

ISTR Asia Pacific Conference, Bangkok 2019
***Shifting Sands? The Challenges of Regulatory Change and Its Impact on the
Third Sector Environment in the Asia Pacific Region***
Final Report

The Bangkok ISTR Asia Pacific Conference was a highly successful event for all involved. We had the pleasure of experiencing true Thai hospitality in every way, not least due to the wonderful location of the conference at the NIDA Campus and the exceptional Thai cuisine that we were offered for each morning and afternoon tea, lunch and at the fabulous conference dinner. There were 150 delegates: 92 papers and 4 panels were presented throughout the two days of the conference. The diversity of the countries represented provided the conference with an extremely rich palate of research fields, geographies and ideas. The quality of the papers and panels was impressive and due to highly engaged audiences there were great discussions after each panel. Highlights from the conference are outlined below, however it should be emphasized that there were many important papers presenting a wide range of exciting and engaged research from across the entire region. The conference abstracts are located at istr.org/2019APAbs



Keynote Presentations



In keeping with the broad theme of the conference around regulatory change in the Asia Pacific region, and inspiring keynote address was presented by **Dr Anthony Spires**, of the Centre for Contemporary Chinese Studies at University of Melbourne, Australia. Titled *Civil Society Regulation and Organizational Culture: Reflections on Theory and Practice in China*, Dr Spires discussed situations of regulatory regimes' use of power both over and within civil society organizations. He described the results of regulatory and culture intersections and questioned the need for new charity law in China.

From his research and observations, Dr Spires discussed lessons learned from voluntary associations, which present opportunity for democratic cultivation. Those lessons include the need for active listening, respect for

opposing viewpoints, equality and diversity, self-efficacy, and civic consciousness.

Dr Spires concluded that laws regulate not simply organizations, but also the art of association. By channeling ‘societal energies’ into nonprofit service organizations with formal, hierarchical and pyramidal structures, new laws legitimize organizational structures and practices that preclude horizontal decision-making and narrow the possibility of realizing an egalitarian ethos and nurturing a culture of democracy. Unless we see a separation of form and practice, even idealistic grassroots groups will struggle to ensure that all members’ voices will be heard and allowed to influence decisions.

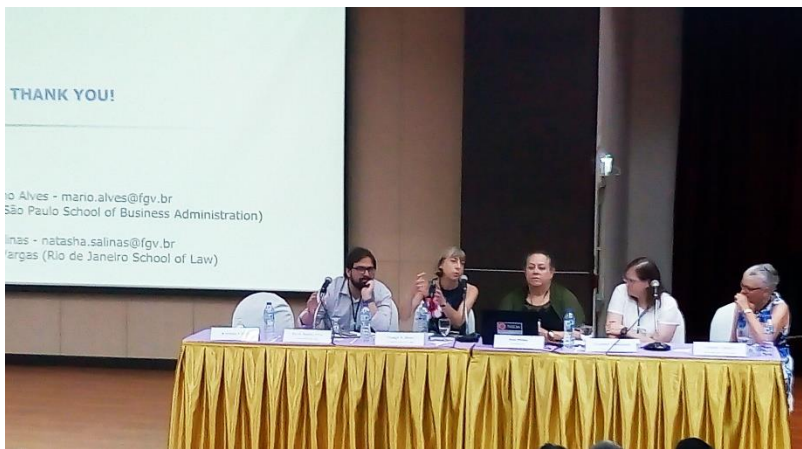
We were also honored with a second keynote on the second day of the conference from **Professor Hsin-Huang Michael Hsiao** entitled *Reflecting on My Research Journey of Social Movements and Civil Society in Taiwan and Beyond* with a thoughtful reflection on his forty-year career as a sociologist. Professor Hsiao is an Adjunct Research Fellow at the Institute of Sociology, Academia Sinica; Chairman of the Taiwan-Asia Exchange Foundation, and Senior Advisor to the President, Taiwan. Professor Hsiao began his academic career with research on agricultural policy and development in South Korea. We were apprised with a short history of a very long career as a scholar and academic beginning in 1979, when the transformation of Taiwanese society became his focus. That expanded to research on citizens’ concerns and advocacy – consumer activism --which then transitioned to environmental and anti-nuclear issues. Finally, his research culminated on social movements and civil society activism.



