The Limits of Official Tolerance: The Case of Aizhixing

By Albert Chen

In recent years the Aizhi Action Project, an NGO engaged in advocacy regarding the growing HIV/AIDS epidemic, has served as a test case for official acceptance of independent social organizations. Growing international pressure and changing domestic priorities have softened the central government’s attitude toward HIV/AIDS NGOs such as Aizhi (now known as the Beijing Aizhixing Institute of Health Education). But Albert Chen finds that official tolerance is a pragmatic and superficial adaptation rather than a serious policy shift, and Aizhi ultimately remains subject to state power.

During the reform period in the 1980s, the partial withdrawal of the state from the economy provided greater space for individual action and created demand for services no longer performed by the state. Rapid growth and a transitional environment allowed thousands of social organizations (shēhui tuánti) to proliferate with little regulation by the government. Combined with growing interaction with international norms and organizations, Chinese civil society seemed placed to evolve into either a direct competitor with the authoritarian government or the impetus for an increasingly liberalized culture with pluralistic values and interests.

However, the violent suppression in Tiananmen Square in 1989 and the subsequent reassertion of powerful state controls over society reflected the reality that in China, the state still holds dominant sway. How then can China still purport to have genuine NGOs or independent social organizations? The answer seems to lie in the state’s conception of civil society actors as entities that should support and help enact official policy. Thus, probably the most secure form of social organization is the government organized non-governmental organization (GONGO), which combines a degree of fiscal independence with administrative dependence in respect of the government bureaucracy.

All the same, the rapidly expanding number of new shēhui tuánti since the early 1990s suggests that a new examination of the place of civil society is warranted. A closer look shows that social organizations have varying degrees of autonomy from the state, and can to some extent represent and convey their interests to influence the policy-making process. An interesting consequence is that a close relationship with the state may help social organizations maximize their interests by easing access to resources and to the policy-making process while at the same time limiting state interference. In order to survive in the post-Tiananmen environment, these groups have had to be explicitly apolitical.

On the other hand, some social organizations may be able to take advantage of gaps in state capacity in order to engage in more independent action. The Beijing Aizhi Action Project is a case of a social organization that attempts to be as independent of the state as possible. As an autonomous actor, Aizhi attempts to serve as an independent critic of official inadequacy and to hold government officials accountable, thereby increasing state responsiveness to the needs of the people. Aizhi is an organization that perceives a role for itself in restricting the arbitrary power of the state, and strives to change government behaviour, attitudes and policy by disseminating information about HIV/AIDS, exposing corruption and criticizing political inaction by organizing popular movements.

Established in 1994 as one of the earliest NGOs in China to do work in the field, Aizhi under founder Dr. Wan Yanhai first focused mainly on advocacy for gays and lesbians. Initial funding came from a $10,000 grant from the Elizabeth Taylor AIDS Foundation, with ongoing support provided by private and international sources such as George Soros’s Open Society Institute, the Ford Foundation and the Canadian International Development Agency. Its core founding staff was a small group of students, activists and journalists, who while enthusiastic in their work lacked a high level of expertise, technical knowledge or training in outreach and education. Wan Yanhai secured the official sponsorship of the Department of Health at the Beijing Modern Management College through personal friendships. Wan says that although he had to give an annual report, his relationship with his sponsoring organization was “quite flexible” and that there was “not much limitation” on the work Aizhi conducted. While operating the hotline and discussion groups
for gay men in Beijing, Aizhi also began to publish an AIDS Action newsletter that was distributed across the country.

Despite Wan’s desire to be apolitical (“I’m not interested in and I don’t understand politics. All I want to do was to fight AIDS.”), Wan perceived that people were beginning to view him as a political dissident. Due to these pressures he left China in 1997 to become a visiting scholar at the Center for Feminist Research of the University of Southern California. At that time he did not anticipate returning to China, but as he continued to maintain contact and write for the newsletter, Wan began to believe that he still had a role to play and that increased international scrutiny would encourage the Chinese government to take more proactive measures in the AIDS crisis.

