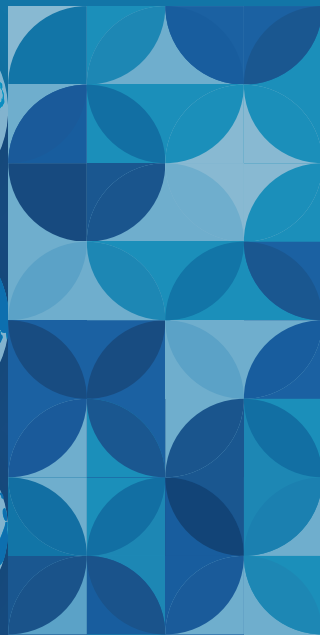


2022-2023 WILSON CHINA FELLOWSHIP

# Transnational Civil Society and Authoritarian Politics in China and Russia

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## Abstract

Over the past decade, China and Russia have both passed laws restricting foreign organizations or foreign support to civil society, including the 2012 “foreign agents” law and 2015 “undesirable” organizations law in Russia and the 2017 Overseas NGO Law in China. This essay compares these developments to understand 1) the motivation behind these laws and the extent to which authoritarian leaders in China and Russia are learning from each other’s responses to transnational actors or activism; 2) the response of international foundations and NGOs to these regulations and the changing nature of their operations in increasingly autocratic China and Russia; 3) the paths forward for transnational support of civil society in these countries, including support of activists abroad. In so doing, this essay provides important insights for policymakers and practitioners interested in continued engagement with civil society in China and Russia in light of these new developments. In particular, it offers insight into emerging trends in international philanthropy and transnational engagement in authoritarian contexts.

## Policy Implications and Key Takeaways

- The essay finds some empirical evidence for shared motivations and “authoritarian learning” between China and Russia regarding perceptions of threat from foreign organizations or foreign-supported civil society, which helps to explain similar restrictive laws in both countries. However, an examination of how these laws impact foreign foundations and NGOs reveals that there are still many ways to continue engaging with civil society stakeholders from these countries despite the mounting constraints. Given the potential for authoritarian learning, international foundations and NGOs would benefit from recognizing the shared context and promoting opportunities for learning from within their own community.

## Recommendations for INGOs and Foundations

- For INGOs and foundations, there is a pressing need to not only share best practices with other groups operating in authoritarian contexts, but also to learn from other country offices within their own organization.

Given the evidence of authoritarian learning behind growing restrictions on foreign organizations, adaptations from the Chinese or Russian context might inform others working in these or other authoritarian spaces with similar laws.

- For those groups operating in China, there is still room to work on certain topics and, in particular, to engage on philanthropic capacity of Chinese partners. Still, funders operating in this space should communicate more regularly to make sure that their activities are not over-crowded in one or two permitted areas of work. Groups operating in Russia will have to make decisions about whether continued support of civil society groups in Russia is worth the risk but should do so in close consultation with their partners and grantees.
- For those INGOs and foundations that can no longer operate in these contexts or are looking to pivot their activities to hedge against risks, there are several other ways to remain engaged. One is working with partners in third country contexts on joint projects, such as those related to the impact of Chinese investment abroad, global environmental issues, or humanitarian aid. Another pathway is by supporting activists and their former partners from authoritarian contexts who are now abroad. This includes not only helping former partners leave the country, but also continuing to facilitate their activism from abroad. There is also a need within this community to have more training on digital security and other ways to mitigate transnational repression of activists.
- Finally, INGOs and foundations could also engage more with broader diaspora communities, which includes potentially funding alternative sources of information in the group's native language to combat isolation and disinformation.

### **Recommendations for Policymakers**

- U.S. and European policymakers should not only understand the potential for learning between China and Russia and monitor their relationship, but also understand the differences between the two regimes

and their openness to international engagement. Although Russia's war against Ukraine has further cut off Russia from the West, there are, by contrast, many windows of opportunity for continued engagement with Chinese civil society, and policymakers should still seek ways to support and facilitate continued people-to-people engagement.

- At the same time, U.S. and European policymakers should become more engaged in combatting transnational repression of exiled activists from authoritarian regimes like China and Russia, especially as these regimes may be sharing or learning about these practices, as well. Humanitarian visa and asylum policies for activists at risk should also be strengthened.
- Finally, private and government funders should consider easing reporting requirements for grantmaking in these contexts to ensure the safety and security of grantees and enable INGOs to have the flexibility to respond to emergency situations. Funders should also consider widening the scope of grantmaking from a focus on funding only those who are in country to also include exiled activists and diaspora groups located abroad.

## Introduction

Over the last decade, there has been a significant increase in laws that restrict foreign aid to civil society around the world.<sup>2</sup> Authoritarian regimes like China and Russia have been at the forefront of this trend. In Russia, the 2012 “foreign agents” law and 2015 “undesirable” organization law have stigmatized foreign funding to civil society and shut down many top international donors that had previously operated in the country. In China, the 2017 Overseas NGO Law increased regulations on foreign NGOs wishing to legally operate in the country. These laws—intended to restrict and control the operations of foreign foundations, international non-governmental organizations (INGOs), and their grantees and partners—have changed the atmosphere for international philanthropy and transnational civil society in China and Russia. While some INGOs and civil society activists are able to adapt to maintain their in-country connections, others have been pushed out or have pivoted their efforts elsewhere.

These developments raise several interrelated questions that demand greater policy and scholarly attention. First, what explains Chinese and Russian leaders’ motivations for restricting international funding to civil society or transnational activism? Do Chinese and Russian officials learn from one another when crafting these policies? Next, how have these policies changed the atmosphere for international support of civil society in China and Russia? In what ways have international funders and civil society groups adapted or changed their activities? What are the opportunities for continued engagement with civil society stakeholders from these countries?

