

A Solidarity Machine? Hong Kong Labour NGOs in Guangdong

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Abstract

Although the literature on labour NGOs (LNGOs) in China has significantly expanded, few scholars have attempted to subject the work of these organisations to a Marxist perspective. This article draws on a recently developed Marxian theoretical framework on social movements to analyse the pioneering work of Hong Kong LNGOs and their partners in the province of Guangdong, China. Over the past 15 years, the Hong Kong groups, as they are known collectively, have been ideally placed to develop specific interventions in response to migrant workers' pursuit of wage claims and improved working conditions during a time of increased rights awareness and widespread labour shortages. While consistently careful to remain the right side of China's restrictive laws on freedom of association and demonstrations, the Hong Kong LNGOs were able to contribute to a narrative of class-based collective solidarity that has yielded significant gains for workers.

Keywords

NGOs, social movement, class, solidarity, collective bargaining, Hong Kong, Guangdong

Introduction

Labour NGOs (LNGOs) in China have a short history. They emerged in the early-1990s as a cautious response to the miseries of capitalist exploitation visited on off-farm internal migrants. LNGOs work in the area of labour rights and interests, a field of activity rendered

sensitive by the absence of freedom of association that restricts trade union membership to the All-China Federation of Trade Unions (ACFTU). According to the Trade Union Law, the ACFTU operates under the leadership of the ruling Communist Party of China (CPC) and consistently prioritises the interests of the CPC over those of its members. Consequently workers generally bypass unions and seek assistance from LNGOs when applying for labour arbitration or taking part in labour protests including strikes (Lee, 2007; Pringle, 2011). Unsurprisingly, the ACFTU views LNGOs as a potential threat to its monopoly over labour organizing.

Legally prohibited from developing into trade unions, LNGOs have concentrated on aspects of labour organizing that do not require membership such as legal rights work, campaigning on health and safety issues, sexual harassment, discrimination, reproductive health as well as identifying partners and building support networks. Since 2010, strikes have proved more effective than individualized labour arbitration and court procedures in advancing the rights and interests of workers. In response, some LNGOs have adapted their strategies to include input into collective negotiations and forms of collective bargaining with employers. Labour militancy and bolder interventions from LNGOs have been especially prominent in Guangdong (Chan C, 2013; Pringle, 2015). However, there is growing evidence that the qualified tolerance shown towards civil service organizations (CSOs) during the Hu Jintao-Wen Jiabao era of 2002 to 2012 is being replaced by a restrictive regulatory regime (Shieh, 2016). The much reduced operational ‘space’ was illustrated by a co-ordinated police round

up of LNGO staff in December 2015 and subsequent sentencing to suspended prison terms of three LNGO staff connected indirectly to China Labour Bulletin, a HK LNGO.¹ The aim appears to be to contain LNGOs and restrict their activities to service provision, heading off the aforementioned trend of direct interventions in strikes and promotion of collective bargaining (Howell, 2015).

The relevance of LNGOs' work is reflected in the growing academic literature but it is a polarised canon. At one end they are depicted as an 'anti-solidarity machine' that diverts workers away from class struggle and labour movement building (Lee and Shen, 2011). At the other end, we find research that frames LNGOs as effective community organizers (Chan C, 2013) with the capacity to mobilize collective actions (Xu Yi, 2013). If the detractors of LNGOs are correct, a reduced role may remove one of the barriers to working-class solidarity in China. But if more positive commentators are correct, the repression constitutes a serious constraint to the country's nascent labour movement.

In this article, I focus on the operations of a pioneering subset of LNGOs that have their origins in Hong Kong. I seek to shed light on their contribution – or otherwise – to advancing the rights and interests of the working class. As both pioneers in the growth of LNGOs in China and arguably the most effective organizations working on labour rights issues – along with their partners on the mainland – Hong Kong LNGOs are undergoing a period of intense reflection as they face an uncertain future and the prospect of the demise of Hong Kong LNGOs demands a re-appraisal of their work. Indeed, this article is in part a

response to a call from one of the hitherto harshest critics of LNGOs in China to re-evaluate their contribution (Franceschini, 2016: 17). But the purpose here is not simply to join the debate by adding new data. Drawing on Nilsen and Cox's processual framework for constructing a Marxist theory of social movements 'geared towards the open ended analysis of movement-processes in specific places' (2013: 64), the article seeks to provide a framework for the theory and practice of LNGOs in Guangdong – the 'specific place' for this article.² In doing so, this article aims to contribute to the challenge of adaptation facing Hong Kong LNGOs and their partners.

The remainder of the article is organised as follows. Drawing heavily on the work of Barker, Cox, Krinsky and Nilsen (2013) the following section takes a brief tour through the rise of new social movement theory (ies) and summarises these authors' Marxist theoretical framework for both building and analysing social movements. Section three reviews the relevant literature on and section four explains the methodology prior to presenting research findings from data gleaned from three specific LNGO interventions in section five. I develop the core argument that Hong Kong LNGOs built solidarity networks and supported worker-led resistance in order to contribute to the nascent labour movement in Guangdong. I conclude with a summary discussion of my arguments.