While maintaining a home in California, Wan began returning to China periodically in 1998 in order to expand the scope of Aizhi’s activities. Programs were extended to target sex workers and rural and migrant workers. Aizhi activists visited villages affected by the tainted blood-selling scheme in Henan Province and helped villagers set up support groups and community libraries to distribute information about HIV/AIDS. They also organized villagers to petition the Ministries of Finance and Health for financial aid and for access to health care. These petitions took the form not only of letter campaigns, but also visits to Beijing by villagers who presented lists of names and reports of the number of HIV infections and deaths, and who also gave talks at public forums. In a country little exposed to modern lobbying methods, the Aizhi Action Project organized press conferences and photo exhibitions to give a human face to people living with HIV/AIDS, and forums to develop policy recommendations for the government.

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In early 2002 events occurred that would trigger a crisis for the Aizhi Action Project. After Aizhi published the names of 170 people who had died in two villages in Henan, provincial officials went to Beijing to complain to the Ministry of Health, the Ministry of State Security and the Public Security Bureau. "They said we were a reactionary organization. Some of our staff were questioned by police," Wan said.* Officials were able to use the pretext of state secrets to crack down on Aizhi, since information about HIV infection is tightly controlled by the Chinese Ministry of Health, which is equipped with legal provisions to impose criminal penalties on those who reveal epidemiological data.

The second triggering event was the release of a United Nations report in June 2002 condemning China’s inaction on HIV/AIDS prevention. Partly using data collected by Wan and his associates, the report, "HIV/AIDS: China’s Titanic Peril," criticized the government’s weak response to the AIDS crisis and predicted that the current 1 million people infected with HIV/AIDS could increase to 10 million by 2010 if the government failed to take effective action. 5

The publication of these criticisms of the government contradicted China’s low official numbers and assertions that the HIV/AIDS situation was under control and well managed. Four days after the report was published, the government pressured Aizhi’s sponsoring institute to evict the organization from its offices and shut them down. The pretense for closing Aizhi was that it had not legally registered. As Aizhi lacked the 100,000 yuan in assets and funding sources required for legal registration, Wan Yanhai and administrative director Li Dan decided to dissolve the project until a new organization could be established.

**Imprisonment and new beginnings**

In August 2002, Wan and his colleagues planned to file a registration application at the Ministry of Industry and Commerce for a new commercial organization called the Beijing Aizhixing Institute of Health Education. Before this could be done Wan disappeared on August 24 after being followed by plainclothes police to a gay and lesbian film festival. The State Security Bureau held him on charges of divulging state secrets, specifically his posting on the Aizhi Web site of a neibu (internal) Henan government report implying that despite denials, the government was complicit in blood selling and knew about the seriousness of the HIV/AIDS epidemic years before they admitted to it. The report’s publication provided the government with an excuse to arrest Wan for his cumulative challenges to government authority.

The international outcry over Wan’s arrest was immediate, and pressure mounted on the Chinese government to release him. In addition to the usual rights groups such as Human Rights in China and the U.S.-based ACT UP (AIDS Coalition to Unleash Power), government officials from the U.S. State Department and the United Nations also urged Wan’s release. Dramatic protests in front of the Chinese Embassy in Paris included defacing the Chinese flag with fake blood. Meanwhile, protesters in front of the Chinese Consulate in New York City held signs reading "Silence = Death" and "Knowledge = Life." Within days Wan was released.

