

FRIDE

Project Report Assessing Democracy Assistance

Co-financed by:



Assessing Democracy Assistance:

China¹

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This report is FRIDE's contribution to a project entitled 'Assessing Democracy Assistance' that is being carried out by the World Movement for Democracy. The project aims to gather views on how democracy support can be improved and its impact enhanced. Other case studies and a synthesis report can be found at www.fride.org.

According to the first article of its constitution, passed in 1982 and revised several times since, 'The People's Republic of China (PRC) is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants'. In Article Two it states that 'all power in the PRC belongs to the people'.³ In the US Department of State '2008 Human Rights Report on China', the government structure is described as 'an authoritarian state in which the Chinese Communist Party (CCP) constitutionally is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member political bureau (Politburo) of the CCP and its nine-member standing committee'. The centrality of the CCP, founded in 1921, and attaining power in 1949, is undisputed by observers of China, and within China itself. Although the way in which the CCP exercises power has undergone several changes, ranging from highly centralised autocratic Maoism to a system now sometimes classified as 'fragmented authoritarianism', the institutional authority of the CCP has never been seriously eroded, even in the chaotic era of the Cultural Revolution from 1966–1976.

Despite talk by Mao Zedong (the most important leader of the CCP; d. 1976) about 'new democracy' and 'democratic centralisation' in the 1940s, China's historic experience with any form of popular public participation in political decision making has been shallow. National elections were held in 1912 after the fall of the Qing Dynasty, in the very early years of the Republican Period. But their outcome was contested, and the victor assassinated afterwards. Sun Yatsen, the founder of

¹ The project 'Assessing Democracy Assistance' is supported by the United Nations Democracy Fund, the UK Department for International Development, the Arab Democracy Foundation, the Taiwan Foundation for Democracy, the Netherlands Institute for Multiparty Democracy, the National Endowment for Democracy and the Smith Richardson Foundation. The research methodology for this report is explained in an appendix at the end of the main text. Responsibility for this report and the views expressed are solely those of the author(s), and do not necessarily represent the positions of either FRIDE, the World Movement for Democracy, or the funders.

² The author would like to thank all those interviewed, and those who have commented on the report. While this paper focuses predominantly on the People's Republic of China, there is some analysis of the situation in Hong Kong Special Administrative Region in the Fourth Section of the Paper

³ Constitution of the PRC 1982, from <http://english.peopledaily.com.cn/constitution/constitution.html>, accessed 9 August 2009.

the Nationalist Party which dominated Republican Chinese politics, talked of China being ‘unprepared for democracy’, although he clearly stated that democracy was one of the ‘three pillars for the common people’. Lin Feng has characterised the period 1921–1949 as one during which the CCP was preoccupied with war, which overrode any commitment to political reform.⁴ As Frank Dikotter wrote in his history of the Republican period, ‘China before communism [...] was politically more democratic than many other comparable regimes in Europe at the time or than the People’s Republic has been’.⁵ He cites reasonably successful provincial-level elections held in the 1930s in Hunan, Zhejiang, Shanghai and Nanjing.

The political model of the PRC after 1949 was heavily influenced by the Soviet Union, and in particular borrowed its specific discourse of ‘democratic centralism’. This lies behind Article 2 of the current Constitution quoted above. People’s Congresses and Political Consultations Committees have been set up parallel to Party structures to give the Party’s decision-making apparatus greater legitimacy. As a result of the destabilising effect of the Cultural Revolution – when many functions and leadership roles of the Party were fundamentally challenged, causing breakdown of law and order in the 650,000 villages in China – village elections were experimented with in Guangxi Zhuang Autonomous Region in January 1980, after the reform and opening up period started. They were rolled out across the country in the 1987 Village Election Law, and further extended in the 1998 revised Organic Law on Village Elections.⁶ Village elections remain the most tangible illustration of trying to increase the democratic reach of decision making in China. But in the last decade, the CCP leadership has wrestled with the issue of what form of democracy would both be appropriate to China’s current highly complex social and economic status and, just as importantly, preserve the CCP’s monopoly on power. This quandary dominates almost all thinking about the areas of fundamental reform, from the rule of law, to the development of civil society, to the acceptance of a free media. In the Government White paper on Democracy issued in 2005 by the State Council, it declares: ‘Democracy is an outcome of the development of political civilisation of mankind. It is also the common desire of people all over the world. Democracy of a country is generally internally driven, not imposed by external forces.’⁷

Democratic movements have sporadically occurred in China from 1971 onwards, the most famous being the Democracy Wall Movement which briefly flourished in 1979 before a major clampdown. As of 2009, however, although the Chinese government has sanctioned major reforms in some areas of law, media, civil society and social organisation, it still wrestles with the key issues of transparency, accountability and public participation in decision making. Even Zhou Tianyong, Wang Anling and Wang Chanjiang of the Party School, in their important study of political reform after the 17th Party Congress in 2007, still assert that ‘in order to push political reform forward, the leadership role of the CCP is critical’. ‘This is’, they go on to state, ‘the choice of history, and of the people.’⁸ Even in 2009, the fifth essay of ‘The Six Why’s’ – a series of essays for party cadres produced by the CCP Propaganda Department and issued through the government controlled newspaper *The People’s Daily* – examines ‘Why resolutely persisting with multi party cooperation and reform of the political system must not result in Western style multi party structures.’⁹ The discourse of democracy remains highly contentious in China, with a wide range of views about how political reform might be embraced. While there is consensus on the need for reform, there is little consensus on how that reform might proceed. During interviews for this report, recurrent mentions of the ‘Colour Revolution’ in former Soviet Union satellite countries were striking, from officials, academics, observers and Non Governmental Organisation (NGO) representatives. The CCP’s concerted effort to avoid a similar experience has therefore made those currently in charge, led by President and CCP General Secretary Hu Jintao, and Premier Wen Jiabao, more cautious and conservative.

