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## CHINA

### Developing at the Expense of Residents

#### Forced Evictions in Chongqing



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District of Lianglukou, citizens watching the building of a bridge crossing the Yangzi river, October 2006.

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## China Map



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## Developing at the Expense of Residents Forced Evictions in Chongqing

### EXECUTIVE SUMMARY

*“Chongqing dreams of becoming like Shanghai, of attracting global investors, but the poor and weak of the city like me have to pay the price. We have to disappear”.*

Chongqing, as Shanghai, Beijing and other Chinese cities is experiencing important challenges in terms of urbanism. Urban modernisation which includes the destruction and reconstruction of buildings can be a necessity for old neighbourhoods often insalubrious; the same is true concerning public infrastructure such as roads and city transportation networks. However, it is often the case that the so-called modernisation of the city and the beautification projects are in effect an excuse for profit-oriented if not

speculative projects, which disregard the genuine public interest and result in forced eviction of city dwellers without proper resettlement or adequate compensation. Such projects deeply affect Chongqing's population.

If a minority of wealthy people can enjoy the new Chongqing, for the majority of its inhabitants, the metamorphosis of the city means impoverishment and social exclusion. The reconstruction driven by real estate companies hand-in-hand with the local government is ignoring residents' rights, in particular the right to housing, enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the People's Republic of China.



A couple of citizens have resisted for three years to get a fair compensation, March 2007.

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### *Domestic legal framework*

The domestic legal framework provides for limited protection for victims of forced eviction, such as the prohibition to shut off facilities such as water supply, electricity or road access in the course of a forced eviction. Demolition is prohibited as long as disputes are not solved. However, the legal framework is not protective enough of the rights of residents, and is not in conformity with China's international human rights obligations. In particular, it does not foresee the obligation to timely inform the residents of the projects which will involve their eviction and consult them. Nor do national regulations provide for effective remedies in case of violations of residents' rights. In addition, provinces, regions and municipalities have adopted their own regulations, which are often even less protective of residents' rights than the national regulations.

A long awaited Law on Property Rights has been adopted on 16 March 2007 by the National People's Congress, and will enter into force in October 2007. That legislation aims at clarifying the State, collective and individual property rights and provides for a uniformed system of registration of real property rights in order to ensure legal security. However, on the specific issue of expropriation of real property, the legislation does not bring about significant improvements since it reiterates that expropriation may take place "for the purpose of public interest", without defining this notion which is currently being widely misused in China.

The limited protection provided by the domestic legal framework is often overtly violated in total impunity. Indeed, while under national regulations, forced eviction should only take place if public interest so requires, private interest of local officials and developers is often at the origin of the eviction process. Projects aiming at building prestigious constructions often result in the eviction of hundreds of families. Buildings inhabited by the people are usually replaced by upmarket housing, hotels, business neighbourhoods, or shopping facilities, which generate more profit for local officials and developers, while the evictees are not offered alternative accommodation or adequate compensation.

### *Unlawful practices*

Eviction generally takes place without adequate compensation or satisfactory resettlement, in violation of international human rights law and domestic regulations. The compensation provided is largely insufficient for the evictees

to buy a new home, and people consequently have to rent a smaller apartment in remote suburbs, find refuge with relatives or become homeless. As regards shop owners, they lose both their property and their income. Eviction therefore largely contributes to pauperisation. Eviction and impoverishment result in people being vulnerable to the violation of other human rights, notably the right to food, to water, to health and to education.

Forced evictions in Chongqing often happens to people who already suffered from previous forced relocations, or to workers laid-off in the context of the wide scale privatisation of state owned companies in the 1990s. Forced evictions consequently tend to further marginalize people who have already suffered immensely of the reforms.

There is no adequate welfare housing system in China. Access to housing is driven by the real estate market. Local governments and developers neglect low-income housing in favour of economically profitable up-market residences. This means that no corrective measures are put in place in order to ensure the respect of the housing rights of people forcefully evicted through alternative housing schemes.

### *Remedies and resistance*

Collective resistance appears to be the only way to oppose illegal evictions of people from their homes; however, developers and local governments' answer to such a mobilisation is to put pressure on evictees notably by purposely degrading of the neighbourhood sanitary facilities to worsen the daily living conditions. Intimidation and harassment are also common-place. Violence is frequently used to carry out with evictions in case of resistance and such violence often results in people being injured.

In theory, citizens seeking redress in case of violation of the domestic regulations for the management of urban residential demolition and eviction must ask for an administrative arbitration, which is managed by the local administration. Therefore, local authorities are both party and judge in the case and citizens can expect no protection from such a process. The lawsuit which can subsequently be filed cannot result in a fair trial for the individual concerned in view of the lack of independence of the judiciary. Therefore, people travel to Beijing to petition the central authorities, but with no better results. Victims of forced evictions are often forcefully sent back from Beijing to their province of origin because they "disrupt the public order". The police of their province of origin participate in bringing them forcefully back home to prevent them from

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alerting the central authorities of the human rights violations perpetrated at the local level. The petition system provides a forum of protest rather than a reliable remedy to redress abuses.

The alarming situation is not limited to Chongqing but affects most Chinese cities as well as the countryside where very large numbers of farmers are evicted from their land. The central government appears to acknowledge the gravity of the problem. But, it does not seriously address it, mainly limiting itself to declarations of principle which are not translated into acts by local authorities.

People therefore use various forms of public protest to draw the attention of the central authorities and the public to their plight. They display banners and posters and organise demonstrations, sit-ins and public petitioning. Victims of forced eviction also try to alert the national media, since local media is closely controlled by the local authorities, or depend financially on the developers and real estate companies. The Internet also plays an important role of alert and exchange of information among Chinese citizens from various regions and cities.

Exploring these various channels, from judicial remedies to public protest, these new activists start the struggle in a pragmatic way to protect their homes but end up talking and asking for the respect of their fundamental rights. Far from the past ideological activism that needed structures and propaganda, the new grassroots activists are acting spontaneously in Chongqing and all over the country, individually or by group, and are becoming a real force for social changes.

The authorities answer with threats and sticks, addressing only the symptom - social unrest, but refusing to deal with the root of the problem: a real estate market driven by profit, crippled with corruption, unable to answer housing needs and worsening inequalities.



## **INTRODUCTION**

*"Laws exist in China and the Constitution protects private houses, but they are ignored by the local government which is more interested in making profit hand-in-hand with the developers. Chongqing dreams of becoming like Shanghai, of attracting global investors, but the poor and weak of the city like me have to pay the price. We have to disappear."* Zhang, like Jiang, Li and Chen lost their homes in Chongqing. They had been living in the heart of the Yuzhong Peninsula, in Jiangbei on the other side of the Jialing River, and in Nan Bin on the Southern bank of the Yangzi. All of them tried to protest, and used legal remedies to save their houses or at least get proper compensation, but to no avail. Not only did they lose their homes, but often their incomes as well.

Chongqing, like Shanghai, Beijing, and other Chinese cities, is facing massive urban challenges and changes that deeply affect its population and regularly cause social tensions. If it is true that urban modernisation, including the destruction and reconstruction of buildings, is necessary for old, often unhealthy neighbourhoods, and if public infrastructures, especially roads and city transportation networks, need improving, it is similarly true that this "modernisation" in many cases is an excuse for profit-oriented, if not speculative, projects that ignore the public interest and repeatedly force city dwellers out of their neighbourhoods without proper resettlement or compensation. The Constitution and other laws are supposed to protect these citizens' right to housing, but the laws seem to have little utility in a country where money and political power rule, mixing the worst of capitalism and a planned economy.

Beijing will host the Olympic Games in 2008, Shanghai, the Universal Exhibition in 2010, and by 2009, Chongqing will boast the world's biggest dam: a mammoth project already having a huge social and economic impact on Chongqing's population. In 1997, the city and its surrounding rural counties became, after Shanghai, Beijing and Tianjin, the fourth municipality directly ruled by the central government. With more than 30 million people, Chongqing was proudly labelled by the central government as the biggest municipality in the world; three years later, the city came to symbolize the national "Go West" policy. Becoming the centrepiece of development of the far-western and poorest provinces, Chongqing attracted massive public investments that are entirely reshaping the city but resulting in the eviction day-by-day of its modest residents.

Chongqing's rural counties are also directly affected by forced relocation due to the Three Gorges Dam, but the present report does not cover this subject already well-documented by NGOs and scholars;<sup>1</sup> instead, the focus is the city of Chongqing.

Alerted on large scale forced evictions of urban residents from their homes and rural citizens from their land, FIDH decided to carry out a wide research based on *in situ* investigation in the People's Republic of China to draw a picture of the situation in urban Chongqing through examples that actually reflect the broader reality of city dwellers throughout the country. This report is based on testimonies of about fifty victims of forced eviction with various socio-economic backgrounds, collected in the city from 2002 to July 2006, through several long stays. The main neighbourhoods where those testimonies were collected are Jiefangbei, Daping, Hualongqiao, Jiangbei, Lianglukou, Liziba and Shanhu. Local press in Chinese as well as Chinese discussion forums on the Internet were also used for this report.

The authorities were not informed of the FIDH missions in order to avoid endangering the people met by the mission. For the same reason, this report guards the anonymity of the people who have agreed to talk, and identifying details have been purposely omitted. On the occasion of the publication of this report, FIDH reiterates its strong interest and availability for official missions in China should the authorities allow such activity.

If China has widely opened its doors to visitors of almost any kind, those working on issues seen as sensitive by the government are still closely watched. We have come a long way from the era in which foreign visitors were guided and systematically monitored, but the constraints are still numerous. Strict control over the population has been skilfully replaced by surveillance targeting specific persons. Thus, while collecting testimonies and firsthand information in China is not as difficult as it used to be, it is still very difficult to gather realistic figures about current social problems that the government prefers to minimise, such as forced demolition and eviction.