Professor Hsiao noted that “The historical and comparative studies of Taiwan social forces and its civil society’s organizational strength that I undertook in the 1990s and early 2000s have really equipped me not only to theorize based on my previous research on social movements and civil society, but also to move further to develop the tripartite links of middle class, civil society and democracy both empirically and theoretically since the mid 2000s.” Since the mid-2000s: Professor Hsiao has researched theories on the tripartite “middle class - civil society –democracy” links. In 2019 he published *Middle Class, Civil Society and Democracy in Asia*, expanding beyond Taiwan’s tripartite links to compare Asian democracies on how the respective tripartite links appear. Three classifications of the links include the positive tripartite links in Taiwan and South Korea; the dubious tripartite links in the Philippines and Indonesia; and the negative tripartite links in Thailand.

Board Panel

Given that the Board of Directors of ISTR had been meeting in Bangkok prior to the conference it was decided to take advantage of our researchers on the Board who had overlapping research interests with the conference theme. The panel presented by the Board of Directors on a panel entitled: *Regulator Impositions on the Third Sector: International Perspectives*, chaired by ISTR President, Ruth Phillips, of the University of Sydney, Australia. The participants on the panel included Elizabeth Bloodgood, Concordia University, Canada (co-author Joannie Tremblay-Boire, Georgia State University, USA); Carolyn Cordery, Aston Business School (United Kingdom); Oonagh B. Breen, UCD Sutherland School of Law (Ireland); Mario Aquino Alves, (co-author Natasha Caccia Schmitt Salinas), Fundação Getulio Vargas, Brazil.



Elizabeth Bloodgood presented *NGO Regulatory Backlash? A Cross-National Examination of State Motives for NGO Regulation*. Professor Bloodgood discussed the explanations behind government regulation of NGOs and whether internal or external factors have any notable effects. Their research revealed that higher values of government accountability, capacity, increased authoritarianism and foreign aid, along with increased international

trade and integration contributed to an increase in NGO regulations.

Oonagh Breen presented findings from the publication *Riding the Regulatory Wave: Reflections on Recent Explorations of the Statutory and Non-Statutory Non-Profit Regulatory Cycles in 16 Jurisdictions* (2017, co-edited with Alison Dunn and Mark Sidel). Professor Breen explored various issues that addressed which factors influence changes and choices, whether there are regulatory cycles and predictable regime waves, and what is the nature and subject of regulation.

Carolyn Cordery presented *What Can We Expect of Charity Regulators? Charity Scandals, Declining Public Trust and Confidence ... and Regulator Accountability*. Professor Cordery explored the efforts of regulatory accountability to government and assessed the UK Charities Act of 2011. Despite a mandate to increase public trust and confidence in charities this has not been the result, according to her findings.

Mario Aquino Alves presented *The Shifts in the Regulatory Regime of State and Civil Society Organizations Partnerships in Brazil*. He explored whether the characterization of regulatory space of NPO-State partnerships in Brazil is one of potentially clashing legal regimes. The research focused on the causes of such high fragmentation and the overlap in participatory, clientelistic, bureaucratic and managerial logics.

At the close of the board panel session, Dr Anthony Spires shared a letter from prison written by Professor Kin-man Chan (Hong Kong) who is still a member of the Board but was imprisoned for his actions as the leader of the Umbrella democracy movement in Hong Kong five years ago. We were very pleased to have a contribution from Professor Chan as he was sentenced after we had included him as a panel presenter. We are very pleased to be able to share his letter below.

