

MADE IN CHINA



A Quarterly on Chinese Labour, Civil Society, and Rights

ISSUE 1, 2016

LABOUR PROTESTS IN
THE STATE SECTOR:
BACK TO THE
NINETIES?
Kevin Lin

REVISITING CHINESE
LABOUR NGOS: SOME
GROUNDS FOR
HOPE?
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THE TPP: A
PROGRESSIVE DEAL
FOR WORKERS?
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A CIVIL SOCIETY UNDER
ASSAULT
Ellen David Friedman,
Kevin Slaten, May Wong



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WHY MADE IN CHINA?

In the last few years, the Chinese labour movement has witnessed significant developments, not only with the occurrence of some of the largest strikes in decades but also the emergence of grave challenges for workers and activists. Made in China springs from the belief that this calls for more serious analysis from both scholars and practitioners, as well for a critical engagement with a broader international audience interested in forging international solidarity.

MADE IN CHINA, A NEW BEGINNING

With this first issue, we are pleased to announce the launch of *Made in China*, a quarterly on Chinese labour, civil society, and rights. This project stems from our previous experiences as editors of a newsletter on Chinese labour funded by the Italian Trade Union Institute for Development Cooperation (Ivan Franceschini) and co-editor of the website *China Labour News Translations* (Kevin Lin).

In the last few years, the Chinese labour movement has witnessed significant developments, not only with the occurrence of some of the largest strikes in decades but also the emergence of grave challenges for workers and activists. As researchers of Chinese labour, we believe that this calls for more serious analysis from both scholars and practitioners, as well for a critical engagement with a broader international audience interested in forging international solidarity. It is with these aims in mind—and thanks to the support of the Australian Centre on China in the World, ANU, and the European Union Horizon 2020 Programme—that we are now starting this new venture.

In this first issue, you will find summaries of recent events that have taken place in China, as well as a series of columns on specific topics, such as the recent wave of protests in the Chinese state sector and the expected impact of the Trans-Pacific Partnership on labour rights. We devote the core of the first issue to the plight of Chinese labour NGOs, contextualising it through a debate between three promi-

nent international labour experts. Finally, we celebrate the award of the prestigious Joseph Levenson Prize to Luigi Tomba, a long-standing researcher of Chinese labour.

The newsletter is hosted by **Chinoiresie.info**, a forthcoming collective blog edited by young scholars and dedicated to the analysis of Chinese society. If you are interested in sharing your insights on this newsletter, or on the website, you can contact us at **madeinchina@chinoiresie.info**. We welcome any feedback and we hope you will consider sharing this newsletter with your friends and colleagues.

The Editors,
Ivan Franceschini, Kevin Lin



PC: NANDU DAILY



PC: LIBCOM



PC: THE GONGER

Zeng Feiyang, Director of the Panyu Migrant Workers Centre.

Workers on strike in Panyu district, Guangzhou.

Child and father in a rural village in southern China. The issue of left behind children has made the headlines again.

Ma Yongping, arrested after having set a public bus on fire to protest against unpaid wages.

Bus fire in Yinchuan, Ningxia province.

**JAN/MAR
2016**



PC: QINGNIAN BAO

China Arrests Labour Activists amid Crackdown on Human Rights Defenders

In early January, four Chinese labour activists were formally arrested in Guangdong province, amid a crackdown on labour and human rights defenders. Rights groups say the current clampdown on dissent is the most sweeping in two decades in China. Labour is a particularly sensitive issue, as a slowing economy has led to a surge in labour disputes, particularly in the southern manufacturing powerhouse of Guangdong. Zeng Feiyang, Director of the Panyu Migrant Workers Centre and one of China's most prominent labour activists, was charged with 'disrupting social order.' Two other activists of the same organisation, Meng Han and Zhu Xiaomei, have also been arrested on the same charge, with the latter subsequently released on bail. He Xiaobo, Director of Nanfeiyang, a labour group based in Foshan, was arrested on a charge of embezzlement. A formal arrest usually leads to a trial. Among the arrested activists, Zeng Feiyang, leader of the organisation, became the object of a violent smear campaign in the Chinese official media. Xinhua published a long article, later reprised by the state television, in which Zeng was accused, among other things, of embezzling funding illegally obtained from foreign donors, of being greedy, and of always being eager to promote himself as a 'star of the labour movement' without any regard for the actual interests of the workers. He was also accused of several instances of sexual misconduct. Nanfeiyang and the Panyu Migrant Workers Center have both sued the Xinhua journalist for libel over his report.

(Sources: [Radio Free Asia](#), [Reuters](#), [Xinhua](#))

Ningxia Officials Address Migrant Workers' Back Pay After Bus Attack

On 5 January, Ma Yongping, a migrant construction worker angry about unpaid wages, set a public bus on fire, killing seventeen people in Yinchuan, the capital of the northwestern province of Ningxia. Earlier on the same day, Ma had complained on social media that he had not been paid for his work and that his grievances had been ignored by local officials. The provincial government has since launched a campaign to ensure that companies pay migrant workers on time before Spring Festival, when many return home for family reunions. A slowing economy means some factory bosses are running out of money and building projects are sitting idle. In a report published in mid-December, the government of Yinchuan revealed that in the first ten months of 2015 it had dealt with more than 500 cases of unpaid wages, 22.3 percent more than in the same period of the previous year. The cases involved 10,000 migrant workers who were owed 1.48 billion yuan. Looking more broadly at this situation, the government of Ningxia identified twenty-seven construction companies that had delayed the payment of salaries to migrant workers in the first ten months of last year. Besides the criminal punishments allowed by the recently amended Chinese criminal law—fines and jail terms of up to seven years—these firms were forbidden to bid on government projects. On 19 January, the State Council released a new opinion on how to deal with the problem of the non-payment of wages for migrant workers.

(Sources: [Caixin](#), [State Council](#))



PC: XINHUA



PC: XINHUA

Grassroots Worker Elected to Top Trade Union Leadership

Ju Xiaolin, a technician and former migrant worker from northwestern Shaanxi province, became the Vice Chair of the All-China Federation of Trade Unions (ACFTU). 'I was very surprised and I feel honoured to become the Vice-Chairman of the ACFTU. I will continue to help protect the interests and rights of migrant workers,' Ju was quoted as saying by the Xinhua news agency. Ju, 53, is the first rural migrant worker to ever hold such a high post in the official Chinese union. A technician with a middle school diploma, he has worked for China CREC Railway Electrification Bureau Group since 1987, contributing to the construction of traditional and high-speed railways. He was a model worker and in 2014 he was elected to the National People's Congress, China's top legislature, as a deputy. The move reflects the central authorities' push to make the ACFTU better represent the interests of the rank-and-file workers, especially migrants. Lu Hui, an Associate Professor in sociology at Peking University, while welcoming the news, cautioned that 'institutional reform is needed at the lower level of trade unions to attract and retain more experienced migrant workers.' 'Trade unions are a bridge. I have a lot of contact with migrant workers. I will pay more attention to the protection of their interests,' said Ju.

(Source: [Xinhua](#))

Ju Xiaolin, new Vice-Chairman of the ACFTU.