Today, there is some room for freedom of expression in China, in spite of the restrictions imposed by the authorities. People tell of their burdens in the street. They also post their plights on walls or on the Net, denounce injustice with banners and seek justice in the courts. Desperate citizens are also moved by a nothing-to-lose attitude to speak out about their suffering and, for the elderly, to express their bitter disillusionment

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about the country for which they have sacrificed their lives.

However, self-censorship still exists. Legitimate fears remain when it comes to criticizing the authorities, especially to foreigners, since the risk of retaliation is high for those who discuss sensitive issues with visitors.

The report does not aim to condemn urban changes in China, but rather attempts to detail the excesses that occur at the expense of city dwellers in violation of their most basic human rights. What is currently taking place in Chinese cities has happened and is still happening in many western metropolises. However, these radical transformations, unbounded and notwithstanding the existing legal framework, make the situation in Chongqing more acute than elsewhere. Undoubtedly, obsolete urban plans demand redrawing, reorganisation and deep modification, but these processes

must take into consideration the needs and rights of the people concerned in the first place: the city dwellers. From this perspective, the present report gives the people free reign to express themselves through their testimonies.

The first part presents the national context of forced evictions and demolitions, including an overview of historical elements and the current legal framework. The second part details urban relocation in Chongqing based on testimonies collected on-site and primary documents. Through numerous individual and collective cases, the report documents citizens' resistance to the authorities and developers' illegal practices in violation of the right to housing. It also addresses the repressive methods used to silence the citizens resisting forced eviction. The report also includes recommendations to relevant actors, in China and abroad.



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Demolitions in the district of Daping in autumn 2003.

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1. See, e.g., the work done by International Rivers Network ([irn.org](http://irn.org)) and Probe International ([threegorgesprobe.org](http://threegorgesprobe.org)).

## **I. FORCED EVICTIONS IN CHINA**

### **A. From state-owned housing to private residences**

#### **Work-unit system**

Before the 1949 revolution, there were a large number of privately owned houses in urban China. Private rental housing was also common. Beginning in the '50s, in China, collectivisation meant that land and most buildings were given to the State.

Several decades later, by the early '80s, only 10% of houses in Chinese cities belonged to private owners, and private rentals no longer existed. At that time, the housing horizon in urban China constituted work-unit housing (up to 75% of total housing) and municipal housing (around 20%).<sup>2</sup> Work units, which used to play a central role in Chinese city dwellers' lives, provided flats to their employees at no cost or for a nominal rent. This kind of housing was built by factories with funds allocated by supervising government agencies, and municipalities constructed public housing for small and street-level collective enterprises that were unable to receive capital construction investment.<sup>3</sup> Until 1990, households in most Chinese cities spent a maximum of 2 to 3% of their total income on rent.

This welfare housing system, which compensated for very limited salaries, was extremely costly for the factories - and consequently for the State - especially given the expense of maintaining the low-quality buildings. Because of the lack of funds, many companies reduced drastically their renovation spending and halted construction of new buildings. Thus, in the '80s, the government was forced to spend billions of yuan on maintenance every year;<sup>4</sup> this continued until the financial sinkhole became unbearable and prompted transformation of the state monopoly into a market-driven real estate sector.

In fact, land-use and housing reform started in 1985 in Shenzhen, where joint-venture and Hong Kong companies were allowed to build on rented land. Two years later, the experiment was repeated in Shanghai and was progressively extended to all of China. In the '90s, state-owned companies massively sold their flats at a subsidized rate to current tenants. In 1998, the government stopped providing flats for urban employees and introduced housing allowances aimed to permit employees to buy their homes directly from the market.

Until 1992, all real estate companies were closely tied to the administration, since they were set up by municipalities. But

with the 1992 administrative reform that prohibited local governments from getting involved in business, many private companies entered this new, market-driven real estate development. Private real estate companies became major actors of the urban modernisation.

#### **New welfare housing**

As traditional work-unit welfare flats drowned in the real estate market, the central government tried to set up a new housing system. In the mid-'90s, the central government required local governments to make low-income housing available for sale. Under the Welfare Housing Project launched in 1995, the central government tried "to solve the housing problems of moderate- and low-income inhabitants while regulating the housing market and income distribution."<sup>5</sup> It provided special loans and facilitated land acquisition to induce local governments and real estate companies to invest in this less lucrative market. The size-limited flats were sold at cost price. Official figures claimed that the total surface built had reached more than 71 million square meters by 1998.<sup>6</sup> That year, the Welfare Housing Project was restyled as the Affordable Housing policy, which targets not only struggling households but also moderate-income families. Last but not least, the flats would no longer be sold at cost price, but at "meagre-profit price."

With respect to renting, the Administration Rules on Urban Low-Rent Housing were issued in 1999 but not enforced until five years later. And as Nie Meisheng, President of the China Housing Industry Association, acknowledged, "the construction of China's low-rent housing system is still in an initial stage, the funds channel unstable, the guarantee method imperfect, the coverage small, and the current policy falling short of the requirements of practical development."<sup>7</sup>

Since the early '90s, only \$593 million has been spent on low-rent housing, benefiting just 329,000 households, as reported in July 2006 by the Ministry of Construction, which warned of a serious shortage.<sup>8</sup> At the beginning of 2006, only 70 of the 291 cities at or above prefecture level had established a low-rent housing system.

About 470 million square meters of affordable housing was built nationwide by the end of 2005. But instead of having a floor space of 60 to 80 square meters as required by law, flats were much larger in many cases, some measuring over 150 square meters and thus becoming unaffordable for the population



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purportedly intended to benefit from the policy. Wen Linfeng, an expert with the Ministry of Construction, attributes the failure to the fact that affordable houses are almost completely handled by developers who prefer to build and sell to wealthy people in order to recover their investments.<sup>9</sup> And neither tailored policies nor government will has prevented high-end buyers from acquiring the flats intended for middle and lower-income families.

In 1999, affordable houses accounted for 16.6% of the total investment in new houses, but this figure fell to less than 5% in 2005. In August 2006, a survey released by the Ministry of Construction showed that in 16 major cities, only 10% of the apartments for sale measured less than 80 square meters, while nearly 50% exceeded 120 square meters.<sup>10</sup>

Although several housing policies have been launched by the central government, affordable and low-rent housing in Chinese cities has gradually shrunk from the urban horizon, leaving no option for low-income city dwellers.

The low-rent housing policy also meant to provide "rent subsidies or low-rent common housing in the vein of social security for low-income, urban, non-agricultural permanent-residence permits-holders."<sup>11</sup> In other words, the millions of migrant workers with rural household registration status are excluded from this urban low-rent housing scheme; nor are they allowed to buy flats under the Affordable Housing policy. Except for the very few *nouveaux riches* migrants who are able to obtain urban residency documents, peasants migrating from the countryside can only rent a bed in a dormitory or guesthouse for a couple of yuan per night. Migrant families tend to rent a room in basic, if not filthy, houses sooner or later meant to be destroyed for 50 to 100 yuan a month.<sup>12</sup> Without any rent contract, they have no means to complain in case of forced relocation. Their "illegal" status in the city is also a deterrent from making complaints. Their only option is to walk away and find a new room.

### **B. Current urban development**

#### **Urbanisation and rural depopulation**

From the '50s to the '80s, Chinese leaders tried to avoid rural depopulation and purposefully limited the urbanisation of the country. The *hukou* (household registration) system was designed to prevent the rural population from migrating to the cities. This control over people's movement, especially the peasants', was implemented less and less drastically with reforms, and beginning in the '80s, migrants started moving from poorer to better developed areas of the country in search of jobs.<sup>13</sup>

To avoid massive migration of peasants to the main cities, the government originally promoted smaller cities, setting up buffer cities with a population of up to half a million. The result has been that the number of cities has more than tripled since 1978 to reach 660, including 171 cities with more than 1 million people, 279 with 0.5 to 1 million, and 210 with populations of less than 0.5 million.<sup>14</sup> But with this urbanisation of the countryside, China has lost more than 500,000 hectares of arable land annually, prompting the government to change its policy and promote the expansion of existing cities, especially the largest ones.<sup>15</sup>

This policy reorientation resulted in increased pressure on the major cities forced to undergo massive reconstruction, especially in term of housing, and many more urban changes will come with the millions of farmers expected to move to the cities. Currently, 524 million people live in cities and towns,<sup>16</sup> and according to Chen Xiwen, one of China's top rural-sector officials, in less than 15 years some 300 to 400 million rural dwellers will have moved to urban areas.<sup>17</sup> Rural migration implicates enormous needs in term of housing and infrastructure, and the urban metamorphosis necessitates an increasing number of peasants to build the new cities. Thus, a double-phenomenon occurs: as city-centres become dense with high-rise towers in place of old houses, low-income residents are pushed into these new city-belts; simultaneously, the farmers who previously lived on this now-urbanized land are deprived of their source of income and have to move further out in the countryside or, more probably, join the migrants' battalions precariously living in the cities.

#### **Market-driven real estate development**

A decade after the above mentioned reform began, China's urban housing horizon has changed entirely. The subsidized system of government-owned housing has given way to a booming market-driven real estate sector that now constitutes a pillar of China's rapid economic growth.

In downtowns, what were previously work-unit flats now belong to those who could afford to buy them, and the poorest neighbourhoods made of low houses were largely demolished to leave space for new business centres, malls and high-end residences.

According to the Ministry of Construction's July 2006 statistics, more than 81% of urban residents owned their homes by the end of 2005.<sup>18</sup> These official statistics do not reflect the large number of city dwellers with limited income,

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jobless workers or retired people who have lost their homes and been pushed out of downtown areas.

The reform opened the real estate sector to private players and brought financial opportunities to investors, but it also created many social inequalities for citizens. Being profit-oriented, the real estate market did not address housing needs, instead favouring lucrative, and often speculative, investments. Today real estate companies buy land-use rights from local governments. They build profitable residences for the wealthy, displacing the city dwellers living on that land. City dwellers are consequently often victims of forced eviction.