(New) Social Movement Theory and 'Movement Processes'

In their introduction to *Marxism and Social Movements* Barker, Cox, Krinsky and Nilsen (2013: 1-40) contextualize the rise of new social movement theory (NSMT). On the one hand, is the incorporation of trade unions into capitalist structures during the post-WWII era that appeared to many as a ‘relative political quiescence’ of labour movements (Baker et al., 2013: 10). On the other hand is their subsequent exclusion by ‘social movements from above’ (Nilsen and Cox, 2013: 66) during the ongoing neoliberal ‘project to achieve restoration of class power’ (Harvey, 2005: 16). The resulting decline in the density, membership and influence of trade unions helped to generate a politics ‘centred on the assertion of subjugated identities and differences based on race and ethnicity, gender and sexuality as opposed to the class-based interest politics of yesteryear’ (Barker et al., 2013: 5). In future ‘any revolutionary impulses would tend to come from the “margins”, from oppressed communities of colour, from Third World peasants and lumpenproletarians, from women, or from alienated students in the newly expanded university-sectors’ (Barker et al., 2013: 10). For Marxists, the absence of the working class as an agent of emancipatory change is problematic to say the least.

Do the interventions of Hong Kong LNGOs and their mainland partners reflect the politics of identity or is the ‘labour’ in the acronym ‘LNGO’ axiomatic to strategies rooted in working-class agency? There are certainly features of the evolution of collective actions during the reform era that may be better understood via NSMT than Marxism. For example, the exclusion of rural migrant workers from both trade union membership until 2003 and access

to urban welfare benefits via a state-administered discriminatory residential system known as ‘*hukou*’ led to labour protests that ‘aspire to... rights protected by law and enforced by the government’ framed in terms of ‘civic citizenship’ that excluded a ‘demand for independent worker organizations’ (Lee, 2007: 117). And until labour shortages emerged in 2004, employment in China’s export manufacturing sector was dominated by young women workers trapped in global supply chains under terrible working conditions. Their resistance to capitalist exploitation and the patronizing state narratives that portrayed their lives was sometimes presented as being rooted in gender relations rather than class relations (Fu, 2009). In contrast, this paper deploys a ‘movement processes’ framework developed by Nilsen and Cox (2013: 64) as a work in progress towards the goal of a Marxist theory of social movements broadly defined as when ‘a specific social group develops a collective project of skilled activities centred on a rationality – a particular way of making sense of and relating to the social world – that tries to change or maintain a dominant structure of entrenched needs and capacities, in part or whole’ (Nilsen and Cox, 2013: 65–66).

The ‘collective project’ ‘unfold[s] in conflict with the collective projects of other groups within a given social formation’ (65–66). For example, movement processes occurred in Guangdong and Hong Kong following the 2010 strike wave when the Guangdong provincial government attempted to reduce strikes by introducing regulations allowing workers to force

employers to bargain collectively. Fierce lobbying of senior officials representatives by Hong Kong business associations led to a watering down of the regulations that eventually came into force in 2014. Indeed, the struggle for collective bargaining in Guangdong represented a ‘collective learning’ (Nilsen and Cox, 2013: 64) by Hong Kong LNGOs and their partners: the introduction of collective bargaining would represent a significant victory for the emerging labour movement. In Nilsen and Cox’s framework (2013), such a ‘realization’ is conceptualized by the term ‘movement process’ in which

grievances, demands and targets may expand: from oppositional collective action bound by scope, aims and cultural ‘language’ to a specific, situated and local experience, towards mutual recognition across difference in wider-ranging and more radical projects for change’ (Nilsen and Cox, 2013: 74)

The authors propose that such ‘movement processes’ can be understood by what they term respectively as local rationalities, militant particularisms, campaigns and social movement projects. Borrowing from Gramsci’s juxtaposition of ‘good sense’ over ‘common sense’ – the latter representing ruling class hegemony – ‘local rationality’ is an indication that ‘the social group in question may indeed have its own conception of the world’ (Gramsci, 1998: 327–328). Drawing on Williams (1989) and Harvey (1996), increased articulation of local rationalities may generate ‘militant particularisms’ with strikes – especially wildcat strikes that challenge the compromises of trade union incorporation – being an example of such phenomena. ‘Campaigns’ in turn are the

organization of a range of local responses to specific situations in ways that connect people across those situations, around a generalized challenge to the dominant forces which construct those situations' (Nilsen and Cox, 2013: 76).

Campaigns, however, stop short of challenging what the authors refer to as the 'social totality' of existing hegemonies. Such a challenge requires activists to connect 'different localised struggles and, indeed, seemingly different struggles' to achieve goals that 'are not ones that can be easily accommodated or repressed' and activists can 'start to move beyond the field-specific nature of the campaign, towards a form of movement activity that sees the social whole as the object of challenge or transformation'. Such an outcome is termed a 'social movement project' (Nilsen and Cox, 2013: 77–78).

Thus Nilsen and Cox (2013: 81) present a linear processual framework in which struggles 'need to be developed from militant particularism(s) to campaigns and from campaigns to movement project(s) – and in ways that are in line with local rationalities from below'. The framework is intended as both an activist method to join the dots between myriad specific struggles and as a first step towards a Marxist theory of social movements. Prior to applying it to Hong Kong LNGOs and their partners in Guangdong, I will review what other authors have made of LNGOs in China.

Literature Review: LNGOs – Fostering Fragmentation or Mobilizing Machines?

