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# Advocacy under Xi: NPO Strategies to Influence Policy Change

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## Abstract:

Under the Hu-Wen administration, scholars analyzed how political opportunity structures (POS) affect the policy influence of NPOs in China, and found that the opportunity structure was relatively more open, especially for NPOs using personal connections. In this article, we focus on changes in the opportunity structure since Xi Jinping came to power after 2012, and find that the more closed political climate has had important consequences for NPO policy advocacy. We identify three strategies that NPOs have used to advocate, such as using the law, media framing, and establishing expert status. While these strategies are not novel, we argue that the weighting has shifted in terms of what leads to success.

**Keywords:** NPO, NGO, political opportunity structure, civil society

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Due to political constraints, NPOs<sup>1</sup> in China without strong connections with government officials, or who lose this connection when officials retire or change position, face extreme difficulty in gaining access to policymakers in order to advocate. Researchers have found that NPOs that have policy influence generally depend on the organization leader's personal connections with government officials (Hildebrandt 2011; Hsu and Jiang 2015; Teets 2017). In these studies, scholars analyzed how political opportunity structures (POS) affect the policy influence of NPOs in China, and have found that changing POS empowered environmental movements (Xie and van der Heijden 2010), and created better opportunities for environmental NPO's (eNPO) policy advocacy during the 2000s (Zhan and Tang 2013). In comparison with previous studies, this article focuses on changes in the opportunity structure facing NPOs since Xi Jinping came to power after 2012, and finds that the changes in China's political climate during the Xi regime have had important consequences for NPO policy advocacy.

We refer to political opportunity structure as "aspects of a regime that offer challengers both openings to advance their claims and threats and constraints that caution them against making these claims" (Tilly and Tarrow 2015, 49). Although we find that the political opportunities of NPOs have shifted under President Xi's leadership, this change is not predictably in one direction. Rather, some new political opportunities either retain or create more space for advocacy, while others constrain. For example, new legislation governing civil society registration and funding create more opportunities for groups like domestic foundations and charities, but less for small groups working in more sensitive areas and for overseas NGOs operating in China (Hsu and Teets 2016). As we discuss in this article, we find that legal change, new leadership both locally and nationally, and a more constrained media/information environment have created a new political opportunity structure that creates less space to influence policy than under the Hu administration; however, as before, policy influence varies depending on group type, policy area, geography, and strategic choice. In response to the changing POS in China, NPO leaders with personal connections have found these to be of less help in policy advocacy than before, as officials in their networks have been implicated in the anti-corruption campaign or are concerned about following Party directives. Thus, NPOs have needed to supplement the use of personal connections as a singular strategy, and we see increasing use of the following diversified strategies to advocate for policy change: use of legal channels, developing an "expert" status in order to consult with the government, and use of media to create visibility and pressure on the government. To be clear, these strategies are not new; however, under Xi Jinping the POS facing NPOs has shifted to a more constrained and centralized system that has also necessitated altering which strategies are used, how, and when. Personal connections to officials are still helpful; however, they often are no longer enough to influence policy in isolation, if in fact, they ever were.

In order to examine how NPOs navigate this new POS to develop strategies for policy advocacy, we utilized approximately 25 interviews conducted with NPOs in Beijing, Zhejiang, Yunnan, Sichuan, Jiangsu, and Guangzhou beginning in 2006, but concentrated between 2012 and 2017. Interviewees were primarily accessed via snowballing, as the authors used existing connections with NPO leaders to receive introductions to others. Additionally, using the NPO directory compiled by the China Development Brief and informal directories

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from funding agencies like the Ford Foundation and Blue Moon, the authors identified new initiation points and contacted these NPOs for interviews. The semi-structured interviews typically took at least an hour, and were often conducted either at the NPO office or in a local teahouse or café. Many contacts were interviewed several times over this period. The authors interviewed employees and leaders of all types and sizes of NPOs without targeting any specific category of organization simply because it was difficult to access this population during some of these time periods, like before the Olympics, before leadership transitions, etc. Based on these interviews, we grouped similar strategies into three distinct categories, and then selected a “best-practice” case to illustrate each strategy. Although our profiled cases are from more developed areas, we also cite supporting studies of these strategies used in poorer, interior provinces. These confirming cases increase the reliability and generalizability of our findings. However, we do not intend for this analysis to be a thorough inventory of NPO strategies, but rather a picture of how NPOs are adapting to a more constrained political opportunity structure where political connections do not offer the same access to policymaking as under the previous administration.

Our findings imply that NPOs are adapting to the new political opportunities by using a more diverse array of strategies, such as pursuing legal options, developing an “expert” consultative role, or using the media to appeal to higher-level policymakers to intervene. Regardless of how the POS changes after Xi Jinping retires, developing these strategies allow NPOs to create more sustainable organizations than those relying on personal connections, which are vulnerable to founders or officials leaving positions.

