mainly focused on boosting the discovery rates of HIV, represented a major opportunity for many NGOs, and especially for those working among gay men and MSM. In 2012, around 200 NGOs and smaller groups were working for this programme.<sup>34</sup> Support from the China–UK, the Global Fund and the Gates programmes helped fund the initial activities of 12 of the larger and more vibrant NGOs included in this article's sample.

In addition to the above-mentioned programmes, there is a long list of other international organizations that have contributed with funding and development opportunities. Some of the major donors include the Merck Foundation and the Clinton Foundation, both of which launched sizeable programmes in 2005, and the Ford Foundation, Oxfam Hong Kong, the International HIV/AIDS Alliance, Barry and Martin's Trust, the Open Society Institute, International Republican Institute, and the Red Cross associations of various countries. Many parts of the United Nations system have also provided funds, training and travel opportunities. All but four of the larger NGOs have mainly relied on international funds to sustain their operations. However, most of these NGOs have not relied on a single organization but instead have pursued multiple donors and resource opportunities. This is one of the key navigation skills that sets them apart from the ten (sampled) smaller and less developed organizations, most of which have remained overtly dependent on just a few sources of income.

Leading up to 2015, only a small number of the larger NGOs were backed by mainly local or domestic means of support. Exceptions include the Yunnan Daytop Prevention and Recovery Center for Drug Dependency, which has largely been funded by the fees they charge for their services, and the Shanghai Youth Service Center for AIDS Prevention, which has for several years participated in governmental service procurement schemes.<sup>35</sup> However, now that most of the international AIDS programmes have wrapped up their China operations, the resource allocation strategies of these two NGOs are becoming less of an exception and more of a trend. By 2013, 20 of the larger organizations were already receiving some government subsidies. In most cases, these have been modest contributions but some have amounted to several hundred thousand yuan per year.<sup>36</sup> International funds still matter and remain the main income

<sup>32</sup> There were many controversies. The most serious problems occurred in 2010 and 2011 when the fund held back funding because of problems related to NGO support and other management issues. For details, see Huang and Jia 2014 and Gåsemyr 2015.

<sup>33</sup> Kaufman 2009; Gåsemyr 2015.

<sup>34</sup> Interview with Gates Foundation consultant, Beijing, 18 December 2012.

<sup>35</sup> Interviews with NGO leaders, Shanghai, 17 June 2013 and 26 June 2013.

<sup>36</sup> The largest contributions have been in Shanghai and Guangzhou.

for many larger NGOs, but more organizations have started to move away from international resources and towards domestic and government funds.

The transition away from international resources is a response to changing realities and pressures that are largely economic in nature. Several of the larger NGOs have approached the government system for new opportunities, offering and contracting out their services and participating in research projects sponsored by government agencies, such as the Chinese Center for Disease Control (CDC). Some of these developments are manifestations of the proactive navigation skills of NGO leaders, who often take tactical steps to preserve their organizational autonomy when "partnering" with government actors, as discussed below. However, the changing resource situation has implications for the isomorphic pressures facing NGOs that work on AIDS.

Faced with new uncertainties, many NGOs are exploring their chances with international organizations that continue to work in China and with foreign embassies and consulates. These NGOs look to other organizations for clues on who to approach and with what types of projects, clearly displaying mimetic tactics.<sup>37</sup> However, international resources are scarce since the last of the large international AIDS programmes wrapped up its operations in China in 2014. More importantly in terms of resources, in 2015 the Chinese government established a new national AIDS Prevention and Care Fund (Aizibing fangzhi jijin 艾滋病防治基金) to fill some of the gaps in funding that remain following the departure of the international programmes.<sup>38</sup> Many NGOs in 2015 signed up to participate. The fund is still in an early phase of development but is already becoming an important resource for NGOs working on AIDS-related issues. For smaller NGOs, this may increase mimetic and coercive pressures to adjust their operations in line with priorities and conditions stipulated by the fund. Larger NGOs, however, are more likely to keep navigating multiple sources of income and may be positioned to fend off such isomorphic influences.

The larger NGOs constitute a relatively resourceful group. Most have continued to both expand and advance their operations, attracting new resources and employing more staff. AIDS Care China, Daytop, the Chengdu Gay Care Organization, Guangtong Wang and the Tianjin Dark Blue Working Group stand out as particularly large in terms of budgets and numbers of staff and volunteers. Most of the other larger organizations operate on annual budgets between 200,000 and 400,000 yuan, and employ around five full-time staff. In the world of Chinese NGOs, these are sizeable operations and most of them now provide their staff with relatively good working conditions and monthly salaries ranging between 2,500 and 5,000 yuan. Proactive navigation of multiple resources has so far proven to be an essential factor behind the development and sustainability of larger and more vibrant NGOs. The next section moves

<sup>37</sup> DiMaggio and Powell 1991, 69.