Friedman's (2009: 205) critical examination of LNGO activities in Guangdong by calling our attention to the risks of paternalism in the relationships between Hong Kong LNGOs, characterized as 'Northern' activists, and mainland workers and organisers presented as 'Southern' activists. He reports that the Guangdong Migrants Association (GMA, a pseudonym) adopted a grassroots approach to improving working conditions by providing assistance to workers in dispute with employers, organizing dormitory discussion groups and even directly supporting strikes as early as 2005, when such interventions were rare. Nevertheless Hong Kong-resident GMA board members and staff are presented as a 'northern' elite drawn chiefly from academic circles. They made all the major decisions on from the safety of Hong Kong in meetings that mainland staff members were unable to attend due to visa and security issues. Mainland staff members were thus excluded from discussions over GMA policy, not listened to, and on occasion frontline staff complained that they 'treat us like children' (Friedman, 2009: 207). He acknowledges the GMA's strategy of rooting its work in local mobilizations generated 'psychological empowerment' (Friedman, 2009: 199) but warned that the GMA's 'excessive paternalism may inhibit class and movement formation' (Friedman, 2009: 214) and reproduces the streak of paternalism that runs through many transnational networks.

While Friedman (2009, 212) locates his work in the context of 'transnational activism in the development of China's labour movement', Franceschini (2014) approaches LNGOs at the national scale. He 'challenges not only the idea of labour NGOs as a progressive force for

political change, but also the belief – widely shared among the international labour movement – that these organizations are sprouts of independent unionism in China’ (Franceschini, 2014: 474). Drawing on and extending Bourdieu’s definition of ‘social capital’ as a ‘durable network[s] of more or less institutionalised relationships of mutual acquaintance and recognition’ (Franceschini, 2014: 278), he argues that this is precisely what LNGOs are failing to create in their relationships with workers and three other core actors: the state, funders and other NGOs. This is a crucial shortcoming, as he believes that the fundamental challenge facing labour activists is ‘how to gain workers’ trust’. Like Friedman, he draws on observations gleaned from working directly with LNGOs during when he witnessed ‘many manifestations of distrust’ (485) of LNGO staff by the workers they were setting out to ‘help’. Franceschini explains the failure of LNGOs to generate ‘social capital’ as the consequence of three factors: migrant workers’ high levels of labour turnover that undermine relationship-building; the class-based tensions of university-educated LNGO staff and volunteers compared to the less educated rural origins of most migrant workers; and what might be called the ‘ulterior motive syndrome’ i.e. ‘anybody who voluntarily offers to help them must have an ulterior motive’ (485). The lack of trust is not confined to the relationships between LNGO staff and workers. In an interesting reversal of the power relationships referred to by Friedman, Franceschini argues that the ‘foreign funder’s project manager is utterly powerless to deal with... strategies of resistance’ (488) from mainland LNGO leaders wishing to counter the hegemonic role of northern elites. Resistance involves the recycling of output

across different funders and inflating numbers participating in a given project or event.

Franceschini concludes that ‘Chinese labour NGOs are so fragmented and disconnected from their supposed constituency that it would be an overstatement to depict them as an important force contributing to legal reform and raising demands for social justice’ (Franceschini, 2014: 490).

Lee and Shen argue that the political economy of China has given rise to a ‘unique kind of labour NGO’ (2011: 174) existing ‘between co-optation and commercialization’ (177). At the time of their writing, Chinese law stipulated that LNGOs must register with the Ministry of Civil Affairs³ prior to commencing operations, although many avoid this by registering as companies or simply working below the state’s radar (Cheng et al., 2010; Chan, 2013). Lee and Shen suggest registration risks becoming ‘part of the state’ and ‘building worker solidarity is not taken seriously because it raises the spectre of an organized force outside the state’ (179). Commercialization of LNGO operations is in part the outcome of declining funding that presents an alternative to co-optation. It may include consultancies with large international brands, participation in CSR social auditing and even ‘franchising’ an LNGO name to newly established LNGOs elsewhere in the country (180). The authors cite an excessive focus on unpaid wage collection – through juridical channels – and labour law classes and that such activities exclude alternatives to the ‘rhetoric of law and rights’ in a context of Chinese state authoritarianism and the global ascendancy of neoliberalism (186). Indeed, the ‘NGO strategy of asserting workers’ right (sic) will not lead to rights

consciousness on either side, just the perpetuation of powerlessness and indignation on the part of the worker' (182). The title of Lee and Shen's book chapter on LNGOs asks whether they constitute an 'anti-solidarity machine'. Their answer is clear enough.

Shieh (2009) regards the relationship(s) between state and society as being too complex to permit generalizations and identifies 'three modes of state-NGO interaction': regulation, negotiation and societalization. 'Negotiation' is deemed the most important mode of interaction for LNGOs as formal registration via the *Regulations on the Management of Social Organizations* is unlikely due to the sensitivity generally attached to labour rights work. Howell (2015) distils the complex interactions framed by Shieh into the concept of 'welfarist-incorporation' defined as 'a political and economic arrangement between the state and organized society, whereby selected civic organizations are invited by the state to assist in the implementation of policy' (705). Howell shows how the Chinese state has both widened the pool of social organizations by relaxing aspects of NGO registration and contracted out the delivery of some social welfare services to social organisations, including LNGOs – an invitation 'to dance' as Howell puts it. At least 34 pre-selected LNGOs joined the Federation of Social Service Organizations for Guangdong Workers established by the Guangdong Federation of Trade Unions (GDFTU) in May 2012 (Howell, 2015: 715). With its focus on competitive tendering for government welfare contracts and provision of educational activities and 'citizen training', Howell's concept of 'welfare incorporation' captures aspects of neoliberal thinking that the Chinese state has seen fit to adopt. But the

invitation to dance was accompanied by a clampdown on LNGOs who did not fit the service provider image.