What is most interesting to observers is not that Aizhi was shut down, as would be expected of any organization that becomes too vocal in its criticisms of the government, but that Wan was released after only a month and that the government allowed the resurrection of Aizhi as a new organization. Indeed, a week after his release Wan and his group went to the Ministry of Industry and Commerce to officially submit their registration application. It was approved in two days, and in October the Beijing Aizhixing Institute of Health Education obtained its business license, for which it did not require government sponsorship. In December, the government invited Aizhixing to participate in the annual World’s AIDS Day activities in the Great Hall of the People, where the government announced it would send one million students to the countryside to educate peasants about the virus, and that it planned to lift its ban on condom advertisements.
Also in 2001, China refined its original national AIDS provisions to ensure compliance. However, during this period China’s AIDS policy did progress, and in November 2001 China kicked off its most open AIDS campaign to date. The presence of UNAIDS Executive Director Peter Piot on stage with China’s health minister and other key officials highlighted the role international organizations and institutions had in bringing about greater attention and better prevention tools to the AIDS problem.7 Also in 2001, China refined its original national AIDS plan for the period 1998 to 2010 into a more focused document called “China’s Action Plan for Reducing and Preventing the Spread of HIV/AIDS (2001-2005).” In the introduction to this latest policy, the government recognized its own lack of capacity to effectively implement change at the local level. Yet the plan sets overly ambitious goals and does not discuss implementation or funding sources, which will rely on international contributions and central government budget increases.8

Clearly NGOs still have a role to play in China’s AIDS crisis. Less certain is whether independent domestic groups such as Aizhixing can still affect domestic policy by leveraging their global linkages. Utilizing international media and lobbying foreign governments to put pressure on the Chinese government is a common method for many exiled Chinese political dissident groups. In a similar fashion, while publicizing the HIV/AIDS crisis through the media and bringing the problem to Beijing from the countryside, Aizhi challenged the central government’s core interests when it established media linkages with the outside world.

While China’s media have become increasingly commercialized since the 1978 Reforms, propagating Chinese foreign policy is still under the sole discretion of state-run agencies. While Wan Yanhai bypassed these prohibitions by publicizing the Henan blood scandal via both electronic and traditional media. Aizhi activists frequently gave interviews to domestic and international media, worked to protect journalists and activists from government obstruction, distributed critical articles through their Web site or via an E-mail listserv, and fostered discussions in Internet chat rooms and online forums. For the most part these actions went unpunished and were tolerated.

As an activist for Internet freedom, Wan was one of the 18 initiators of the Declaration of Internet Citizens’ Rights protesting government regulations that curb freedom of expression. Just a few weeks before his August 2002 arrest Wan even went so far as to issue an online appeal for all independent online publishers to turn themselves in to the authorities for operating “illegal” Web sites. By galvanizing coordinated support for Internet freedom, Wan became a political organizer challenging state law and the authority used to formulate and enact it. However, the efficacy of this approach has not resulted in much practical change in Beijing’s political behavior. Wan recognizes the difficulty of attempting to change domestic policy from the outside, and instead of direct government-to-government pressure has urged the international community to help support Chinese grassroots groups who lack the resources to become effective domestic actors.

International pressure and domestic linkages
China’s state interests usually align with international interests when there is some material reward or loss at stake. Thus, while the Chinese government signed the 1994 Paris Declaration at the International AIDS Summit, little fundamental change occurred during the 1990s to advance AIDS policy. Throughout the 1990s, the international consensus on AIDS issues moved toward the view of AIDS as a global problem requiring international cooperation to implement holistic best practice approaches. The June 2001 United Nations General Assembly Special Session on HIV/AIDS (UNGASS) marked a turning point with the Declaration of Commitment providing a new guidepost for states to direct their HIV/AIDS policy.

These agreements were not legally enforceable and had no provisions to ensure compliance. However, during this period China’s AIDS policy did progress, and in November 2001 China kicked off its most open AIDS campaign to date. The presence of UNAIDS Executive Director Peter Piot on stage with China’s health minister and other key officials highlighted the role international organizations and institutions had in bringing about greater attention and better prevention tools to the AIDS
space within China. Currently dozens of INGOs operate in China on HIV/AIDS issues, such as the China-UK HIV/AIDS Prevention and Care Project, Marie Stopes China, Save the Children UK, Medecins sans Frontières, the Salvation Army, Oxfam-Hong Kong, the Australian Red Cross, the Ford Foundation, the Packard Foundation, the Bill and Melinda Gates Foundation, the World Bank and various agencies of the United Nations.