⁴ Lin Feng, ‘Internal Democratisation of the CCP and its Future, From Theory to Practice’, Civic Exchange, November 2006, p. 2–3.

⁵ Frank Dikotter, *The Age of Openness: China Before Mao* (Aberdeen, Hong Kong: University of Hong Kong Press, 2008), p. 7.

⁶ I am grateful to Goran Leijonhugvud, of the Norwegian Centre for Human Rights, for his paper ‘Village Elections in China: Control or Autonomy’, for clarifying this history.

⁷ See <http://english.peopledaily.com.cn/whitepaper/democracy/preface.html>, accessed 3 September 2008.

⁸ Zhou Tianyong, Wang Changjiang and Wang Anling, ‘Gong Jian, Zhongguo Zhengzhi Tizhi Gaige Yanjiu Bao Gao, Shi Qi Da Hou’ (Xinjiang Production Corps Publication House, Xinjiang, 2007), p. 7.

⁹ ‘Liu ge Weishenma’, produced by the People’s Daily Theory Department, People’s Daily Publications, Beijing 2009.

Overview of current foreign assistance

In the last three decades, the role of foreign organisations, foreign cooperation and foreign involvement in China has expanded radically. In 1979, the PRC was still recovering from the isolationist years under Mao. Since then, the scope for foreign participation in China has increased beyond recognition. However, there are still problems in some areas and with certain kinds of support. There are also issues regarding the best partners to work with, the ways in which work is best achieved and the outcomes. According to a report issued for Congress in January 2008, from 1999–2007 the US government disbursed USD133 million – 7 per cent of its aid in East Asia – to projects supporting democracy, rule of law, and social and economic development in China. In 2002, this was USD10 million, rising to USD23 million in 2007. In 2008, under the Consolidated Appropriation Act, USD15 million was voted to support projects in the area of democracy and rule of law under the Democracy Fund. The Economic Support Fund allocated USD5 million to support cultural traditions in the same year. These came second to EU funding over the same period for the general areas of rule of law, social and economic development, which from 2001 to 2007 came to USD325 million.¹⁰ In 2008, the non-governmental US National Endowment for Democracy (NED), whose funds come almost wholly from the US government, disbursed approximately USD10 million in projects across China and to organisations outside China with strong PRC-related links. All of this aid is significantly greater than that given by Japan, although the focus areas of Japanese aid have tended to be economic development, rather than democratisation, and I did not interview anyone with experience of receiving Japanese funds in these areas.

There is a real issue regarding the common definition of democratisation when looking at the range of funding activity in China. According to Freedom House, China remains ‘undemocratic’ and ‘not free.’¹¹ But among all the interviewees and their various sectors and backgrounds, the consensus was that China has made positive progress over the last two decades in many areas which are important in building greater openness and democratisation. The legal system, media and even participation in decision making have all moved ahead. There is also greater willingness now on the part of officials to admit that certain areas needed reform. One Chinese academic said that ‘democracy means many things to Chinese leaders. They believe that while more democracy is the goal, China can create a new type of system where one Party remains in control’. Another practitioner said that for democracy ‘you needed to look at societal change, and talk about accountability. The Chinese government has become more responsive to people’s needs in the last 30 years.’ Another said that the position of the leadership, and the bulk of the intellectual community in China, was that when it comes to democracy ‘China needed to fall in love with the concept before marrying’.¹² All of these respondents referred to the issue of combining what they saw as ‘traditional Chinese society and its institutions’ with democratic ones. One academic said that in many ways the issue was that at least for village elections China was ‘too democratic’. There was no way of forging consensus across interest groups, new elites or even tribal groups. Another definition of democracy linked it much more with the control of information, which remained the key area for the CCP, and saw the many threats to this as significant for the progress of a society with greater accountability and justice. For major foreign organisations working in China, there was at least some consensus that if democracy were equated with the growth of accountability, civil society and helping governance, then there was traction with the reforms that the CCP were at least attempting to carry through. The breaking point came when there was demand for meaningful, genuinely competitive multi-party involvement in public political life. In this area, the CCP was wholly intolerant.

In order to reflect this complex and multifaceted understanding of democracy, foreign funding and cooperation in the democratisation area in China can be divided broadly into five areas. The first is support for village and other kinds of elections. The second is support for the rule of law. The third is support for civil society. The fourth and fifth are support for a free media, and support for human rights and training. These will be considered separately.

¹⁰ Thomas Lum, ‘CRS Report for Congress: US Funded Assistance Programs,’ issued 28 January 2008.

¹¹ Freedom House, ‘Freedom in the World’ annual report 2008, available at <http://www.freedomhouse.org/template.cfm?page=22&country=7372&year=2008>, accessed 5 September 2009.

¹² Paper by Professor Yao Yang, Beijing University. I am grateful to him for sharing this with me.