Real estate development has made wealthy people even wealthier. In 2004, according to Forbes magazine, nearly half of the 100 richest individuals in China were real estate developers who had made their fortunes in the construction boom. That same year many flat owners made a profit by selling their commodities. In 2006, according to a Shanghai-based researcher, among the 10 richest Chinese, seven worked in property development.<sup>19</sup> Yet, at the same time, millions of urban and rural residents lost their homes, their land, or both in the name of development.

In July 2006, Wen Linfeng, an expert with the Ministry of Construction, warned that the welfare-housing system was defective and blamed lack of public funds.<sup>20</sup> Unlike many other countries, said Wen, China did not include spending on welfare-housing in the government budget.

### Power and interests of local governments

With the administrative reform in the '80s, China became less centralized and local governments gained significant autonomy from Beijing. The fiscal system was entirely revised and decentralized in 1993, giving local governments the task of collecting income and local companies' taxes. For local governments, the decentralisation meant both less public funds coming from Beijing and more spending on public services. Education, healthcare, social security and housing have been in the hands of local governments since that time. Decentralisation of these crucial policies has created the risk of heterogeneous public services with increasing social inequalities.

Two decades later, decentralisation and rapid economic growth have transformed local authorities into chiefdoms. Provinces, autonomous regions, special administrative zones and municipalities have developed their own powerful bureaucracies that mainly espouse local interests and seldom conform to the policies designed by Beijing. With the reform came the dogma that "development is the highest priority," which has too often been translated by local officials into the preference of short-term lucrative investments over costly long-term public services funding. In short, "development" means that which is easily noticed and profitable. Real estate projects are part of that picture.

Local governments sell land use rights<sup>21</sup> to developers: commercial transactions that generate public resources but are often accompanied by corruption benefiting local officials. In large cities, the more central the parcel of land, the more lucrative the transaction. The preferred practice of local governments and developers is to "develop" - in others words, to demolish and rebuild - old neighbourhoods consisting of basic houses. The advantage to them is two-fold: first, fewer people to relocate and compensate than in workers buildings, and since the sanitary situation in these old neighbourhoods is often poor, an easier justification for the demolition; second, both officials and governments are rewarded for delivering, or appearing to deliver, "development" and will therefore choose "prestige projects" such as luxury shopping malls, ostentatious business towers or high-end residences that will benefit their careers and, they believe, attract more investors who will buy nearby land at higher prices.



Bird's eye view of the city buildings, in Jiefangbei, 2005.

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This urban "development" scheme dictated by the economic growth and image comes at a high price for the many city dwellers considered by the government as a costly burden to be driven out. Instead of balancing the profit-oriented real estate development with welfare housing and social measures that would ensure the respect of the poor residents' right to housing, local governments have ignored their obligations and acted as any private player on the market. They favour financial interests, irrespective of the legal framework, act in collusion with real estate developers, and neglect the public interest.

This results in large-scale forced evictions that residents have few means to oppose, since the authorities, which are supposed to defend their rights, are swayed by financial and political interests, often in violation of international law as well as the Chinese Constitution and domestic laws.<sup>22</sup>

Beijing regularly reminds local governments and developers about the necessity of respecting the law with regard to housing and relocation;<sup>23</sup> it stresses the alarming shortage of low-rent and affordable houses;<sup>24</sup> it even makes statements condemning land rights abuses and demolitions.<sup>25</sup> But no significant measures have been implemented to put an end to the illegal practices of real estate developers and local governments. Despite President Hu Jintao's repeated calls to "build a harmonious society"<sup>26</sup> with a more socially responsible approach that includes more funds for education, healthcare and other public services, GDP still dictates China's development, particularly in the real estate sector.

The victims of forced evictions carry very little weight in a real estate sector that attracted not less than 1 trillion yuan (100 billion euros) in 2004, nearly one-tenth of China's total economic output that year.<sup>27</sup> While Beijing tries to control the social unrest arising from forced evictions and poor housing,<sup>28</sup> it is unwilling to address the root causes of this unrest - the real estate structure - fearing its negative impact on economic growth.

### C. Legal framework

#### International law

China ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2001, which provides in Article 11 for "the right of everyone to an adequate standard of living..., including adequate food, clothing and housing, and to the continuous improvement of living conditions."<sup>29</sup> This provision also requires States parties to "take appropriate steps to ensure the realisation of this right."

The UN Committee on Economic, Social and Cultural Rights (CESCR), the independent mechanism established under the Covenant to monitor the respect by States parties of their obligations under the treaty, adopted a General Comment on the right to adequate housing in 1991.<sup>30</sup> The Committee stressed that the right to adequate housing "is of central importance for the enjoyment of all economic, social and cultural rights"<sup>31</sup> and "should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head. . . Rather it should be seen as the right to live somewhere in security, peace and dignity. Thus, the right to housing includes aspects such as the legal security of tenure; availability of services, materials, facilities and infrastructures; affordability; or habitability."<sup>32</sup>

The Committee also underscored that the right to housing "should be ensured to all persons irrespective of income or access to economic resources."<sup>33</sup> "States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others."<sup>34</sup>

In addition, "Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats."<sup>35</sup> "Regardless of the state of development of any country, there are certain steps which must be taken immediately.... Many of the measures required to promote the right to housing would only require the abstention by the Government from certain practices and a commitment to facilitating 'self-help' by affected groups."<sup>36</sup> According to the CESCR, "instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law."<sup>37</sup>

In 1997, the Committee adopted another General Comment on the right to adequate housing, focusing specifically on forced evictions, which it defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."<sup>38</sup> "The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights."<sup>39</sup>

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Importantly, the CESCR maintains that "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction,"<sup>40</sup> noting that forced evictions often occur "in the name of development" implicating "land acquisition measures associated with urban renewal, housing renovation, [and] city beautification programmes."<sup>41</sup> It warns that "forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions."<sup>42</sup>

Under the ICESCR, States parties must ensure that legislation against forced evictions is adopted and applied to all agents acting under the authority of the State, but also that such legislation prevents and punishes forced evictions carried out, without appropriate safeguards, by private persons or bodies.<sup>43</sup> The CESCR insists on the obligation of the State to provide effective remedies or procedures to those affected by eviction orders, and to ensure their right to adequate compensation.<sup>44</sup> Where eviction is justified, the principles of reasonableness, proportionality and legality should be duly respected: "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted."<sup>45</sup>

In the Committee's view, "the procedural protections which should be applied in relation to forced evictions include:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;

(g) provision of legal remedies; and

(h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts."<sup>46</sup>

Last but not least, the "State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing...is available."<sup>47</sup>

In 2005, the CESCR, upon examining the People's Republic of China's fulfilment of its obligations under the ICESCR, expressed concern about "reports of forced evictions and insufficient measures to provide compensation or alternative housing to those who have been removed from their homes in the context of urban development projects...and the lack of effective consultations and legal redress for persons affected by forced evictions and demolitions."<sup>48</sup> The Committee also recommended that China "take immediate measures to enforce laws and regulations prohibiting forced evictions and ensure that persons evicted from their homes be provided with adequate compensation or offered alternative accommodation, in accordance with the guidelines adopted by the Committee in its General Comment No. 7 (1997) on forced evictions."<sup>49</sup> Finally, the Committee recommended that China pursue open, effective and meaningful consultations with affected residents prior to implementing development projects.<sup>50</sup>

Since the adoption of those recommendations, no legislative or implementation measures have been proposed or enforced by the Chinese government to ensure that the right to adequate housing and the prohibition of forced evictions be fully respected in the country.

In his reports of March 2006 and February 2007, Miloon Khotari, the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, presents the basic principles and guidelines on development-based evictions and displacement.<sup>51</sup>

Those Guidelines apply to "acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection."<sup>52</sup>

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In the context of those Guidelines, "development-based evictions include evictions often planned or conducted under the pretext of serving the "public good", such as those linked to development and infrastructure projects (...); land-acquisition measures associated with urban renewal, slum-upgrades, housing renovation, city beautification, or other land-use programmes; (...) major international business or sporting events."<sup>53</sup>

Those Guidelines are consequently fully relevant to China's forced evictions. They recall the basic human rights principles as well as States obligations, and recommend preventive strategies, policies and programmes to ensure effective protection against forced evictions.

### Constitutional Rights

The Constitution of the People's Republic of China was adopted on December 4, 1982. In 1988, a first amendment was approved, making commercial land transactions possible. According to Article 10 (on land ownership) as amended, "The right to the use of land may be transferred in accordance with the law."<sup>54</sup> While the amendment can be considered a first step towards property rights, the State holds onto the power to decide reassignment of land use rights.

In March 2004, the Constitution was amended for the fourth time to include clear protections of private property rights. Article 13 as amended states:

Citizens' lawful private property is inviolable.

The State, in accordance with law, protects the rights of citizens to private property and to its inheritance.

The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and shall provide compensation for the private property expropriated or requisitioned.

The 2004 Constitutional amendment, which is considered as a reference point for the drafting of laws and regulations, was seen as another step to protect citizens' property rights, especially those who have been forcibly evicted. However, the Constitution cannot be invoked in court to oppose violative regulations when no legislation implementing the Constitution has been adopted.

Evictions and the forced demolition of houses implicate other

fundamental rights enshrined in the Constitution: the freedoms of speech, assembly, procession and demonstration (Article 35),<sup>55</sup> the inviolability of the home (Article 39)<sup>56</sup> and the right to petition the State (Article 41).<sup>57</sup> Also potentially at risk are the rights enshrined in Article 33, which stipulates that "The State respects and preserves human rights,"<sup>58</sup> and Article 5, which guarantees the rule of law and Constitutional supremacy for all Chinese citizens.<sup>59</sup>

### Property Rights

More than two years after the Constitution was amended in order to protect private property, China still lacks legislation prohibiting forced evictions and guaranteeing the rights of evicted occupants to fair compensation and effective redress for abuses related to forced evictions.