This essay seeks to answer these questions in several ways. First, it analyzes an original dataset of high-level meetings between Chinese and Russian officials as well as primary source documents to identify shared motivations and determine the level of authoritarian learning and information sharing related to the regime’s management of foreign connections to civil society in both countries. Second, the essay shifts to the impact of these laws on foreign organizations over time, drawing on in-depth interviews conducted with international NGOs, foundations, and related stakeholders. This section briefly documents the challenges brought by the laws, but also highlights the innovations and opportunities for continued engagement in this sector despite the closing space. Finally, the essay provides recommendations

for paths forward for those in the international funding community, as well as US and European policymakers.

Overall, this essay provides important insights for policymakers and practitioners interested in continued engagement with civil society in China and Russia in light of these new developments. It will also be of interest to those seeking to understand the authoritarian parallels between China and Russia, and the extent to which these regimes are learning from one another as they engage in restrictions on transnational civil society. Finally, it provides insight into emerging trends in international philanthropy and transnational engagement in these contexts, including foreign foundations and INGOs pivoting to work with Chinese or Russian actors outside of their home country's borders.

### **Case Selection, Methods, and Data**

Although the focus of the Wilson China Fellowship and this essay series is on China, this study centers its analysis on a paired comparison of China and Russia.<sup>3</sup> China and Russia are comparable and valuable case studies for several reasons. From a scholarly perspective, the two are “most similar” cases of authoritarian regimes that have clamped down on foreign connections to civil society in recent years. From a policy standpoint, they are two of the most influential authoritarian regimes in the world. Understanding their behavior—and their interactions with one another—is of vital importance to scholars and policymakers alike. Furthermore, the comparison also illuminates their points of divergence, which is crucial for understanding how those differences in NGO management may create different challenges and opportunities for international stakeholders interested in continued engagement.

To provide evidence for this project, the essay relies on analysis of original data collected on high-level meetings between Russian and Chinese officials, in-depth interviews, and additional primary and secondary sources to support its claims. Interview material is drawn from over 25 semi-structured interviews conducted in 2022 and 2023 during the fellowship period for the purposes of this essay and for other related projects. Relevant background information is also informed by interviews that the author conducted previously from 2015–2021 as a part of a larger project on civil society in China and Russia. All interviews were conducted in the language of the interviewee's

choice (Russian, Mandarin, or English) by the author and all responses have been anonymized per interviewee request. The original dataset of meetings between high-level Russian and Chinese officials was collected from official Chinese and Russian government websites in 2022 and 2023 and coded by the author and a team of research assistants.<sup>4</sup> Additional primary sources include Chinese and Russian language government documents, think tank reports, and news articles. Finally, secondary sources from the existing scholarly literature were collected and analyzed to provide additional support and background for the essay.

## Background on NGO Laws in China and Russia

Driven by ideas about democratic peace theory and civil society's role in creating a healthy democracy, policymakers and funders alike encouraged and engaged in programs to develop civil society in a range of countries at the end of the Cold War. This blossoming of support helped a range of fledging civil society organizations that became part of a broader global "associational revolution" of the 1990s.<sup>5</sup> In both China and post-Soviet Russia, international NGOs and foundations helped to support the establishment of these new civil society organizations. Over the 1990s and 2000s, international groups and Western governments funneled millions of dollars of aid to civil society in both countries,<sup>6</sup> which was initially welcomed by the regime.<sup>7</sup>

But democracy promotion policies and international support to civil society were not without backlash.<sup>8</sup> After the Color Revolutions that spread across Eurasia in the mid-2000s demonstrated the potential link between civil society, foreign groups, and regime change,<sup>9</sup> many authoritarian regimes around the world began to more closely regulate civil society and its foreign connections. The Arab Spring's demonstration effects in 2011 and 2012 intensified these fears. Coinciding with these events, scholars have documented an increase in restrictions to civil society around the globe.<sup>10</sup> In line with this trend, Russia and China have both passed regulations to restrict and control foreign organizations and their support of civil society organizations.

In Russia, after the 2011–2012 protests for fair elections, Putin returned to the presidency with a renewed interest in eliminating threats from societal unrest. As a result, several regulations were passed in summer 2012 to

mitigate leaders' perceived threats from organized protest and civil society organizations. This included a set of amendments to an existing NGO law, which has become known as the "foreign agents" law. The regulations require Russian civil society organizations who receive foreign funding and engage in ambiguously defined "political activity" to register with the Ministry of Justice as a "foreign agent" or face harsh penalties for noncompliance.<sup>11</sup> Then, in 2015, Russian lawmakers passed a law on "undesirable" foreign organizations. This law allows the Prosecutor General's office, in coordination with the Ministry of Foreign Affairs, to list any foreign organization that is deemed threatening to Russia's national security. Once listed, the organizations are effectively banned. As of August 3, 2023, there were 103 foreign organizations listed as "undesirable," such as the National Endowment for Democracy, the Open Society Foundation, the Free Russia Foundation, and the European Endowment for Democracy.

In China, after years of delay on clarifying rules for foreign and domestic civil society organizations, two new laws regulating these groups were passed within months of each other. First, the Charity Law, passed in March 2016, decreased registration requirements for Chinese NGOs and increased incentives for domestic philanthropy. The second, the 2017 Law on the Management of Overseas Non-Governmental Organizations (referred to here as the "Overseas NGO Law"), was passed in April 2016. Under the Overseas NGO Law, foreign organizations were required to find a new government-approved professional supervisory unit (PSU) to register under the Ministry of Public Security. For many observers and stakeholders, the decision to assign oversight to the Ministry of Public Security rather than to the Ministry of Civil Affairs (which oversaw a small number of foreign organizations under an earlier set of regulations) suggested that the regime perceived these groups as potentially posing a threat to regime security and stability.