PC: SOUTH CHINA MORNING POST

Chinese Blogger Demands Answers over Funding to Help 'Left-Behind Children'

Zhou Xiaoyun, a well-known blogger, is taking legal action against the governments of Bijie City and Guizhou Province in southern China to make them reveal what happened to a 180 million yuan fund established to help 'left-behind children' in the area. The fund was started by Bijie city's government in 2012, after five 'left-behind children' died while sheltering from the cold in a rubbish skip. At the time, the plight of these youngsters sparked a debate over whether the authorities were doing enough to help them while their parents are away working. It was promised that the money in the Bijie fund would be used to improve children's living conditions and medical care. But four 'left-behind children' in Bijie killed themselves in June last year by drinking pesticide, while their father was living away from home. Zhou filed a request to the Bijie municipal government in June last year asking for details of how the fund had been spent and what impact had been made. The government replied that the information does not exist. Zhou filed another request soon after. The government only provided general numbers and failed to answer specific questions. Zhou then demanded that the Guizhou provincial government appeal to the authorities in Bijie to publish the relevant documents, but his request was rejected. Finally, in late December 2015, he filed an administrative lawsuit against the two governments at the Guiyang Intermediate People's Courts. The lawsuit was accepted and the case will probably soon be heard in court. In mid-February, the State Council released a guideline on the protection of 'left-behind children'. The document states that local governments and village committees should keep themselves well-informed about the situation of 'left-behind children' within their jurisdiction and ensure they are properly taken care of, while the primary responsibilities of parents are equally stressed.

(Sources: [South China Morning Post](#), [Xinhua](#))

Labour Contract Law Under Attack for Harming Flexibility

While speaking at a Forum on 19th February, China's Minister of Finance Lou Jiwei criticised the Labour Contract Law passed in 2007 for harming the flexibility of the labour market and constraining productivity. On the sidelines of the National People's Congress, he reiterated his stance on 7th March, declaring that China's labour regulations harm workers by reducing job opportunities. According to him, the Labour Contract Law passed in 2007 restricts the ability of companies to fire their employees and as such it is discriminatory towards people entering the workforce. Concurrently, on 29th February, Minister of Human Resources and Social Security Yin Weimin announced that his ministry is currently studying the possibility of further changes to the Labour Contract Law to tackle the inflexibility of the labour market and high labour costs. China's leaders are also trying to rein in wage increases, favouring business interests at the expense of increasingly discontented workers. China's labour ministry recently urged 'steady and cautious control' over minimum wages and proposed a formula change that would slow wage increases. Meanwhile, in March, Guangdong province, one of China's main manufacturing hubs, announced a two-year freeze on minimum wages.

(Sources: [Caijing](#), [Caixin](#), [Daily Mail](#), [Wall Street Journal](#), [Zhongguo Xinwen Wang](#))



PC: WSFF.COM

Mass Layoffs Announced in the Coal and Steel Industries

According to Minister for Human Resources and Social Security Yin Weimin, China expects to lay off 1.8 million workers in the coal and steel industries to curb industrial overcapacity and pollution. Other sources say that there could be as many as five or six million laid-off workers. China will spend nearly 150 billion yuan to deal with the social and economic consequences of the restructuring of the coal and steel sectors in the next two to three years, but the overall figure is likely to rise as closures spread to other industries. Even more funding will be required to handle the debt left behind by 'zombie' state firms, the closure of which has been identified as one of the government's priorities this year. China aims to cut capacity gluts in as many as seven sectors, including cement, glassmaking, and shipbuilding. This is China's most significant industrial retrenchment since the restructuring of state-owned enterprises in the late nineties.

(Sources: [Quartz](#), [Reuters](#), [Sina](#))

(Left) Lou Jiwei, China's Minister of Finance. (Right) Yin Weimin, Minister for Human Resources and Social Security.



PC: TIANYIBAO WANG



CHINA COLUMNS

地人共銀匯山對
銀氏銀地銀海同銀會銀銀公司

1

Labour Protests in the State Sector: Back to the Nineties?

Kevin Lin

Recent protests by state workers are once again raising concerns about an increase in labour unrest in the state sector in China. The current surge is reminiscent in many ways of the tumultuous protests that took place at the turn of the century, when the Chinese authorities carried out a drastic restructuring of the economy. The similarity is striking, and the eerily familiar images of protesting state workers only add to the sense of déjà vu. But is history really repeating itself?

2

Revisiting Chinese Labour NGOs: Some Grounds for Hope?

Ivan Franceschini

In the past decade, scholars have put forward several scathing criticisms of Chinese labour NGOs that go well beyond the usual concerns about the lack of transparency and internal democracy. Still, many things have changed in the past few years and now the time may be ripe for a reassessment of the role of these organizations.



A miner in Jin Hua Gong Mine, Shanxi 1999
PC: P. Van Den Bossche

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In the first quarter of this year, a **week-long strike** at an ailing state-owned steel factory in Guangzhou, a **street protest** by miners in Heilongjiang denouncing the governor for a misleading remark about their wages, and a symbolically powerful convergence of coal miners in the once revolutionary area of Anyuan in Jiangxi, have raised concerns that a new wave of state-sector protests is likely to take place.

It has been more than a decade since the last major wave of protests by state workers subsided. Between 1997 and 2003, the state-sector shut down and privatised a large number of state factories, leaving 25-40 million workers temporarily or permanently **unemployed**, decimating entire working-class communities and prompting tens of thousands of workers to take to the street.

However, right around the time when

China's rural migrant workers in the export-oriented manufacturing sector started to grow restless and more organized in the early 2000s, **state-sector industrial workers' resistance** to the marketization of state-owned enterprises (SOEs) suffered a historical defeat. This was due to a combination of outright suppression, selective compensation, and the gradual winding down of the marketization process.

The current upsurge in many ways evokes memories of the tumultuous wave of protests in the state-sector at the turn of the century. The similarity is striking: in the face of falling profitability and a bloated labour force, state workers once again demanded to be paid their proper wages or an adequate severance in the case of layoff. The eerily familiar images of protesting state industrial workers only add to the sense of déjà vu. But is history really repeating itself?

In many respects, the state-sector today has been deeply **transformed**. Decades of reform have converted China's command economy into a modest but strategically significant state-sector. The very process that led to the shutting down and sale of factories also brought about a radical restructuring of labour relations and the production process, creating the conditions for a decade of rapid recovery and expansion. This, in turn, has remade SOEs into some of the largest conglomerates in their respective industries, ensuring a decade of relative industrial peace.

After the Global Financial Crisis

However, early signs of stress appeared soon after the global financial crisis. For a few years, the decline in the growth rate of state-sector profits was non-threatening. Still, **an ideological battle** was fought around the idea that further reforms were necessary and desirable. International fi-

nancial institutions, mainstream economists, and foreign chambers of commerce, amplified by the media, harshly criticised the inefficiency and corruption of the SOEs and repeatedly advocated for the withdrawal of state subsidies and a further downsizing of the state-sector. For a period in late 2015, state-sector reforms seemed to be **back on the agenda**. However, to the disappointment of critics, the aim of the reforms was to **strengthen** the state-sector rather than further privatization.

Recently, China's economic predicament has begun to precipitate a widely anticipated crisis of **industrial overcapacity**. Profit margins in the steel industry are surprisingly low, and workers' wages and conditions are very poor at what has been described as **zombie economy**. Steel factories and coal mines are reported to have not been paying wages for months and many workers have already been laid off. When I visited a steel plant in the southern city of Kunming in 2012, I found a factory that was barely surviving on a meagre profit and where workers worked long shifts and earned just above the minimum wage.



Miners at Lao Ye Temple Mine, Datong, Shanxi
PC: P. Van Den Bossche

In the last couple of years, there have already been several cases of state-sector **protests**. But it is only now that we are seeing the full extent of the industrial overcapacity and declining profitability in the steel and coal sectors, and the toll that these conditions are taking on the workers. It is, therefore, no wonder that workers are taking collective action. Yet, is this likely to become a repeat of the wave of protests of the late nineties?