## Political Opportunity Structure under the Hu Jintao Administration (2002–2012)

Much of the POS literature derives from the study of social movements, where organizations seek to exploit opportunities resulting from changes in institutional structures and informal power relations.<sup>2</sup> The important changes in the POS include increasing openness of the political process, unstable alignments and conflicts among political elites, and the government’s decreased capacity and propensity for political repression (Tilly and Tarrow 2015). In the case of single-party regimes like China, scholars theorize that the political opportunity structure might be more open than other types of autocratic regimes because single-party regimes have to rely on more cooperation – instead of repression (Gandhi and Przeworski 2006, 18). This POS depends more on cooperation than repression to enhance a single-party regime’s legitimacy, so extreme problems with a great deal of elite and public concern might create a POS supportive of NPOs attempting to rectify this problem (Böhmelt 2014). For example, autocracies’ willingness to see or allow the establishment of environmental NGOs may reflect the degree to which they are vulnerable to environmental pollution. In this way, scholars have observed a more open POS for NPOs in China since the early 2000s, especially those dealing with policy challenges like environmental degradation (Xie and van der Heijden 2010; Zhan and Tang 2013).

During the Hu Jintao administration (2002–2012), the number of NPOs increased dramatically partly because of the administration’s focus on social welfare. Over this period, scholars found that political structural changes created greater opportunities for eNGOs’ policy advocacy, especially groups with better financial resources and connections to the party-state system. Increasing use of public participation channels and the visibility of the media (and internet) by the late 2000s, created more channels for eNGOs to engage in policy advocacy (Zhan and Tang 2013). Hildebrandt (2011) argues that POS vary across specific types of social organizations, geographical regions, and time. He furthermore shows that economic opportunities and personal opportunities are a prerequisite for policy influence. Sustainable organizations have learned how to adapt to narrow opportunity structures by adjusting to the changing interests of local governments or donors (2011). The dominant role of the state in China makes it necessary to collaborate with the state in order to influence policy (Cai and Zhang 2016, 2; Hasmath and Hsu 2014; Hsu and Hasmath 2017). Although some NPOs pursue more autonomous and independent strategies, these may work mostly for short-term goals (Teets 2014, 147). This is a useful framework for this analysis because it allows us to see change over time in specific opportunities, like legal changes and changing resource profiles, which influence NPO’s “room to maneuver”.

As discussed above, the POS of a fragmented governing structure, lower local capacity in technical policy areas, and increasing social consultation created a dominant strategy of personal connections during the Hu Jintao administration because NPOs needed access to a closed and opaque bureaucracy. In fact, NPO founders are often retired government officials or researchers from state universities or research institutions like the Chinese Academy of Sciences/Social Sciences (CAS/CASS). The founders retain their professional and personal networks and use these to create connections with policymakers. Hsu and Jiang (2015) note that NPOs founded by former government officials tend to continue their strong connection with the government. This personal relationship gives the NPO founder access to policymakers and a chance to influence the policy. Often, these relationships can be determined based on the amount of state funding the NPO receives. However, although this strategy is the most successful in exercising policy influence, it is hard to institutionalize once the founder

retires or leaves. By the end of the Hu Jintao era, many NPOs were trying to create an “expert” status in order to be invited to consult on policy with the government regardless of personal connections.

During the Hu Jintao administration, scholars agreed that NPOs more actively advocated for policy change due to a relatively open POS, such as diverse funding streams from both domestic and international sources, more consultative channels such as public comments and town hall meetings, and less repression at least in challenging policy areas with significant public concern. Since Xi Jinping came to power in 2012, the POS facing NPOs has changed. For example, policies regulating NPOs have become stricter for certain types of groups, especially for those receiving international funding or Chinese branches of overseas NGOs, but also for NPOs working with socially contentious issues such as migrant labor rights and LGBT issues. Despite this changing environment, many NPOs continue to design projects and influence policy, such as the 2014 Environmental Protection Law which some eNGOs have used to file (and win) lawsuits against polluting companies. Thus, we find NPOs using varying strategies to navigate the current POS, even within one policy area like the environment (Wu 2013).

## Changing Political Opportunities for NPOs under the Xi Jinping Administration (2012–)

In 2012, Hu Jintao transitioned leadership to Xi Jinping, and since then, the political opportunity structure facing NPOs has shifted. Specifically, the political opportunities and constraints for NPOs have shifted due to new legislation, recentralization of local policy power through initiatives like the anti-corruption campaign, and changing policy priorities expressed by President Xi. In this section, we examine how NPOs have adapted to the changing POS. When analyzing the political opportunity structure as “aspects of a regime that offer challengers both openings to advance their claims and threats and constraints that caution them against making these claims” (Tilly and Tarrow 2015, 49), we find it helpful to analyze opportunity structures from two dimensions – formal institutions and informal power relations and elite strategies – because both of these are important in modern Chinese politics.<sup>3</sup> These dimensions may change over time and differ between localities.

*Formal institutions* include the political structure of the Party-state at central and local levels of the state, as well as official laws and policies. Under Xi Jinping’s administration, the laws and regulations regulating NPOs have changed. In addition to the new foreign NGO law and domestic charity laws, on August 21, 2016, the Chinese Communist Party’s (CCP) general office and the State Council jointly issued a document specifying the regulations on social organizations (hereafter referred to as the “2016 Opinion”).<sup>4</sup> The document regulates several aspects of government-NPO relations that may affect NPOs’ opportunities for policy influence.