In March 2006, during the annual session of the National People's Congress (NPC), draft legislation on property rights was withdrawn amid ideological disagreement, in particular concerning the role of the State in the economy. Some members of the NPC stressed the fact that "[the draft legislation's] protections were too sweeping and would shield corrupt officials who took bribes or stole public property."<sup>60</sup> Nonetheless, the draft legislation, submitted five months later to the NPC's Standing Committee, was finally adopted for referral to the NPC.

The Vice-Chairman of the NPC's Law Committee, Hu Kangsheng, said, "the primary concern in making a property law is to comprehensively and accurately reflect China's basic economic system in which public ownership plays a dominant role and diverse forms of ownership develop side-by-side."<sup>61</sup> The draft legislation states that the government may only requisition land, including in urban centres, for public interest; however, said Hu, the definition of "public interest" in this context will be dealt with at a later stage.<sup>62</sup>

The law on Property Rights was eventually adopted by the NPC on March 16, 2007<sup>63</sup>. It is intended to adapt China's legal framework to the reality of a society in which millions of people have set up businesses and bought homes despite the absence of formal protection of their property rights.

The new Property Rights Law will enter into force on October 1st, 2007. The objective of that law is to protect State, collective as well as individual property rights, in accordance with the Constitution. The new law constitutes an important step forward to protect the security of legal tenure since it establishes a uniformed system of registration of real



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property and determines the legal regime of ownership. The Real Property Register shall be the basis of evidence pertaining to the ownership of property rights (Art. 16).

The law specifies which properties belong to the State (natural resources, waters, etc.), which are the collective properties and how they are exercised, determines the regime of the co-ownership of the jointly-owned parts of apartment buildings, etc. The law also regulates usufructuary rights, mortgage and pledge.

The law includes specific provisions relating to expropriation: Art. 42 provides that "For the purpose of public interest, the collectively-owned land, houses and other real property owned by institutes or individuals may be expropriated in line with the procedure and within the authority provided by laws".

This means that the new law does not protect the right to housing, and does not in principle prohibit forced evictions; nor does it specify the strict conditions and exceptional circumstances under which such evictions could legally take place. It does not define the notion of "public interest" and refers to existing legislation.

The same is true as regards compensation: the law reminds that for expropriation of collectively-owned land, compensations "shall be allocated in full, in order to guarantee their [the farmers] normal lives and safeguard their lawful rights and interests. Where houses and other real properties of institutes and individuals are expropriated, compensations for demolition and resettlement shall be paid according to law in order to maintain the legal rights and interests of the expropriated; where individual residential house is expropriated, the residential conditions of the expropriated shall be guaranteed" (Art. 42).

So, the new law will probably not bring about fundamental changes in the field of forced evictions since it mainly refers to existing provisions concerning both expropriation and compensation.

The 1982 Constitution, especially the 2004 amendment, recognizes the right of the citizens to own houses, and the 1986 Civil Law Act provides that personal property shall include housing. In addition, the 1994 Law on Urban Real Administration provides in Article 4 that the State "in accordance with the level of social and economic development, supports construction of residential houses gradually to improve the conditions of local dwellers."

### Relocation regulations

#### *National regulations*

In March 1991, the State Council<sup>64</sup> published national rules to regulate forced evictions in cities, the Urban Housing Demolition and Relocation Management Regulations. These 1991 Regulations were replaced by the June 2001 Urban Housing Demolition and Relocation Management Regulations entered into force in November 2001.<sup>65</sup>

The 2001 Regulations define terms such as the "evictor" (the work unit obtaining the demolition and eviction permit) and "evictee" (the owner or tenant of the property to be demolished). It also regulates the management of demolition and eviction.

Developers who wish to build on a site must apply for and obtain a series of permits from the demolition and eviction management departments at local level, which are responsible for processing applications, collecting necessary fees, and carrying out demolition and eviction. The developer or the department is required by law to advise existing inhabitants of their eviction and negotiate compensation. Once a compensation agreement is signed, the resident must move or be forcibly evicted. Under the 2001 Regulations, where no compensation agreement was reached, the "evictee" could apply for administrative arbitration and sue the "evictor," the eviction and demolition process was not suspended in the meantime: during the arbitration or lawsuit, the evictor could apply for government permission to proceed with the "forced demolition and eviction." Fortunately, this is not the case anymore since the 2003 regulations entered into force (see below).

The calculation of compensation and resettlement issues, as well as punishments in case of breach, are also covered by the Regulations. However, the 2001 Regulations do not provide for any consultation with dwellers before evictions and demolitions are decided. Evictees may attempt to negotiate compensation and their resettlement but are not permitted to contest the eviction as such.

The absence of consultation constitutes a violation of the ICESCR, since the procedural protections which should be applied in relation to forced evictions include an opportunity for genuine consultation with those affected. In addition, the CESCR has specifically recommended to China that meaningful consultations with affected residents should be undertaken prior to implementing development projects.<sup>66</sup>



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In view of the countless complaints and protests by denizens whose housing rights have been violated, as well as criticism expressed by legal experts and law professors, the central government openly denounced abuses related to forced eviction and demolition, but the situation didn't change in practice. On March 1, 2004, new regulations regarding forced eviction and demolition issued by the Ministry of Construction entered into force: the National Regulations for Urban Housing Demolition Administrative Adjudication Work Rules of December 23, 2003.<sup>67</sup> Intended to correct deficiencies in the 2001 Regulations, they set out detailed guidelines to assess which houses should be demolished and establish rules on the administrative arbitration of disputes arising out of the process.

The new regulations include a clause prohibiting companies in charge of demolition from shutting off utilities, such as water and electricity, or from closing off road access before residents have moved (Art. 24). It bans demolition activities where disputes are left unresolved. However, it still does not provide for information and consultation of affected residents. According to Xie Jiajin, a senior official in the Ministry of Construction, the regulation is "a new platform where all sides of a dispute can communicate on an equal footing," a "weapon occupants have to protect their property."<sup>68</sup>

### *Local regulations*

Unfortunately, local governments often ignore national rules regarding eviction and demolition, especially the legal guarantees for residents. Provinces, regions and municipalities follow regulations passed by local legislatures which, even if echoing national regulations in general terms, do not in practice provide the same protection and rights for evicted dwellers.

Article 8<sup>69</sup> of the 2001 Urban Housing Demolition and Relocation management Regulations states that adequate information about the project necessitating eviction should be

timely provided to affected residents. However, in Chongqing, such provisions were not included in the local 1999 Regulations (last amended May 2003). Chongqing has also ignored the Ministry of Construction's 2003 Regulations, namely the prohibitions on closing down utilities before inhabitants have moved out and on demolishing houses before disputes are settled.

Before 1999, the Chongqing regulation in force at that time (issued in 1987) was in some ways more favourable to residents than that in place currently, since it ensured a new flat as compensation; monetary compensation was secondary. By the time the regulation was changed, real estate had become a booming and lucrative market, making it more advantageous for developers and authorities to give limited monetary compensation while retaining the flats for sale.

Even when limited local regulations exist, they are often ignored by local authorities and developers, and under the regulations, before having judicial recourse, evictees must seek administrative arbitration in which the local officials involved usually work hand-in-hand with developers.

According to Wang Zhenmin, professor of administrative law at the Law School of Tsinghua University, parties should be able to go to court directly instead of first having to go through administrative arbitration, and demolition should cease once court proceedings start. "Putting administration before the judicial agencies in resolving the disputes makes it difficult for urban dwellers to protect their interests," Wang said. "In the case of business collaborating with government officials on commercial projects, the independence of the administrative process is put into question... The government should not act as both a player and judge; this is unfair for the other party."<sup>70</sup> Yet the judicial process itself is very uncertain, since local courts are closely watched and influenced by the Communist Party.<sup>71</sup>

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2. For more on public housing in China, see *Changes in the structure of public housing provision in urban China*, 1996, Wu Fulong. *Urban Studies*, Vol. 33, No. 9, pp. 1601-1627.

3. *Livelihood Struggles and Market Reform (Un)making Chinese Labour after State Socialism*, by Ching Kwan Lee, February 2005, United Nations Research Institute for Social Development.

4. See *The process of commercialisation of urban housing in China*, by Wang Ya Ping and Alan Murie, 1996, cited by Ching Kwan Lee.

5. See *Policies and Measures on Housing of Chinese Low-income*, by Nie Meisheng, President of China Housing Industry Association, August 2004.