In terms of the scale of the layoffs, whereas in the late nineties the Chinese authorities targeted SOEs across the board, the current layoffs seem to affect mostly two sectors: **steel factories and coal mines**. There is no evidence that the government is interested in an overhaul of the entire state-sector like it did two decades ago. The **projected layoffs** range from 1.8 million workers (about ten percent of the steel workforce and twenty percent of the coal miners) to 5-6 million, which are in themselves devastating figures but still pale in comparison to the 25-40 million workers who lost their jobs during the previous wave of reforms. In fact, today, the entire state-sector—excluding public services such as schools and hospitals—employs less than 40 million workers.

Another Social Volcano in the Making?

In any event, 1.8 million workers will still be a considerable source of social instability. Moreover, by its very nature the state-sector protests pose a more direct challenge to the state than the private sector. To deal with this threat, the party-state seems to have learned its lessons from the past. It has pre-emptively allocated 100 billion RMB (about 15 billion US dollars) to resettle and help laid-off workers find alternative employment. Yet, although these funds have already been earmarked to compensate laid-off

workers, if the recent protests are any indication, managerial irresponsibility and recklessness are a more likely scenario than peaceful settlement. Conflicts at the factory level may still be unavoidable.

Will the layoffs spread to other sectors as a consequence of the deepening economic crisis? This cannot be ruled out. The steel and coal sectors are not the only industries with overcapacity, and there is a chance that the Chinese economy may sharply contract. But thanks to state subsidies, access to state-bank credits, and industrial protection, China's SOEs today are much **better equipped** than two decades ago to absorb shocks and losses. Furthermore, the Chinese state is likely to use the fiscal resources to support the state-sector and to contain the layoffs to only the designated sectors.

But the protests of state workers are also happening at a particularly fraught time, when tens of thousands of migrant workers in the export-sector have been **mobilising**, a factor that was much less significant in the late nineties. This surely has the potential to render the situation more explosive. However, the location of the state-sector protests may not significantly overlap with that of the struggles in the export-sector. While a recent strike of steel workers did take place in Guangzhou, coal mines and large steel plants tend to be concentrated in inland, northern and north-eastern China instead of the southern coastal regions, a **rustbelt/sunbelt** distinction that has remained unchanged for the last two decades.

Perhaps one of the biggest uncertainties is the disposition of SOE workers. Who are they? How do they differ from the Maoist state-workers? Are they more likely to protest? Over the last two decades, the generations who had any memory of and sentimental attachment to Maoism and who witnessed the wave of layoffs in the nineties have been largely replaced by a younger labour force. As a result of this generational break, state

workers may no longer use the Maoist discourse, which was a pivotal part of the protest repertoire for state workers in the earlier waves of unrest.

But state workers today are confronting their own challenges. Two decades of labour intensification, lengthening working hours, and a rising salary gap between workers and management has bred resentment and deep dissatisfaction. As a consequence of the labour reforms, blue-collar state workers may begin to identify themselves with colleagues in the private-sector than their predecessors. Perhaps this will become a basis for state-workers to begin connecting with their counterparts in non-state sectors, thereby developing a class-consciousness and bridging the **labour divide** between state and private sector.

New Challenges, but also Opportunities

Whether history will repeat itself remains unpredictable. The actions of the Chinese government both at the national and provincial levels will play a fundamental role in shaping the response of the workers. Recent developments such as the attempts to freeze minimum wages and roll back social insurance at the discretion of the provinces and municipalities, as well as the possibility of a watering down of the ‘overly protective’ Labour Contract Law, will most likely accentuate the damaging effects of the restructuring on workers and possibly ignite more and angrier protests.

For the reasons discussed, this time we are likely to see dynamics at play that are very different from those that characterised the last wave of labour unrest. This should be seen as a positive development. For all of the courage and determination of the state workers involved in these earlier rebellions, it is important to recognise the limitations of these mobil-

isations. It is undeniable that this will be another difficult time for China’s state workers, but the new challenges are also infused with opportunities for the development of a stronger and unified labour movement.

Kevin Lin

Kevin Lin researches labour politics and civil society in China. His writings are focused on the labour and employment relations in the state-sector, and the development of China’s emergent labor movement and its intersection with a nascent civil society.

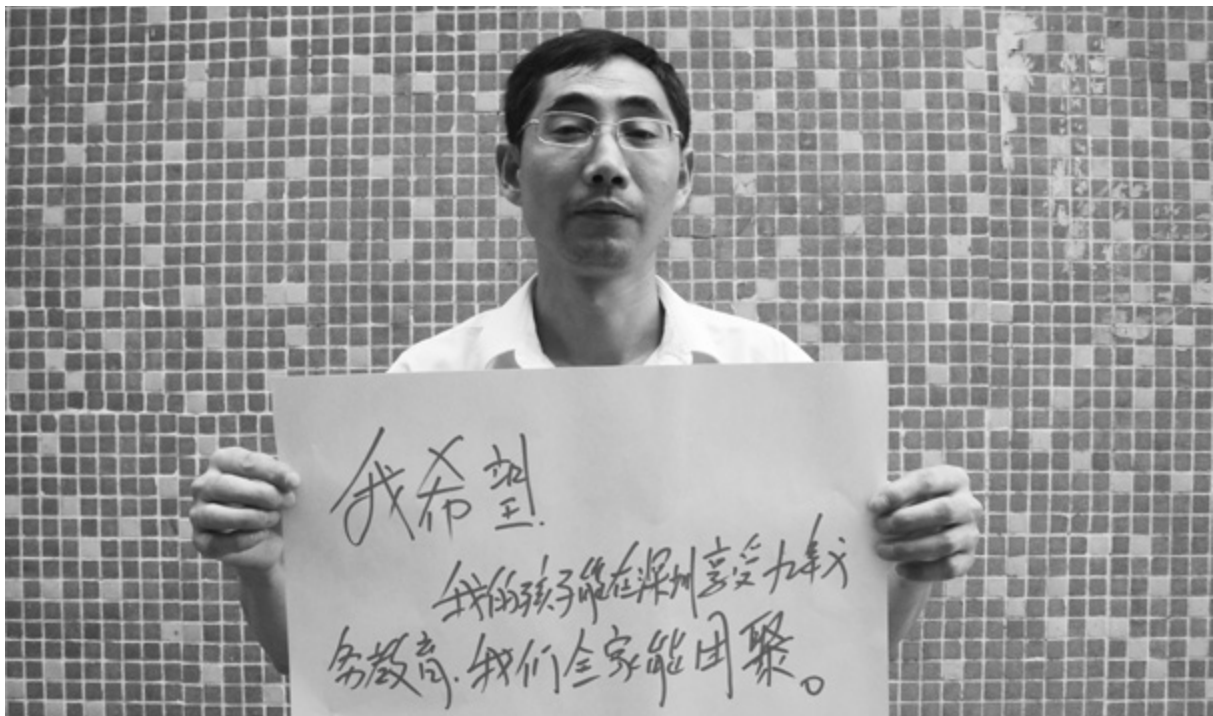
Revisiting Chinese Labour NGOs: Some Grounds for Hope?

Ivan Franceschini

In the past decade, scholars have put forward several scathing criticisms of Chinese labour NGOs that go well beyond the usual concerns about the lack of transparency and internal democracy. Still, many things have changed in the past few years and now the time may be ripe for a reassessment of the role of these organizations.