Village elections

Village elections began nationally in 1987. As the lowest level of social organisation, village committees were defined as 'self-administrating'. There was scope here for experimentation at least. Almost a million elections, usually at three year intervals, have been held over the past two decades. The results have been very varied, with about half judged to have been successful, and the other half problematic. The novelty of what the Chinese government was trying to achieve, and its scale, meant that there was a clear need for training of officials, making the elections, in the words of one observer, 'a giant educational undertaking'.¹³ Before 1992, foreign partners were not directly involved in village elections in China. The International Republican Institute (IRI) was the earliest to be involved in funding officials in 1993, followed by the Ford Foundation, the UNDP, Asia Foundation and the EU. The Carter Center initiated involvement in 1996, with two years of discussions before establishing the China Village Project to standardise procedures for observers of elections. From 2001–2006 the European Union undertook perhaps the largest single project to support village elections, working initially in seven provinces with the assistance of the central Ministry of Civil Affairs (MoCA), to train election officials and disseminate knowledge about how to conduct elections to other provinces. The focus of the EU project was on the conduct of elections, not democratisation. Over the course of the project, EUR 10 million was spent, with EUR 4 million of support from the Chinese government in office support, and other non financial contributions. According to one academic observer, the support was worthwhile even if only for the reason that there are a wide swathe of Chinese people who have had experience of secret balloting, voting, and elections with public participation. But an election activist in Beijing stated that in the last two years, foreign funding for village elections has stopped because 'rural elections have not gone deeper, and the Chinese central government has no intention to deepen them'. One representative of a major foreign NGO in Beijing said that having done six rounds of elections at this level, there was a feeling among the donor community that they had become institutionalised, and that for the most part further improvements in the system were not in areas that foreign donors were best placed to help in. The main area of current concern is the very low levels of female participation in many of the elections. Since 2006, therefore, major donors have emphasised support encouraging the rural female population to participate in village elections, and provided support for women who get elected. While the Chinese government has tentatively experimented with township elections, with the first election in 1997 in Liaoning province of the Party Branch Secretary of a village sub branch, and various elections for township positions, these have not been developed. In terms of the effectiveness of this foreign funding, the issue remained as to what extent partnership with MOCA was able to achieve real change. While one practitioner said that EU funding in particular had largely been disbursed to MOCA and had 'fallen into a black hole, with no accountability on the Chinese side', another said that 'If you are dealing with governance, who else are you going to partner but government?' There was general consensus across all the parties interviewed that until the Chinese government has a clear road map of what it intends to do as regards developing village elections, further foreign funding is not necessary. One interviewee declared bluntly that in any case elections that were viewed as in any way remotely affecting the powers of the Party were almost certain to be stopped. This had, in fact, happened in pilot elections for township positions in Jiangsu province in the early 2000s. Village committees were largely seen as having very limited powers, most of those dealing with 'the state's dirty work' (family planning, land redistribution, collection of taxes). The potential conflict between Party Secretaries and Village Committee heads remained, as did the ways in which this might be dealt with (having the same person as both Party and village head). A comment by one academic on the Chinese side was that 'village elections have made things more unstable in some areas of the countryside', and that 'foreign funders started this process thinking it would bring about the victory of western democracy in China. What they have learned is that they just had their money taken, with no real fundamental change'.¹⁴

¹³Linda Jakobson, 'Local Governance: Village and Township Direct Elections', in Jude Howell (ed.), *Governance in China* (Oxford: Roman and Littlefield Publishers, 2003), p. 103.

¹⁴It is worth pointing out that elections are also held in urban areas, largely through the Homeowners Associations and Residents Committees. There have been elections for these committees in Shanghai, for instance, since 1999. This reflects the major influx of new residents into cities, and the need to enfranchise them, along with the commercialisation of the housing market and the need to encourage participation amongst residents for decisions about the areas in which they live. One member of a resident committee in Beijing, however, said that these were largely ignored by local people, and tended to involve either those who were retired, or did not work. I am grateful to Liu Churong of Fudan University for sharing his research on this area. They have not, as far as this research shows, received any foreign funding or support.

Rule of law

The PRC has created, almost from scratch, a rule of law since 1979. This is widely seen as one of the more successful areas, underpinning fundamental rights, the success of greater participation in public decision making and social justice. One legal expert in Beijing said that the key movement in the last two decades had been to put in place a legal infrastructure to 'limit the powers of government'. In this area, China had looked carefully at German law via Taiwanese translations. The Konrad Adenauer Institute had been an important partner here, working with the National People's Congress Legal Department, and having a joint research project at the Chinese Academy of Social Sciences (CASS). In the 1980s there was also cooperation with Boston University in the USA, supported by the Ford Foundation. Under its Rule of Law programme, the EU has donated EUR 1 million per year to different programmes. Since this period there has been an explosion of lawyers from China educated abroad, with fundamental changes to the law right up to the exhaustive consultations which took place for the new Contract Law, introduced in 2007, and the Property Law, currently being worked on. The first alone had 400,000 public responses. The Asia Foundation in particular is now working on administrative law, making it serve as a major linchpin for good governance, regulating the relationship between the state and the citizen. The Great Britain China Centre, supported by the UK government and the EU Human Rights and Democracy Fund, has backed programmes in China looking at technical areas of legal reform from training of judges to prison standards, the death penalty and rights to access to justice. The need for a cadre of well qualified legal personnel, particularly judges, who are comfortable with legal concepts, has meant that this has largely been an area of positive cooperation. But there are also major caveats. While one Hong Kong based observer said that 'rule of law is the place where most had been done and can be done', the notion that the CCP would tolerate a wholly independent judiciary that would be able to fundamentally challenge it is untenable. One academic simply said that 'the legal system has become a space where westerners are able to infiltrate, creating a potential source of subversion'. 'Lawyers,' the interviewee continued, 'ideologically oppose political intervention in legal affairs and challenge the CCP's legitimacy'. Many of the signatories of the Charter 08 document issued in November 2008 were from a legal background. In 2006, in *Qiushi*, the official periodical of the CCP, Luo Gan, a former Politburo Member with responsibility for the security services made a similar point.¹⁵ The tightening up on the legal profession manifested itself in 2009 with the withdrawal of licences to practice for approximately fifty lawyers, and the failure of the American Bar Association to secure approval for a single one of its requests for further joint programmes with the National Beijing Bar Association since 2008, when the Ministry of Justice was made responsible for the scheme. While funding of judges has been viewed as less effective than lawyers, the recent crackdowns are seen by some as a concerted effort to at least avoid the legal profession becoming a source of challenge. The use of the legal system as an arena where a push for political change might originate is therefore, at the moment, one the CCP has a strategy to deal with. The EU and other donors have put significant resources into the area of legal reform, but as one foreign observer based in Beijing made clear, 'while much aid has gone into the legal system, the fundamental challenges remain structural ones, with courts expected to issue judgements where the law is still either not in place, or simply not clear'. At a deeper level, a Chinese representative of a government-supported think tank stated that 'The CCP has a highly ambiguous relationship with legality in any case, seeing as had it followed the law; it would never have come to power'.