Letter from Prison – Kinman Chan

Dear Colleagues and ISTR conference participants:

This is a letter from prison. I was sentenced to 16 months of imprisonment by the Hong Kong Court on April 24, 2019 for “inciting” people to join the pro-democracy Umbrella Movement

in 2014. More than one million people took part in that movement by occupying some main roads for 79 days, protesting against Beijing for not keeping its promise to allow the election of the head of Hong Kong's government through universal suffrage. All along, we promoted non-violent civil disobedience. Though the nine defendants were charged with "conspiracy," "incitement," and "incitement to incite others" to cause a public nuisance, our real "crime" is to spread love, peace and hope when the regime wants people to retreat to their private lives due to fear and despair.

The chilling effect the regime had attempted to create through our trial proved futile when 130,000 people took to the street a few days after our sentencing. It was a protest against a proposed "extradition law" that people could be sent back to China for trial there. The number of protestors reached two million people in June, and the Hong Kong government was forced to suspend the bill.

Notwithstanding some physical confrontations when young protestors stormed the parliament (Legislative Council), the movement was tremendously powerful due to the spirit of love and peace. People sang hymns for 9 hours in front of the



riot police; hundreds of thousands of protestors made way for the ambulance trucks to pass through the occupied roads, like the scene of "Moses Parting the Red Sea"; and people cleaned up the garbage before they ended the occupation. This extraordinary mobilization was made possible by a vibrant civil society, a strong spirit of non-violent civil disobedience, and extensive use of social media to break the information barriers created by the pro-Beijing mainstream media.

Hong Kong people understand pretty well that civil society is not only for providing services to the needy but also for defending civil rights and promoting social and policy changes. It takes time for people in China to understand the latter two functions, though the regime has begun to embrace the role of NGOs as service providers. In the past two decades, I have been promoting a more holistic idea of civil society in China and Hong Kong through research, teaching, and practice. I see the potential of the theory of civil society in creating a more sustainable governance in an era of uncertainty. Apparently, I ran into trouble for advocating for change in both China and Hong Kong. But it is something inevitable when the change involves a fundamental reconfiguration of power. As a matter of fact, theory of civil society is "theory of power." I also witnessed the "power of theory" when disseminating the knowledge of civil society under an authoritarian regime!

Life in prison is of course not very pleasant. But for the sake of democracy and open society, I endure it with no regret.

Sincerely,

Kinman Chan
Professor, Chinese University of Hong Kong (Retired)
Board of Directors, ISTR
22-06-2019

Closing Plenary

The Bangkok conference's closing plenary focused on *The Third Sector Environment and Regulatory Change in the Asia Pacific Region*.

The speakers included Ms. Nguyen Thi Bich Diep, Team Leader/Civil Society, British Council (Hanoi) (speaking on Vietnam); Professor (Ms.) Jia Xijin, Institute of Philanthropy, School of Public Policy and



Management, Tsinghua University (Beijing) (speaking on China); Professor (Ms.) Ingrid Srinath, Director, Centre for Social Impact and Philanthropy, Ashoka University (Delhi) (speaking on India and South Asia); Professor (Ms.) Juree Vichit-Vadakan, National Institute of Development Administration (NIDA, Bangkok) (speaking on Thailand); David Moore, Vice President for Legal Affairs, International Center for Not-for-Profit Law (ICNL); and Professor Mark Sidel, University of Wisconsin-Madison and ICNL (chairing).

David Moore of ICNL spoke on trends in the region in the regulation of the third sector, including a variety of restrictive measures affecting registration, activities, use of foreign funds, and other issues. Moore also introduced the second edition (2019) of an ICNL report written by Sidel and Moore on The Law Affecting Civil Society in Asia, and Sidel distributed the executive summary of that report (which will shortly be available on the ICNL website, www.ICNL.org).

Ms. Diep and Profs. Jia, Srinath and Vichit-Vadakan spoke on the specific situations in their countries. Among the themes mentioned for many of the countries were the cumbersome and bureaucratic nature of compliance with nonprofit regulation; difficulties in registering and operating certain kinds of nonprofits; in some countries, suspicion of and resistance to advocacy activities by nonprofit organizations; in some countries, increasing difficulties in bringing in and utilizing foreign funds; and other regulatory difficulties for the third sector. The specialists also mentioned emerging regulation of social enterprise; how governments are beginning to regulate new forms of fundraising; and other emerging themes.