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The Final Law has been passed and is available in [unofficial translation here](#), the discussion below refers only to the previous draft, much of which has been retained

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wwwwwwwww.wwww.gwww.wwww.cswwwwww.gohe Standing Committee of China's National People's Congress formally reviewed a draft Foreign NGO Management Law for the first time in December 2014. The draft was revised and reviewed a second time in April 2015 and that draft was released to the public for comment on May 5 to conclude on June 4.

Introduction to China's Draft Foreign NGO Management Law

China's proposed Foreign NGO Management Law addresses a serious gap in Chinese legislation: there has never been a law providing procedures for the registration of non-mainland organizations with activities in China that are neither government entities nor for-profit businesses.

If passed, the draft law would finally provide a path for lawful registration of this broad spectrum of overseas organizations – but that path will be neither smooth nor welcoming. The hurdles to registration are high, and, the operational restrictions for successfully registered organizations are numerous and costly.

The penalties for violations, or non-compliance, include fines, police detention and suspension of all activities in mainland China. Through a combination of onerous bureaucratic requirements and unrestricted police searches, seizures and expulsion from the mainland, the draft law would impose such a high cost on people-to-people exchanges with China that many such activities would simply halt.

For-profit enterprises operating in China that rely on services provided by the non-profit sector would lose those services. Chinese universities, research institutes, NGOs and even government agencies that have benefitted from harmonious partnerships with non-mainland non-profits for more than three decades would lose many of those partnerships, and a barrier would be erected between the citizens of China and the global community. Without the cushioning effect of people-to-people exchanges, state-to-state relations would become more susceptible to sudden shocks.

The draft's reach is extremely broad: it seeks to regulate any activities on mainland China by any organization established outside the mainland, that is a non-profit and non-governmental.

This expansive definition of "NGO" encompasses many if not most universities, academic and professional associations, fraternal organizations, hospitals, trade-promotion groups and artistic troupes.

Before engaging in any "activities" in mainland China, organizations would need to either register representative offices in China or obtain temporary activity permits. Both registration and permits would be handled by the Ministry of Public Security, China's primary police authority, or its provincial and local police agencies.

Before even applying to the police, however, an NGO would need gain the approval of a supervising government agency. Cultural NGOs would need the sponsorship of a cultural agency, educational NGOs would need an educational agency's sponsorship, and so on. This government sponsor would be responsible for reviewing and approving the NGO's work plan before it conducted any activities, as well as its post-activity financial and activity reports.

The draft law also restricts the fields in which NGOs operate, the number of foreign nationals they employ, the channels through which they hire local employees and their use of volunteers. Chinese branch offices of international associations or organizations would require special approvals.

Non-mainland NGOs would not be allowed to recruit members or raise funds in mainland China.

NGOs with registered representative offices may use funds only through a registered bank accounts for designated purposes, and those choosing to operate under temporary permits would need to channel all funds through the bank accounts of a Chinese partner.

Police powers under the draft law are extensive and unchecked by due process. The NGO would need to provide police with work plans, annual reports, audits, and financial and personnel information. Police would be authorized to enter and search the NGO's offices or activity venues at will, and to investigate banking activity.

Failure to follow all the regulations could lead to police fining the NGO and suspending its registration or permit. Conducting activities without registration or a permit could result in detention for up to ten days.

Actions deemed by police to subvert state power, destroy ethnic unity or national integrity, gather state secrets, spread rumors or harmful information, or damage the national or public interest could result in police banning the organization, detaining those responsible for up to 15 days, and pursuing criminal charges. No legal remedies are provided to NGOs who feel they have been wrongly sanctioned.

The period for comment on this draft concludes on June 4. After that date, the draft may be further revised. Most Chinese legislation is approved upon its third review, and the Standing Committee normally meets in February, April, June, August, October and December.

Comments may be submitted to the National People's Congress here:

http://www.npc.gov.cn/COBRS_LFYJNEW/user/UserIndex.jsp?ID=6690583

English guide for to commenting on laws online:

<http://chinalawtranslate.com/en/instructions-for-commenting-on-laws>

An English translation of the last draft of the law released is available at China Law Translate:

<http://chinalawtranslate.com/en/foreign-ngo-draft-2/>

Articles:

- [Will China Close Its Doors?](#), by Jerome Cohen, Ira Belkin
- [U.S. Business, Professional Groups Sign Letter Opposing Draft China NGO Law](#), Gillian Wong, WSJ
- Three part series by Elizabeth M. Lynch of China Law & Policy:
 - a. [A Slow Death? China's Draft Foreign NGO Law](#)
 - b. [The Future is Already Present? How the Draft Foreign NGO Law Could Be Applied](#)
 - c. [How Foreign NGOs & Governments Should Respond to the Draft Foreign NGO Law](#)
- [The Future of NGOs in China](#), by Isabel Hilton, Carl Minzner, Teng Biao, Zhou Dan, Nick Young, Malin Oud, Taisu Zhang
- [Considering the Foreign NGO Law from the Perspective of National Security](#), by Jia Xijin
- [Highlights of the Foreign NGO Management Law \(Second Draft\)](#), by King & Wood Mallesons
- [Draft Law on Foreign NGOs Undermines Chinese Civil Society and China's International Engagement](#), by Human Rights in China
- [China: Scrap Repressive Foreign Organizations Law](#), by Human Rights Watch
- [Chinese] [United front against the mentality of being with us or against us \[囿于敌我意识下的统战\]](#), by Debang Wang

Model Comments and Resources:

- [Draft Comments on Draft NGO Law](#), by Anthony J. Spires, original Chinese [here](#)
- [Cheat-sheet on Foreign NGO Law](#), by China Law Translate
- [Submission to the NPC Standing Committee on the draft law](#), by Human Rights Watch
- [Submission to the NPC Standing Committee on the draft law](#), by Amnesty International

- [Chinese] [PKU Human Rights Doctorates Submitted Comments](#)
- [Chinese] [Chinese Lawyers' Comments and Call to Sign Document on the Law \[征集律师签名：关于暂停制定《境外非政府组织管理法》的法律建议书\]](#) (currently being translated)
- [Civicus Submission on FNGO Law](#) [Bilingual]