Civil society

Alongside the growth in the rule of law, in the last 30 years there has been a similarly dramatic increase in the space for civil society. In a study of NGOs, Ma Qiusha has shown that anything from 4,000 to over 300,000 separate groups exist.¹⁶ In areas such as environmental protection and the provision of specific social services, NGOs have replaced the state, which was all-embracing in the Maoist period. Those NGOs that deal with more sensitive issues, however, like minority rights and more political rights, are closely monitored.

¹⁵ See Willy Lam, 'The Politicization of China's Law Enforcement and Legal Apparatus', available at http://www.cefc.com.hk/download.php?fnom=cp2009-2_art4.pdf, accessed 1 February 2009.

¹⁶ Ma Qiusha, *Non Governmental Organisations in Contemporary China: Paving the Way to Civil Society* (London: Routledge, 2007).

The prosecution of Open Constitution (Gong Meng) and the arrest of two of its personnel while this report was being researched and written is a case in point (see Section Four below). Some activists and observers in China felt that support for specific NGOs focused on measurable outcomes was a more effective means of assisting the strengthening of citizen's awareness of their rights. There were areas that have been very well served in this: migrant workers, victims of Aids, and women's rights. The receptivity to NGOs across China's 31 provinces and autonomous regions varied. The Ford Foundation, for instance, reported that officials in one major city in the Yangzi Delta area had sought advice on assisting the development of NGOs, and that officials both there and in Guangdong had helped the formation of NGOs serving migrant workers. The British Council worked with Tsinghua University to promote partnership between government and the third sector in China by drawing on the experience and practice of UK Compact. The Asia Foundation largely only supports projects where it works with Chinese government and non government actors. One British organisation that supports rights advocacy work in partnership with some small NGOs in China stated that, while there needed to be at least some element of government support, the real 'client', in order to affect people's lives, usually ended up being an implementing NGO. The Global Watch Fund illustrates many themes that NGOs work on. Picking up the legal issue referred to by one academic at Beijing as the critical lack of anti-discrimination legislation in Chinese law, it focuses on Aids, gay and lesbian issues and gender issues. Supported by a fund based in Geneva, it has issued educational material, supported projects in Shanghai and other places on Aids, and undertaken public policy research. The UNDP has supported 'soft issues' like building civil society in all of the main areas above. Labour and environmental rights issues are two areas in which there is often greater space for NGOs to operate. First, as China's economic structure has shifted from an entirely state-run planned economy to a predominantly market-based economy over the last thirty years, especially, the last 15 years, the state is no longer necessarily the target of citizens' environmental and labour rights complaints. Instead targeting the government, most of the environmental and labour rights complaints nowadays are aimed at private enterprises. Therefore, unlike many other 'sensitive' human rights cases, most of today's environmental and labour rights cases can be dealt with in a non-political manner. Secondly, as China's economy has expanded greatly, labour disputes and environmental conflicts have become a major cause of 'mass incidents' and social instability. This gives NGOs an opportunity to step in and address pressing social problems via non political means in areas where the government hasn't shown the capacity to do so. Perhaps the most important contemporary civil society movement in China is the series of underground churches, which might have followers numbering up to 100 million. Such churches operate, however, with a great deal of state uneasiness and opposition, and open involvement in them would be extremely sensitive without a fundamental shift in government attitudes.

Media

One strategy used by many of the organisations supporting the creation of a more democratic, rule-based society in China was to focus on media. The increase in newspapers, the internet and access to media outlets over the last decade in particular in China has been profound. There are now approximately 3,000 newspapers spread across the country. Their role in exposing cases of corruption in particular has been significant. Two non-Chinese journalists interviewed as part of the field research for this study felt that continuing training for Chinese journalists in the West, either through the British Chevening Scholarship programme, or other specific scholarships for journalists, was an area that had seen real benefits. The University of California at Berkeley and Hong Kong University have worked on training for journalists, as has Shantou University in Guangdong Province. The Carter Center in particular has concentrated on websites to disseminate information about transparency and governance in China. The National Endowment for Democracy also supports media work. A journalist pointed out that one of the main areas of activity might be undertaking public surveys, at least to gauge public opinion on specific issues. Some of these had been conducted with universities. However, the popular habit of 'web lynching' officials by exposing their misdeeds online was frowned upon by the authorities, as it got out of hand in a number of cases, leading to injury and public unrest. It was necessary to structure and harness these sentiments in a legal, positive way.

Human rights and general training

Perhaps as a subset of legal training, the German-based Boll Foundation, the Norwegian Centre for Human Rights and the Raoul Wallenberg Institute in Sweden, have focused on human rights training for police and procurators, help in the provision of human rights masters courses in partnership with Beijing University Law School, and promoting a National Human Rights Institute. As one representative of a human rights organisation said, despite the many cases of abuse, at least there is now a much greater awareness of the discourse of human rights in China, and an acceptance of its general terms, even if the government continues to stick to its insistence on raising collective rights above individual ones.