In the past decade scholars have put forward several scathing criticisms of Chinese labour NGOs that go well beyond the usual concerns about the lack of transparency and internal democracy. Some have criticised them for being nothing less than ‘**anti-solidarity machines**’ that, by putting too much emphasis on an individualistic view of rights, hinder the development of a labour movement among Chinese migrant workers; others have noted how these organisations are also **working for the benefit of the party-state**, which they assist by minimizing social conflict and orienting reforms in a way acceptable to the authorities. In a **previous article**, I myself joined the ranks of the critics, highlighting how Chinese labour NGOs suffer from a substantial lack of ‘social capital’, due not only to their strained relations with the party-state, but also to the considerable difficulties they face in gaining workers’ trust. Although these criticisms could be deemed ungenerous given the difficulties that these NGOs face under the constraints of the Chinese political system, they were grounded in years of observation and participation in the daily operations of these organizations. Still, the

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Wu Guijun, a worker and NGO volunteer, was detained for over a year in 2013. PC: HKCTU



time may be ripe for a reassessment of Chinese labour NGOs.

Less Incorporation and More Repression

Since their appearance in China in the mid-nineties, in spite of their minimal size and lack of coordination, labour NGOs have always had to face the suspicions of the party-state. Already in 2009, an **internal document** by the Guangdong Politics and Law Committee of the Communist Party categorized labour NGOs as civic agents who intensify labour conflicts, carry out covert investigations of factories, and receive funding from overseas entities to intervene in the ‘contradictions among the people’ (*renmin neibu maodun*), endangering social stability, the security of the state, and even the international image of the country. More recently, in February 2015, Li Yufu, Vice-President of the official union, **stigmatised labour NGOs** for their connections with foreign donors. Noting that ‘the trends in the field of industrial relations are complex and intricate, and labour contradictions have already entered a phase of intensification and multiplication,’ he denounced that ‘the interferences by hostile foreign forces are getting stronger, in the futile attempt to use industrial relations to break through.’ According to Li, these forces ‘resort to some illegal “*weiquan*” labour organisations and individuals to vie with the unions for workers, and so doing they break the solidarity of the working class and the unity of the unions.’

As Jude Howell has noted, what we have witnessed in recent years is a paradoxical development in which the party-state has pursued the **‘incorporation’ of some NGOs** for welfaristic purposes, while simultaneously repressing others. If the attempts at incorporating Chinese labour NGOs seem to have been a feature more of the latest years of the Hu and

Wen administration than of the current leadership, repression has indeed intensified, reaching a climax in last December. In the past few years, Chinese labour NGOs have been increasingly exposed to a wide array of threats and intimidations by the state security apparatus. This repression has taken many forms. Besides the usually non-confrontational praxis of inviting labour activists to ‘have a cup of tea’ (*he cha*), public and state security officers have often put pressure on landlords to repeatedly evict NGOs from their premises and have not refrained from liaising with other branches of the state (family planning offices, tax offices, social security offices, schools, etc.) to harass not only the activists, but also their families. In the worst cases, this repression took the semblance of an authentic police persecution. It happened in 2013 to Wu Guijun, a worker and NGO volunteer who was detained for over a year for joining a strike against the relocation of the company he worked in, and it is happening today to Zeng Feiyang, Meng Han, Zhu Xiaomei and He Xiaobo, the four labour activists formally arrested in early January (Zhu was later released on bail).

Worth noting is that, while this repression has led some labour NGOs to shut down, many others have simply changed name and revised their strategies. A closer look reveals that, in comparison to 2012, today in China there are more labour NGOs, but they are smaller in size. Even more important is the fact that the new organisations that have emerged in the past couple of years were mostly founded by activists of NGOs that had fallen victim to state repression. Although they now work independently from each other, these activists maintain friendly relations with their former colleagues, a development that in the long run is likely to foster solidarity and trust among organisations, laying the foundation for a tighter and more effective network that may even be able to exert some influence at a policy level. From this point of view,

there are signs that indicate that atomisation not necessarily is a signal of impending annihilation.

Labour NGOs and Migrant Workers' Struggles

Another significant development concerns the way labour NGOs deal with migrant workers' struggles. While until a few years ago, labour NGOs steered clear of collective disputes and politically sensitive cases—a modus operandi which attracted much criticism from the international academic community—recently some organisations have displayed a remarkable willingness to engage with labour strikes and protests, effectively promoting collective bargaining (*jiti tanpan*) as a tool to solve labour disputes. This can be seen not only in many ordinary disputes related to unpaid employers' social insurance contributions, severance pay, overtime, and housing contribution schemes, but also in various high-profile cases that involved several hundreds if not thousands of workers, such as the Yue Yuan strike in Dongguan in 2014 and the struggle of the Lide employees in Guangzhou in 2014 and 2015. That such events remain politically sensitive is proven by the severity of the consequences for the activists involved. In 2014 an NGO worker involved in the Yue Yuan strike was detained for a month after trying to convince the workers to elect their representatives to bargain collectively with the management, and today Zeng Feiyang and his colleagues are paying dearly for their involvement in the Lide campaign, which is being played up by the **Chinese state media** as a case in which greedy activists neglected the interests of the workers in order to achieve money and fame.

Duan Yi, a prominent labour lawyer based in Shenzhen, recently argued that **labour NGOs are transitioning** from 'service-oriented organisations' (*fuwuxing*) and 'rights protection-oriented organi-

sations' (*weiquanxing*) to 'labour movement organisations' (*gongyunxing*). Yet, such a conclusion may be premature and even dangerous. It is premature because most labour NGOs still focus on providing services to migrant workers and, at most, deal with individual disputes of very limited social and political impact, such as cases related to occupational health and safety. It is dangerous because the term 'labour movement' evokes spectres of worker upheaval, which have been haunting the Chinese leadership since the early eighties. According to my latest interviews, very few labour activists identify their organisations with the 'labour movement' label. As an NGO leader in Shenzhen told me:

Some scholars say that we are 'labour movement organisations'. I don't agree completely. I think that it would be more appropriate to define us as 'comprehensive organisations' (*zonghexing*). Why? Because our organisation carries out service work, rights-protection work, and even some work with strikes simultaneously... Sure, you can also talk about labour movement, the expression is not bad, but in my opinion it is not complete, it doesn't cover all facets. Moreover, this expression easily catches the attention of the government. If you talk about labour movement, the Party, who started to establish itself exactly through the labour movement... gets alarmed. Why? Because this is the way in which they came to power. For this reason, I prefer to use the term 'comprehensive' to define us and the other labour NGOs that engage with collective bargaining.

[Interview, September 2015]

Lexical quibbles aside, it is undeniable that in recent years some labour NGOs have started to experiment with new strategies to engage more closely with migrant workers and have proved themselves willing to face the wrath of the authorities in order to push the boundaries

of the political discourse and praxis. Although these organisations are still far from being ‘independent trade unions’, they are becoming more responsive to the real needs of migrant workers. In this respect, it is significant that the input for this push toward collective disputes and collective bargaining has come not only from foreign donors (which nevertheless played a fundamental role in this shift), but also from the workers themselves. In this regard, the experience of a Southern labour NGO established in 2012 with the aim of carrying out cultural and recreational activities for female migrant workers is particularly interesting. As one of the leaders, herself an injured migrant worker, told me:

At the end of 2012, many controversies between labour and capital arose in the factories around us and these female workers came to our centre to ask for information... During the winter, we organised a meeting during which we asked them to vote on what kind of activities best fit their interests. They chose trainings in law, collective bargaining and communication techniques. Their choices were completely different from what we expected! On this basis, since the end of 2012, we have rearranged our work, starting to deal with the rights of female workers and with collective bargaining. [Interview, April 2015]

Some Grounds for Hope?