Existing research on these laws has focused on several aspects. First, a number of scholars have examined these regulations separately in single-country case studies. In the case of China, some have examined how the new regulations affect (or might affect) both international and domestic NGOs.<sup>12</sup> In the case of Russia, the primary focus has been on the impacts of these laws on domestic civil society,<sup>13</sup> but not on international groups. Second, there have been some attempts to understand the diffusion of these types of laws that

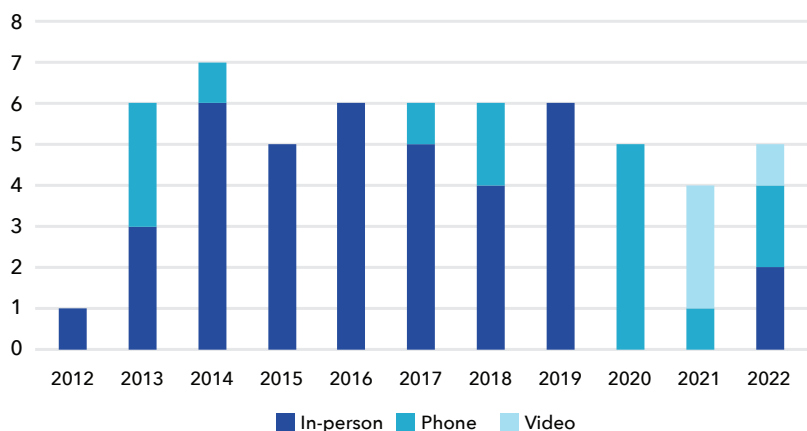


restrict civil society groups. These range from macro-level studies of global or regional trends<sup>14</sup> to single-country case studies.<sup>15</sup> But the examination of learning between two of the world's most sophisticated authoritarian regimes, China and Russia, or the comparison of the two countries' management of civil society, has not received much attention.<sup>16</sup> Through its comparison of China and Russia, this essay sheds light on not only on the motivations and potential learning between these two authoritarian regimes, but also compares how these laws have affected transnational support of civil society in the two countries.

As such, it addresses several questions. First, what are the motivations driving these restrictive laws in China and Russia? Are Chinese and Russian leaders learning from one another's management of foreign organizations or foreign supported civil society? How are international NGOs and foundations adapting or innovating in response to these restrictions? Is there room for continued engagement? The next section delves deeper into potential evidence for authoritarian learning between China and Russia on the motivations, design, and passage of these laws. The following section then turns to examine how international NGOs and foundations have adapted or innovated in response to closing civic space in both countries.

## **Evidence of Authoritarian Learning?**

Over the past decade, scholars have begun to develop a body of literature investigating "authoritarian learning," or the idea that autocrats learn from other autocrats.<sup>17</sup> In the context of explaining restrictions on NGOs, scholars Glasius, Schalk, and De Lange distinguish between two types of authoritarian learning: learning from threats and learning from examples.<sup>18</sup> The first focuses on how autocrats learn from threats and maintain stability, particularly in the wake of the color revolutions and the Arab Spring.<sup>19</sup> The second, based on concepts from the norm diffusion literature,<sup>20</sup> focuses on how autocrats learn from example. In this type of learning, autocratic governments would adopt NGO restrictions not in response to direct threat, "but because they see others do so and they think it is appropriate for them."<sup>21</sup> In both types, ideas from one authoritarian regime can diffuse to another, explaining patterns of similar policies, such as NGO restrictions, across autocracies. Following

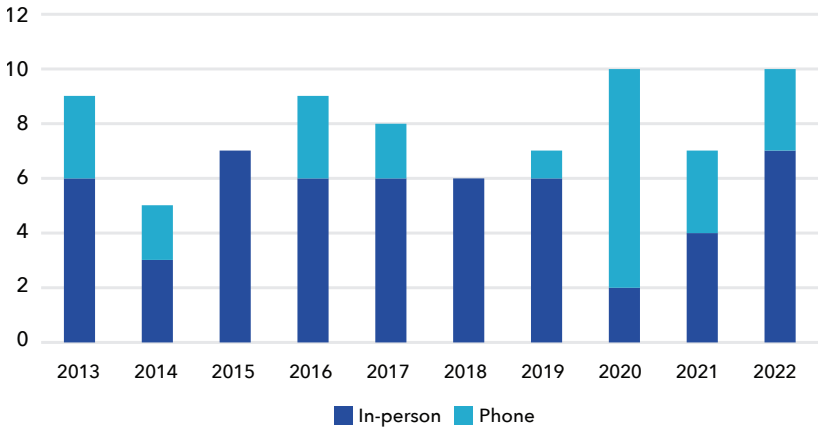
**FIGURE 1.** Putin-Xi Interactions, 2012-2022

Source: Author's dataset compiled from press releases from kremlin.ru and mfa.gov.cn.

this literature, this section considers the evidence for authoritarian learning—both learning from example and learning from threat—between Russia and China through an analysis of high-level meetings between Chinese and Russian leaders,<sup>22</sup> as well as additional Chinese and Russian primary sources, such as government documents, think tank analysis, and new articles.