Factors weakening the impact of donor aid

For each of the five themes above, there was almost universal consensus that foreign aid and support had been beneficial. No interviewees saw foreign involvement as unhelpful per se, despite the risks it sometimes carried. However, there was no strong consensus as to why foreign help had been useful, and where it had best been deployed. There were also a very wide range of opinions over which factors weakened aid. Perhaps the most forceful expression of this was one interviewee who said that foreign funding for any form of democratisation activity in China is risky, simply because of the possibility, partially alluded to above, that they might help to provoke something similar to the Colour Revolution. This has an impact on the way that foreign donors are able to interact with partners, and in particular NGOs, with funding often being channelled towards safe institutions. Another interviewee simply said that some funding, specifically government related, 'acted as political cover for decision makers in donor countries, in order to appease specific lobby groups back in their home countries that action is happening, with little real awareness for seeing genuine change in China'. They also referred to the risk that in order to work in China, donors had to self censor, and underplay the gravity of the impediments they faced there.

The problems with the limits on the choice of partners have arisen in the discussion of village elections above. One Chinese observer of village elections and NGOs in particular said that while the impact of foreign funding from NGOs had been high, it was very difficult to measure. Training for election officials had been significant for instance, with the EU programme in particular perhaps reaching 50,000 people. One event involved village leaders from Yunan Province coming to Beijing, many for the first time, to exchange experiences. All of this was part of the 'massive educational process' referred to above. But just how this was quantified and measured, and how it contributed to the effectiveness of the 3.5 million villagers elected through this process, was never set out. The Ministry of Civil Affairs, for instance, has produced detailed annual reports on the status of village elections, with statistics on their candidates, the difference between Party and non-Party members, and the patterns across the country. But even in instances where elections had been well run, what the exact elements were for successful village elections in China, and how this might be replicated throughout the country, and then developed to higher levels of governance, there was no national report. While the initial involvement by foreign funders for village elections had reaped decent returns because of its novelty, and the very real need on the part of the Chinese partners to physically organise so many elections, two organisations who had been involved in this area said that the returns diminished rapidly, with the range of training, and its effectiveness, becoming harder and harder to maintain.

The imperative for control by the CCP was a major obstacle, with many noting that there were periods of reasonable openness (towards, for instance, the end of the Jiang Zeming and Zhu Rongji period of rule from 2000–2003) followed by periods when government priorities changed (Hu and Wen, for instance, have been more focused on building up democracy within the Party itself, and trying to increase accountability and transparency there, although with limited success). Such abrupt changes of attitude were a source of instability, meaning that donors across all the areas of activity above have to build a large measure of risk into their models. One donor said that in 2000, for instance, foreign support for elections was sensitive, but became far less so in 2003, before becoming contentious again in 2009. 2005 was recorded as the particular period when the CCP asked government think tanks to look carefully at the role that NGOs and other activists had played in the Colour Revolution. A more defensive attitude on the part of the government has meant that, even though the Ministry of Civil Affairs is viewed by many partners as liberal, and after initial relationship

building as a key partner to work with in this area, it has become much more nervous about interaction with foreigners. One of the key officials who had been behind the push to extend village elections has been moved to another area of work after a period of study abroad. The role that these key individual facilitators could play in making a difference was also mentioned as an important issue. Their transfer to other areas of work was often instrumental in causing intense and positive progress in particular areas to decline to relative inertia. One official stated that as of 2008, because of the 'dishonest motives of some organisations' (this was not elaborated upon), the management of any foreign partner in any kind of election in China would be more closely supervised. Supplying observers and acting as consultants were acceptable, as was offering advice on secret ballots. But any support that came close to promoting the existence of independent political parties was something that 'China was not yet ready for'.

The potentially disruptive role of NGOs was specifically identified by one government-backed recipient of foreign aid. They said that while civil society organisations in particular were more valued now, the confrontational approach of some was counterproductive. They referred to a case in Hainan Province, Southern China, where a district government had tried to offer more assistance to migrant workers, but had been criticised by some civil society actors for being too gradualist. The focus on those not initially included because of resource issues led from 2003–2004 to a series of confrontations with the local government and the NGO, which was linked to Qinghua University, and through them to foreign funding. In the end, the whole initiative to help migrant workers had broken down. The same interviewee stated that the most difficult area for NGOs to work in was perhaps dealing with ethnic issues. 'If a project was not well managed in this area, then it could be counterproductive. Things can be discussed from a human rights view, but if the collaboration was not well managed it could end up being narrowly nationalistic'. This suspicion was articulated by a government supported think tank, which said that 'many NGOs are doing inappropriate work in China, which is why MOCA is increasingly nervous. They are doing things which create negative social effects, which might lead to an outcome similar to the Colour Revolution'.

There were a range of specific issues which were used to explain the difficulty of visualising straightforward outcomes. These can be summarised as follows:

The unclear legal status of NGOs, meaning that they were vulnerable to legal action if there were other, sometimes hard to quantify problems. 'Open Constitution', for instance, was acted upon in July 2009 because of non payment of taxes, although as one interviewee familiar with the case said, it would have been impossible for the group to have paid taxes correctly as they had been forced to register as a company due to the current lack of legal clarity. This also connects to Chinese NGOs' lack of experience in obtaining funding, and their limited access to information about sources of funding. A partner in Hong Kong stated that 'it is very hard for Chinese based NGOs to approach international funders, and to expand their sources of funds'.

Lack of capacity within the NGO community, aggravated by absence of unity amongst donors. The frequently unstable territory which NGOs inhabit means that, often with good reason, donors are keen not to broadcast their activities too much. One foreign official based in Beijing for a multinational organisation said that the safest policy was to keep a low profile, and cited the very successful human rights training by some partners as examples of this. 'Open Constitution' was seen by some as being far too high profile, and this was one of the speculative reasons why it may have become the target of official displeasure. A further theme mentioned by other interviewees was the lack of unity amongst NGOs themselves. One representative of a company that deals with environmental NGOs said that in many ways they were more aggressive with each other, and more difficult to deal with, than officials. Their competition for funding and need to fight their corner were all cited as reasons.