The literature reviewed so far has examined LNGOs chiefly through a state-society lens. We now turn to appraisals of LNGO operations that focus on mobilization. In contrast to Lee and Yuen who see LNGOs in China as unique, Chan (2013) argues that LNGOs in Guangdong are part of a 'global social movement' and an opportunity for 'community-based development' (Mayo 2008 cited in Chan: 5-6). While they are 'not democratic working-class organisations', LNGOs nevertheless possess the potential to 'empower vulnerable workers and create a space for independent civil society' due to the fact that they are 'rooted in migrant workers' communities' (Chan, 2013: 7). This position shares little with the co-opted and commercialized machinery of anti-solidarity (Lee and Shen 2011) or lack of 'social capital' identified by Franceschini (2014). The organizations Chan reflects on have developed two modalities of intervention: first, community-based work via centres, visiting injured workers in hospital, providing legal assistance advocacy and campaigning on work-related and workplace issues. Second, enterprise-based intervention means that LNGOs 'involv[ed] themselves in the workplace by participating in the CSR movement' (Chan, 2013: 14). This includes factory gate surveys, social audits and training for workers on labour rights. In recent years, LNGOs have included attempts to establish elected workers committees in CSR-related interventions, an innovation that has largely failed due to 'the lack of external support and the concern of the local government over the role of NGOs' (Chan, 2013:16).

Chan concludes that the potential of labour NGOs lies with their roots in workers' communities. But he echoes concerns of their being reduced to 'service providers' supported by funding that is 'not rooted in the working class' (19) partly echoing Franceschini's observations on the issue of trust between LNGO staff and workers. Although Friedman, Franceschini, Lee and Shen all acknowledge at least some positive outcomes for workers, they do not reach the same positive conclusions as Chan with regard to the *potential* role of LNGOs.

Xu Yi (2013) returns us to the national scale. She presents LNGOs as offering 'an informal way to mobilize and protect workers' in the context of the ACFTU's 'prioritize[ing] party and economic interests over workers' interests' (Xu, 2013: 244-45). This view is supported by Froissart who frames LNGOs as 'semi-union organisations seeking to protect the rights and interests of migrant workers' (2011:18). Xu responds to Lee and Shen critique of legal activism by arguing that through 'legal knowledge and organizing techniques...networks and class consciousness develop[s], similar to sowing seeds' allowing activists to 'organize co-workers when collective action is called for' (Xu Yi, 2013: 250). However, no concrete evidence is provided to support this speculation.

Froissart (2011) agrees with this analysis but only in part. She opines that when LNGOs take up legal organizing in defence of migrant worker rights, it serves as a counterweight to the constraints placed on workers by capital and the state. On the other hand, she awards far less potential to legal organizing than Xu Yi and implies, like Lee and Yuen, that it may

strengthen the Chinese regime's 'adaptive capacity' and hence to its durability' (18). Looked at from this perspective, LNGOs start to exhibit a similarity to state-sponsored civil society initiatives that prioritize stability over all else. For example, Pringle's concept of 'experimental pragmatism' (2013: 133-159) developed to capture the work of China's first official trade union-sponsored workers' centre established in Yiwu City in Zhejiang in 2002 showed how local state and trade union agencies adapted to the challenge of labour unrest provoked by capitalist labour relations and private enterprise.

In the light of a significantly more repressive environment discussed in the introduction, a recently published article has called for a re-assessment of the 'scathing criticisms of Chinese labour NGOs' by one of the scholars who articulated them (Franceschini, 2016: 16). While scholars have disagreed over the outcomes and impact of LNGO interventions in this period, a powerful solidarity has emerged since the repression through international networks using social media platforms such as the Red Balloon network.⁴ Writing on it, Pringle (2015) argues that 'those targeted in the repression are not content to act simply as service providers. In their daily contact with workers chasing unpaid wages, unpaid social insurance premiums, compensation for injury or a decent wage rise, the LNGO activists deploy a collective approach focused on bringing people together based on common interests'.⁵ Friedman argues that the crackdown is 'primarily about the ACFTU jealously reasserting its right to sole representation of the working class'. In stark contrast to Franceschini's (original) views on

LNGOs' lack of 'social capital', he states that the 'union understands that workers frequently trust and value the guidance of NGOs, while the union is almost universally shunned'.⁶

How can we make sense of such contrasting literature and answer the call for a re-assessment at the current crucial juncture of LNGO development in China? Following a discussion of the methodology deployed and case selection, this article will do so by subjecting primary data gathered to Nilsen and Cox's theoretical framework of movement processes.