First, there could be direct learning through high level exchanges. Journalists, scholars, and policy analysts alike have highlighted the close relationship between Vladimir Putin and Xi Jinping, noting that the two have met one-on-one at least 40 times since Xi Jinping came to power.<sup>23</sup> Indeed, collection of original data on all official interactions between Putin and Xi, including in-person meetings, phone calls, and video calls, revealed that the two have interacted at least 58 times (see *Figure 1*).<sup>24</sup> Besides interactions between Russia and China's two top leaders, there have also been numerous interactions between top diplomats. Between 2013 and 2022, Chinese foreign minister Wang Yi and Russian foreign minister Sergei Lavrov interacted at least 78 times (see *Figure 2*).<sup>25</sup> Furthermore, there are many other exchanges between lower-level government officials,<sup>26</sup> business leaders,<sup>27</sup> and societal

**FIGURE 2.** Lavrov-Wang Interactions, 2013-2022



Source: Author’s dataset compiled from press releases from mid.ru and mfa.gov.cn.

actors.<sup>28</sup> These exchanges and interactions not only bolster the Sino-Russian bilateral relationship, but they could also provide opportunities for the two regimes to learn from one another and share authoritarian tools of governance.

High-level meetings between Putin and Xi and Lavrov and Wang do not necessarily indicate that the two sides shared ideas about the management of foreign civil society. However, there are times when the motivation behind these regulations was discussed. One of the most cited reasons for the motivation behind the NGO laws in both countries is fear of foreign influence and foreign-backed attempts of regime change.<sup>29</sup> For example, on January 10, 2022, Wang and Lavrov discussed the unrest in Kazakhstan on an official call.<sup>30</sup> The Chinese readout states that both sides agreed to deepen their coordination and cooperation in Central Asia, including opposing “external forces” and preventing “color revolutions” (颜色革命).<sup>31</sup> Overall, mentions of “external interference” or “color revolutions” appear in 26 of the 78 interactions (33 percent) between Wang Yi and Sergei Lavrov. For Xi and Putin, these terms appear in 12 of 58 interactions (21 percent) in the overall dataset. While this does not directly provide evidence of authoritarian learning, it

does indicate alignment among Chinese and Russian officials on the perception of threat from these sources.

These ideas about the threat of Western-supported civil society instigating regime change also have historical roots. There is ample evidence that the CCP is actively learning from history through its constant examination of the collapse of the Soviet Union. Several sources have documented the numerous scholarly articles, documentaries, and leaked internal government reports that analyze the collapse and draw lessons learned for the CCP regime.<sup>32</sup> Often, these reports discuss the negative impact of Western ideas like “civil society” and the role of these “informal organizations” or NGOs in contributing to the Soviet collapse. For example, a 2013 documentary produced by the Central Commission for Discipline Inspection (CCDI) and the Chinese Academy of Social Science (CASS) spells out the lessons that CCP officials should learn from the collapse of the Soviet Union in order to avoid a similar fate. Among other factors, the documentary blames Western attempts to use NGOs to create a “fifth column” that will destabilize the regime through “peaceful evolution.”<sup>33</sup> Chinese leaders are keenly aware and regularly draw lessons learned from the Soviet experience.

Furthermore, some of the Western organizations perceived to be the most threatening are also shared between the two countries. For example, the primary U.S. government-funded democracy promotion organizations have been banned or sanctioned in both countries. After the 2015 law on “undesirable” foreign organizations was passed in Russia, the National Endowment for Democracy (NED), National Democratic Institute (NDI), and International Republican Institute (IRI) were among the first ten organizations listed, fully banning their activities in the country.<sup>34</sup> In China, although the Overseas NGO Law does not contain an equivalent designation to the Russian law on “undesirable” foreign organizations, these same organizations have been similarly sanctioned through other mechanisms. In 2019, the Chinese government announced sanctions on U.S. democracy promotion organizations such as NED, NDI, and IRI for their alleged role in the Hong Kong pro-democracy protests.<sup>35</sup> A year later, China’s Ministry of Foreign Affairs threatened sanctions against individual leaders of several of organizations, including the heads of NED, NDI, and IRI.<sup>36</sup> In May 2022, the MFA released a lengthy “fact sheet” on the National Endowment for Democracy (NED), linking it to

“color revolutions” and interference in the internal affairs of many countries around the world, including China and Russia.<sup>37</sup>

While it is difficult to find direct and definitive evidence of China’s lawmakers learning from Russia’s laws, there are some indications that Chinese scholars and experts—including those at government-affiliated think tanks—were studying and learning from Russia’s management of civil society. For example, a 2020 scholarly article published by CICIR (China Institutes of Contemporary International Relations), a foreign policy think tank underneath the Ministry of State Security, examines how Russia has managed to deter external interference in its affairs.<sup>38</sup> After blaming foreign-funded and Western NGOs for trying to promote a “color revolution” in Russia, the authors detail several of the effective “countermeasures” that Russian leaders have taken, including the “foreign agents” and “undesirable” organizations laws. However, while the authors find that these countermeasures were effective for safeguarding Russia’s national security, they also critique the measures as too aggressive and irrational, often provoking a stronger reaction from the West in response. Although the article was published in 2020, it is plausible that experts within CICIR and security officials were aware of and watching the West’s response to Russia’s NGO laws when crafting their own. Furthermore, a fear of Western backlash after seeing the cost of Russia’s harsher policies could explain why China ultimately took a “softer” approach to regulating foreign NGOs, using the Overseas NGO Law to create a public “whitelist” of organizations green-lighted to work in mainland China, rather than a public “blacklist” as in the Russian laws on “foreign agents” and “undesirable” foreign organizations.<sup>39</sup>

In sum, while it is difficult to find publicly available evidence that directly links the Russian and Chinese NGO laws, there are many indications that the two sides are closely watching the others’ styles of governance through high-level official interactions and exchanges, which often included discussions of the shared perception of threat emanating from foreign-supported civil society groups. This dovetails with recent scholarship that shows how states in the post-Soviet region, the Middle East, and Africa have learned from each other’s examples and from shared threats in developing NGO laws and other types of repressive legislation.<sup>40</sup> This is important because it underscores the need for INGOs and foundations operating in these contexts to be aware of developments in other autocracies around the world and to share

experiences and best practices between organizations and country offices. The section below investigates how the laws in China and Russia—similarly motivated by a fear of their perceived threat— have affected foreign foundations and NGOs. It also indicates that sharing—both among organizations within the same country and between organizations across the two countries—could be key to adapting to these restrictions.