Much INGO work and international funding is applied to supporting domestically run projects and research on the understanding that international influences can best shape or encourage the expression of values and new ways of thinking by working through domestic groups. A UNCRD-commissioned study from three distinguished Chinese scholars found that "the core problem in China AIDS law is that people are not treated as principals enjoying rights; they are treated as targets of management." In addition, a report by a moral philosopher at the Chinese Academy of Social Sciences, Qiu Renzong, suggests shifting criminal responsibility for prostitution from sex workers to the organizers of commercial sex, and the moral responsibility from sex workers to their clients. Many other recommendations point to securing individual privacy rights against state coercion and interference. They also espouse liberal values in contrast to the prevailing conservative approach.

But as is the case with many developing countries with underdeveloped health care systems, the current level of international aid is still relatively small compared to the magnitude of the problem in China. The internationalization of the HIV/AIDS movement has, however, provided momentum for a global fund to help developing nations deal with infectious diseases.

One of the newly created sources of funding is the Global Fund to Fight AIDS, Tuberculosis and Malaria, which was established through private-public partnerships in late 2001. With contributions to the Fund totalling $2.3 billion between 2002 and 2004, this represents a significant resource for AIDS programs located in developing nations. A key principle of the Fund is to target grants to local organizations and encourage NGO participation in the Country Coordinating Mechanism (CCM), which submits grant proposals and oversees project implementation. A crucial component of the CCM is the participation of NGOs and people living with HIV/AIDS (PLWHA), thus ensuring a higher level of transparency. Funds are evenly distributed between governments and NGOs.

The Global Fund declined to fund China’s HIV/AIDS programs in the first two rounds of 2002, citing lack of NGO participation in the CCM as one of the deficiencies in China’s grant proposal. Another damaging failure was that the proposal did not name the specific provinces that would receive project funding, reflecting the systemic culture of secrecy that still pervades China’s AIDS policy. Indeed, China suffered a major blow to its credibility by failing twice while CCMs from less developed countries secured millions of dollars in aid.

In the past, China was able to sign onto international agreements regarding commitments to HIV/AIDS without compromising control over social organizations, and even INGOs did not push for more independence or criticize government inaction. In this way China was able to reallocate resources to HIV/AIDS campaigns and shift policy focus while maintaining state monopoly over the issue through the Ministry of Public Health. But the UNAIDS Director of Country and Regional Support, Michel Sidibe, has warned that such superficial adaptation to international norms will not work in the long term. "The Country Coordinating Mechanism should not just be an artificial thing, put in place in order to access the Fund, it should be a permanent sustainable coordinating model." 10

The August 2002 arrest of Wan Yanhai directly conflicted with the principles of the Global Fund and again highlighted China’s continued repression of HIV/AIDS activists. While China has long used political prisoners as a political bargaining tool to extract concessions from the U.S., this time the arrest seriously jeopardized China’s pending second round application for over $90 million from the Global Fund. According to the New York Times, Chinese health officials were warned that the funding would not be approved if Wan remained in detention. A person familiar with the application was quoted as saying that the Chinese government really needed the money from the Global Fund and recognized that "there was just too much at risk." 11 Under pressure from the China Center for Disease Control and the Ministry of Health, the State Security Bureau released Wan a week before the application to the Global Fund was to be submitted.

**Genuine space for NGOs?**

In late November 2002, just before World AIDS Day, the Chinese government legitimized the first official support group network run by people living with HIV/AIDS. The Mangrove Support Group was founded earlier that year by Xiao Li and three other HIV-positive organizers. A grassroots movement that faced many obstacles and discriminatory barriers in its early stages, Mangrove has been chosen by the Chinese government to become a member of the CCM as a means of fulfilling requirements by the Global Fund for genuine NGO and PLWHA participation. Indeed, even the INGO community is helping to strengthen and expand the Mangrove support network to prepare it for a constructive role on the CCM. 12