6. *Id.*

7. *Id.*

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8. *China to build more low-rent houses*, Xinhua, July 18, 2006.
9. *Id.*
10. See *More flats for low-income families urged*, China Daily, August 29, 2005.
11. *Id.*
12. These prices, circa 2006, in Chongqing and Chengdu.
13. Until 2003, administrative policies of *custody and repatriation* authorized police to detain and return persons to their permanent residency locations.
14. Figures given by Vice-Premier Huang Ju in October 2005 during the APC summit held in Chongqing. quotes in *City hosts discussions on Asia Pacific growth*, China Daily, October 13, 2005.
15. See *Beijing makeover revives debate about megacities*, Asia Times Online, 28 February 2004.
16. Number given by Vice-Premier Huang Ju in October 2005 during the APC summit held in Chongqing. quotes in *City hosts discussions on Asia Pacific growth*, China Daily, October 13, 2005.
17. *Id.*
18. This rate is much higher than in Europe: Germany, for example, has a rate of 42%, and the United Kingdom a rate of 67%. See *Privatized housing impedes cooling efforts*, Asia Times Online, July 6, 2006.
19. *China women richest on paper*, Associated Press, October 10, 2006.
20. *Housing security system needs overhauling: expert*, Xinhua, July 12, 2006.
21. Commercial land transactions were illegal until the 1988 constitutional amendment permitted the transfer of "rights to use of land."
22. See pt. C. Legal framework.
23. See, e.g., *China Vows to Curb Rights Abuses over Forced Evictions*, AFP, September 29, 2004.
24. See, e.g., *Housing for low-income people inadequate*, China Radio International, August 7, 2006; *China to Build More Low-rent Houses*, Xinhua News Agency July 18, 2006; *To buy or to rent a home, that is the question*, China Daily, July 27, 2006; *Ban on villas to be strictly implemented*, China Daily, June 1, 2006.
25. *Controlling the Scale of Demolition and Relocation of Houses in Cities and Towns and Exercising Strict Administration of Housing Demolition and Relocation*, Notice 46, State Council, June 15, 2004.
26. See Hu Jintao's speech at the National People's Congress (NPC) in March 2006 and, in October during the annual plenary session of the Chinese Communist Party's policymaking Central Committee.
27. Figure given by a senior policy researcher with the Ministry of Construction, *More flats for low-income families urged*, China Daily, August 29, 2005, China Daily, August 29, 2005.
28. According to the Public Security Ministry, 87,000 cases of "public order disturbance" - including protests, demonstrations, picketing, and group petitioning - occurred in 2005, compared to 74,000 reported cases in 2004. In 2003, the PRC reported more than 58,000 "major incidents of social unrest" involving an estimated 3 to 10 million persons. A large number of these protests are linked to illegal land seizure in the countryside and forced relocation from urban centers.
29. ICESCR Article 11: "The States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States parties will take appropriate steps to ensure the realisation of this right, recognizing to this effect the essential importance of international cooperation based on free consent."
30. The CESCR General Comments interpret various provisions of the Covenant.
31. The right to adequate housing, General Comment 4, 13 Dec. 1991, para. 1.
32. *Id.*, para. 8.
33. *Id.*, para. 7.
34. *Id.*, para. 11.
35. *Id.*, para. 8.
36. *Id.*, para. 10.
37. *Id.*, para. 18.
38. The right to adequate housing (Art.11.1): forced evictions, General comment 7, para. 3, U.N. CESCR, 1997
39. *Id.*
40. *Id.*, para. 1.
41. *Id.*, para. 7
42. *Id.*, para. 4.
43. *Id.*, para. 9.
44. *Id.*, para. 13.
45. *Id.*, para. 14.
46. *Id.*, para. 15.
47. *Id.*, para. 16.
48. Concluding observations of the Committee on Economic, Social and Cultural Rights: People's Republic of China (including Hong Kong and Macao), para. 31, CESCR, May 13, 2005.
49. *Id.*, para. 61, CESCR, May 13, 2005.
50. *Id.*
51. E/CN.4/2006/41, A/HRC/4/18 (2007).
52. Para. 4.
53. Para. 8.
54. Article 10. Ownership of land (as revised in 1988 and 2004) provides:

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Land in cities is owned by the state.

Land in rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.

The State may, in the public interest and in accordance with the provisions of law, expropriate or requisition land for its use and shall make compensation for the land expropriated or requisitioned.

No organisation or individual may appropriate, buy, sell or unlawfully transfer land in other ways. The right to the use of the land may be transferred in accordance with the law.

All organisations and individuals using land must ensure its rational use.

55. Article 35. Freedom of speech, press, assembly

Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

56. Article 39. Inviolability of the home

The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

57. Article 41. Right to petition the state

Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any state organ or functionary. Citizens have the right to make to relevant state organs complaints or charges against, or exposures of, any state organ or functionary for violation of the law or dereliction of duty, but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited.

The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them.

Citizens who have suffered losses as a result of infringement of their civic rights by any state organ or functionary have the right to compensation in accordance with the law.

58. Article 33. Citizenship

All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China.

All citizens of the People's Republic of China are equal before the law.

Every citizen is entitled to the rights and at the same time must perform the duties prescribed by the Constitution and the law.

The State respects and preserves human rights.

59. Article 5. Constitutional supremacy

The People's Republic of China practices ruling the country in accordance with the law and building a socialist country of law.

The state upholds the uniformity and dignity of the socialist legal system.

No laws or administrative or local rules and regulations may contravene the Constitution.

All state organs, the armed forces, all political parties and public organisations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated.

No organisation or individual is privileged to be beyond the Constitution or the law.

60. *China to reconsider proposal on private property rights*, Associated Press, August 23, 2006.

61. *In Draft law backs right to private property*, China Daily, August 23, 2006.

62. *Specific issues, rather than ideology, become focus of China's property law debate*, Xinhua, August 24, 2006, Xinhua, August 24, 2006.

63. The law is available in Chinese at: [http://big5.xinhuanet.com/gate/big5/www.ha.xinhuanet.com/add/zfzx/2007-03/20/content\\_9553939.htm](http://big5.xinhuanet.com/gate/big5/www.ha.xinhuanet.com/add/zfzx/2007-03/20/content_9553939.htm). There is to date no official English translation. However, an unofficial translation has been published by the Chinese law firm Lehman, Lee and Xu, available at:

[http://www.lehmanlaw.com/fileadmin/lehmanlaw\\_com/Laws\\_\\_\\_Regulations/Propoerty\\_Rights\\_Law\\_of\\_the\\_PRC\\_LLX\\_\\_03162007\\_.pdf](http://www.lehmanlaw.com/fileadmin/lehmanlaw_com/Laws___Regulations/Propoerty_Rights_Law_of_the_PRC_LLX__03162007_.pdf).

64. The State Council is the highest executive organ of the State and is composed of a premier, vice-premiers, State councillors and ministers in charge of ministries and commissions.

65. An English translation prepared by the US Congressional-Executive Commission on China can be found at <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=2335>.

66. Concluding observations of the Committee on Economic, Social and Cultural Rights: People's Republic of China (including Hong Kong and Macao), para. 61, CESCR, May 13, 2005.

67. An English translation prepared by the US Congressional-Executive Commission on China can be found at <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=2457>.

68. See Demolition rule update protects properties, China Daily, January 1, 2004.

69. "Housing demolition and relocation management departments shall, at the same time that they grant the housing demolition and relocation permit, record the demolition entity, the scope of the demolition and relocation, the time limit for demolition and relocation, etc. on the permit and shall publish [such information] in the form of a public housing demolition and relocation announcement."

70. Forced demolitions blur rights, China Daily, April 21, 2004.

71. See below.



## II. RELOCATION, RESISTANCE AND REPRESSION IN CHONGQING

### A. Chongqing, megalopolis of the West

In 1997, Chongqing became the fourth official municipality of China after Beijing, Shanghai and Tianjin, but the first in the West of the country, about 1,500 kilometres away from the others located on the fast-developing coastal belt. When this special status was conferred on Chongqing, the South Eastern Sichuan region in which it was then located was (and still is) experiencing huge changes with the building of the mammoth Three Gorges dam; indeed the new municipality<sup>72</sup> takes up most of the reservoir area.<sup>73</sup> Three years later, in 2000, Chongqing became the gateway to the far western,

poorly developed provinces, the foothold for Beijing's Go West policy designed to develop and better control China's remote hinterland.

Since then, Chongqing has become a huge building site where new roads, subway and skyscrapers are shaping the new "capital" of the West with several booming business districts and mushrooming development zones, new industries and residential areas. But residents of more modest neighbourhoods do not see the benefits of this urban metamorphosis, which often means for them a more precarious life.



In the ruins of the district of Lianglukou Daqia, October 2006.

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### **From the Ba Kingdom to the "Double Celebration" metropolis**

During the Zhou Dynasty some 2,500 years ago, Chongqing (then called Jiangzhou, and later Chuzhou, Yuzhou and Gongzhou) was the capital of a separate kingdom ruled by the Ba people who had occupied the region since the Stone Age. In fact, when the Three Gorges dam site was excavated, archaeologists uncovered evidence that the Yellow River's Han culture was not the unique cradle of Chinese civilisation: more than 100 historic sites and tombs belonging to the Ba have since been identified.<sup>74</sup> Those sites functioned as political, economic and cultural centres for the Ba from as early as the Xia dynasty in the 21st century B.C.E. up to 316 B.C.E., when the Kingdom was conquered by the Qin and then incorporated into China as a separate administrative region. In 1189 C.E., the newly appointed Southern Song Dynasty Emperor Zhao Dun renamed the Ba city of Gongzhou "Chongqing," or "Double Celebration."

Chongqing's modern history began in 1891, when it was made an open port, in fact, the first inland commerce port open to foreigners. At the beginning of the 20th century, steamships travelling up the Yangzi from Shanghai helped develop Chongqing's port. But it was when the Kuomintang Government moved its capital to Chongqing during the Sino-Japanese War that the City was deeply changed and its economy started to boom. While the city was badly affected by Japanese bombing, the Nationalists also brought to Chongqing new ideas and technology, including mills assembled from thousands of tons of dismantled machinery ferried up the Yangzi River.

After Mao Zedong took power, reducing Chongqing to a provincial city under the jurisdiction of the Sichuan provincial government, the city's industry continued to expand to become a major production centre for iron, steel and aluminium, but also motor vehicles, textiles, and chemical and pharmaceutical products.

In the 1990s, Chongqing, like many other industrial cities in China, was hit by the reorganisation and closure of state-owned factories as part of drastic economic reforms, resulting in the lay-offs of hundreds of thousands of workers. During the same period, outside the city, in the rural counties of Chongqing, factories located along the Yangzi were dismantled to make room for the dam's reservoir. Approximately 1.4 to 2 million people<sup>75</sup> were to be relocated. It was notably to facilitate that process that in March 1997, the central government created a new administrative territory two times the size of Switzerland wherein Chongqing

absorbed the neighbouring prefectures Fuling, Wanxian and Qianjiang to become a municipality of more than 30 million people directly under the control of Beijing. With a territory of 82,300 square kilometres, Chongqing is five to thirteen times larger than the other three "special municipalities," but unlike Beijing, Shanghai and Tianjin, Chongqing remains more rural than urban, with about 75% of its population living in the countryside.

### **The hub of western development**

Chongqing lies at the western end of the 600 kilometre-long Three Gorges dam reservoir, where the Yangzi and the Jialing rivers meet, and is also surrounded by mountains. With the Three Gorges dam, the Yangzi should and is intended to become a waterway for sea vessels of up to 10,000 tons that will link Chongqing, the industrial hub of South West China, to Shanghai, the eastern coast and further overseas. Yet at present, Chongqing still lacks an efficient transport network.