## **INGO Adaptation in Authoritarian Contexts**

Whether or not Russian and Chinese lawmakers were learning from each other's NGO laws, the laws carried similar pressures for foreign organizations and foreign funded civil society in both countries. This section draws on more than 25 in-depth interviews with US and European NGOs and foundations with current or former operations in China and Russia collected during the fellowship period in 2022 and 2023 for this project and other related projects. Informed by this material, it briefly covers international NGO and foundations' initial reactions to these restrictions before moving on to their innovations to remaining engaged with Chinese and Russian activists.

### **Adapting to the laws in Russia**

In Russia, the 2012 “foreign agents” law cast a significant shadow over the atmosphere for foreign-supported civil society. Existing scholarship has largely focused on how the “foreign agents” law impacted domestic Russian NGOs.<sup>41</sup> These studies reveal how Russian NGOs who are listed must grapple with increased audits and paperwork, paying fines for initial noncompliance, and social stigma. Some listed organizations have returned past foreign grants or refused future foreign funding to be removed from the register. Still others have formally closed. Although only a small number of Russia's NGOs have ever been listed, the “foreign agents” law had a major impact on some of the most prominent organizations in certain sectors, particularly those working on human rights or environmental issues.<sup>42</sup>

For their foreign funders, the “foreign agents” law had less of a direct impact. This is because the law regulates Russian NGOs who receive foreign funding, but it does not require foreign funders to change their grantmaking

behavior. Still, by increasing the stigma and burden of accepting foreign funding, the “foreign agents” law may have reduced the demand for foreign grants among some Russian partners. As such, many interviewed organizations recognized that the 2012 “foreign agents” law marked a turning point in state management of civil society in Russia. However, the law did not stop foreign funders’ activities and grantmaking in the country. As one funder explained, “Most partners navigated this with courage and continuation. Very few of them shut down...While things were not good, they were also continuing in some ways as before.”<sup>43</sup> With time, grantees and partners figured out how to adapt to the law, and foreign funding and collaboration largely continued.

Although the “foreign agents” law affected international funders less, the law still set the stage for a further tightening of civic space. Over the years, the scope of the law and use of the label has been expanded, and, after the start of Russia’s war against Ukraine, it is now being used extensively to repress and stigmatize oppositional or anti-war individuals. One funder linked the NGO and donor community’s initial response to the “foreign agents” law to this expansion of repression. In their words, “The entire community failed to respond effectively to that threat.” Instead of uniting in opposition to the law, this respondent explained, each organization worried about mitigating risk and protecting themselves. This funder continued, “[This] enabled the government to move forward with a divide and conquer strategy that divided between the ‘good’ civil society that would not be declared ‘foreign agents’ and the ‘bad’ civil society that was declared ‘foreign agents’...In the early days, organizations could have done a better job unifying, coming up with a strategy, and not being as concerned about their own well-being.”<sup>44</sup>

The next major hurdle for international NGOs and foundations came in 2015 with the passage of the law on “undesirable” foreign organizations. Compared to the law on “foreign agents,” the “undesirables” law had a more direct and immediate impact on foreign organizations. If listed, the activities of the foreign organizations are fully banned and any continuing activities are illegal. Although some foreign groups left in anticipation of being listed, such as the MacArthur Foundation and Charles Stewart Mott Foundation, many others decided to continue. Surprisingly, even organizations listed as “undesirable” organizations were not completely deterred from operating in or funding grantees in Russia. Interviews revealed that

several organizations included on the “undesirables” list continued to support partners inside Russia.

For all foreign organizations that were still operating in Russia, the next major turning point came after Russia’s full-scale invasion of Ukraine in February 2022. Several of those interviewed described how their organizations either immediately stopped or gradually stopped funding Russian civil society since February 2022. For many organizations, ethical and logistical concerns were paramount.<sup>45</sup> For others, it was a matter of safety and efficacy: “If we were to get money to a Russian partner, would they be able to do anything?...We [also] need to be a little ‘paternalistic’ in the sense that [our partners] may make mistakes that would be more costly than usual for them.”<sup>46</sup> This particular organization decided to release one final tranche of funding before concluding their Russia operations. Meanwhile, some funders are quietly continuing grants to partners in Russia, despite the closing space and the full-scale invasion of Ukraine, relying on guidance from the U.S. Treasury Department that engaging in this type of funding is legal and does not thwart sanctions.<sup>47</sup> However, many foreign funders and grantees that adapted to the “foreign agents” and “undesirables” laws are now struggling to move forward in the context of Russia’s war against Ukraine.