First, new regulations governing domestic NPO registration have been changing at the local level since 2009, to simplify registration rules by removing the need to register with a supervisory agency and allowing NPOs to register directly with the local Bureau of Civil Affairs. This created a political opening for certain NPOs to register; however, the simplified registration was limited to NPOs active in charity and service delivery fields and excluded others, like labor NPOs. Starting in Shenzhen and Guangzhou, the rules spread to other regions, and by 2013, most provinces had enacted similar regulations (Teets 2017, 13). The charities and overseas NGO laws passed in 2016 incorporated these registration changes, with charities allowed to register directly and overseas NGOs required to register with a supervisory agency. These laws also change the POS facing NPOs with regard to funding, in that securing international funding is more difficult but domestic sources of funding like donations and government grants are now available to more NPOs. Registration status matters for policy influence. Registered NPOs can utilize opportunities for policy influence that are unavailable for unregistered NPOs. For example, the 2014 Environmental Protection Law allows registered NPOs to sue companies for pollution (see below).

Second, the 2016 Opinion reiterates and develops previous policies that ‘leading cadres’ or high-level officials should not take up leadership positions in social organizations. One likely intention of the regulation is to stop cadres that have retired or left their position within the Party-state to use NPOs as a platform for policy influence outside the government’s control. As noted previously, these cadres have connections in the agencies and know how the government works, so they make particularly effective advocates for policy change, as well as protest leaders (author interview, Yunnan province, February 2007). The guidelines might restrict the number of NPO leaders with a background in the Party and government; although past opinions have not seemed to have much effect. If founders or other NPO leaders no longer have personal connections with high-ranking government officials, this might present a serious impediment to using personal networks to access policymakers and form relationships with agencies.

Additionally, the 2016 Opinion specifies how the Party’s leadership in NPOs shall be strengthened (see paragraph 9). In order to establish control of the NPO sector, in 2015, the CCP declared that NPOs must estab-

lish Party cells that shall work as a political nucleus in the NPO. This is part of a larger policy where the CCP embeds Party cells in all non-state organizations (Thornton 2013). If an NPO cannot establish a Party group because they lack the required three Party members, it should collaborate with relevant Party units for the establishment of liaison officers until the conditions for establishing a Party cell are reached. Several interviewed NPOs in Guangzhou had by December 2017 still not abided to this rule (authors interview, December 2017). The new policies provide the CCP with several means of increasing their control over the NPOs, but also might help create channels for NPOs to access policymakers through the connections of officials staffing the Party cells in a way similar to how some NGOs use their relationship with the supervisory agency to access related policymakers (Teets 2017). This will depend on the Party leadership installed inside the NPO to be senior enough to have these connections, which might not always be the case as this type of position is not usually a desirable one for a high-ranking Party member.

As discussed, changes to formal institutions under Xi Jinping altered the POS facing NPOs active in policy advocacy in multiple ways. Legal reform enlarged the space for domestic groups to register, but eliminated the grey zone in which many small community groups and those dealing with more sensitive topics and populations operated. New regulations also constrained international funding but created new domestic revenue sources, and new legislation created a legal category for NPOs to file lawsuits. The 2016 Opinion attempts to prevent officials from being embedded in NPO policy networks or organizations other than in a supervisory position, which might reduce the effectiveness of using personal connections as a strategy for policy advocacy or the provision for cells might create new opportunities for NPOs to locate sympathetic officials to include in policy networks.

*Informal power relations and elite strategies* refer to the unity of the political elite. This includes changes in leadership and political alignments among individual leaders, as well as the relative strength and independence of institutions such as government departments, courts, legislature, and media. Competition and rivalry between power holders can create opportunities to form alliances with challengers (Tilly and Tarrow 2015, 60).

One significant political opportunity for NPOs has been the fragmentation of the Chinese state. Several studies have examined how NPOs utilize governance fragmentation, both vertically in terms of central-local divisions and horizontally between different government departments (Teets 2014; Cai and Zhang 2016). Dai and Spires (2017) examine how grassroots environmental NPOs without prior personal connections influence local governments in Guangdong. Despite shrinking political space for NPOs under Xi Jinping, they found that NPOs use informal institutional means to build a relationship with local officials, frame issues as supporting the governments, and mobilize social support as successful advocacy strategies. They further note that Xi Jinping has challenged the fragmented nature of Chinese governance that significantly changes the POS for NPOs. He has attempted to recentralize political and policy power through several initiatives including party discipline campaigns, creating leading groups to oversee economic and security policy, enacted “top-level design (顶层设计)”, and the anti-corruption campaign. These governance changes reduce local government and agency discretion, and thus decrease the fragmentation in government used by NPOs to influence policy change. It is not clear that Xi Jinping intends to constrain NPOs with these governance changes, rather that he believes that local discretion damages governance by creating principle-agent problems with policy implementation, and fundamentally that policy should be made by the elite (Heilmann and Stepan 2016). That said, while these changes constrain NPOs, opportunities for advocacy in some policy areas prioritized by Xi Jinping are still open, such as environmental and economic reform. These governance changes vary regionally, by level of government, and over policy areas, but do constrain NPOs more than during the Hu Jintao era.