<sup>38</sup> Interview with international organization officer, Beijing, 29 October 2015.

into another crucial area of NGO development, namely the navigation of organizational statuses.

Navigating registration hurdles and status options

The larger and more vibrant NGOs represent diverse experiences and solutions when it comes to registration issues and organizational statuses. Chinese NGOs in general are part of an emerging organizational field, and they have learned to adapt to state pressures and changing conditions.<sup>39</sup> However, this group of AIDS-affiliated NGOs also displays proactive and relatively innovative navigation strategies when it comes to circumventing formal restrictions and brokering new, pragmatic and largely informal arrangements that help them to sustain their operations.

Of the 28 NGOs in the sample, five have registered as social organizations, meaning they are formally recognized as legal NGOs. Moreover, one NGO has a formal attachment (guakao) to a local government-affiliated organization. These arrangements entail a formal, if not close, connection to the state authorities that oversee the registrations of these NGOs. The remaining 22 NGOs, on the other hand, sustain their operations through other and less formal means. Among them, 15 are registered as businesses, which indicates that this is still an accepted and popular way to overcome the formal regulatory hurdles. 40 In practical terms, business registrations provide NGOs with institutional statuses that come in handy when opening bank accounts and hiring staff, but they also make many NGOs subject to taxation. In some places, NGOs have worked out deals that keep taxes to a minimum, but for many grants a 5 per cent operational tax is normal and more for income reported as profit, for which a 20 per cent commercial tax may apply. 41 Business registrations can also complicate efforts to attract donations, as many donors may not be able to give to organizations that on paper appear to be for-profit.

Seven NGOs operate without any kind of institutional status and handle their basic administration through entrustments (*tuoguan*), which in practice means having informal, but often stable, affiliations to a national or local association. The administrative hosts typically charge 5–7 per cent of any donation for their services. One obvious downside to these arrangements is that the operational autonomy of NGOs is diminished, as they become dependent on their hosts' approval. For instance, an HIV-positive organization in Beijing worked through several of these arrangements before finding an administrative host willing to accept the type of work it wanted to do.<sup>42</sup> Experiences such as this have prompted NGOs to actively pursue and navigate more registration statuses.

<sup>39</sup> Hasmath and Hsu 2014, 945; Tam and Hasmath 2015, 289-293.

<sup>40</sup> Liu 2007, 112–13.

<sup>41</sup> Figures were reported by NGOs in Guangzhou. Interviews with NGOs, Guangzhou, 19 June 2013.

<sup>42</sup> Interview with NGO leader, Beijing, 22 May 2008.

Eight of the larger NGOs have obtained more than one status, including four NGOs that, in addition to their domestic business registrations or affiliation statuses, have registered as non-profit entities in Hong Kong or the USA. Several others among the more developed NGOs are considering brokering similar options. Multiple registration statuses offer flexibility and allow NGOs to utilize the strengths of some arrangements while circumventing the problems of others. For instance, a business-registered NGO that also maintains affiliations to an official association can use its business status to manage some projects freely, but utilize its affiliations to avoid commercial taxes when receiving other types of grants. The four NGOs that have registered as non-profit organizations abroad can use this status to boost their operational autonomy, yet for some projects they also rely on their mainland registrations or affiliation statuses - for instance, when receiving money from government agencies. Small and less developed organizations lack this ability to secure – and moreover juggle – new registration statuses or affiliations, meaning that they remain in one modus operandi once they are established.

The strategic and, on occasion, relatively innovative arrangements discussed above are examples of institutional circumvention and brokerage practices that enable NGOs to get around formal restrictions. In part, this can be seen as NGOs reacting to coercive and mimetic pressures<sup>43</sup> and organizational leaders adjusting to the dubious rules and uncertainties that pervade this emerging field.<sup>44</sup> However, these arrangements are also evidence of proactive, and in some instances quite innovative, navigation practices that speak to the NGOs' ability to manage current institutional hurdles. The circumvention here is similar to the subversion practices documented by Tsai.<sup>45</sup> However, rather than subverting any formal rules (implying change), these NGOs are simply circumventing restrictions and finding practical solutions that work outside the official system. The effect is institutionally enabling, and although circumvention and brokerage practices do not directly subvert or replace any formal regulations, they still represent a form of gradual evolution in regards to the informal institutions that, in practice, enable NGOs to grow and progress.