## **Adapting to the law in China**

In China, all foreign organizations and their partners were impacted by the 2017 Law on Overseas NGOs under new rules requiring registration. After the law came into effect, many international organizations were, in fact, able to register, beginning with an initial cohort of organizations in January 2017 that included the Bill and Melinda Gates Foundation, World Wide Fund for Nature (WWF), and Save the Children.<sup>48</sup> Since then, over 600 representative offices have been registered under the new regulations, authorized to work in areas such as education, health, poverty alleviation, and others.<sup>49</sup> Despite fears to the contrary,<sup>50</sup> hundreds of international organizations have managed to overcome the hurdles of registration and continue to legally operate in mainland China. In addition, many others have filed temporary activities permits to legally conduct short-term activities in China alongside Chinese partners.<sup>51</sup>



Once registered, these organizations take careful steps to remain in compliance with the law. As one representative of a registered overseas organization explained, “I really try to identify and engage with stakeholders that we think are ‘authorizers’ of our environment: the PSU [professional supervisory unit] and the PSB [Public Security Bureau]. I make an effort to talk to them at least once a quarter, even when there’s nothing to talk about. So that when we have something to talk about, we know each other a little better. This has been a good strategy.”<sup>52</sup> This respondent even provided additional information that was not required by the law in order to show good faith and maintain a positive working relationship. They added, “The bigger idea is to protect and expand the operating environment for [our organization], so that we can do the work that we want to do in as big of a space as we can create.”<sup>53</sup> While international media has focused on barriers to registration, particularly for human rights groups,<sup>54</sup> many international organizations have successfully registered and continue to operate in permitted areas of work. For these organizations, going through these extra bureaucratic steps to register and regularly report to the authorities are well worth it to preserve the space available for their activities and maintain an on-the-ground presence in mainland China.

However, other international NGOs and foundations—often those working in rights-based areas of work not formally permitted by the law—questioned how formal registration would impact the overall tenor of their continued operations in China. One former staff member of an INGO stated that choosing to register “meant that the CCP would have a ‘soft veto’ over everything you did, and that would restrict the range of activities.”<sup>55</sup> Other organizations working in more sensitive areas tried to evade this issue by strategically reframing their activities. One EU-based funder gave an example: “[I]f a project was normally framed as a ‘democracy’ project, then we wouldn’t use that word. We did not have the registration to be allowed to do that kind of work. Our labels changed according to the law. In our internal portfolios, I might still see the word ‘democracy,’ but we stopped using it outwardly.”<sup>56</sup> While nothing about the activity changed, the outward framing was made more agreeable for the organization’s professional supervisory unit (PSU) and Public Security Bureau (PSB) officials.

Other organizations remained engaged in China but decided not to register. One organization that decided not to register recognized that this raised

the stakes for local partners in China substantially, who were then subject to police harassment and informal repression.<sup>57</sup> Another representative of an unregistered foreign organization described a similar experience: “After the foreign NGO law, we still continued for a bit, but then had to shift our approach only because it was very difficult for our partners to continue their activities.”<sup>58</sup> These difficulties included not only repression of in-country partners, but also obstacles to passing funds through Hong Kong, which had been a place where many organizations could transfer funds to mainland grantees and partners. After the National Security Law, this avenue for pass-through funding was no longer a viable option.

Finally, some organizations left China entirely. One public example of this is the American Bar Association’s Rule of Law Initiative (ABA/ROLI), which left China shortly after the law went into force in January 2017.<sup>59</sup> Others left more quietly. For example, one organization described hearing a rumor from a colleague with government ties that the organization was blacklisted as a “threat to China” and would never be able to register.<sup>60</sup> This organization ultimately decided not to attempt registration and stopped all programming within China. They now focus instead on the impact of Chinese investment abroad, an innovative response to the law that will be explored below. However, the quiet nature of “exit” may also perpetuate problems of uncertainty for the broader community. One former staff member of an organization that left China explained: “At the time it was chaos. But I think we did the INGO community a disservice by not being forthright and contributing to the lack of information. Groups wasted so much time and money trying to register.”<sup>61</sup> As in Russia, some members of the international NGO and foundation community felt that the uncertainty of the law—which some admitted was a strength of the legislation from the regime’s point of view—had discouraged organizations from sharing information or banding together to collectively address their concerns. As a result, while many international organizations have successfully registered under the Overseas NGO Law, others have been quietly pushed out of mainland China.

## Exploring new opportunities for engagement

In the wake of these NGO laws in both China and Russia, foreign organizations—even if they elected to stay in country—have explored new opportuni-

ties for engagement with civil society. This section details some of these new opportunities, with an emphasis on engagement outside of China and Russia.

Even among those who stay in country, priorities may have shifted. As noted above, some groups working on certain issue areas may simply change the label on those activities. Others may be changing the focus of their activities to be more compliant with the laws or to make them more palatable to government officials. In China, the Overseas NGO Law has systemically allowed organizations to register in certain areas of work.<sup>62</sup> Overseas NGOs have caught on to these patterns, which has created a crowding effect as international funders flock to certain permitted areas of work. As one funder lamented, “There are fewer international actors working in China, but the space is crowded because we’re all working on similar angles.”<sup>63</sup>

For organizations that have ceased in-country operations but wish to remain engaged, there are several new pathways forward. First, several organizations have become more involved in helping their former grantees and partners leave the repressive contexts in China and Russia. In both cases, this had been happening for several years, but then intensified after the 2019 National Security Law in Hong Kong and the 2022 invasion of Ukraine. One funder of Russian civil society described getting together with a few other funders to identify resources for initial travel and living expenses for former partners seeking to leave Russia after the war.<sup>64</sup> Funders in China have also been engaged in these types of activities to help Hong Kong or mainland Chinese activists go abroad.<sup>65</sup>