These governance changes also affect the power of the consultative channels established under Hu Jintao, another significant political opportunity used by NPOs (Wang 2008). These consultative mechanisms are formal, such as public hearings or online comment periods for new legislation, or informal, such as ad-hoc town hall meetings or individual consultation with government agencies. We discuss mechanisms like this as “informal” opportunities because when NPOs were able to influence policy through these mechanisms it was usually when groups were invited to consult with the government, and not by participating in the formal consultative channels like online comment periods or public hearings (Zhang 2017). These consultation mechanisms still exist and NPOs use them by cultivating an “expert” status as during the Hu Jintao period; however, the centralization of power moves policymaking to such elite levels as to make it difficult for most NPOs to participate in a meaningful way if they don’t have access to central level decision making bodies. The fragmentation and devolution of policymaking in the 1990s and 2000s created access channels for NPOs that Xi’s administration is currently targeting as part of a larger project to recentralize governance authority. Recentralization of policy authority closes off consultative channels to groups established as “experts” at levels below the center.

We have emphasized the dilemma for NPOs that are too dependent on personal connections with individual cadres as these are constantly reshuffled in the cadre management system. This problem has arguably increased during the Xi regime. The anti-corruption campaign has removed many cadres from their positions at local as well as national levels. The dramatic policy changes have also created uncertainty among government officials

making them hesitant to collaborate with NPOs. One grass root NPO leader in Guangzhou complained that trying to influence policy by contacting the local government was no longer possible “Because if I talk today to Mr Chen, tomorrow he might have been removed. There is nothing we can do. There are so many changes going on now.” (Authors interview November 2016). He was also worried that the removal of Civil Affairs minister Li Ligu might have negative consequences for the NPO sector.<sup>5</sup>

Finally, we see changes in another significant opportunity often utilized by NPOs to influence policy, namely media and other ways of influencing public opinion. Although discussion of the role of public opinion and citizen voices on government policymaking is relatively lacking, we find that NPOs use two methods to pressure officials through citizen action. First, in the early 2000s, public controversies surrounding dam building on the Nu River and building chemical factories and waste incinerators in large cities prompted extensive media coverage and protest until the Chinese government halted the proposed projects (Mertha 2008; Yang and Calhoun 2007). Second, Diana Fu finds that NPOs use “disguised collective action” in which groups play a vital but under-the-radar role in coaching citizens how to advance political claims (2016). These tactics can be dangerous and instigate repression instead of policy influence; however, NPOs and activists attempting to change policy understand the double-edged sword of involving media organizations, and use this opportunity in situations where the frame is compelling and difficult to use against the group (Distelhorst 2016, 484). Although this tactic is still used by NPOs, the media are also under pressure for “party discipline” in ways that might constrain this opportunity in the future (Buckley 2013). For example, in February 2016, President Xi toured major media organizations and was “quoted as saying that the surname of the CCP’s media organizations is “the party”, and they should always stand in line with the party leadership and be the party’s faithful mouthpiece” (Gore 2017, 47).

Although these political opportunities are changing at the national level, specific opportunities might still differ between regions in China over time. For example, Teets (2014) showed that when the NGO sector started to develop during the 1990s there were important regional differences with Beijing and Yunnan local authorities employing a more lenient attitude towards the emerging NGO sector than in Jiangsu and Sichuan provinces where they faced more repression. Later, the consultative authoritarian model of Yunnan and Beijing became the dominant way of relating to civil society also in Jiangsu and Sichuan (Teets 2014). Similarly, political opportunities may change from more open to more closed. The relative advantage of a more open media in Guangdong gave NGOs more opportunities to use media to advance their causes, but that opportunity more or less disappeared when central authorities decided to increase control of the Guangdong media under Xi Jinping (Guan, Xia, and Cheng 2016). One NPO leader based in Guangzhou described how he used to collaborate with local media to pursue social issues for migrant workers, but since 2013, this collaboration has steadily decreased, and by 2016, was nonexistent (author interview with NPO leader in Guangzhou, November 2016). Similarly, a Guangzhou based NPO working with LGBT issues said that their contacts at *Southern Weekly* had received new directives from the top prohibiting them from reporting on questions related to homosexuality (author interview with NPO staff, December 2017). In contrast, NPOs in the environmental protection field have continued to use media as an important channel for policy advocacy (author interviews with NPO leader in Guangzhou, December 2017).

In summary, changes under Xi Jinping altered the POS facing NPOs active in policy advocacy in multiple ways. Legal reform enlarged the space for domestic groups to register, but eliminated the grey zone in which many small community groups and those dealing with more sensitive topics and populations operated. New regulations also constrained international funding but created new domestic revenue sources, and new legislation created a legal category for NPOs to file lawsuits. The 2016 opinion that attempts to prevent officials from joining NPO policy networks might reduce the effectiveness of using personal connections as a strategy for policy advocacy, or the provision for cells might create new opportunities for NPOs to locate sympathetic officials to include in policy networks. Changes to informal power relations have mostly taken the form of governance changes, which have reduced local government and agency discretion, and thus decreased the fragmentation in government used by NPOs to influence policy change. The fragmentation and devolution of policymaking in the 1990s and 2000s created access channels for NPOs that Xi’s administration is currently targeting as part of a larger project to recentralize governance authority. This recentralization of policy authority closes off consultative channels to groups established as “experts” at levels below the center. Finally, President Xi instructed media organizations to always be the party’s faithful mouthpiece, which has discouraged media from working with NPOs. On balance, we find the POS under Xi Jinping is more constrained, but we still observe variation between different officials and regions, and we also observe organizations still working in the policy areas prioritized by Xi’s administration, like the environment or economic reform (author interviews, Beijing, 8 June 2015, 19 June 2016, 12 July 2016).