China's national authorities have been discussing the passing of new NGO regulations since the early 2000s. Some local governments, such as those in Shanghai, Beijing and Guangdong, have experimented with simplified registration rules, and in 2013, the National People's Congress decided that some types of organizations should be able to register directly with the civil affairs authorities without having to find responsible "management units." Moreover, national and provincial health authorities have for several years encouraged local health bureaus and CDCs to help more NGOs working on AIDS prevention

<sup>43</sup> DiMaggio and Powell 1991, 67.

<sup>44</sup> Hsu, Carolyn, and Jiang 2015, 101.

<sup>45</sup> Tsai 2007, 208-09.

<sup>46</sup> Zhang 2015, 2406.

and care obtain official registration. Examples of registration processes moving forward, however, have been rare. 47 Only three among the larger NGOs sampled for this article were recently able to change their statuses and secure formal registrations (as social organizations). This indicates how reluctant local authorities and NGOs have been to venture into more formalized arrangements and also how flexible the system has been in allowing NGOs to keep navigating the space outside of the formal institutions. The new national AIDS Prevention and Care Fund that began to distribute money to NGOs in late 2015 does not require NGOs to be legally registered to qualify but instead instructs "unofficial" organizations to team up with official associations or government agencies.<sup>48</sup> Many NGOs are used to having some of their project money being administered and allocated through government agencies, which was the situation with the funds coming from the China-UK, the Global Fund and the Gates programmes.<sup>49</sup> However, the new AIDS Prevention and Care Fund stipulates closer and possibly more conditional relationships: NGOs must prepare their project applications in agreement with government agencies, who also oversee the work of the NGOs. This may not bode well for the operational autonomy of any NGOs which come to rely on these funds. As mentioned above, moreover, the national push for more NGOs to register as official social organizations seems to be gaining traction, which may lead to new coercive pressures that may again diminish the ability of NGOs to navigate and broker informal arrangements. This issue is revisited in a later section which discusses government contacts and external risks. Next, however, the focus shifts to how the NGOs navigate their work and community responsibilities.

### Navigating work priorities and community linkages

NGOs carry out different types of work and they focus on various activities, communities and issues. Identifying these differences is important for understanding how organizations navigate and behave as active and strategic actors, fending off pressures and securing opportunities to develop and advance.

Most (23) of the 28 larger NGOs have made services the centre of their operations, which is typical for NGOs in authoritarian and developing country settings. <sup>50</sup> Most of these NGOs started out with simple service projects such as promoting HIV awareness, handing out condoms or providing basic support for people living with HIV. However, over the years, many have advanced and brokered new and innovative services. Progression has been particularly noticeable among the NGOs for gay men and MSM. Chengdu Gay Care Organization, Guangtong Wang, Tianjin Dark Blue Working Group and the

<sup>47</sup> Shallcross and Kuo 2012.

<sup>48</sup> Chinese Preventive Medicine Association. 2015. "Shehuizuzhi canyu aizibing fangzhi jijin: xiangmu guanli shouce (shixingban)" (Social organizations participating in the AIDS Prevention and Care Fund: project management manual (trial version)).

<sup>49</sup> Gåsemyr 2015, 616; Hildebrandt 2013, 125.

<sup>50</sup> Howell and Pearce 2001, 91, 145

China Rainbow Health Organization have all moved on from simple outreach projects to now operating community-centred health centres. People come to them for testing, advice and counselling, often by pre-booking appointments through web-based applications. The services provided by these NGOs are no longer limited to AIDS but also include work on other transmittable diseases and sexual health. The NGOs have not only responded to funding opportunities or isomorphic pressures but have actively crafted and pursued new activities, which points to more proactive and innovative and less donor-driven dynamics than those emphasized in some previous studies.<sup>51</sup>

Several of the HIV-positive NGOs have developed comprehensive support services. They keep track of their members' medical records and doctors' appointments, and some have acquired sophisticated software systems to manage this information. Lastly, a number of NGOs specializing in drug users and sex workers have also expanded and advanced their activities, although organizational development within these communities has been more limited. For instance, the Shanghai CSW (commercial sex worker) and MSM Center (previously Leyi 吳宜) has fine-tuned its health and information projects among male and female sex workers. These high-risk populations generally avoid governmental agencies, and so the local authorities, recognizing the need, have started sponsoring some of these NGO-provided services.