Beijing's Three Gorges plan is not only about connecting Chongqing to the East. Since 2000, the central government has made Chongqing the centrepiece of its "Great Western Development Strategy," known as the "Go West" policy, that aims to develop infrastructure and industry and attract jobs and investments which would in the end reduce the gap between the fast growing eastern provinces and the poor western regions.

Behind the economic goals also lies a political purpose: to counter threats posed by growing discontent among the poorest rural population not benefiting from, and even suffering as a result of, China's booming economy and to better control the soil-rich land of immense strategic value populated by ethnic minorities like the Uighurs and Tibetans. As Pu Yong Jian, Vice Dean of Chongqing University, explains, "There are two factors with equal importance for the Go West strategy. They are the development of the economy and the national security and stability."<sup>76</sup>

Because Chongqing plays a leading role in the development of the Three Gorges basin and the far West, it is now of primary importance to Beijing which exercises tighter control over it than over the three special municipalities in the East. Indeed, because Beijing sees the reconstruction and growth of Chongqing as a significant national goal, it appointed several high ranking officials, such as former Minister of Transportation Huang Zhendong and Huang Qifan, director of the Shanghai Economic Commission in the 1990s, to positions in the city. Qifan is now Vice Mayor of Chongqing,



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where he is trying to replicate what he accomplished in Shanghai: massive, rapid urban transformation. In Chongqing, authorities are spending roughly 100 billion yuans annually to develop a transportation network and other infrastructure. Casting itself as a magnet for inland investment, Chongqing is also transforming its central Yuzhong peninsula into a Central Business District (CBD), including three development zones where foreign companies can enjoy favourable financial conditions.

The local government is proudly announcing that major multinational corporations such as Ford, Suzuki, British Petroleum and Hong Kong developer Shui On have already chosen to invest in Chongqing. Last October, the city was promoted on the international stage when it hosted the Asia Pacific Cities Summit.<sup>77</sup> Soon thereafter, Fortune magazine

listed Chongqing as the fourth most attractive location in China for foreign investment, after Shanghai, Beijing and Shenzhen.<sup>78</sup>

The reconstruction of Chongqing, like that of many other large Chinese cities, is a complex issue for urban planners who have to modernize the city in order to connect it to the outside world and to address the housing problem for the hundreds of thousands of farmers who have migrated from the countryside or will do so in the future. This reconstruction, particularly with respect to projects like the Central Business District (CBD),<sup>79</sup> is also an opportunity to sell the city piece-by-piece to the highest or most well connected bidder. This radical urban metamorphosis is driven by political and economic goals that favour the market, as well as personal interests, often in flagrant disregard of laws and people's will.



Bird's eye view of Jiefangbei square, 2004.



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### Becoming a megalopolis

Chongqing is now populated by over 32 million people but the urban center accounts for only several million of that number. In 2004, the actual city of Chongqing had an estimated population of 3.4 million, making it the tenth largest urban area of China. taking into account unregistered migrants from the countryside, this number may now be double what it was.

The city consists of eight districts. The most important one, Yuzhong, is a densely populated peninsula at the centre of Chongqing where the government offices are located. The northern part of the city, across the Jialing River, is divided into two districts, Jiangbei and Yubei. On the south bank of the Yangzi River lies the Nan'an and the more rural Ba'n'an districts. Finally, three districts are located to the West of the

Yuzhong peninsula: Shapingba, Jiulongpo and Dadukou. Thus squeezed between the two rivers and bounded by mountains, central Chongqing lacks space and is being progressively overtaken by skyscrapers.

The grey, often unhealthy central neighbourhoods of Chongqing are disappearing one by one, replaced by business towers and malls. For city officials and investors, the remaining narrow alleys and traditional houses, especially in Yuzhong, are just dirty warts to be removed. Historic Chongqing and the modest families who reside there are making way for "Times Square," with its shops priced at 30,000 yuans per square meter, luxurious apartments for the nouveaux riches (such as "Eastern Manhattan") manned by brigades of guards and with private swimming pools and the prestigious "World Trade Centre."



Painted inscriptions on a house, calling for "active promotion of legal building" (center) and "respect and defense of human rights by the State" (right), 2005.

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For now the city centre is a huge construction site with demolitions taking place almost everywhere. Powerful explosions of dynamite can be heard all day long, as the foundations for new skyscrapers or subway tunnels are scooped out. A 77-story tower is currently being built; a 100-

story building is already planned. Unfortunately, the glass façades and trumpeted economic successes have a hidden human cost that the local government is unwilling to acknowledge.



A building demolition in the district of Jiaochangkou, 2005.

Many local denizens have not seen the benefits of the booming business; indeed, the transformation of the city, the building of the CBD, development zones and new residential areas have involved the demolition of entire neighbourhoods, leaving many modest dwellers without homes. The lucky ones are able to obtain an apartment in a remote part of the city, but most receive only scarce compensation that does not allow them to acquire a new home.

Some old neighbourhoods had to be destroyed because of insalubrious housing, while others had to make room for the transportation network, especially the widening of streets for fast-growing car traffic. But demolition and reconstruction

also result from speculative private investment lining the pockets of developers and government officials who personally benefit from land transactions to the detriment of city dwellers.

According to the Chongqing Business Daily,<sup>80</sup> from 1994 to 2004, 20 million square meters were demolished in the city, involving the relocation of 259,000 families. And this trend will not be slowing down soon, since by 2010 Chongqing will have invested 870 billion yuan for 300 major construction projects.

Focusing on economic growth in order to become an international megalopolis, Chongqing operates much like a



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multinational company trying to attract private investors by any means, without regard for its occupants' basic rights. For Hong Kong developer Vincent Lo, whose Shui On Group invested more than 10 billions yuan to build a commercial area and executive apartments in Chongqing, "It's really an investors' paradise."<sup>81</sup> To clear the land bought by Vincent Lo, the government moved out 50,000 inhabitants, who were crushed by hundreds of police officers when they protested the insulting compensation offered. Maybe Chongqing is an investors' paradise, but for residents, it is a nightmare.

### B. Evictions and relocation

On Minzu Street in Jiefangbei, at the centre of the Yuzhong Peninsula in downtown Chongqing, shop windows announce, "Discount before demolition." The ideogram *chai* ("demolish"), inevitably painted on doomed houses, shops and buildings in any Chinese city, has become a marketing tool to sell knick-knacks in Chongqing's main shopping and business area. The large-scale urban demolition movement, having affected many millions of Chinese citizens, is appropriated by shops in one of the last remaining older buildings near the Liberation monument of Jiefangbei. According to locals, 15 years ago,

nothing was taller than this monument. Now this clock tower seems improbably small, dwarfed by shopping malls and business towers measuring up to 50 stories. After the Marriot and Harbour Plaza, another five star hotel, the Intercontinental, opened in Jiefangbei in 2006 on Minzu Street, just a few dozen meters from the small shop to be demolished. In the '90s, hundreds of families were living there before being forced out to allow for the building of the China Construction Bank and the adjacent Intercontinental. There is no longer any trace of these families – just pedestrians busily shopping or migrants carrying their loads on bamboo sticks, masking the scores of abuses committed in the name of the new Chinese dogma: the ideology of "development."

In Jiefangbei and other parts of the Yuzhong Peninsula, as well as in the Northern district of Jiangbei and on the Southern bank of the Yangzi, for every tale of demolished neighbourhoods and forcibly relocated residents, there is a story of resistance, of occupants defending their rights and opposing unlawful acts. Through these collected testimonies, we give voice to silenced residents and attempt to convey the alarming human rights violations perpetrated in Chongqing in connection with forced relocations.



Protest banners on a building in Jiangbei district in autumn 2004.

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### Private motivations and public interest

#### *Development and public interest*

Under former president Jiang Zemin, "development" became a main pillar of China's new ideology that encouraged large cities like Chongqing to create local hubs of economic growth. Since then, local governments have had to show the tangible results of their "development" through GDP and emblematic buildings as landmarks of success. These new, imposing urban projects provide local leaders with a nice urban façade to impress Beijing, a means of attracting more investors and huge profits, whether or not illicit. While combining necessary infrastructure projects like roads and bridges with lucrative construction primarily benefiting developers and local officials, this urban modernisation of Chongqing fails to take into account the population's aspirations and needs.

"It's very hard to evaluate forced relocation because the reconstruction of the city started in the '80s. At that time, old houses without toilets and kitchens had to be demolished and rebuilt because of their noxiousness," said a twice-relocated Yuzhong dweller. "But then the reason for demolition became the so-called 'development.' In fact, nowadays money dictates it all. If developers want a neighbourhood, they just need a good relationship with government officials and enough money to pay for it. Residents have absolutely no say."

Aside from the argument of "development", many construction projects are said to be in the name of the "public interest." However the population is never consulted, and its supposed "interest" is essentially that of the officials and developers. Many Chongqing dwellers complained that this "public interest" became the authorities' key excuse for pushing them out in order to pursue lucrative projects. When developers asked shop owners in Chaodong Lu on the Yuzhong Peninsula to abandon their stores in 1999, they claimed that it was for the "public interest," namely to enlarge the street and construct a public square. Six years later, the street is not much wider than it was before, and no square is yet visible. Instead lie three opulent towers, 50-plus stories each, with views of the Yangzi River and Nanshan Mountain at up to 30,000 yuan per square meter.

Not clearly defined, "public interest" is yet another weapon in the hands of local officials and developers to take economic and political advantage of the rapid reconstruction and expansion of Chongqing. The necessity of defining the "public interest" became pronounced with the draft of the new Property Rights Law that was eventually adopted in March 2007.<sup>82</sup> One

citizens group observed "that 'public interest' has lent umbrella protection to civil rights infringements, unwarranted levies and rent-seeking by abusive public servants."<sup>83</sup> The notion of "public interest" should be defined in the legislation. In addition, without close monitoring of so-called "public interest" projects, local officials will continue to favour "prestige construction" (*mian zi gong cheng*) and "political construction" (*zheng ji gong cheng*), which are useful for local governments but highly detrimental to the population.