Methodology and Focus on Hong Kong LNGOs in Guangdong

Throughout the reform era Guangdong has recorded the highest number of collective labour disputes and has also been the geographical focus of labour NGO activity. The selection of Hong Kong LNGOs working in Guangdong for my research design was premised on three closely linked insights. First, aside from their aforementioned pioneering role, Hong Kong LNGOs are the most experienced non-state organizations working on labour rights in the mainland due to the fact that NGOs were prohibited in during the Maoist era. Second, the labour and community struggles during the latter decades of colonial rule in Hong Kong had 'deep roots with Hong Kong's community and housing movements from the 1970s.'⁷ This experience of capitalist-labour relations and independent organizing distinguishes Hong Kong LNGOs from their mainland counterparts. Third, the position of Hong Kong in the global economy places its LNGOs in an ideal position to take advantage of transnational solidarities that emerged in the 1990s along buyer-driven supply chains. Although politically

diverse and, in terms of individuals, numerically small, the Hong Kong independent labour organising community generated a synergized response to the challenge of capitalist hyper-exploitation in Guangdong. In short, it was able to punch way above its weight. Researching them adds to our understanding of civil society in China.

My primary data is drawn from three [sources](#): First, while living in Hong Kong and mainland China from 1996 to 2006, I worked with five LNGOs working in Guangdong either individually or as part of alliances such as the now defunct alliance Labour Rights in China. This decade of participant observation left me with an abundance of data and experience pertinent to this article. Second, while working as a project advisor to international development organizations supporting labour legal rights work in Guangdong between 2008 and 2013, I was directly responsible for promoting synergies across up to eight Hong Kong LNGOs and their mainland partners. This work gave me significant insights into the work Hong Kong LNGOs. Third, I have conducted structured and semi-structured 29 interviews with Hong Kong LNGO staff and activists in four rounds of fieldwork undertaken in June 2012 (four interviews), July 2013 (12 interviews), June 2014 (five interviews) and June-July 2015 (eight interviews). I have also attended three training sessions on collective bargaining. My secondary data is drawn from academic journals, newspaper reports, LNGO reports (including internal reports) and websites in Chinese and English.

While I draw on the work of seven Hong Kong LNGOs, I have selected three types of LNGO intervention: a public interest mobilization over minimum wage setting; transnational

campaigning for compensation for industrial disease; and collective bargaining. The main criterion for selection was to link the agency of LNGOs with the agency of workers themselves – a link, which, as we have seen in the literature review, is questioned. My work with Hong Kong LNGOs and their partners in Guangdong provided me with sufficient data and experience to select interventions that are representative of the *general* direction of Hong Kong LNGO development over the last 15 years, despite political differences between them.

The Solidarity Machine: Advocacy, Collective Bargaining and Campaigns

Building 'Local Rationality'

HKA (a pseudonym) built up credibility among migrant workers in the city of Shenzhen and town of Panyu during the 2000s. HKA devoted considerable resources to legal activism but this was not at the expense of a stress on labour agency and the need for migrant workers to develop a collective understanding of the capitalist-labour relationships. Migrant workers were able to get free advice at two centres established in industrial districts and via HKA staff from both Hong Kong and the mainland, accessing workers through dormitory visits, community activities and training. While HKA developed expertise in issues of workplace safety and compensation for injury, especially with reference to the gemstone industry and silicosis, the underlying aim of this work gradually shifted to 'fostering workplace activism and mobilization for collective bargaining' (Interview, HKA coordinator: Hong Kong, 6 July 2012).

In March 2010, HKA succeeded in getting a major Hong Kong-owned jewellery company banned from two important trade fairs as part of a long struggle for compensation for workers with silicosis. They brought staff from their centre in Shenzhen to Hong Kong for meetings with local and international labour rights advocates as well as for participation in HKA meetings – the opposite of the practices found by Friedman (2009).

HKA's stress on collective agency was reinforced by research on strike resolution conducted by their activists working with supportive academics. Between March and August 2008, HKA and their mainland staff organized six study sessions on strike resolution attended by mainland labour organizers from four mainland LNGOs as well as ordinary workers. These sessions promoted the seeds of collective class-based solidarity and gave HKA and their mainland partners the credibility and experience to build what Nilsen and Cox (2013) term a local rationality based on the demand to standardize the minimum wage across different districts of Guangzhou. This rationality challenged the 'common sense' of the Guangdong government that fixed minimum wages according to broad indicators of economic development. The diverse wage levels were subsequently challenged by workers and activists armed with a Gramscian 'good sense' that 'indicates the social group concerned may indeed 'have its own conception of the world' (Gramsci, 1998: 74).

HKA and their mainland partners and staff – at least five of whom were former workers injured or made sick through poor workplace safety – based their local rationality on the average 18 per cent gap between the minimum wage in Guangzhou proper and its various

satellite towns, including Panyu. In mid-2011 they launched a campaign involving approximately 30 workers, a legal academic from South China Normal University, public interest lawyers and alliances with other LNGOs. They applied for a review of the legality of minimum wage provision with the Panyu Office of Legislative Affairs and in October 2011, the government appeared to accept the basic argument for standardization, albeit couched in the ‘common sense’ of hegemonic authority.