In all likelihood, it was the very fact that labour NGOs were increasingly willing to deal with collective disputes, engage more closely with the workers, and promote a confrontational model of collective bargaining very different from the official narrative of ‘collective negotiation’ (*jiti xieshang*), that triggered the latest, unprecedented, crackdown against them. Organised groups that didn’t work

as ‘anti-solidarity machines’, but actually promoted worker solidarity were highly menacing to the party-state and the official union, especially in light of the current slowdown of the Chinese economy. For this reason, Zeng Feiyang and his colleagues, who were at the forefront of this new trend, were made into a public example for all labour activists in China and abroad. Still, although the situation in China today is very grim, even in this bleak hour there may still be good reason to look at the future of Chinese labour NGOs with some optimism. As described above, even in a context of further atomisation of these organisations, activists from NGOs targeted by state repression are breaking off to establish their own groups, a development that in the future may foster the emergence of a stronger solidarity network. Moreover, some activists are also adopting ‘guerrilla’ tactics, working on an individual basis and bringing aid in areas where no labour NGO is present. In other words, the recent repression may have caused a temporary setback for labour NGOs, but in spite of all difficulties, activists are already finding new ways to adapt to the shifting circumstances. It remains to be seen how far the party-state is willing to go to fight this wave and whether the migrant workers will remain silent or will finally start to speak up for those who have been risking everything to fight for their rights.

Ivan Franceschini

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A WINDOW ON ASIA

The Trans-Pacific Partnership: A Progressive Deal for Workers?

Valentina Bellomo

Following years of secretive negotiations, at the end of 2015 an agreement on the contents of the Trans-Pacific Partnership was finally reached. The Pact includes specific provisions to ensure that the signatory countries uphold basic labour rights. But do the progressive provisions actually provide workers with tools to claim better wages and labour conditions?

2010, A summit with leaders of the (then) negotiating states of the Trans-Pacific Strategic Economic Partnership Agreement (TPP). PC: Gobierno de Chile, Wikipedia.



Following years of secretive negotiations and contentious protests by civil society opponents, at the end of 2015 an agreement on the contents of the Trans-Pacific Partnership (TPP) was finally reached, with the long-awaited text released a few days later. Initially seen as the expansion of a previous deal signed in 2006 by four countries—the Trans-Pacific Strategic Economic Agreement between Brunei, Chile, New Zealand and Singapore—the TPP has expanded to a group of twelve signatories that range from the biggest economies in the Pacific area (United States, Australia, and New Zealand) to key Asian economies (Japan and Singapore), not to mention some newly emerging countries that were not involved in previous agreements (Malaysia and Vietnam). If ratified, the pact will create the largest free trade zone in the world, representing about 37.5% of the **global industrial output**.

Besides the economic and geo-strategic implications of the agreement, the long negotiation process has been characterised by a public relations campaign centred on the ‘progressive’ nature of the Partnership and the positive effect that it will likely have on the lives of 800 million people. According to this view, the TPP is rewriting the rules of global trade from a socially progressive and worker-friendly angle. In pursuing the double mission of protecting existing jobs and creating new employment opportunities, the TPP has included specific provisions to ensure the signatory countries uphold basic rights and principles on wage levels and labour conditions. But is it possible to look at the TPP as the cumulated result of expanded social and labour provisions in free trade pacts over the last decade? Do the progressive provisions provide benefits for workers and tools with which they can demand better wages and conditions? How do unions in both developed and emerging signatory countries see the TPP?

Progressive Labour Provisions?

The birth of an official discourse that connects trade and labour can be dated back to 1998, when the International Labour Organization (ILO) issued the Declaration on Fundamental Principles and Rights at Work. This document highlighted a nucleus of core labour rights and bound all ILO member states to uphold them when engaged in bilateral or multilateral economic cooperation. Since then, a growing number of trade agreements—including the North-America Free Trade Agreement (NAFTA), the US-Dominican Republic-Central America Free Trade Agreement (US-CAFTA), and the previous version of the TPP—have incorporated labour-related provisions, often referring directly to the ILO Declaration. Still, in spite of this nexus between trade and labour, there remain several doubts about the effectiveness of free trade agreements as instruments to



Workers in a Chinese factory in Wuxi.
PC: Robert Scoble.

promote social reforms and ensure the respect of minimum labour standards.

In this sense, the TPP does not really represent a step further. Almost two decades after the ILO Declaration, the new partnership still refers to a series of very general principles and rights included in such a document (e.g. the freedom of association, the right to collective bargaining, the prohibition of child labour, the abolition of any sort of workplace discrimination), ignoring the huge progress that the ILO has made in the meantime in terms of Conventions, guidelines, and other documents that have considerably expanded the notion of international labour standards as legal instruments. Furthermore, the reference to the 1998 Declaration is even more incongruous if we consider that four signatory countries never ratified the ILO Convention 87 on freedom of association, for example.

As the International Trade Union Confederation (ITUC) has recently pointed out in a **poignant critical document**, due to several conceptual and linguistic weaknesses, the TPP still provides a notion of ‘acceptable labour conditions’ that neither expands previous definitions, nor is based, for example, on the strict enforcement of the national legislation of each country, blurring the boundary between rights, principles and laws. Although the labour chapter is complemented by three bilateral agreements (the so-called ‘Labour Consistency Plans’) between United States and Vietnam, Malaysia and Brunei—the three countries required to adopt the most substantial reforms—great uncertainty remains about the effectiveness of such provisions.

First, there is scepticism over the feasibility of pressuring governments to adopt major labour reforms in short timeframes. From this point of view, the **recent upgrade** of Malaysia in the annual human trafficking ranking published by the US State Department appeared more as a preventive measure aimed at finalising the TPP, rather than as a reflection of

actual improvement. Similarly, when the text of the TPP was finally released, many advocates of the labour-trade nexus were disappointed by the language adopted in some labour-related clauses, for instance in the general commitment to simply ‘discourage’ the importation of goods produced by forced labour.

Second, the system for dispute settlement is equally unsatisfactory. Unlike general commercial disputes—which can be reported to international bodies such as the WTO—the reiterated absence of labour provisions referring to specific ILO conventions means that violations will not be reported to ILO supervisory bodies, leaving the signatory governments full discretionary powers to file against each other for violating the TPP labour contents and then to resolve the matter through an internal consultation and, if necessary, arbitration panel. This mechanism therefore continues to exclude third parties, such as individuals, trade unions, and NGOs from reporting cases of non-compliance with the labour provisions included in the TPP.

Besides the impossibility to directly address corporate misconducts, the TPP does not prescribe an automatic suspension of the trade benefits in the event of verified violations, allowing the parties found guilty to pay monetary compensations instead. It is highly unlikely that such penalties will hold any dissuasive power against this kind of misconduct.

All these elements coincide to curtail the efficacy of the TPP’s labour provisions, which do not depart significantly from those incorporated in the thirteen free trade agreements concluded between the US and other countries since 1993. Even when considering the three over-emphasised labour consistency plans, it is impossible to overlook the well-documented cases of other TPP signatories—Peru, Colombia, and Mexico—that were involved in previous trade agreements and failed to comply with the labour provisions without ever incurring in any

serious sanctions. The historical record does not evoke feelings of optimism.

Responses from the Unions

The unions in the countries involved in the TPP have not remained silent. The American Federation of Labour and Congress of Industrial Organizations (AFL-CIO) has focused **its criticism** on the Investor-State Dispute Settlement (ISDS) mechanism, probably the most serious hindrance to the improvement of labour standards within the scope of the TPP. The ISDS, in fact, would eventually allow foreign corporations to sue host-countries whenever they feel that new laws, regulations or judicial rulings compromise their economic advantage. General improvements in labour conditions, as increases in minimum wages, are very likely to fall into this category.