The above examples demonstrate how NGOs have proactively pursued opportunities in areas where they navigate the needs of multiple stakeholders. Several of the NGOs work on broader agendas, but it is their AIDS-related services that have made them popular with donors and earned them some recognition and, on occasion, support in the form of subsidies from government agencies. The NGOs' overall activities, however, are firmly grounded within the communities they work for and represent. Many of them rely on dozens, and in some cases more than a hundred, stalwart volunteers. The large NGOs are not only delivering services but are also functioning as platforms for social companionship within their communities. None of the larger NGOs focus solely on social activities, but this is integral to their overall operations. This strategic combination of services, strong community linkages and social functions distinguish most of the larger and more vibrant NGOs from the smaller and less developed organizations. Many of the smaller NGOs provide services but lack strong community links or the social functions that the larger organizations provide.

Five of the 28 larger NGOs specialize in advocacy and information work. For instance, Ark of Love focuses on the rights and interests of HIV-positive persons.<sup>54</sup> Aibai 爱白 specializes in promoting awareness about homosexuality and sexual minorities. Both organizations have enjoyed continuing support

<sup>51</sup> See Hildebrandt (2013, 105) for discussion on donor-driven developments.

<sup>52</sup> Interview with national association official, Beijing, 17 December 2012.

<sup>53</sup> Interview with NGO leader, Shanghai, 15 November 2012.

<sup>54</sup> Ark of Love also functions as the operational centre of the China Alliance of People Living with HIV and AIDS.

from long-term donors. They have also maintained strong roots within their respective communities. Another example is Dongjen 东珍, which has developed rights-based projects on AIDS and other social issues.<sup>55</sup> These examples show that service provision is not the only possible route to NGO development, but these cases are rare. Service delivery really has been the main avenue for organizational growth. Still, service-dominated work does not necessarily exclude all forms of advocacy.

Although only five of the larger NGOs specialize in advocacy and information, another 19 frequently engage in this line of work and the remaining four do so occasionally. Most of the advocacy plays out in local settings, where NGOs nurture relations with officials in local government departments and agencies. In general, many NGOs would like to do more advocacy work and, especially among organizations for gay men and MSM, leaders often spoke about their desire to support gay culture and rights. Homosexuality is not illegal in China but it is still surrounded by strong taboos and misconceptions. However, NGOs struggle to find the relevant resources. As the director of a leading NGO explained, "It is not that we cannot or do not want to advocate, but finding donors is difficult. We have not been very successful." With the scaling back of international development money going to Chinese organizations, this part of their navigation is not going to get easier. Resources for advocacy will have to come from sources other than government, which may provide funds for services but for little or nothing else. 58

Among the larger NGOs, 25 have joined provincial or national umbrella networks, the largest of which are the China AIDS Community-based Organizations Network and the China Alliance of People Living with HIV and AIDS. Networks can facilitate joint advocacy and collaboration but also raise difficult issues. Some challenges relate to competition and the personal conflicts that persist between several leading NGOs. Similar problems among Chinese NGOs working in other issue areas have also been reported. However, this also speaks to the local- and community-specific focus that most organizational leaders maintain in regards to their day-to-day work. They maintain a local, rather than a national or international, orientation. They interact with other NGOs but substantial collaboration is rare. Furthermore, there are only a few examples of organizations cooperating with NGOs based in other countries, and just seven leaders from among the larger NGOs frequently attended international forums. Some of this relates to language barriers, but it also reflects

<sup>55</sup> The name is spelled Dongjen (not Dongzhen) in non-Chinese texts.

<sup>56</sup> Wang 2006, 237.

<sup>57</sup> Interview with NGO director, north-east China, 23 May 2013.

<sup>58</sup> Representatives from CDCs, national associations and NGOs all talked about government funding being limited to services.

<sup>59</sup> These assessments are based on the author's studies of seven national AIDS-related networks.

<sup>60</sup> Disagreements and conflicts also affected NGO representation in the governing mechanisms established in connection to the Global Fund programmes. For more details, see Gåsemyr 2015.

<sup>61</sup> For discussions on Chinese labour NGOs, see He and Huang 2015.

the preoccupation with local work. That being said, networking must also be seen in connection to how NGO leaders navigate and circumvent external risks. 62 Mobilization across organizations and geographical areas is, after all, something public security authorities are known to monitor with particular apprehension. 63 Network organizers and NGO leaders therefore have to be careful. The following section delves into how NGOs deal with government contacts and external risks. This is an area where the pervasive effects of both coercive and mimetic isomorphic pressures come to the fore.