"Development" and "public interest" are also commonly used to justify "prestige construction," such as the "development zones" occupying arable land. Chongqing has three such zones: the Economic & Technological Development Zone in the Nan'an district, the New and High Technological Development Zone in Jiu Long Po district and the New North Development Zone.

Abuses related to development zone openings, especially land seizure, have been so serious in recent years that in 2004 the government closed down 4,735 or 70% of them. And the planned areas of development zones nationwide were reduced by 64%, to 24,100 square kilometres.<sup>84</sup> In 2006, the situation was still more serious. "We need to build on our achievements in clearing up problems relating to development zones and continue to improve related policies," warned the National Development and Reform Commission during the 10th NPC in March.

"Officially, farmers give up their land for the public interest but in fact it's a way for the government to make money by selling land-use rights to developers," said a Jiangbei denizen. "In many development zones, the grass is already tall... There is no construction, just grass. Yet farmers were very poorly compensated."

#### *A key moment of urban "modernisation": the Asia-Pacific Cities Summit*

Beijing won the bid for the 2008 Olympic games, Shanghai the 2010 Universal Exhibition and Chongqing, though on a smaller scale, the 2005 Asia-Pacific Cities Summit (APCS). Displayed on huge billboards throughout the city centre, the official slogan proposed: "Let Chongqing march before the world and tell the world about Chongqing." With almost 1,000 guests from 124 cities, Chongqing in October 2005 organized its most expansive public-relations campaign to promote itself as an environmental, people-friendly city. Months before the opening of the summit, the city government started a massive operation of façade renovation to show visitors, especially

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corporate representatives, a beautified Chongqing. Most of the houses and buildings located on Chongqing's main roads had their street fronts, and often only the fronts, redecorated. Millions were spent on the visible buildings, although they did not require this level of attention, especially as compared to hazardous but hidden old quarters.

Besides façade beautification, the APCS was an excuse to accelerate demolition, especially in the Shapingba district, along the road leading to the preserved old Ciqikou neighborhood, a tourist attraction. For residents, the summit, a self-proclaimed celebration of a people-friendly city, became one more reason to fear forced demolition and eviction. "More easily than ever, government officials will tell the public and Beijing authorities that forced relocation is for the sake of the city and the country, and tear down our houses," a Wuyi dweller said several months before the summit. "With forced relocation, the government not only saves face but can also do developers a big favour. If this happens, our future will be miserable." People in Wuyi were finally saved from the pre-summit cleanup, but two shop owners who had their businesses on Zhongshan road leading to Jiefangbei were not as lucky; their shops located in the Lianglukou area of the Yuzhong district were destroyed to clear the way for APCS guests. In the process, one of the owners was severely burned and hospitalized.<sup>85</sup>

In Lieshimu, the demolition of shops along the Road 212 was also accelerated in the run-up to the summit because it would be driven on by foreign guests, leading to the forced eviction of owners. The already weak remedies residents had against forced relocation became totally useless before the APC Summit. In Shuangbei, the APCS

was also the reason for a violent "cleanup" of worker protest. On October 7, 2005, four days before the summit was to be held, hundreds of policemen crushed violently a peaceful gathering of workers who were asking for unpaid wages, severance payments, and investigation into company corruption.<sup>86</sup> According to demonstrators, many workers were severely wounded and at least two women and a child died of injuries.

### *Demolitions... and renovations*



© Ruben Dao

In the district of Wuyi, modern buildings rise above the ruins of neighbouring slums in 2005.



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In most cases, urban development and modernisation imply the demolition of buildings to be replaced by more modern or upscale housing, hotels, business headquarters or shopping centres. In certain cases, however, eviction is just a way to clear out poor occupants living in desirable areas for renovation and sale of buildings.

Thus, in Jiangbei on the North bank of the Jialing River, the construction of a new street was the reason given by developers to push out the residents of two buildings located close to the central business area. "It started in September 2004. We were first told that we had to move out. There were 240 families to be officially relocated to enlarge the road," said one inhabitant. "Since we had already suffered forced relocation in recent years and many residents were jobless, we couldn't bear to move again. We organized a collective resistance, hung banners and opposed any kind of pressure from the developers."<sup>87</sup> In February 2006, while 100 families had agreed to leave, 140 families were still living in the two buildings. "The street is finished and developers' agents are no longer harassing us. In fact the street was an excuse. Their plan was to get back the building [recently constructed] with a limited cost and renovate it. They lied to us twice. First when they took the excuse of the

new street and then when they told us the building had to be demolished. We started having doubts after the first dwellers left: doors and windows were not taken away as is usually the case. Then one resident heard a developer's agent talking about selling flats in our building. In reality they wanted to sell back the flats at a high price. But when I asked a developer's agent the real reason for our relocation, he told me: "You can ask President Hu Jintao!"

Indeed, with the new CBD, Jiangbei's neighbourhoods are undergoing radical changes and eliminating workers' quarters. "In recent years the value of the land around here increased a lot. Speculation started when Carrefour opened its doors on the other side of the street in the late '90s. The influence of the foreign hypermarket is obvious on the neighbourhood. Before, sewage was flowing everywhere, but then the area was cleaned and it became very valuable."

"More and more developers and government officials think that they can benefit from relocation, but the residents are their victims. In fact the interests of developers and local governments are so great that dwellers like us become insignificant."



Eviction of a family in Lianglukou district, October 2006.



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### *Collusion of interests*

Because of their entrepreneurial approach aimed to attract investors rather than to promote access to essential services for the population, local governments, such as in Chongqing, have a special interest in and often form close personal links with developers. They interact extensively, as developers need permits to buy land, import construction materials, start construction sites, etc. As the construction sector is highly competitive and profitable, corruption is widespread, with a growing number of local civil servants convicted of corruption throughout the country.

In February 2007, the Minister of Construction, Wang Guangtao, denounced the corruption in the real estate sector during a press conference: "The industry suffers institutional loopholes in preventing and combating corruption, especially the collusion between government officials and businesses. Some officials fail to discipline themselves and are living a decadent life by seeking illegal profits at the price of the general public's interests".

According to the Ministry of Construction, in 2006, 415 people in the construction sector were found to have breached either laws or the Communist Party's disciplines. About 68 per cent of them were in administrative departments. From January to July of 2006, China's procurators found 1,608 commercial bribery cases in the construction sector, 26.3 per cent of the country's total commercial bribery cases for that period.

The Chongqing municipal government hired Vincent Hong Sui Lo, Chairman of the Shui On Group, as economic advisor without questioning the possibility of a conflict of interest. Lo reportedly has a very close relationship with Chongqing executive vice-mayor Huang Qifan, who was formerly a high-ranking official in Shanghai, where Shui On built the high-end Xintiandi entertainment hub. In 2003, the Hong Kong-based property development company signed an agreement with the Chongqing government for a 10 billion yuan, 2 million square meter real estate project in the Hualongqiao area of the Yuzhong district, which involved the relocation of 50,000 occupants. When a compensation plan was announced in March 2004, residents took to the streets to protest the very low rate and were severely beaten by the riot police.<sup>88</sup>

Collusion between local governments and developers has major consequences for the rights of the people affected by urban development projects. This collusion clearly favours developers' interests over local residents'. The former benefit from

favourable legal conditions and the support of the authorities: they are entitled to buy lands without proper rationale and without providing adequate guarantees of compensation for those evicted; can set the means of compensation; and are authorised to proceed with evictions even when denizens resist, sometimes with the support of the police.<sup>89</sup>

Residents in Wuyi denounce the 2001 National Regulations providing for forced evictions even where no agreement is reached between the residents to be relocated and the real estate company that bought the land-use rights. One dweller said, "In Shanxi province, this is the only clause written into the national regulations that was abolished by the local authorities. In Chongqing, we suffer because of it. The Ministry of Construction upholds the clause even though it violates the Constitution, and civil laws. We want the government to abrogate this clause. We don't think that everybody in the government is in favour of this clause. But many officials make a juicy profit from it when they sell land to developers with miserable compensation paid to relocated residents."

Such collusion makes it very difficult for inhabitants trying by legal means to oppose illegal forced eviction and demolition. Laws and regulations appear to be useless since the local administration and courts (which are not independent from political power<sup>90</sup>) are both player and judge and therefore very seldom rule in favour of residents, even though their complaints are based on legal guarantees.<sup>91</sup>

"Our Constitution protects private property and forbids breaking into homes, but the local government and companies in charge of demolition and relocation ignore it. The authorities are allowing our neighbourhoods to be destroyed without any legal right; it's a violation of the Constitution, it's a violation of human rights," said a Daping citizen. "We have also asked for changes in the procedures regarding relocation of residents. The government makes us very weak in front of real estate companies. We can't really defend ourselves."

Finally, throughout the process of forced eviction and demolition, the government and developers are clearly taking advantage of the blurry situation created by their collusion to put more pressure on those who are resisting. In Daping as well as in Jiangbei neighbourhoods, construction of roads is given as a pretext by developers to carry out resettlement. But in both places, the road was distant from the doomed buildings, and it was eventually revealed as an excuse for developers to push out residents and proceed with lucrative real estate projects. In most places where we conducted interviews, occupants complained how weak they felt in the

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face of the *de facto* alliance between the administration and developers.

### Absence of consultation and lack of information

In Chongqing, as in the rest of China, the population is neither consulted about future development and the remodelling of city landscapes, nor properly informed when directly affected by projects imposing relocation. Consultation of residents seems never to be carried out; regardless of the scope of resettlement, no Chinese law requires any consultation with prospective evictees. While the Chongqing government regularly depicts the future of the city through exhibitions including flashy models, this kind of official self-celebration acts merely as a showcase for investors, neglecting the human element: residents.

Affected communities are not well-informed, if at all: information often comes at a very late stage, through informal means and without detailed information regarding the conditions of eviction. This is in clear violation of both Chinese and international law. Under Chinese law, the current State Council regulation enforced since 2001 is supposed to guarantee that "Housing demolition and relocation management departments shall [...] publish [information about the project] in the form of a public housing demolition and relocation announcement" (Article 8). However, this regulation is rarely respected and residents are not properly informed about the demolition of their homes and their evictions.