Furthermore, some funders are starting to engage more with actors outside of China or Russia, including with civil society groups in the region, activists abroad, or with the broader diaspora. For example, many international NGOs and foundations have pivoted to focusing on working with civil society actors to address the impacts of Chinese investment abroad. While this innovation is driven by a multitude of factors, including Chinese investment projects like the Belt and Road Initiative, the operating environment for Overseas NGOs in mainland China is one contributing factor.<sup>66</sup> Besides engagement with stakeholders on China’s overseas footprint, many international NGOs and foundations are also increasingly working with exiled activists, bringing activists to third country contexts to meet safely, or are engaging with the broader diaspora.<sup>67</sup> Although INGOs and foundations expressed concern about maintaining the missions of their in-country China-

or Russia-focused programs, the political atmosphere has given way to a new reality. A former representative of an international foundation recognized that funders' perception of this type of work is changing: "Now the question of engagement with diaspora communities and activists is more pressing given the [political] situation in China...It does seem like there's more receptivity to it now than there was a few years ago."<sup>68</sup>

Overall, international organizations in China and Russia are remaining engaged with in-country civil society groups where possible, but also adapting by assisting former grantees or partners at risk, working with activists or diaspora communities abroad, or finding other ways to address the impact of these regimes abroad.

## Recommendations for Paths Forward

Alongside these new opportunities and innovations, there are other recommendations that would enable continued engagement despite the closing space for transnational civil society activism in authoritarian regimes like China and Russia.

First, one theme that came up repeatedly in interviews is for INGOs and foundations to create more formal and informal opportunities for sharing information and best practices. Heeding the warning from the Russian case, it is crucial for international NGOs and foundations to share knowledge of how to continue to operate despite the constraints within autocracies. Another interviewee, currently working for a US-based NGO with programming in East Asia, supported efforts for information sharing, noting that it was "a critical step for any closed or closing society, because authoritarian governments operate best when civil society organizations are isolated because they're easier to pick off."<sup>69</sup> The existence of such mechanisms was mixed among interviewees. Some mentioned that a donor organization arranged regular meetings with its grantees for this purpose, including one meeting where the donor organization invited its Russia grantees to discuss their experience with Russia's NGO laws to a group of grantees working on China.<sup>70</sup> But others reported that these exchanges were ad hoc and informal, if they happened at all. Expanding these opportunities for information sharing and exchange would not only help share best practices, but also help counter the isolation and challenges of operating in authoritarian contexts.

In addition, expanding these exchanges could even be beneficial between different program, regional, or country offices within the same organization. As one interviewee explained, “One of our projects was inspired by a MENA [Middle East and North Africa] team success. They had found a way to work with groups in the region that was effective, so we then worked with them to craft our program.”<sup>71</sup> This same interviewee described organization-wide training on digital security so that those working in autocratic contexts were all briefed on these skills. The main office or headquarters of these organizations should consider where connection and learning in a more formal capacity may help spread innovation and best practices throughout the organization to all staff operating programs in closed societies. With the growing likelihood that autocrats are learning and sharing their repressive tactics, it becomes crucial for foreign foundations and INGOs to learn from one another and share across autocratic operating environments.

Another theme for those continuing to operate in authoritarian contexts is for funders and governments to ease grant reporting requirements. While transparency is important, funders discussed the importance of balancing transparency and safety concerns: “We want all this information to be publicly available, but if good work is being done in closed societies where protection of identity is key for them to continue to make progress, how do we handle that?”<sup>72</sup> Others noted that some of the receipts necessary for reimbursement were not only burdensome, but also a security risk. There was also a concern that some of these regulations created inflexibility for responding to emergency situations, such as an activist needing to urgently leave the country.

Additionally, those working with activists abroad or in the broader diaspora expressed a need for further support and protection. First, organizations providing emergency assistance to activists in danger expressed a need for stronger or speedier humanitarian visa or asylum policies. Second, besides helping activists relocate abroad, organizations could consider creating hubs or spaces for periodic engagement in smaller, more open countries within the region that would be easier for activists to reach for a shorter visit on an easier-to-obtain visa. Third, transnational repression of activists abroad is a growing concern, with China and Russia at the forefront of this trend.<sup>73</sup> Policymakers and funders should consider ways to increase digital and physical security for

these activists to protect them from these emerging threats, including providing training to activists on digital security, increasing awareness among law enforcement, and holding perpetrators legally accountable.

Finally, while some questioned the efficacy of continuing to fund civil society in closed or closing societies (particularly in Russia after the invasion of Ukraine), many interviewed funders still expressed a willingness to engage with activists on the ground in both countries. Although there are serious ethical, security, logistical, and political risks to consider, continuing some granting or other activities may be feasible for certain organizations or certain partners. As one funder explained, the decision to continue engagement with foreign foundations is “an individual choice and a case-by-case decision,” but that there were still plenty of activists in country who were willing to take those risks.<sup>74</sup> Funders should not completely ignore closed societies and, where possible, recognize where there are still windows of opportunity to engage with civil society activists on the ground.

## Conclusion

In sum, international engagement and support of civil society groups in China and Russia has been challenged by recent restrictive laws on their activities. Chinese and Russian leaders shared a perception of threat from these groups in passing these laws and have increased their exchanges and opportunities for mutual learning in the past decade. However, as the interviews attest, the laws have not completely curtailed international engagement. There is still room for some in-country engagement, as well as new opportunities for engaging with activists abroad, in third countries, or in the broader diaspora.

