The Hidden Rules Governing China’s Unregistered NGOs: Management and Consequences

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Abstract

Unregistered non-governmental organizations (NGOs) in China either have no legal support or are strictly restricted by law. In practice, however, a large number of both foreign and domestic NGOs without a legal status exist in China. This article argues that one of the reasons for the Chinese government’s tolerance of this situation is because the government uses hidden rules that are not stated in the current laws and regulations to manage such NGOs. Under the precondition that these organizations do not harm state security and social stability, the Chinese government’s attitude towards them is one of “no recognition, no banning, no intervention.” Such hidden rules provide not only an implicit political and social framework for such NGOs to operate, but also exert influence on their modes of operation and the direction of their future development. From another point of view, the system of hidden rules for unregistered Chinese NGOs demonstrates that corporatist theory has certain limitations when used to interpret the relationship between the state and society in contemporary China. It also

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suggests that, in order to understand China’s political environment, an examination of the written and published laws and associated regulations may not be sufficient. A thorough understanding of China’s political environment also requires an in-depth exploration of the unwritten or unpublished rules in China’s governmental administration system.

**Introduction**

Some scholars have attempted to examine Chinese society during the transitional period by employing either theories of either civil society or corporatism. There have been debates as to whether or not civil society could emerge in China under the current political system. Some scholars believe that the conditions for civil society to grow emerged long ago in China;\(^1\) while others insist that there have never been any real non-governmental organizations (NGOs) or civil society in China. Scholars often refer to “political–cultural continuity” rather than “change” when discussing state-society relations.\(^2\) However, over time, the relationship between the state and society in China has changed, and the explanatory power of corporatist theory is now being challenged. In 1995, the Fourth World Conference on Women was held in Beijing, during which an NGO forum was also held. That was a turning point, as an increasing number of independent, grassroots NGOs began to appear in China. Scholars have concluded that the state’s attempt to regulate society through a corporatist framework may now be falling apart.\(^3\) China’s social organizations are gradually becoming more diverse, numerous, and more independent from the state. Yang Guobin studied the development of Chinese environmental NGOs (ENGOs) in the context of the political field, media, international NGOs (INGOs) and internet factors.\(^4\) Jude Howell focused on the development of Chinese women’s organizations in the context of domestic needs and external factors, such as a growing international donor community.\(^5\) Ma Qiusha insisted that the Chinese government’s need for international aid, the impact of globalization, and the resulting influence on the government’s decision to lift restrictions on NGOs are the primary reasons for the growth of INGOs and domestic NGOs in China.\(^6\) However, many of these scholars have failed to adequately address the fact that many of the foreign and domestic NGOs are unregistered, and they have largely ignored the question why so many unregistered NGOs have emerged. Those who do address this issue (e.g., Howell) tend to assume that NGOs choose to be