## Strategic Adaptation to Changing Political Opportunities

After discussing the change of POS between the Hu Jintao era and the current Xi Jinping regime we now turn to how NPOs adapt to these changes. Below we describe three strategies of policy influence that NPOs have pursued and that are not dependent on personal connections: use of legal channels, developing an “expert” status in order to consult with the government, and use of media to create visibility and pressure on the government. Each strategy is illustrated with an empirical case.

### Media Framing: Holding Local Officials to Account

After the Ministry of Water Resources reported that up to 40 percent of the rivers are polluted, and approximately 200 million rural Chinese have no access to clean drinking water, an entrepreneur in Zhejiang province offered the local environmental protection head, Bao Zhenming, 200,000 yuan to take a 20-minute swim in a polluted local river (Kaiman 2013). Although Bao declined the offer, Green Zhejiang (绿色浙江) used the publicity surrounding this event to initiate a series of campaigns that culminated in local and national policy change.

Green Zhejiang is an NGO started by a Zhejiang University teacher, Ruan Junhua, and his student, Xin Hao, in 2000. The NGO used the publicity window to launch a social media campaign called “looking for swimmable rivers” or the “swimmable rivers campaign”. This campaign led to a lot of public attention and more challenges to local EPA leaders to swim across polluted rivers, and Green Zhejiang then approached a local TV station to launch a water investigation program as well as a “Swimming across the Mother River of Qiantang” program (Wang and Guohan 2017, 64). Green Zhejiang approached the Zhejiang Satellite TV station to create a program called “Face to Face Water Governance” in which the leaders of five prefecture-level cities in Zhejiang had to respond to pointed questions about water governance and quality in April 2013. The station was state-owned and would normally avoid political issues; however, the news program was not as highly ranked as its competing programs within the station, and this opportunity offered a high-risk high-reward potential of promoting the news program above the other competing programs within the station (author interview with Xin Hao, Hangzhou, 6 July 2016). This gamble paid off as the show garnered many viewers.

Green Zhejiang capitalized on a policy window when Xi Jinping was being appointed President and continued after he assumed leadership. The social-media-driven campaign provoked public discussion and many delegates, including Premier Li, raised the issue of water pollution during the Party Congress. Xi was the former party secretary in Zhejiang, and pays significant attention to environmental issues in the province (author interview with environmental scholar, Hangzhou, 15 July 2016). President Xi made a statement about how EPA heads should be able to swim in the rivers, and his phrase “green mountains and clear water are equal to mountains of gold and silver” were broadcast on China Central Television’s evening news broadcast. In response, the Zhejiang provincial government created the “Five Water Co-Governance” plan, which designed a consulting role for NPOs like Green Zhejiang on water issues. Additionally, the central government has sent inspection teams to 23 provinces and municipalities, including Beijing and Shanghai, to investigate complaints of environmental degradation and pollution and force local officials to close polluting factories (Wang and Guohan 2017). Illustrating Xi Jinping’s policy preferences, media appear to have more freedom to report the findings of those inspection teams to increase pressure on local officials.

Although Ruan Junhua, the founder of Green Zhejiang, has personal connections with the local government (as evidenced by his recent appointment as the deputy party secretary of Zhejiang University), the success of this media savvy approach led by his student and co-founder, Xin Hao, did not depend on political connections. Instead, the success of this strategy was in using the publicity around the swimmable rivers social media campaign to publicly hold officials to account for Xi Jinping’s stated environmental goals when he was Party Secretary in Zhejiang. This media-based strategy helped mobilize public opinion to pressure local officials into following Xi Jinping’s environmental directives. This strategy is not novel; however, Xi Jinping’s focus on local implementation of central directives made this strategy effective in that local officials could not safely ignore local pressure once it had been publicized to Xi Jinping.

### Policy Consultant: Changing Education Regulations and Migrant Schools

In response to studies showing that migrant children’s education was substantially worse than urban peers, the Beijing Municipal Education Commission clarified the education regulations to ensure that migrant children were accepted into the public school system in the late 2000s. However, many schools complained that they did not have the capacity to accept all of these students, and the paperwork was so onerous that few migrant children were able to attend public schools. Several NPOs in large cities like Beijing and Shanghai used this

policy window to advocate a different model of migrant education that more effectively meet the needs of migrant families.

As the co-founder of Rural Women Knowing All and the Practical Skills Training Center for Rural Women Wu Qing exploited the opportunity of policy change to develop an “expert” status on this issue and advocate for a different model of education for migrant children beginning in 2010, although the school was not opened until the following year. In this model, NPOs received payment from the local education bureau to provide kindergarten and first-grade education with expanded before and after-school care that was integrated with other NPOs providing nutrition and other supplemental services. Although the two co-founders had personal connections, and Wu Qing served as a Local People’s Congress representative, the primary connection was with the mayor of Beijing who had recently been transferred to Tianjin. This change meant that the Training Center needed to build an “expert” status on this issue to advocate for this model rather than rely on personal connections.