In view of the closing gap of economic development between the regions, the minimum wage level in Panyu will be raised to the level of Guangzhou city at the next provincial adjustment of the minimum wage.⁸

In practice nothing happened. Round two moved beyond legal process towards direct negotiation and succeeded in securing a meeting on 31 March 2012. Senior officials from the municipal level of the Ministry of Human Resources and Social Services met with five HKA worker activists. Using data from a survey carried out by HKA’s aforementioned network, the workers were able to persuade officials of their case for wage standardization and assurances were made and reported in the press and social media. Still nothing happened, and for a year HKA and their mainland partners conducted low-level campaign work that included using ‘social media platforms to disseminate information and maintain interest via updates of the [ongoing] litigation’ (Interview, LAC Director: 10 May 2016) promoting the local rationality over discrepancies in minimum wage levels. Breakthrough came in February 2013 when the Guangdong government announced the minimum wage would be both

increased and standardized at RMB 1550 – an increase of 40 per cent for those workers previously paid the lower rate.⁹

It is difficult to equate this combination of mobilization and litigation with the lack of ‘social capital’ referred to by Franceschini (2014). Throughout the localized campaign, HKA and their partners were able to marshal sufficient resources among labour activists and academics to extract responses from government agencies and attract media coverage. In other words, they were able to develop a local rationality that overcame counter-claims by capitalists – many from Hong Kong. The workers-turned-activists applied lobbying and organizing skills acquired during an on-going campaign for compensation after contracting silicosis (Interview, HKA staff: 28 February 2013; Leung and Pun, 2009) demonstrating mobilizing capacity (Xu Yi, 2013) in what was a collective manifestation of activist-led community-based intervention as described by Chan (2013). In April 2013, HKA organised a workshop on the strategy and tactics of the campaign attracting 30 local LNGOs keen to learn from a successful mobilization based on a local rationality developed by HKA.

Militant Particularism: Building Collective Bargaining

Nilsen and Cox (2013: 75) define militant particularism as when a ‘subaltern group deploys specific skills and knowledge in open confrontation with a dominant group in a particular place, at a particular time, in a particular conflict over a particular issue’. The conflict is still local but forms a clear and identifiable ‘us’ in opposition to ‘them’ (76). In this case study,

the skills are collective bargaining with hostile and reluctant employers in conflicts related to money and exploitation: wages, social insurance premiums and compensation for factory relocation.

HKB (a pseudonym) has been operating in China for almost 25 years.¹⁰ Led by a well-known labour activist expelled from China following the violent crackdown on the 1989 Democracy Movement, HKB was able to exploit this human capital to expand rapidly in the Hu-Wen era. In 2008, HKB judged that the combination worker militancy, the introduction of the Labour Contract Law and relatively tolerant attitude of the authorities towards LNGOs in Guangdong was conducive to the promotion of collective bargaining across Guangdong's manufacturing sectors so as to 'put pressure on the ACFTU to improve its credibility' (Interview, HKB director, 10 June 2014). This would 'encourage workers to see that trade unions were not always useless and that workers could be the main actors in real trade union reform' (Interview, HKB director, Hong Kong, 10 June 2014). This approach reflects the linear progression of local rationalities i.e. a conception of the world formed, in this case, by workers that differs from both their employers and the state that can generate 'militant particularism(s)' manifested in wildcat strikes that can gain 'concessions from factory owners' (Nilsen and Cox, 2013: 76) and promote a more accountable form of trade unionism. HKB envisioned that workers – especially women workers – take a lead role in the evolution of forms of collective bargaining they were promoting (Interview, HKB director, 10 June 2014)

While careful not to present themselves or their partners as an alternative to the ACFTU, HKB's collective bargaining project was nevertheless deeply imbued with the promotion of democratic trade union consciousness. This approach was distant from Chan's community organizing or Lee and Shen's concern that LNGOs were focused on individualized legal work that created anti-solidarity. While the project had little in common with the 'radical trade unionism' that Nilsen and Cox cite as an example of the outcome of militant particularism, the goal of a reformed and democratic ACFTU is certainly radical in the context of China. For HKB, the immediate challenge was to build sustainable solidarities to institutionalize the episodic collective bargaining that many employers in Guangdong were being forced to participate in to resolve 'specific conflict' i.e. strikes at their workplaces.

Weak enterprise-level unions (Pringle and Clarke, 2011) meant that progress 'inside the system' would be inevitably slow but HKB nevertheless developed a sophisticated model of intervention based on accountability, participation and negotiation. By arming workers with 'specific skills' to negotiate with employers, HKB helped to develop a layer of informal workers' representatives that operated 'outside the system' but not in opposition to it. As one partner representative put it: 'I believe [these] worker representatives are of profound importance. The key challenge now is to protect and extend the network of reps' (Interview, labour lawyer, Shenzhen, 21 July 2015).

HKB's collective bargaining training emphasised two themes: solidarity and accountability built on workplace organising. Sessions on testing levels of support for a given set of

demands; spreading rights awareness at factory and shop (*ke*) level; election of representatives; preparing for negotiations with employers; accountability to workers; post-bargaining implementation; engaging with state officials; relations with the trade union; and, where conditions allowed, establishing a primary level branch of the union. Designing and building enterprise-wide support for demands in preparation for collective bargaining proved to be one of most interesting exercises at a session in the summer of 2013. Approximately 35 participants divided up into small groups to work on a live case of a collective grievance at an electronics factory in Shenzhen drawn from HKB's database of interventions. Each group developed demands to provide a material basis for support by a majority of workers in the factory. In real life HKB's mainland partner had advised against strike action, as the demands had been relevant to just one shop in the factory, leaving activists vulnerable to dismissal. While unpopular at the time, the strategy ensured the activists remained in the workplace. Some of them attended the above training session and, as one of them put it, 'continue to build a labour movement via the adaptation of collective bargaining to local conditions' (Interview, workplace activist, Hong Kong, 23 July 2013).