The vastness of the challenge: even significant amounts of well-targeted funding and good partners, in view of the size of China and the number of areas where reform is needed, would have, as one legal expert observed, negligible impact unless there was a robust strategy to disseminate their results and methods way beyond the target group. The proportion of judges who had had some training abroad, for instance, was tiny, and in the view of one expert, 'when they come back, even with the best will in the world, they are simply swallowed up in a vast system'. Many NGOs have therefore made it a key objective to have high quality, accessible websites in Chinese and English broadcasting their work.

Views on democracy back up aid

Because of the very clear limits on support for direct elections, there is less to say in this section than perhaps for other countries. Only in Hong Kong is capacity building for separate political parties permissible (see section below). In the PRC proper, funding or support for parties that set themselves up in opposition to the CCP has met with a swift, brutal response. The China Democracy Party, which appeared in Mainland China briefly in 1998, was outlawed and many of its key activists were imprisoned. None of those interviewed saw the current 'eight patriotic parties' as meaningful sources of opposition. It would take an immense stretch of the imagination to see them function as sources of legitimate 'loyal opposition', as understood by most models of democracy, in even the long term future. The CCP refuses any voice or public space to even the most timid articulations of organised political opposition. This remains a non-negotiable stance, and on current evidence seems unlikely to change. The funding by the National Endowment for Democracy to the World Uighur Congress, for instance, or other ethnic minority parties, is something that the CCP profoundly opposes, and which makes other NED funded projects in China experience problems. One academic said that this sort of support was such a problem for the CCP leadership because it showed that 'foreign partners, from NGOs to governments, keep getting the issue of territorial integrity wrong. Public opinion in China is strongly supportive of territorial integrity. Secession is not regarded as a human rights issue'. The CCP has been adept at linking national integrity, stability and economic progress with a one party system. Challenging this runs against the full opposition of the CCP and its agents, and means in effect that working in China becomes impossible, except subterraneously and illegally.

There were two generic areas where possibilities for successful cooperation and funding to back up democracy were seen as strongest: governance and open information.

Governance: Much current support from major donors is going into areas that can broadly be characterised as 'governance', with the specific area of citizen feedback on government services in order to show where they are working and where they are failing, and why, given that they are an emerging area.

Open Government: The passing of an Open Government Information Regulation which took effect on May 1 2008 is seen as a major area of growth and support. One respondent said that the CCP had defined its key objectives as allowing greater transparency and responding better to citizen's demands, one of which was for more information. On budgetary disbursements, for instance, there was a strong lack of systematic transparency, with large, complex national budgets only passed with the most superficial discussion at the annual National People's Congress, which was meant to be the highest organ of government. In one case in Shenzhen, southern China, a citizen requested a more detailed local budget from the municipal authorities. The local government initially refused this request, but it was supported by a court which was seen as very promising. One donor said that the Open Government Information Regulation was a key area for working with provincial actors and government organisations in China.

Illustrations

Interviewees largely agreed that a project, in order to be successful, did not need to be large in scale. Key elements of a successful project were (1) good consultation with the donor target, (2) the right choice of an implementing partner, (3) lines of communication with the most relevant national and local level government department, (4) clearly understood shared objectives and outcome expectations and (5) a strong sense of project ownership by the implementing partner. While government involvement could be dealt with in a number of ways, ranging from them being the key implementing partners (as they were with the EU China Village Project), other donors felt that there was real need for variety, depending on the project. An example of a very small project undertaken by the British Council is the Wish Tree, held in three communities in Chongqing and two in Beijing with the consent and participation of the Bureau of Civil Affairs in Chongqing and street committees in Beijing. An outline of a tree was set up, and members of the local community were encouraged to write their hopes and aspirations on a leaf they then it. This was aimed at encouraging greater

public participation in decision making. The results were made available to local leaders and analysed at Tsinghua University. It is regarded by MoCA as a successful pilot to encourage the participation of local citizens in decision making. One thing this small project illustrates is the value of having academic partners in projects. In the Rule of Law area, the UK based Rights Practice has supported an access to justice programme in Hubei Province in partnership with Wuhan Law School, and the local Bureau of Justice. The Great Britain China Centre works on its EU funded project on torture with a legal think tank at People's University, Beijing. The Ford Foundation is supporting a Chinese academic in analysing the results of petitions. Issuing academic books on the results of specific projects, or on technical issues, was seen as having wide value. The UN CHR for instance issued a book with a Chinese University on international law. The Carter Centre has now issued 12 books on various aspects of reform in China, in addition to its website presence. The Ford Foundation has provided support for an experimental information platform for local rural governments (village up to county) and villagers to share government information, local news and bulletin, and salient economic and social information.

Box 1

The China Centre for Comparative Politics and Economics, a think tank which comes under the Central Party School in Beijing, has received funding from several different sources for research and assessment work on democratisation in China. It has worked in partnership with the National Development and Reform Commission, the Party School, CASS, the Ministry of Finance and some provincial governments to undertake projects with funds from the Ford Foundation, Asia Foundation and Boll Foundation. For example, it conducted an assessment of town elections in 2002 with funds from the Ford Foundation. Its research into village elections from 1993–1994 was supported by the Boll Foundation. It has also undertaken projects on accountability and participation with funds from the Asia Foundation, and an evaluation of good governance in China supported by the UNDP, collecting data measuring the quality of governance and recommending improvements. This is an ongoing 4 year programme. The Centre also hosts visits from politicians from opposition parties in Europe and the US. In 2008, the funding came to a total of USD 800,000, about 10% of the Centre's entire budget. It was felt that while the Chinese government funding supported the running of the organisation, 'the main benefit of foreign funding is that it brings in new ideas and new ways of doing things.'