The Practical Skills Training Center for Rural Women received 3 million RMB in donations from the Beijing Municipal Government prior to 2010. However, when the mayor was transferred to Tianjin, the NPO had to reestablish an “expert” status to be added to the education budget and allowed to open a new migrant school (author interview, Beijing, 27 June 2010). The NPO’s strategy was to build a larger network of government support and establish the NPO as an “expert” in this policy area, so that they are invited to consult with the local government and Education Bureau on related policy areas. As local and then national education regulations changed, the Training Center leveraged problems with education regulations to advocate a new model via demonstration site visits, dignitary visits and acclamations.

For example, the Training Center received awards from the Changping Education Committee, a Dedication Award conferred by the Beijing Educational Committee in 2004, an award for innovation and excellence from the Beijing Education Bureau in 2005, the Best Public Interest Organization in 2012. In addition to these certifications of expertise, the NPO invites high-ranking officials to view the demonstration site, such as representatives from the National People’s Congress, the All-China Women’s Federation, the Beijing People’s Political Consultative Conference, the Beijing Municipal Party Committee (author interview, Beijing, June 2010; Dickson 2016). These inspections are designed to create an “expert” status for the NPO for how you deal with migrant education in Beijing. The founder argues that even though the school receives a good deal of government support, this support is not usually institutionalized but rather at the whim of the individual in charge of a department (author interview, Beijing, June 2010). The Center started this strategy a few years before the transition, and witnessed closure of many NPOs trying to work in this space, but have been able to operate the migrant school in Beijing as well as create new education programs for left-behind girls (留守女童成长教育) under Xi Jinping. This strategy takes more resources and time to enact, but seems to be more sustainable in the event of key officials or founders leaving their positions than the pure connections strategy.

In response to public concern about migrant education and left-behind children (especially after the wave of suicides in 2015), the Ministry of Education continued to clarify the education regulations to ensure that migrant children are accepted into the public school system or registered migrant schools beginning in August 2013. Although the NPO’s programs and its leadership role in migrant education are considered successful, and the Training Center was able to register as an educational institution with the Beijing Civil Affairs Bureau, Rural Women Knowing All was unable to register as a NPO and Xie Lihua, the cofounder, grew frustrated and left to start the Guangdong Rural Women Development Foundation (广东省绿芽乡村妇女发展基金会) in 2013. This strategy of creating an expert status is not novel; however, as officials are removed from positions more quickly under Xi Jinping due to the anti-corruption campaign or power redistribution, developing a policy expertise and a broad policy network is a more sustainable strategy than relying on personal connections.

### Using Legal Channels: Suing Polluters and the State

NPOs have increasingly turned to the legal system in order to force policy changes. The 2014 environmental protection law clarified rules for eNPOs that have been registered for five years to sue polluting companies in the name of public interest litigation. This opened up this strategy for more than 700 eNPOs. In an analysis of the Environmental Public Litigation cases in 2015, Gong and An find a surge of cases from an average of 5 per year (2005–2014) to 38 cases (2017). The verdicts also resulted in greater plaintiff satisfaction and involved more participation of grassroots NPOs in relation to GONGOs than previously. However, they also point out that local government support seems to be an important factor for success (Gong and An 2017). Using the law as an instrument for policy advocacy has been a strategy that some NPOs have used also to sue the state.

In 2013 the Beijing-based eNPO *Nature University* (NU) sued Hangzhou Municipal Environmental Protection Bureau for violating the National Regulations for Information Disclosure because they refused to disclose emission data from a garbage incineration plant in Binjiang district. Local residents had long complained to the local authorities about their fears that the incineration plant negatively affected their health. After failing

to get responses from the local authorities, the residents got in contact with local eNPOs that helped them to connect with eNPOs from other provinces. Eventually, local activists managed to get in contact with NU, an eNPO with much experience in dealing with waste incineration issues. They had engaged in lawsuits regarding incineration plants several times before but very few of them were successful and in those cases the local authorities just relocated the incineration plant. The problem, NU argued, was that testing and monitoring of the incineration plants were not done properly (authors interview with NU October 2013). NU went to the incineration plant to take samples of the emissions and found that the level of toxic particles was very high. After failing to get the EPB to respond to questions, NU formally requested Hangzhou EPB to disclose the pollution data but the EPB refused, arguing that it would risk revealing the company's industrial secrets. Apparently, this is an argument commonly used by local governments to refuse revealing pollution data. Nature University appealed the decision but in June 2014, but the court ruled in favor of the government.<sup>6</sup> Despite the failure in court, the protests and the lawsuit drew media attention and created a debate in Hangzhou that eventually may have stopped plans for a future expansion of the incineration plant. Additionally, in 2014, Friends of Nature and Fujian Green Home Environmental Friendly Center filed a lawsuit asking the court to order the plaintiffs to remove quarrying equipment and waste material, and to restore the forest to its original state. The court ordered the quarry company to pay fines totaling 1.46 million yuan (\$230,000) in compensation for "loss of environmental benefits" and legal costs, and the defendants were given five months to restore the environment at the site, or a further 1.1 million yuan (\$172,000) will be levied in fines.