HKB's collective bargaining project was designed to direct an emerging labour movement towards workplace bargaining and away from reliance on bureaucratic dispute resolution procedures. It was an attempt to reproduce '[i]deals forged out of the affirmative experience of solidarities in one place generalized and universalized as a working model' (Harvey, 1996: 32 cited in Hesketh, 2013: 223). While not on the scale of building 'a new form of society' as

per Harvey's definition, the project formed part of a movement process from below, developing a working model for income redistribution based on increased articulation of local rationalities via wildcat strikes (Nilsen and Cox, 2013: 75-76). This was the workplace mobilization that Xu Yi envisaged emerging from the seeds of other forms of labour advocacy; indeed HKB have a decade-old labour rights litigation program that certainly built up their social capital. The type of remote paternalism that Freidman (2009) reported was not present: one large training session involved bringing five partners and at least 20 workers to Hong Kong, in stark contrast to the GMA's practice of not bringing partners to the territory. However, control over partners' operations existed via HKB's dominant funding position and single-minded pursuit of collective bargaining even when partners felt that conditions were not conducive.

Transnational Labour Campaigns

For Nilsen and Cox (2013: 76) 'campaigns' emerge out of the local rationalities and militant particularisms that survive 'attacks from above using clientelistic relationships, "divide and conquer" or the cooptation of leaders'. In contrast to the particular places and particular times of local rationalities and militant particularisms, campaigns involve a 'range' of activities that '*connect people across situations*' (Nilsen and Cox, 2013: 74, emphasis added).

In 2003, HKC (a pseudonym) intervened in a labour dispute that developed into a decade-long campaign for compensation for occupational disease. The campaign did not follow the

processual linear direction of local rationality-militant particularism-campaign envisaged by Nilsen and Cox but instead drew on all three conceptualizations at different stages. It began with panicky wildcat strikes in two Hong Kong-owned factories in the city of Shenzhen and gradually became ‘embedded in national and transnational movement networks that articulated a generic politics of opposition’ (Nilsen and Cox, 2013: 77) to the particular type of capitalist relations in Guangdong’s Pearl River Delta.

The key demand of the campaign was life-long compensation from a multinational company to workers harmed while producing batteries using cadmium oxide. The heavy metal compound is recognized as causing occupational illness by the Chinese Ministry of Health (National Standard GBZ17-2002) and is banned in production in the EU, the US and Japan. Once in the bloodstream it can take between seven and thirty years to excrete and in the meantime causes vomiting, diarrhoea, aching joints as well as long term damage to internal organs and the skeletal structure (*Globalization Monitor*, 2007: 11).

Throughout the campaign HKC emphasized the leading role of workers:

It is not our job to tell workers what to do. In tactical issues such as whether to opt for a legal approach, or accept a compromise from the company, or go on strike, these matters must be decided by the workers themselves. Of course, we use our resources to arm workers with better information on which to base their decisions but that is not

the same as making the decisions.’ (Interview, HKC coordinator, Hong Kong: 16 April 2010).

Being guided by the principle of collective worker-led activism is one matter.

Operationalizing it is quite another, especially when autonomous organizing is constrained.

During the campaign, HKC, its partners and workers had to contend with unnecessary strips during medical checks; surveillance and intimidation of workers who travelled to Beijing to petition the central government; and relocation of production away from the original factories in Shenzhen and Huizhou.¹¹ Part of HKC’s response to localized intimidation was to scale up solidarity actions so that workers ‘did not feel they were continually isolated’ (Interview: HKC coordinator, Hong Kong: 16 April 2010). HKC were able to make use of regional networks to increase pressure on the multinational via media reports and small protests outside company offices. They also identified the multinational’s Hong Kong-based workers who had also been subject to cadmium exposure and helped to publicize and build solidarity across the city and back into Guangdong. For example, on 23 July 2014 approximately 30 Hong Kong labour and social welfare groups protested at the company’s headquarters in Hong Kong. In the same year, Hong Kong Polytechnic University students put up posters criticizing the company’s president and on 10 September Hong Kong groups protested at the company’s Annual General Meeting, an action that coincided with a three-day strike by workers at a company factory in Huizhou demanding independent medical checks. Similar actions in Hong Kong and Guangdong continued throughout the struggle including an

occupation of local government offices in the city of Huizhou where one of the company's mainland factories was located.

At the global level, HKC made use of transnational contacts to involve the Dutch trade union federation FNV, the International Trade Union Congress, the European NGO Good Electronics, Peuples Solidaires (Action Aid) in France, Asian Pacific Solidarity Links based in Bangkok and many other organizations. When funds and visa requirements permitted, worker activists travelled to these organizations as part of HKC's efforts to expose mainland partners to international labour organizations and their work. Both the grassroots approach and the capacity to work at various scales suggest that HKC and its mainland partners in Guangdong were able to bring together workers, other Hong Kong LNGOs, trade unions and international NGOs and an impressive array of transnational advocacy networks and unions to sustain a very long campaign connecting people across situations. This covers two – possibly three if we assume that HKC received at least some campaign funding – of Franceschini's (2014) aforementioned four core actors, namely workers, international donors, other NGOs and the state. It was enough to force one of the world's leading battery manufacturers to concede to lifelong compensation – eventually.