Similar concerns were raised not only by global unions like ITUC, but also by several national and sub-national unions. For instance, in Canada, UNIFOR, the largest private-sector union, repeatedly highlighted the **tremendous impact** in terms of job losses in the auto industry that the deal is likely to produce when imports from Japan will grow as an effect of tariff annulments, while unions in the public-sector pointed out the **possible consequences** of the TPP in fast-tracking privatisation in a country well known for its universal, publicly-funded social programs.

A much more interesting picture emerges when looking at the types of dissent expressed by the most vulnerable partners. In Vietnam, generally presented as the **'big winner'** of the TPP, a group of independent labour leaders sent a **letter to the US Congress** in which they stressed the importance of putting the TPP on hold until all the labour-related conditions have been met. In Malaysia, instead, there is a clear fracture between

labour representatives supporting the TPP. On the one hand, the Congress of Unions of Employees in the Public and Civil Services (CUEPACS) has expressed **deep concern** only for the clause that allows foreigners to hold posts in Malaysian unions, whereas the grassroots coalition formed by Malaysian NGOs and student unions has staged **sit-ins and protests** against the agreement.

For those concerned with labour rights globally, it is necessary to question any claim of the TPP's transformative power, especially in countries with existing serious labour violations. Even worse, the possibility that vague and unenforceable labour provisions could actually obstruct or even delay the adoption and the enforcement of internationally recognized labour rights in domestic legislations cannot be discounted as a purely incidental risk anymore, but must be seen as a real threat for labour movements worldwide.

Valentina Bellomo

Valentina Bellomo is a PhD from Ca'Foscari University of Venice. Her research focuses on the institutional and labour innovations occurring within Chinese industrial districts. In 2011, she took an internship at the ILO Beijing Office. Between 2013 and 2014, she was a visiting student at Beijing University, where she investigated the link between localized labour practices and regional development trends.



A Civil Society under Assault: A Debate among International Activists

Ellen David Friedman
Kevin Slaten
May Wong



Ellen David Friedman

Ellen has been active in the Chinese labour movement for the last ten years, teaching labour studies and helping to found the International Center for Joint labour Research at Sun Yat-sen University in Guangzhou (closed by authorities in October 2014). Prior to this, she spent thirty years as a union organiser for public sector workers in the US, and contributed to the 'left pole' of the US labour movement, primarily through the **Labour Notes** project.



Kevin Slaten

Kevin has been researching Chinese labour rights, politics, and civil society since 2008. Until recently, Kevin was the Program Coordinator at **China Labour Watch**. He was previously a Fulbright teacher in Taiwan and a junior fellow at the Carnegie Endowment for International Peace.



May Wong

May was at the China Desk for the Asia Monitor Resource Centre (AMRC) for nine years. In this role, she was one of the key people to develop an informal network of labour NGOs in Mainland China in the late nineties. In 2006, she started to work with **Globalization Monitor**, focusing on extensive supply chain research and action and using brands and Corporate Social Responsibility as leverage to support labour rights.

A Civil Society Under Assault

A Debate among International Activists

Ellen David Friedman, Kevin Slaten, May Wong

*In May 2015, the National People's Congress released the **complete text** of a draft 'Overseas NGO Management Law'. According to the draft rules, the main responsibility of supervising foreign NGOs in China should shift from the Ministry of Civil Affairs to the Ministry of Public Security, a step that would make carrying out projects in the country even more difficult than it currently is. At that time, analysts highlighted **several critical issues** of the Law, such as: a vague definition of 'NGO'; an excessive administrative burden within a supervision system that includes not only an official sponsor authorised by the State Council, but also the local branches of the Ministry of Public Security; bureaucratic obstacles to any kind of temporary activity by foreign NGOs in China, even in emergency situations; the ban on establishing branches in other provinces or localities; the insertion of clauses that allow public security organs to enter the foreign NGO's premises anytime to conduct on-site inspections, question the organization's employees, and remove documents and other materials; and the provision of serious penalties for Chinese citizens and organizations that receive funding from unregistered foreign NGOs.*

*Although the Law has not been approved yet—a delay in which **some observers** find some reason for optimism—if enacted in its current form the new legislation will deal a hard blow not only to foreign NGOs in China, but also to those Chinese organisations that work in sensitive fields*

that today are almost entirely reliant on foreign funding. Labour NGOs are likely to suffer the most from the new rules. As has already been noted in the Briefs and in Ivan Franceschini's column, these organisations are already being targeted by an unrelenting wave of repression, culminating in December last year with the round up of two dozen activists and the prosecution of four of them, among whom is veteran activist Zeng Feiyang.

To make sense of the current situation and to put it in the general context of a history of periodic crackdowns against labour NGOs, we have decided to pose some questions to three international activists with extensive experience in the field: Ellen David Friedman, Kevin Slaten, and May Wong.

In your opinion, will the Foreign NGOs Management Law have a significant impact on Chinese labour NGOs?

Ellen David Friedman: Of course, it already has, and it is not even a law yet. In China, the law is often ‘advisory’. A law may not be enforced, or be enforced in wildly varying ways, and is coercive as an unpredictable and threatening presence. NGO activists will tell you that the state can—and already does—manage the presence of foreign NGOs in innumerable ways. For example, a couple of years ago, NGOs and other non-commercial ‘units’ were ordered to report on all foreign-sourced funds. Of course this was understood not merely as a neutral inquiry, but a signal. One way to understand this law

is as a sign of intent; a downward notch by the state in tolerating foreign ‘interference’. But actually, in my view, it is not really directed at foreigners but at Chinese citizens. It’s relatively easy for the government to shut the door on foreigners, but the problem remains—workers live miserable lives, lack security or dignity or a future, have no way to make things better, and so will continue to organise, strike, and force employers and the government to negotiate with them. This is not provoked by foreign influence, not funded by foreign foundations, but by a dynamic inherent in the political-economic system. So, yes, if the law passes we can expect further pressure on Chinese labour NGOs and their relationships with foreign funders, but we don’t have to



Eighty-six-year-old Jia Huizhen from Tianjin, China, holds a sign that says: “Release Feminist Sisters Now!” (Photo from ‘Free Chinese Feminists’ Facebook page)

wait for the law to see the government is already increasing repression.

Kevin Slaten: Some of the labour activists and labour NGOs who have been most willing to walk the line of what is considered acceptable conduct under the Communist regime have been harassed, forcibly relocated, and now arrested. The repression has ramped up particularly over the past two years. It's important to note that this has all happened before the Foreign NGO Management Law has been officially promulgated. If and when that time comes, it is difficult to imagine what actual new restrictions these regulations would create for labour NGOs. Most NGOs have been operating registered as businesses or unregistered altogether for years. So the authorities have long had the grounds to go after NGOs under the pretence of them operating outside of their organisational purview. Authorities have also carried out repression in the name of 'national security' and 'disturbing public order', which can be used by the government practically at will and without restraint. In this sense, the most significant part of the NGO Management Law for labour NGOs may not be the rules themselves but rather that the Law signals an intention by the government to more greatly restrict NGOs that are not under the thumb, or at least the close scrutiny, of the Party.