Even in the area of Rule of Law, however, things are not straightforward. The very recent case of 'Open Constitution' (Gong Meng) is illustrative of the problems. According to the official report in the China Daily on 19 August 2009 of the arrest of Xu Zhiyong, co-founder of Open Constitutions, he was taken from his home at dawn on the 29 July, accused of tax evasion. The organisation itself was closed due to not being 'properly registered'. The key accusation was that Xu had evaded taxes on funds received from overseas. Xu, who works at Beijing University of Posts and Telecommunications as a professor, symbolises the ways in which academics and academic organisations are used as partners for specific projects. But among informed observers, there was little consensus regarding the real reason for his detainment (he was subsequently released, with the decision to charge him pending, in late August). One interviewee who knew him well said that 'he had been politically naive and too outspoken on sensitive issues'. Another thought his arrest was connected to his work representing disadvantaged groups, specifically children who had become ill following the contaminated milk powder scandal in 2008. This had brought him into contact with powerful vested government and business interests. Another explanation was that he had dealt with the sensitive Tibetan issue on his website just before being detained. An official complained that Xu and the signatories of Charter 08 were 'not being honest about what their ultimate objective was'. This allusion to a broader strategy of destabilising the state links with other broader criticisms of the legal profession mentioned above. Some of Open Constitution's funding had come from the Yale Law School China Law Centre of which Xu had been a former visiting fellow. Another leader of a law-focused research organisation said that Open Constitution has gone 'too fast, was too strong in its criticisms, and too radical'. The very fact that there were such a range of different, sometimes contradictory, reasons imputed to Xu's arrest (and that of one of his assistants) can

perhaps be seen as symptomatic of a lack of a clear regulatory framework dealing with NGOs in this sector, and a very distinct politicisation of territory that would usually be regarded as belonging to civil society. That Xu's formal charge issued by the Beijing Municipal Authorities specifically mentioned foreign funding also highlights the continuing sensitivities in this area.

Box 2

Hong Kong has been a special administrative region within the PRC since 1997. The main framework for the political development of Hong Kong is the 'Basic Law,' which followed the Sino-British Joint Declaration of 1984 that guaranteed Hong Kong 'a high degree of autonomy'. The Basic Law enshrines Hong Kong's legal system, its free press, and social system. Even so, Hong Kong SAR is still not a fully functioning democracy. Universal suffrage to elect the Chief Executive and the Legislative Council was envisaged in the Basic Law. While the Central Government has stated that the Chief Executive may be elected by universal suffrage in 2017, and the Legislative Council thereafter (effectively 2020), a detailed 'roadmap' covering necessary reforms for interim elections has yet to be put in place. The current government promised a public consultation on constitutional development for the first half of 2009, but it was postponed until the end of 2009. The official reason given for this delay was the international economic downturn.

Hong Kong's political environment is composed of two kinds of political parties, those who are regarded as pro-Beijing, and those that are characterised as pro-democracy. The Westminster Foundation for Democracy, a British government funded NGO supported by the separate political parties in the British parliament, has arranged small scale seminars from 2009 onwards for political parties in Hong Kong to develop their governance, build their capacity, and help them as they make the transition from lobbying heavily on constitutional reform to then taking a position on broader social issues. The funding for this has been modest – approximately £10,000 over three years. The National Democratic Institute has also arranged seminars for the democratic parties in Hong Kong, flying experts from the States to train political party representatives, doing media training, and also flying one Australian female candidate to Hong Kong to look at gender issues. But the greatest challenge for Hong Kong pro-democracy parties is that they remain very poorly funded, despite maintaining their 60 per cent vote share in the last decade. One policy orientated NGO based in Hong Kong said that one of the great difficulties was the lack of a culture of political donation and giving by companies and individuals.

There is little consensus on Hong Kong's democratisation being a potential model for the Mainland. Du Qinglin, the Mainland Director of the United Front Department, on a visit to Hong Kong in summer 2009, did specifically mention for the first time the potential models that the democratisation of both Hong Kong and Taiwan might offer for the Mainland. But the Hong Kong Electoral Commission funds its elections wholly by money from the Hong Kong SAR government. The IRI and NDI both fund programmes and surveys in Hong Kong, with the NDI in particular looking at constitutional development. Civic Exchange, a Hong Kong based think tank, funded by a mixture of local and international donors, has worked with some Mainland partners including Beijing University to look at air monitoring, and a think tank in Shenzhen to look at environmental attitudes. They are currently working with Nanjing University on a project focusing

Conclusion

The immense project to create a more accountable, open and effective system of governance in China over the last three decades, while maintaining stability, promoting economic development, and keeping the CCP in power, has created very complex outcomes. In some of the areas outlined above, there has been quantifiable progress (creating a semi-functional legal system). In others the results have been much more limited. The extension of direct election beyond Village communities for instance has come to an impasse. There have been modest direct elections through the People's Congress system for township and provincial congresses, but these have been uncompetitive and are regarded as having little significance. The role of foreign assistance across these areas has broadly been accepted as positive by donors, officials, academic observers and practitioners, although the reasons for this vary. But there is a general awareness of the challenges of dealing with government, the risks of funding and accepting funding in certain areas, and the limitations imposed both by the legal system and the political environment, particularly since 2005 when the Colour Revolution became more of an issue. Foreign involvement has at least brought technical expertise. Funding which runs the risk of being viewed as 'more ideologically driven' has been much more problematic.