However, transnational support to civil society has also been significantly affected by the overall political context and the current state of US-Russia and US-China relations. In Russia, the war against Ukraine has stymied any potential new engagement between transnational actors and Russian civil society for many reasons, including ethical, logistical, and political. While international NGOs and foundations are rightly focused on helping Ukrainians and will play a large role in helping to rebuild Ukraine after the war, there will come a time when these groups will also need to re-engage with Russian stakeholders to solve other global challenges, such as climate change and a warming

Arctic. In the words of one funder: “We need to start preparing now to re-engage with [Russia] to solve the issues that we face as a global community... But at this point, it is going to be about preparing for a future Russia that is able to engage.”<sup>75</sup> Thinking about this eventuality now may make it easier to help re-establish ties whenever that opening comes.

In the Chinese context, the US-China relationship is presenting an additional roadblock to continued engagement. In one funder’s words, “The US-China relationship makes it trickier to hire people, trickier for our partners, and...the risk that one of us would actually get seized has gone up.” Yet, as one interviewee explained, “China is an essential country...That means there has to be interaction and engagement.”<sup>76</sup> In both cases, despite the challenges and risks, international NGOs and foundations should find ways to continue their engagement, and policymakers should be prepared to support these efforts.

At a time of global conflict and tense relations, finding avenues for easing that tension or re-building ties through people-to-people interaction, wherever possible, are vitally important. While the atmosphere for transnational support of civil society in China and Russia is not likely to drastically improve in the short-term, a long-term approach to both countries must include engaging with their societies.

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## Notes

1. The author thanks Lucas Myers, Jennifer Turner, Jesse Rodenbiker, Matthew Erie, Kristen Looney, Diana Fu, and several anonymous interviewees for their helpful comments and suggestions. Additional thanks to Diana Fu for permission to share interview data from ongoing collaborative work.
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4. The author thanks Calla Li, Sean McEvoy, and Diana Nasreddine for their invaluable research assistance on this part of the project and for the collection of some of the additional primary documents.
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10. Christensen and Weinstein, 2013; Dupuy, Ron, and Prakash, 2016
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  17. See, for example: Stephen G. F. Hall, *The Authoritarian International: Tracing How Authoritarian Regimes Learn in the Post-Soviet Space* (Cambridge: Cambridge University Press, 2023).
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  20. See, for example: Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009).
  21. Glasius, Schalk, and De Lange, 457.
  22. Although high-level meetings might underrepresent the mechanisms and volume of shared information between the two regimes, what is mentioned in these fora serves as a clear signal of what the top leadership perceives to be a threat and indicates where lower-level government interaction might focus.
  23. Graham Allison, "Xi and Putin Have the Most Consequential Undeclared Alliance in the World," *Foreign Policy*, March 23, 2023.
  24. The authors' dataset is built from official press releases from Russian and Chinese government websites (kremlin.ru, mfa.gov.cn, and mid.ru). Readouts on each interaction, in both Russian and Chinese, were then coded by a team of 3 research assistants plus the author for a number of key terms and attributes for use in a broader project. A subset of the data is presented in this report.
  25. Wang Yi was China's foreign minister from March 2013 through the end of December 2022.

- Sergei Lavrov has been Russia's foreign minister since February 2004.
26. For example, the Chinese Premier and Russian Prime Minister have met regularly for the past 27 years. See: “李克强同俄罗斯总理米舒斯京共同主持中俄总理第二十七次定期会晤 韩正出席 [Li Keqiang and Russian Prime Minister Mikhail Mishustin Co-chair the 27th Regular Meeting between Chinese and Russian Prime Ministers, Han Zheng Attends],” Ministry of Foreign Affairs of the People's Republic of China, December 7, 2022. [https://www.mfa.gov.cn/web/wjdt\\_674879/gjldrhd\\_674881/202212/t20221207\\_10986440.shtml](https://www.mfa.gov.cn/web/wjdt_674879/gjldrhd_674881/202212/t20221207_10986440.shtml)
  27. See, for example, “Российско-китайский бизнес-форум стартовал в Шанхае [Russian-Chinese Business Forum Started in Shanghai],” *Izvestia*, May 23, 2023. <https://iz.ru/1516864/2023-05-23/rossiisko-kitaiskii-biznes-forum-startoval-v-shankhae>
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  32. For a recent review, see: Martin Dimitrov, Elizabeth Perry, Neil Thomas, and Chris Buckley, “Chinese Assessments of the Soviet Union's Collapse,” *CSIS Interpret: China*, May 8, 2023, <https://interpret.csis.org/chinese-assessments-of-the-soviet-unions-collapse/>
  33. Carry Huang, “Paranoia from Soviet Union Collapse Haunts China's Communist Party, 22 Years On,” *South China Morning Post*, November 18, 2013, <https://www.scmp.com/news/china/article/1359350/paranoia-soviet-union-collapse-haunts-chinas-communist-party-22-years>
  34. For the full list, see: “Перечень иностранных и международных неправительственных организаций, деятельность которых признана нежелательной на территории Российской Федерации [List of foreign and international non-governmental organizations whose activities are recognized as undesirable on the territory of the Russian Federation],” Russian Ministry of Justice, <https://minjust.gov.ru/ru/documents/7756/>
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  39. On this distinction, see Plantan, 2020.
  40. Gilbert, 2020; Glasius, Schalk, and De Lange, 2020.
  41. See, for example: Skokova, Pape, and Krasnopolskaya, 2018; Tysiachniouk, Tulaeva, and Henry, 2018
  42. Plantan, 2022
  43. Author interview with a representative of a US-based NGO, April 2023
  44. Author interview with a former representative of a US-based NGO with operations in Russia who is still active in the international funding community, January 2023
  45. Author interview with a representative of a US-based NGO with former programming in Russia, May 2023
  46. Author interview with a representative of a US-based NGO, April 2023
  47. Author interview with a representative from a US-based foundation with grantmaking in Russia, February 2023
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