May Wong: As a Hong Kong labour activist and being treated as a foreign NGO, yes, I think that the law will have a significant impact on Chinese labour organisations because it puts lots of restrictions on the cooperation between foreign and local NGOs. This obviously aims at stopping local Chinese labour groups getting overseas funds and making close contacts with foreign NGOs. For example, foreign NGOs, which fund mainland individuals or labour NGOs activities or recruit local Chinese staff and volunteers, will need to apply for and get an approval from the

authorities. This means that in the future Chinese labour NGOs, which get foreign funds to support workers' rights in China, will take greater risks. Labour activists could face long-term detention or imprisonment; in the worst case, they may be accused of being involved in activities that 'endanger China's national security' or 'harm China's national interests'. The law says that foreign NGOs must work with Chinese registered NGOs. However, most Chinese labour NGOs could not get official recognition as NGOs and thus by law they cannot get foreign funds and work with foreign NGOs. Since it is highly impossible to get domestic funds to support labour rights in China, in the end the law will help to end Chinese labour NGOs.

What is your take on the latest wave of repression of labour NGOs? Why do you think it has taken place now? Is it an 'unprecedented' move by the Chinese authorities or part of a long-term trend?

EDF: I began working with labour NGOs in China around 2003, and believe I have observed three waves of repression since that time. Each has had some similar features. For example, whenever there is a crackdown, the offices of the NGOs will be visited by various local officials—from the water department, tax department, fire safety officers—and harassed about petty code violations. Often the landlord will abruptly cancel the lease, sometimes illegally, and evict the NGO. It is also very common over these years for government officials to 'drink tea' with NGO staff or activists—to try and learn about their activities and deliver relatively polite warnings. But there have also been much more aggressive interventions by the government, often targeted at foreign funders, which impact on labour NGOs or university programs. In 2010, for example, Oxfam was bluntly forced to close programs at universities designed to expose students to public service experience. And sometimes the repression

is violent—such as the knife attack that nearly killed labour NGO activist Huang Qingnan in 2007—which may have been initiated by bosses, but was done with little fear of state reprisal. So, no, I do not see this wave as unprecedented; far from it. At the same time, the repression is becoming deeper, broader, and more structured—the arrests of human rights lawyers, of the Feminist Five, and now of the Guangzhou labour activists, plus the targeting of foreign funders and other kinds of foreign influence—this appears to be a new stage.

KS: The tightening of space for labour NGOs seems to be at the intersection of at least two larger trajectories. One is the broad closing of space for civil society, especially those organisations and individuals who partake in activities that could be construed as challenging Communist Party authority—which includes the ACFTU—either through framing or organisational capacity. 2015 witnessed broad harassment and arrests of feminists, lawyers, Christians, and other activists; the creation of new laws that further strengthen the government’s basis for repressing voices in civil society, including laws around security, the Internet, and NGO management; and a clear intention of the Communist Party to reinstate its authority at every level of society. The other trajectory is the slowing of the economy. This is driven by overcapacity in real estate, infrastructure, and manufacturing, a long-term impending industrial shift as lower tech sectors head out of China, and a gruelling anti-graft campaign putting a drag on local economies which depended in part on a certain level of collusion between business and government. Widespread factory closures, lay-offs, and labour disputes have ensued, threatening a foundational thread of the Party’s modern authority: a roaring economy and jobs. Some labour activists and NGOs exist at the intersection of these two trajectories. They are

generally beholden to ideals that include fairness and justice, not beholden to the Party, which offends the first concern of the Party. The target population of labour NGOs also happens to be the group—workers—which is losing the most during the economic slowdown, which offends the Party’s second concern. Given the framework above, in the long-term, either greater self-confidence on the part of Communist Party or a return of rapid economic development could lead to the re-opening of space for labour NGOs. It is an open question when either of these factors will change anytime soon.

MW: The recent wave of repression against labour NGOs is an example meant to show the determination of the authorities to stop labour groups getting foreign funding. The Chinese economy has been slowing down and the export-oriented economy has been deteriorating. There have been lots of factory shutdowns, mergers, relocations to inner China or to other countries and thus many labour disputes and strikes to demand compensation. Labour NGOs in Guangdong have been using the new provincial Regulations on Enterprise Collective Contracts (1.1.2015) to fight for the right of the workers to bargain collectively with factory bosses. The Regulations are not meant to be taken seriously, but labour activists really use them to empower the workers. The authorities fear that if they allow labour NGO to organise workers, the situation may get out of control. From this point of view, the crackdown is a way to stop the growing labour activism before the labour movement becomes stronger. Of course, this is not the first crackdown in China and, before this, the arrest of five women activists last March and the massive detention of lawyers also show that the authorities have changed their policy towards the development of civil society in China. Still, the crackdown is an ‘unprecedented’ move since China opened up its economy in the late

seventies, as it puts a halt on the growing labour activism and the overall growing civil society in mainland China.

In what way do you think the latest crackdown may change the landscape of civil society and what will it entail for the labour movement more generally?

EDF: In the last century or so, many countries adapted to the sharp inequalities of modern capitalism by establishing legal, enforceable channels for resolution of labour-capital disputes, including regulations for union elections, collective bargaining, arbitration, right to strike, and so on. Most of the progressive voices in China—labour activists, scholars, lawyers, and even a few trade union officials—yearned for that development, and were briefly optimistic around 2007–2008 that this might happen. But it did not. Now there is a dawning recognition that it will not, at least under the current government. So the inevitable result is that there will be continued extra-legal resistance by workers—strikes, sabotage, riots, mass petitions—that will encounter increased state repression. Civil society looks unlikely to develop. This means that it will be nearly impossible for workers to consolidate their knowledge, their experience of struggle, their trust of one another, in any kind of formal organisation; it won't be tolerated within the increasingly totalitarian framework. But, the direct resistance will of course continue, and I expect underground networks will inevitably continue to form—a harsh, but perhaps necessary, training ground for workers excluded from all other forms of self-determination.

KS: The crackdown may ultimately be aimed at trying to reassert the authority of the official ACFTU among workers. By 'clearing out' the major potential organisational and principled challengers, the Party has ostensibly given the ACFTU an opportunity to become the hero

for the massive proletariat created by the Communist Party over the past two decades of neoliberal economic growth. To truly gain legitimacy among workers, the ACFTU would need to attain a much greater level of autonomy from the Party and representativeness for workers. But an autonomous union (or unions) would open up the door to a massive potential challenger to the Party, given the organisational potential of the union and the economic and political marginalisation of China's working class. Professor Eli Friedman discusses this predicament for the Party in his recent book, *The Insurgency Trap*. It's worth mentioning that if the Communist Party ever arrived at a point where it was comfortable enough to allow the ACFTU to become more autonomous as a true organisation of Chinese workers, then the resulting political environment would also probably leave space for independent labour activists and NGOs.

MW: In the future, Chinese labour NGOs will face a tougher environment, but I am optimistic that these groups will be able to adapt. Even in the recent crackdown, it is possible to discern some positive signs. For example, despite all the dirty tricks played by the authorities, we see that the key detained activists still refuse to accept the false accusations levied against them. This is a good sign for the sustainability of the Chinese labour movement, as it shows that these people have a remarkable commitment to their mission, which is a fundamental to change the landscape of civil society in China. The authorities are well aware that labour activism in China is growing. For example, Meng Han, one of the activists recently detained, was a worker representative in a labour dispute between security guards and a Guangzhou hospital, and had already been imprisoned for nine months in 2013. Roughly at the same time, Wu Guijun, a worker representative in a factory dispute in Shenzhen, was imprisoned for

more than one year just because he took part in a strike. Instead of keeping silent after their release, both workers joined labour NGOs and continued to defend worker rights in South China. These two examples show that workers are more conscious about their class identity and more committed to organizing their fellow workers. Imprisonment does not prevent them from upholding their mission.

How do you think the labour NGOs can best adapt to the new environment?