#### Navigating government contacts and external risks

Government actors represent both restrictions and opportunities for NGOs. On the one hand, NGOs are subject to many means of control. Restrictions have tightened rather than loosened in recent years, and there have been many incidents of NGO leaders, in addition to lawyers and journalists, being arrested and charged with "disorderly conduct" and other offences.<sup>64</sup> On the other hand, the room for non-governmental organizing has been expanding, and in many areas local authorities have started subsidizing NGOs and procuring their services.<sup>65</sup> This combination of more space but strict control requires careful and considerate navigation on the part of NGOs.

Most of the larger NGOs are in regular contact with government actors. As discussed above, only a few organizations, such as the Shanghai Youth Service Center of AIDS Prevention, Tianjin Dark Blue Working Group and Daytop (Yunnan), have managed to register with local authorities as social organizations. These NGOs do indeed frequently interact with local officials but, as noted by other studies, there is nothing automatic about official statuses or government connections.<sup>66</sup> The interaction between NGO and government can be just as close for organizations that operate without official statuses while legally recognized NGOs can experience little government interaction besides the paper trails connected to their registrations. The most dynamic relations are instead based on informal and personalized ties. As has been found by other recent studies, organizational leaders nurture government contacts to facilitate their work, to seek out new opportunities and to advocate for their interests and concerns.<sup>67</sup> Among the larger NGOs, 25 frequently interact with officials in government agencies or departments. Some relations involve national officials but most are based at local levels and depend on where in the system NGOs have located the more responsive government representatives.

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62 Kaufman 2009, 169; Gåsemyr 2015, 621.
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<sup>63</sup> King, Pan and Roberts 2013, 326; He and Huang 2015, 491.

<sup>64</sup> Hatton 2015.

<sup>65</sup> He and Huang 2015, 489; Teets 2014, 26; Hsu, Jennifer, and Hasmath 2014, 534; Zhang 2015, 2414; Howell 2015.

<sup>66</sup> Yang, Katja, and Alpermann 2014, 315.

<sup>67</sup> Howell 2015, 713.

With what seems to be a national push for the formalization of more NGOs in the form of new registration practices and the expansion of government service procurement schemes, the current nature and flexibility of NGO-government relations may be set to change. Moreover, the newly established national AIDS Prevention and Care Fund may at some point present new incentives for NGOs to formalize their statuses. From this perspective, it is easy to see how Chinese NGOs working on AIDS or other issues really do constitute an organizational field that is still emerging.<sup>68</sup> The larger NGOs watch out for changes and keep navigating their registration and status options. Some are preparing to register as social organizations in the belief that this will ease access to government resources. Others are afraid that the formalization of their statuses may lead to new or more restrictions and are instead focusing on the informal alternatives. NGO leaders are divided on this issue. This underlines the uncertainties that pervade the field but also shows that many organizational leaders expect to be able to carry on with the navigation and circumvention practices they have resorted to over many years.

Chinese NGOs remain vulnerable in the face of an overwhelmingly powerful state, and when it comes to considering external risks, they both adjust to coercive pressures and mimic the behaviour of other organizations in order to reduce uncertainties and play it safe.<sup>69</sup> Chinese NGOs are known for sticking to careful and non-antagonistic approaches, and the NGOs sampled for this research corroborate this view. 70 They have occasionally engaged in modest campaigning, for instance in relation to discrimination against HIV-positive patients in public hospitals, and they were involved in several efforts to pressure the Global Fund and the Gates programmes into improving their support of Chinese NGOs.<sup>71</sup> Nevertheless, their approaches have been largely limited to writing petitions and open letters, attending discussion meetings, pitching media stories and reaching out to government contacts. "Listen, we are careful and we focus on our practical work. But we raise our issues whenever we can, in any meeting, in any discussion, again and again and again and again."72 This was how an NGO leader responded when he, in an interview, was asked whether his organization ever criticizes anyone. His reply sums up a lot of the careful but strategic navigation most NGOs leaders undertake when dealing with advocacy issues and government contacts. They interact and they discuss, but they do not challenge. This is a direct result of isomorphic pressures.

When it comes to assessing external risks, NGOs know the public security apparatus keeps watch and they learn to read warning signals and mimic the behaviour of other organizations. Police or security officials may approach NGOs directly but the messaging can also be subtle, like a hotel manager

<sup>68</sup> Hsu, Carolyn, and Jiang 2015, 101.