This campaign represents a hybrid of community intervention (Chan, 2013), workplace mobilization (Xu Yi 2013) and transnational campaigning in the best tradition of transnational advocacy led by workers' agency (Wells, 2009). It does not follow Nilsen and Cox's linear procession of local rationality, militant particularisms and campaigns, but it does

draw on two of these concepts at specific stages in the campaign. Extending the belief among many workers that the 3,000 or 8,000 yuan originally offered as compensation was inadequate, HKC worked with workers to develop a local rationality based on lifelong compensation that informed first local and then transnational networks. The ‘structures of feeling’ (Harvey, 2000: 55) ‘peculiar to places and communities’ (Nilsen and Cox, 2013: 76) that militant particularism fosters through conflict was difficult to create and maintain due to the fact that many former employees were forced to return to rural homes by China’s restrictions on urban residence. On the other hand, HKC’s transnational links facilitated an upscaling to a regional and then transnational campaign with workers at the forefront.¹² Most important of all, they won.

Conclusion

Hong Kong LNGOs have developed sophisticated techniques of intervention that are of direct benefit to workers’ collective interests. I found no evidence to suggest, as Franceschini has done, that these pioneering organizations present themselves to funders or workers as potential alternatives to the ACFTU. This article has provided examples in which Hong Kong LNGOs and their partners have promoted the principles of solidarity and worker-led agency generating outcomes that not only defend but advance the rights and interests of workers in Guangdong and in contrast to Lee and Shen’s description of LNGOs as anti-solidarity machines. This is not to argue that the arguments presented by the critical scholars are wrong.

Rather, the research here offers a different dataset analysed via a Marxist framework through which I reach different conclusions than most of the existing literature on LNGOs in China.

These findings suggest that Hong Kong LNGOs are not seeking to challenge the social totality of mainland China as ‘as an object to be transformed’ (Nilsen and Cox, 2013: 77).

But following Barker et al (2013: 22) I find that social movement theory

‘ought to be able to think through the ways that existing political and ‘civil society’ organizations may simultaneously both challenge and support broader sets of exploitative and repressive social relations – and to fashion strategies for opening up the opportunities that such contradictory forms contain’(emphasis in original).

Hong Kong’s best known Hong Kong LNGO activist Han Dongfang articulated precisely this contradiction when he stated that NGOs are ‘a key pillar that prevents the system from collapsing’(Huang, 2017). According to Han, the new Law on the Activities of Overseas Nongovernmental Organizations in the Mainland of China (the Foreign NGO Law) needs overhauling, but until then foreign LNGOs – including Hong Kong LNGOs – have to ‘live longer than the law’ itself (Huang, 2017). There have been a number of meetings at which Hong Kong LNGOs have met with funders, other LNGOs and academics to develop, discuss and strategize. From the safety of a university office in London, it easy to spout high-sounding encouragement to Hong Kong LNGOs to stick to projects that prioritize worker-led agency over corporate social responsibility, or collective bargaining over bureaucratic

channels of dispute resolution that reduce collective class interests to individualized rights and can even derail labour movements in the process. The task will certainly be rendered possible with support and solidarity from social movements elsewhere.

Finally, by applying Nilsen and Cox's framework, my research suggests that conditions in China do not necessarily afford a direct linear progression from local rationalities to militant particularisms to campaigns and eventually to social movement projects that challenge the system itself. There is no indication that the latter has manifested itself, nor that Hong Kong LNGOs have such an aim. Nevertheless, by applying the framework of movement processes this article has attempted to move the debate and analysis of LNGO activity in China beyond snapshots studies and hopefully provided an opportunity to develop further an understanding of social movements in China from a Marxist perspective.

¹ The sentence of a fourth activist, Meng Han, was not suspended. He received a 21-month prison sentence.

² See Methodology section for a full explanation of my research site and selection.

³ The Law on the Management of Foreign Non-Governmental Organizations' Activities Within Mainland China (2017) transferred registration and supervisions to the Ministry of Public Security – the police.

⁴ See <https://redballoonsolidarity.wordpress.com>

⁵ See <https://redballoonsolidarity.wordpress.com/2015/12/16/>【學者評論勞工 ngo 被打壓事件】dr-tim-pringle: 真正創造財富/

⁶ <https://redballoonsolidarity.wordpress.com/2016/04/12/scholarscomment-on-the-suppression-of-labour-ngos-in-china/>

⁷ My thanks to an anonymous reviewer for this insight.

⁸ Internal document on file with author. Translation provided by HKB.

⁹ See *Information Times*: http://informationtimes.dayoo.com/html/2013-02/27/content_2163337.htm (In Chinese)

¹⁰ While readers familiar with labour studies in China will have no problem identifying the organization, I have kept the pseudonym in the name of consistency.

¹¹ For an excellent documentary film on the struggle made in 2010, see *Red Dust* directed by Karen Mak. Details at: <http://www.reddustdocumentary.org/filmmaker.asp>

¹² See the book published by HKC *No Choice But to Fight*.

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