It is nevertheless still premature to declare a paradigm shift in the government’s policy toward NGOs; rather, the current alliance between the government and selected independent NGOs only indicates a convergence of interests on the issue of HIV/AIDS. While giving more leeway to Aizhixing, the government continues to resist direct cooperation with the organization in a meaningful manner because Aizhixing still works to undermine the government’s political position. On the other hand, while Mangrove may be a strong advocate for PLWHA, it remains to be seen whether their cooperation with the government will complicate their ability to challenge state policy and promote accountability. If NGOs do indeed have much to gain by working with the government, Mangrove may feel a need to avoid expressing views that conflict with state policy. Wan Yanhai has raised this question of legitimacy in his concern over Mangrove’s rapid rise to the status of a “peak” organization holding a monopoly in its policy area by virtue of its status as the first and only autonomous HIV/AIDS NGO recognized by the government. With headquarters in Beijing and five branch
Much of the history of Wan Yanhai and the Aizhi Action Project is taken from "HIV/AIDS: China’s Titanic Peril," United Nations Programme on HIV/AIDS Action Plan for Reducing and Preventing the Spread of HIV/AIDS (2001-2005). While international aid from the Global Fund has been shown to influence central government policies, localities benefit little from these funding allocations and have a correspondingly lesser motivation to change their behavior patterns.

Indeed, the outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003 highlighted to the world that local governments and the overall incentive structure of the authoritarian system still have a long way to go in developing effective transparency and accountability measures. Thus, the first test will be to see if the central government can use Aizhi, Mangrove and other independent NGOs to overcome policy resistance at the local level.

The second test is to see whether increasing openness toward HIV/AIDS NGOs will spread to other issue areas. Environmental NGOs currently enjoy the most independence in China. However, this may be because they have yet to advocate the kind of advanced environmental measures that could challenge core government values of unhindered economic growth.

Finally, will the government’s current tolerance of Aizhixing and Mangrove continue? If the government can improve its own capacity to combat HIV/AIDS, will it reduce the role of independent and often recalcitrant NGOs? Indeed, the government is already working with "apolitical" NGOs on progressive methods to combat HIV/AIDS, such as educating sex workers, implementing sex-education programs with an HIV/AIDS component in schools, and even experimenting with alternative drug rehabilitation programs. On the other hand, much work remains to be done in changing government attitudes and reaching marginalized groups. China’s 2001 AIDS action plan did not mention specific vulnerable populations such as orphans, migrants, minorities or homosexuals, but rather retained its emphasis on punishment and segregation. The test will be whether Aizhixing will be able to continue working in issue areas marginalized by official government policy.

If China fails to pass these three tests, then the recent positive attitude toward NGOs should be seen as an adaptation to international pressure rather than a broadly conceived paradigm shift toward a more open society. While it is unlikely that civil society will develop before government-initiated reforms, and thus will be unlikely to pose a serious challenge as long as the state remains vigilant, social institutions can still play an important role in applying pressure for policy changes and in encouraging members of society to engage in civic participation and independent action. Although this limited kind of freedom is unlikely to lead directly to democratic development, through international linkages Aizhixing can continue to leverage its position to obtain incremental policy concessions from the government and in that way increase the effectiveness of the group’s work.

Thus, when and if a democratic transition does begin in China, the rise of a robust civil society will be more likely to occur. 5


9. Professor Li Dun of Tsinghua University’s Center for Study of Contemporary China quoted in “Scholars call for AIDS rules based on respect for individual rights,” China Development Brief.


13. Ibid.

14. UNDP, "Project Number CPR/02/M01: Support to Greater Involvement of People Living with HIV/AIDS, Poverty Alleviation and HIV/AIDS, and the Country Coordination Mechanism for HIV/AIDS." 15

15. Minxin Pei, "Chinese Civic Associations", Modern China, vol. 24, no. 3 (July 1998), pp.285-318. See Pei’s conclusion about how in Taiwan, civil society flourished only after political liberalization had begun.