There is general acceptance that the Chinese government's agenda is to improve standards of governance, and to increase non-contentious forms of participation in decision making. This may well turn out to be an unsustainable strategy. Throughout the field research for this project, the clear desire for change was evident on the part of Chinese respondents. The problem was that there is no clear consensus as to where, how fast, and what kind of change is needed. This is reflected within the highest levels of the CCP leadership, who are clearly wrestling with a society with a significant number who might be called middle class; a rapidly urbanising population with very high levels of internet use; and a public with an increasing awareness of their legal rights, along with concepts of human rights and government responsibility to citizens, yet with the same basic infrastructure of control that has existed for over half a century. While willing to experiment in areas seen as largely non-problematic, the leadership of the Party is clearly very unwilling to be bolder and experiment more. Even within the nine-strong Politburo standing committee, the supreme organ of power in the PRC, there are divisions between conservatives such as the head of the National People's Congress Wu Banguo, and those who are perhaps more liberal. The risk of waiting for top-down reforms is that they might be too slow in coming, and that the clear public expressions of discontent with corruption, governance, and other forms of reform will get out of control. Unofficial estimates of protests in 2008 were up to 115,000 incidents. The treatment of dissidents like lawyer Gao Zhisheng and Tan Zuolin in Chengdu are only symptomatic of the more hard-edged attitude of the party. And despite the CCP being willing to build relations with other political parties through organisations like the Central Party School in Beijing, there is still the enormous challenge of how the Party regulates itself, with very little accountability and transparency in its funding, decision making structures and processes, and internal organisation. My strong impression is that in this area, the CCP, and only the CCP, can address its own problems, and it will only seek help and assistance if it feels it is strongly within its own interests.

Appendix: Country Report Methodology

Scope and aims of this report

This report assesses external democracy assistance in one country according to the views of local democracy stakeholders.

The report does not aspire to provide an exhaustive record of external democracy assistance to the country in question. Neither does it aspire to be a representative survey among local civil society at large. The scope of this project allows reports to provide only a rough sketch of external democracy assistance to the country assessed, and of the tendencies of local civil society activists' views on the latter.

Sample of interviews

The report's findings are based on a set of personal interviews that were carried out by the author between spring and autumn 2009.

For each country report, between 40 and 60 in-country interviews were carried out. The mix of interviewees aimed to include, on the one hand, the most important international donors (governmental and non-governmental, from a wide range of geographic origins), and on the other hand, a broad sample of local democracy stakeholders that included human rights defenders, democracy activists, journalists, lawyers, political party representatives, women's rights activists, union leaders and other stakeholders substantially engaged in the promotion of democratic values and practices in their country. Wherever possible, the sample of interviewees included representatives from both urban and rural communities and a selection of stakeholders from a broad range of sectors. While governmental stakeholders were included in many of the samples, the focus was on non-governmental actors. Both actual and potential recipients of external democracy support were interviewed.

Donors

The term 'donor' is here understood as including governmental and non-governmental external actors providing financial and/or technical assistance in the fields of democracy, human rights, governance and related fields. Among all the donors active in the country, authors approached those governmental and non-governmental donors with the strongest presence in this sector, or which were referred to by recipients as particularly relevant actors in this regard. An exhaustive audit of all the donors active in this field/country is not aspired to as this exceeds the scope of this study. While many donors were very open and collaborative in granting interviews and providing and confirming information, others did not reply to our request or were not available for an interview within the timeframe of this study. While we sought to reconfirm all major factual affirmations on donor activities with the donors in question, not all donors responded to our request.

We do not work to a narrow or rigid definition of 'democracy support', but rather reflect donors', foundations' and recipients' own views of what counts and does not count as democracy assistance. The fact that this is contentious is part of the issues discussed in each report.

Anonymity

External democracy assistance to local activists is a delicate matter in all the countries assessed under this project. It is part of the nature of external democracy assistance that local non-governmental recipients, especially when openly opposed to the ruling establishment, fear for their reputation and safety when providing information on external assistance received to any outlet that will make these remarks public. In a similar vein, many donor representatives critical of their own or other donors' programmes will fear personal consequences when these critical attitudes are made public on a personal basis. In the interest of gathering a maximum of useful information from our interviewees and safeguarding their privacy and, indeed, security, we have ensured that all interviewees who requested to remain anonymous on a personal and/or institutional basis have done so.

Interview methodology

In order to carry out field work, authors were provided with a detailed research template that specified 7 areas of focus:

1. A brief historical background and the state of democracy in the country;
2. A short overview of donor activities;
3. A general overview of local views on impact of democracy aid projects on the micro, meso and macro levels (including best practices and variations of the local and international understandings of the concept of 'democracy');
4. Local views on specific factors that have weakened the impact of democracy aid;
5. Local views on diplomatic back-up to aid programmes (including conditionality; diplomatic engagement; donor coordination; relevance, quality, quantity and implementation of programmes, etc);
6. An illustration of the above dynamics in one or two key sectors of support;
7. A conclusion outlining the main tendencies of local views on external democracy assistance.

Along these lines, semi-structured one-on-one interviews were carried out by the authors in the country between spring and autumn of 2009.

Key sectors of support

Transitions to democracy are highly complex political, economic and social processes. No study of this scope could aspire to fully justice to them, or to external assistance to these processes. Aware of the limitations of our approach, we have encouraged authors to let their general assessment of local views on external democracy support be followed by a closer, slightly more detailed assessment of the dynamics in one or two key sectors of support. These were chosen by the respective authors according to their estimated relevance (positively or negatively) in the current democracy assistance panorama. In none of the cases does the choice of the illustrative key sectors suggest that there may not be other sectors that are equally important.