EDF: I am not at all optimistic. Of course it is up to those in the NGOs to decide their strategies, but their choices will become starker. If foreign funding is eventually choked off, will they look for ways to get these funds surreptitiously? That is very dangerous, but what are the alternatives? There really are not any domestic sources to fund labour NGOs. And who will carry on this work when NGO activists are surveyed, threatened, arrested, and immobilised? Some NGOs will try to change, and take up projects that are less sensitive—social enterprises, classes, cultural activities—but then the goal of promoting labour rights is lost. I expect that the state will largely succeed in disrupting and terminating the growth of labour NGOs in this period. But, the underlying problems will persist, and workers will still resist. So, out of this ferocious imbalance of power, something new will emerge. We just cannot see its outlines yet.

KS: It is not an easy environment in which to operate for people and organisations hoping to truly fight for the long-term interests of China's working class. Labour NGOs have a number of options. They can bide their time by occupying themselves with less risky activities, which are limited in scope and impact. Labour groups can cooperate with local authorities to participate in activities that are in line with official interests, includ-

ing social stability and social services. Both of these paths lead to the continuation of labour's place in Chinese civil society, which is not all negative, even if it falls short of the hopes of political liberals inside and outside of China. Of course, despite the environment, labour NGOs can also choose to cross political lines, actively assist striking workers, and push for reforms through public advocacy. But they choose this road knowing that it carries a likely grave personal cost.

MW: The authorities should build up healthy labour relations by allowing space for workers and their elected representatives to resort to the various local collective consultation regulations to negotiate with bosses in order to improve wages and working conditions. They should also allow labour NGOs to support workers' rights whereas the official union remains inactive. I am optimistic that labour NGOs will find new ways to adapt to the new environment. After all, Pandora's box has been let open for a younger generation of Chinese migrant workers to develop their own ways to fight against capitalism for a better life, no matter how difficult the situation may be.

ACADEMIC WATCH

Luigi Tomba Awarded Prestigious Levenson Prize

Luigi Tomba has been awarded the prestigious Levenson Prize for his book *The Government Next Door: Neighborhood Politics in Urban China*, a study of China's urban grassroots governing practices and their implication for regime legitimacy published in 2014 by Cornell University Press. Luigi—who now serves as Associate Director at the Australian Centre on China in the World—carried out extensive research on Chinese labour, which culminated in his 2002 book *Paradoxes of Labour Reform*.

Can you briefly illustrate the main argument of The Government Next Door?

Luigi Tomba: The Government Next Door is a book about Chinese residential neighbourhoods, the numerous conflicts that take place in them, and the ways in which the Chinese government governs an increasingly 'private' society. We often think of the Chinese state as a monolithic beast that has one single ideology, a common goal, and the capacity to enforce its will. This is only partly true. Local governments often create variations of the governance structure that challenge or compete with the central ideology. Many of the discourses

generated by the government about what a good citizen is supposed to be and the overarching importance of social order turn into specific and tailored practices of government. Sometimes these practices allow a greater autonomy for the residents, at other times they require greater control, especially when the traditional control exercised by the employer is no longer available. Neighbourhoods are therefore the very place where citizens encounter these new and old rationalities of government. One of the main arguments of the book is that the government creates 'arenas of contention' where the government discourses set clear boundaries around what behaviour is allowed and what is not. Within these boundaries (symbolically overlapping the boundaries of China's 'gated' residential communities) the potential for contention can be very high, as demonstrated by the almost ubiquitous presence of conflicts between homeowners and managers, developers, and the local government. Here, action to defend a private interest is allowed and at times even expected. Yet, action against local actors rarely turns into a systemic criticism of the government.

You worked on this book for almost a decade. Where and how did you carry out your fieldwork?

LT: I started my work searching for the middle class in relatively affluent neighbourhoods in Beijing. I then rapidly realised that not all neighbourhoods are governed in the same way. If you are wealthy you are more likely to be allowed to govern yourself in your privately-managed gated community, while if you are an unemployed worker or a migrant, the state will want to govern you much more closely. So I went from Beijing to Chengdu and from there to Shenyang where I worked in more dilapidated worker communities that had been affected by the restructuring of

large public enterprises in the traditional industrial heartland of north-eastern China. Interestingly, gaining access to these communities was easier than with the middle class as workers were always more interested in talking about their ordeals.

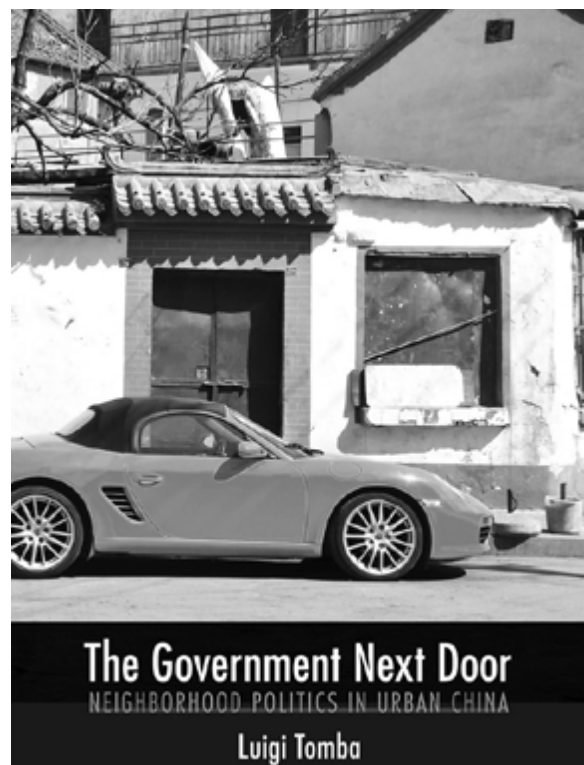
You started your academic career writing about Chinese labour reform. How does neighbourhood politics relate to labour? Does this topic represent a clean break from your previous research or is it somehow connected?

LT: I wrote my PhD on the interaction between the changes in socialist labour ideology and the changes in labour practices between the 1970s and the 1990s, when the transformation of China into a Socialist Market Economy produced some of its most significant consequences. At the time the discussion was about whether labour is a commodity or not (a difficult question for the ideologues, despite the crude reality). The connection between ideas and practices is what has always interested me, as no ideology exists in a vacuum and no legitimacy is created without consensus (whether democratic or not). Also the existence of these discourses (about value, quality, and even the nation) is central to the way in which people express and frame their expectations and ultimately their conflicts. There certainly is a connection in my methodological approach and the investigation of ideas and practices.

In your opinion, should we look at the struggles of Chinese homeowners as a signal of a rising civil society? Is the Chinese middle class likely to play a politically transformative role in China?

LT: Whatever these groups are promoting there is not enough autonomy to call them a civil society, and probably not enough awareness to call them a class.

Many have predicted the rise of China's middle class as the one thing that will put an end to authoritarianism. In the book, I argue that (while the future is impossible to predict) the story of the middle class so far suggests exactly the opposite. The new groups are either too aligned or too involved in the reform policy to desire a clear change of political regime. They will, eventually, change China but they are unlikely to change its government, at least for the time being. If anything, the role of high consuming groups can now be seen as a pillar of China's social and political stability. Everything could change if China's middle class project implodes, for example with the bursting of the housing bubble. Many urban citizens have invested in property and have almost no safety net. A nationwide crisis could therefore turn the wealthy, better educated, and proactive citizens of China into a formidable enemy for the current government although, even so, not necessarily for the system that governs China.



The Government Next Door, Luigi Tomba, Cornell University Press, 2014

MADE IN CHINA

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