<sup>69</sup> Tam and Hasmath 2015, 296.

<sup>70</sup> Howell 2015, 714; Hildebrandt 2013, 92; Ma 2006, 10; Yang, Guobin 2005, 52.

<sup>71</sup> For further details, see Gåsemyr 2015.

<sup>72</sup> Interview with NGO leader, north-east China, 8 July 2013.

suddenly calling about an alleged overbooking in connection to a planned meeting, or a publisher calling to cancel a contract owing to some alleged technical problems. In these situations, when the NGOs sense that some arm of the security apparatus may be interested in them, they normally back off and reconsider their options. There are some exceptions to this line of general "carefulness" among the sampled organizations. The most obvious exception is Aizhixing, whose leader Wan Yanhai used to be at the fore of AIDS- and human rights-related activism in China. Wan was arrested in 2002 and again in 2006 but was able to return to his organizational work. However, after experiencing a new round of interference from various government agencies in 2010, he decided to leave China, fearing a case was being built against him.<sup>73</sup> Aizhixing is still operating, albeit with a much lower profile and activity level. No other NGO working on AIDS has since stepped in to fill its shoes.

In general, most organizations play it carefully and exercise self-censorship when they sense that the limits of state toleration are nearing.<sup>74</sup> In this sense, coercive and mimetic pressures are manifested by way of Chinese NGOs acting alike and being careful rather than daring.

#### Conclusion

Building on previous research, this article situates Chinese NGOs as actors in an emerging and as yet unsettled organizational field. Associational freedoms in China are limited, but the lines of state toleration shift and remain unclear. Although NGOs working on AIDS prevention and care have been presented with some particular opportunities, they face the same types of general restrictions that apply to organizations working in other issue areas. Chinese NGOs have little choice but to keep adjusting to cope with the many coercive pressures, and keep looking to other organizations for clues about what is safe in an environment full of uncertainties. Nevertheless, some NGOs grow into relatively large and vibrant operations. To explain this paradox, this article studies how some NGO leaders do not merely adapt and react to pressures but proactively navigate their way through formally restrictive, yet relatively flexible, institutional settings.

Proactive navigation practices include the active pursuit of opportunities and resources; the active circumvention of formal restrictions; innovative brokerage of informal arrangements; the strategic combination of different types of work-, activity- and community-based focuses; considerate facilitation of government relations; and the active assessment and navigation of external risks. There is no one explanation for why some NGOs are able to grow and progress. However, the article concludes that, in order to build larger and more vibrant NGOs in China today, it is necessary to navigate opportunities and risks, circumvent formal restrictions and broker pragmatic and informal arrangements.

<sup>73</sup> Wong 2010.

<sup>74</sup> Stern and O'Brien 2012, 187.

Over time, proactive and innovative NGOs have contributed to the diversity of the institutional landscape surrounding organizational life in China. However, since many NGO practices remain based on informal and tacit understandings, they may be easily reversed or overruled. Chinese NGOs, whether they work on AIDS or other issues, are becoming increasingly dependent on domestic and government funding. Furthermore, national authorities seem to be pushing for more formalization within China's emerging NGO field. These developments may open new opportunities for some organizations, but they may also take away some of the flexibility that has for many years allowed many NGOs to grow and progress alongside and outside of the formal institutions. As this organizational field keeps emerging and changing, our scholarly inquiries should follow suit.

## Biographical note

Hans Jørgen Gåsemyr completed his PhD at the department of comparative politics in the University of Bergen in spring 2015. His academic background covers extensive social science, Chinese language and area studies. Gåsemyr worked for the United Nations in Beijing before joining the comparative politics department in Bergen. He also holds a journalism degree and has worked in national media and broadcasting. His current research focuses on Chinese politics and state—society relations, welfare politics and China's role in international affairs.

摘要:中国的非政府组织面临着强大的管控压力和限制,但它们在一些领域仍然承担着重要角色。本文研究并解释了为什么一些参与艾滋病项目的非政府组织能够取得相对快速的发展并充满活力。研究阐释了在中国威权主义的背景下,非政府组织领导者如何学会通过辨别机会和风险、规避正式限制,并设法以务实的且主要是非正式的安排使他们的组织取得进步和发展。本研究不仅有助于丰富对中国非政府组织发展的研究和新制度主义理论,而且建立了一个基于组织形式和活动研究非政府组织的研究框架。

关键词: 中国; 非政府组织; 民间社会; 艾滋病; 艾滋病病毒; 制度

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