Litigation is an option open only to registered NPOs, which excludes the vast majority of grassroots NPOs from using it. However, informal collaboration between NPOs makes it possible for unregistered NPOs to influence policy indirectly by providing information and help to registered NPOs. Enforcing the environmental protection law is clearly a prioritized issue for the Xi Jinping administration. During 2017, inspection teams from the center have ensured implementation. By August 2017, this had resulted in 12,000 officials disciplined and 18,000 companies punished (Gan 2017). This clear change in policy priority changes local governments' incentives, which in turn opens up a new window of opportunity eNPOs to use the law to enforce environmental issues. According to several environmental NPOs, the opportunities for policy influence in the environmental protection field has actually increased in recent years. However, one eNPO leader warned against collaborating too closely with the state in enforcing policies. In some localities the strict enforcement had had severe social consequences for the local population when a majority of companies had been shut down (author interview, NPO leader, Guangzhou December 2017).

## Conclusions and Implications

In this article, we have analyzed how changes in political opportunities between the Hu Jintao administration (2002–2012) and the current Xi Jinping administration (2012–) have affected NPOs' possibilities for policy influence. We find that legal change, new leadership both locally and nationally, and a more constrained media/information environment have created a new political opportunity structure that creates less space to influence policy than under the Hu administration; however, as before, policy influence varies depending on group type, policy area, geography, and strategic choice. Using personal connections within the Party-state has long been the most important strategy for Chinese NPOs to gain policy influence. This strategy makes NPOs vulnerable both to changes in NPO leadership and changes within the bureaucracy. As a result of the anti-corruption campaign and policy changes during the Xi Jinping regime, this strategy has become even less stable. Under these circumstances other strategies become relatively more important. We identify three strategies that NPOs have used to advocate policy: using the law, media framing and establishing expert status. While these strategies are not novel, we argue that the weighting has shifted in terms of what leads to success. NPOs that target central policymakers and frame their advocacy in terms of Xi Jinping's policy priorities, like environment, economic reform, or local corruption/compliance seem to still exert influence. As do those who patiently search out policy allies at the local level and build an "expert" status to consult on policy. However, these strategies work in more distinct settings (instead of using one strategy in all situations), and are not as reliant on personal connections as before. As argued, POS differs between policy area as well as geographic location. Considering the current administration's increasing emphasis of enforcing environmental protection, eNPOs could possibly take advantage of the opportunities that have opened up in this sector, such as the 2014 environmental protection law. The uneven implementation of this law shows that some local governments are more open than others to using the law. In this vein, the Party seems to be building some mechanism for NPO policy consultation as indicated in the 19th National Party Congress.<sup>7</sup> NPOs have to continue to adapt by pursuing diverse strategies and by carefully searching for policy windows before determining the targets and frames for advocacy.

## Notes

- 1 We use the term and concept of “NPO” and “NGO” interchangeably to refer to citizen-based organizations that intend to change state policy. NPOs can also be service-based organizations, such as schools; however, we are only focusing on policy advocacy organizations in this study. We are not analyzing government-organized NGOs (GONGOs) here.
- 2 Hu Jintao was appointed general secretary of the CCP in 2002 and elected President 2003. Xi Jinping became general secretary 2012 and elected president 2013. Thus the formal starting years for the administrations were 2003 and 2013, but since what matter most in Chinese politics is the Party position we divide the administrations based on when the leaders started their term as general secretary.
- 3 These dimensions are inspired by on previous research such as Xie and van der Heijden (2010) and Tilly and Tarrow (2015).
- 4 中共中央办公厅 国务院办公厅印发《关于改革社会组织管理制度促进社会组织健康有序发展的意见》[CCP General office and State Council general office, “Opinion on reforming the organization and management system of social organizations to promote the healthy and orderly development”, Aug. 21, 2016. Available at: [http://www.gov.cn/zhengce/2016-08/21/content\\_5101125.htm](http://www.gov.cn/zhengce/2016-08/21/content_5101125.htm)
- 5 See article in South China Morning Post, Feb. 9, 2017. <http://www.scmp.com/news/china/policies-politics/article/2069393/ex-chinese-minister-demoted-failing-curb-systematic>
- 6 Cai Xin, June 17, 2014, NGO诉杭州环保局信息不公开再败 [NGO that sued Hangzhou EPB for not disclosing information lost again] accessed at <http://china.caixin.com/2014-06-17/100691456.html>
- 7 The specific text is: “要推动协商民主广泛、多层、制度化发展统筹推进政党协商、人大协商、政府协商、政协协商、人民团体协商、基层协商以及社会组织协商”.

## References

- Böhmelt, T. 2014. “Political Opportunity Structures in Dictatorships? Explaining ENGO Existence in Autocratic Regimes.” *The Journal of Environment & Development* 23 (4): 446–471.
- Buckley, C. 2013. “China Takes Aim at Western Ideas.” *The New York Times*, 19.
- Cai, Y., and J. Zhang. 2016. “Niche, Connections and NGO Operation in China.” *Journal of Chinese Governance* 1 (2): 269–283.
- Dai, J., and A. Spiers. 2017. “Advocacy in an Authoritarian State: How Grassroots Environmental NGOs Influence Local Governments in China.” *China Journal* 79 (1): 62–83.
- Dickson, B. 2016. *The Dictator’s Dilemma: The Chinese Communist Party’s Strategy for Survival*. New York, NY: Oxford University Press
- Distelhorst, G. 2016. “The Power of Empty Promises.” *Comparative Political Studies* 50 (4): 464–498.
- Fu, D. 2016. “Disguised Collective Action in China.” *Comparative Political Studies* 50 (4): 499–527.
- Gan, N. 2017. “12,000 Officials Disciplined and 18,000 Companies Punished in China’s Sweeping Crackdown against Pollution.” *South China Morning Post*, September 2, 2017.
- Gandhi, Jennifer, and Adam Przeworski. 2006. “Cooperation, Cooptation, and Rebellion under Dictatorships.” *Economics & Politics* 18 (1): 1–26.
- Gong, G., and R. An. 2017. “Progress and Obstacles in Environmental Public-Interest Litigation under China’s New Environmental Law: An Analysis of Cases Accepted and Heard in 2015.” *Climate Law* 7 (2–3): 185–208.
- Gore, L. L. 2017. “Rebuilding the Leninist Party in 2016.” *East Asian Policy* 9 (01): 39–49.
- Guan, B., Y. Xia, and G. Cheng. 2016. “Power Structure and Media Autonomy in China: The Case of Southern Weekend.” *Journal of Contemporary China* 26 (104): 233–248.
- Hasmath, R., and J. Y. J. Hsu. 2014. “Isomorphic Pressures, Epistemic Communities and state–NGO Collaboration in China.” *The China Quarterly* 220: 936–954.
- Heilmann, S., and M. Stepan. 2016. *China’s Core Executive: Leadership Styles, Structures and Processes under Xi Jinping*. Berlin, Germany: MERICS [https://www.merics.org/sites/default/files/2017-09/MPOC\\_ChinasCoreExecutive.pdf](https://www.merics.org/sites/default/files/2017-09/MPOC_ChinasCoreExecutive.pdf).
- Hildebrandt, T. 2011. “The Political Economy of Social Organization Registration in China.” *The China Quarterly* 208: 970–989.
- Hsu, C., and Y. Jiang. 2015. “An Institutional Approach to Chinese NGOs: State Alliance versus State Avoidance Resource Strategies.” *The China Quarterly* 221: 100–122.
- Hsu, C. L., and J. C. Teets. 2016. “Is China’s New Overseas NGO Management Law Sounding the Death Knell for Civil Society? Maybe Not.” *The Asia-Pacific Journal* 14 (4): online publication: <http://apjff.org/2016/04/Hsu.html>.
- Hsu, J.Y., and Reza Hasmath. 2017. “A maturing civil society in China? The role of knowledge and professionalization in the development of NGOs.” *China Information* 31 (1): 22–42.
- Kaiman, J. 2013. “Chinese Environment Official Challenged to Swim in Polluted River.” *The Guardian*.
- Mertha, Andrew 2008. *China’s Water Warriors: Citizen Action and Policy Change*. Ithaca, NY: Cornell University Press.
- Teets, J. 2017. “The Power of Policy Networks in Authoritarian Regimes: Changing Environmental Policy in China.” *Governance* 31 (1): 125–141.
- Teets, J. C. 2014. *Civil Society under Authoritarianism: The China Model*. New York, NY: Cambridge University Press
- Thornton, P. M. 2013. “The Advance of the Party: Transformation or Takeover of Urban Grassroots Society?.” *The China Quarterly* 213: 1–18.
- Tilly, Charles, and Sidney Tarrow. 2015. *Contentious Politics, 2nd Revised and Updated*. New York, NY: Oxford Press 9780190255053.
- Wang, M., and L. Guohan. 2017. “Incremental Co-Governance: Investigation of Hangzhou Experience of Driving Reform through Innovation.” In *A Discussion on Chinese Road of NGOs: Reform and Co-Governance by Society*, edited by M. Wang. Singapore: Social Sciences Academic Press.
- Wang, S. 2008. “Changing Models of China’s Policy Agenda Setting.” *Modern China* 34 (1): 56–87.
- Wu, F. 2013. “Environmental Activism in Provincial China.” *Journal of Environmental Policy Planning* 15: 89–109.
- Xie, L., and H.-A. van der Heijden. 2010. “Environmental Movements and Political Opportunities: The Case of China.” *Social Movement Studies* 9 (1): 51–68.
- Yang, G., and C. Calhoun. 2007. “Media, Civil Society, and the Rise of a Green Public Sphere in China.” *China Information* 21 (2): 211–236.

- Zhan, X., and S.-Y. Tang. 2013. "Political Opportunities, Resource Constraints and Policy Advocacy of Environmental NGOs in China." *Public Administration* 91 (2): 381–399.
- Zhang, C. 2017. "Nongovernmental Organizations' Policy Advocacy and Government Responsiveness in China." *Nonprofit and Voluntary Sector Quarterly*. online first: <https://doi.org/10.1177/0899764017705735>.