As noted above, the CESCR has been particularly clear with regard to the right to consultation and participation in cases of forced evictions, stating: "the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected."

In practice, though, even in the best case, inhabitants learn about the project and their eviction through informal channels, such as a neighbour who works at a government office or has connections. More often, information originates as rumours and fears that spread through the neighbourhood. Often, residents infer from local newspaper articles on development projects that their buildings will be demolished. After a decade or so of hasty reconstruction, Chongqing city dwellers have gradually learned to guess and read their futures from spotty information and surveillance of building sites, but never get a clear picture until the government displays an official notice on the wall of the neighbourhood. Only then does the race against the clock start, since the government announcement always comes very late, typically a few weeks before eviction. In some cases no explanation is given; the first "formal announcement" they get is the character *chai* painted in red on their walls.



The character "Chai" (to demolish) is painted on any house to be demolished, July 2004.

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In 2003, an inhabitant of Daping, Yuzhong district, explained: "The government announced the demolition of the neighbourhood on the 5th of July. Before that day, we knew that one day we would be relocated, but without any details, without the date or nuances. The 5th of July we were told the compensation rate, and the period of time for demolition and resettlement was decided between the 15th of July and the 13th of August. That was only ten days before the beginning of the operation involving 800 homes and shops with several thousands people!"

In June 2006, a resident from the Shanhu neighbourhood who, along with dozens of families, was resisting relocation stated: "The announcement for relocation was made the 18th of March. We were asked to leave our homes before the 26th of April. Forty-eight families were living in the building, only 5 or 6 have left it. More than 40 families are still living here."

In another part of Shanhu, Nan'an district, over 13,000 people were informed via the media in April 2005 that their well-known living area built in the '80s was to be entirely demolished. "Many occupants are very upset. We didn't get any notice from our government but we read it in the newspaper, including the fact that around 4,000 families have to leave the neighbourhood before the end of the year," said the owner of a noodle shop in Shanhu during summer 2005. "Apparently the authorities made a deal with the Wan Da group from Dalian that will invest 4 billion yuan to transform the place into a business centre. We have no idea what will happen to us." According to the Chongqing Business Daily,<sup>92</sup> the residential area transformed into a business district will cover 170 mu of land.<sup>93</sup>

During the process of relocation, especially when residents resist, negotiation of deadlines and amount of compensation and lack of information continue to be serious challenges. In fact, the government and developers tend to deliberately keep the situation unclear, since information can become a weapon in their hands against protesters.

"Silence is also worrisome; it's a way to pressure us. I imagine that government employees will soon come to stick notices on our walls announcing the new deadline for relocation only a few days before the demolition, even though we didn't sign any agreement," said a Daping resident in October 2003, almost two months after the first deadline expired.

In the Wuyi neighbourhood in nearby Jiefangbei, a denizen interviewed in October 2003 exposed a similar situation: "The September 18th deadline is over, residents here are totally

confused about what will happen to them. We hope to be able to stay until the end of the year, but nothing is sure since neither the real estate administration nor the developers inform us about what will happen. Their silence makes us nervous and we can't contact them because they might think we're ready to leave." Two years later the dwellers were still waiting for clear notice and had to rely on rumours more than facts. "Recently some employees of the developers came to chat with some residents, but nothing more," explained a dweller in July 2005. "We are afraid they want to take advantage of the APC summit<sup>94</sup> to force us out."

In Jiangbei district on the Northern bank of the Jialing River, after almost two years of struggle to save their building whose demolition was announced for September 2004, residents were still having doubts about their future. "We didn't get any news from the authorities. Apparently developers have abandoned the battle but it's not really clear," said an inhabitant. "I'm quite confident that both we and the building will stay although the government didn't give us any formal notice."

Further outside the city in Tuanjie village, where the new University of Chongqing is being built, farmers also complain about the lack of information regarding their relocation. "Last year the government announced that we have to leave to build the road to the university. But since then we haven't gotten any news," said a farmer who will not only lose her home but also her land. "My farm is located less than 300 meters from the road, so [according to the authorities] we have to leave, but when and where we don't know. We cultivate our land as long as possible but then what will we do? Here we can earn between 3,000 and 5,000 yuan a year but after relocation we have no idea."

Given the terrible uncertainty these residents face with regard to their living space and conditions, it is clear that their rights to consultation and information and their right to housing, otherwise understood as "the right to live somewhere in security, peace and dignity"<sup>95</sup>, are being significantly compromised and violated.

### **Absence of adequate compensation**

Since successfully opposing eviction is almost never a conceivable option for residents, compensation becomes the main issue at stake. Adequate compensation is a clearly recognised right under international and Chinese law. In its General Comment no. 7, the CESCR stated: "States parties shall also see to it that all the individuals concerned have a

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right to adequate compensation for any property, both personal and real, which is affected."<sup>96</sup>

In principle, compensation may mean resettlement to a new house and/or monetary compensation. In practice, however, Chongqing citizens are rarely given the option of an exchange of housing property rights, whether through resettlement to a new replacement building or elsewhere, and whichever form is offered to them, the compensation is rarely "adequate."

"What residents can't stand is the absence of choice between a house and cash compensation. In most cases we don't have any resettlement offer except in a very remote area without transportation and work opportunities. And compensation in cash never allows us to buy a new home," said a Jiefangbei shop owner facing relocation for the second time in five years. "I believe we should have several options, including the possibility to obtain a house to replace the demolished one. I don't think the government has the right to take away our homes. Dwellers had land-use rights long before developers. Therefore the government should form an agreement with us before selling back land-use rights to developers."

Another dweller, from the southern bank of the Yangzi River near the Xuantan Temple, emphasized: "We don't want money; we want a house to replace ours, but what can we do? Even if we are unhappy with the relocation, we are forced to accept it because we are too weak in front of developers and the government. Two years ago developers took some land in Danzishi.<sup>97</sup> Farmers who resisted were beaten; some were even hospitalized. We are defenceless."

Regarding monetary compensation, the national Urban Housing Demolition and Relocation management Regulation (2001) stipulate in Article 24 that "the amount of monetary compensation shall be determined according to the location, use, building area,...as well as an evaluation of the market price." Chongqing regulations include the same specifications: "The demolition-relocation compensation amount cannot be lower than 70% of the value of newly built real estate in the same district and of the same use as the house to be demolished" (Article 26).

However, in most cases of relocation, the level of compensation offered to evictees is much lower than the legal provision and far from sufficient to buy a new home, which means that residents de facto lose their property and homes, and shop owners their incomes. Eviction is thus often a key factor in the impoverishment of inhabitants.

The Jiefangbei shop owner mentioned above was offered compensation of 9,000 yuan per square meter for property which will be sold by the developer for 30,000 yuan per square meter. In Daping, another resident was offered only 3,300 yuan for an area that once rebuilt will be sold for ten times more. He said: "I was also offered a new shop but with a rental value five times less than here."

In Wuyi, many residents who agreed to leave with compensation were not able to buy a new home. "A year ago 1,000 families left the neighbourhood, most of them moved to relatives home; some are renting but very few could buy a new home because the compensation was much too limited," said a denizen in 2003 who refused relocation. "A neighbour who left with 30,000 yuan could rent a home during a year but now he and his family are homeless."

Because regulations do not protect citizens' constitutional rights and are very loosely enforced, and because the rule of law is still a distant dream, the only recourse is to refuse to sign any agreement and resist relocation as long as they can, hoping that developers will offer a fair compensation to get rid of them.<sup>98</sup> This situation leads to more inequality in compensation, which does consequently not depend on regulations, facts or clear criteria.

In Longmenhao on the southern bank of the Yangzi River, the "River Mountain City Garden" luxurious residence project forced out a working class neighbourhood. Relocation began in 2003, but two years later some residents were still living in half-crumbling, deserted buildings. "The first dwellers to move out got only 1,900 yuan per square meter but families who resisted are getting more," said a 70-year old woman. "It's unfair that compensation isn't equally given but instead depends on one's capacity to protest. I will receive 100,000 yuan, or 2,500 yuan a square meter. Some occupants got up to 3,300 a square meter."

Nearby, beside the Xuantan Temple, compensation went up from 1,300 to 2,000 yuan after residents protested, but this is still much lower than the mandatory minimum of "70% of the value of newly built real estate;" the flats in the residences along the Yangzi are sold at a minimum of 4,000 yuan per square meter.

### *Shop owners*

Generally, those most reluctant to abandon their properties are shop owners who are at risk of not only losing their roof but also their income. The loss of a shop is unbearable since



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in many cases it represents the only income for the whole family. In fact, many shop owners are *xiagang*, workers laid-off from state-owned enterprises (SOE) as a result of the economic reforms of the '90s who then managed with difficulty to set up modest shops in inexpensive districts. For them, relocation is economically intolerable and a source of social resentment, as it makes them once again the cast-off of rising China. Having once lost their employment and life-long income guarantee, they were then deprived of their new means of making a living, as well as their roofs. "Residents here lost their jobs when the textile factory closed down," explained an occupant of one of Wuyi's old narrow lanes. "Most of them opened small shops and restaurants, they struggled hard to make a living and then arbitrarily the government takes everything back and sells the land to developers." Up until several years ago in the alleys of Wuyi, small *huoguo* restaurants were attracting customers from all over Chongqing. Before the authorities shut them down in 2003, the owners of those eateries could earn up to 7,000 yuan a month, which represents a good income for city standards. "We refused the compensation money, we want a shop-house in the new building they are going to construct here. Wuyi is at the centre of Yuzhong, it's a very prosperous area that we don't want to leave."

In Shuangbei, Shapingba district, shop owners located along the main road to be widened are also trying to resist relocation. In August 2005, the owner of a 60 square meter eatery said, "Compensation is 9,000 yuan a square meter, which is far less than the 30,000 yuan needed to buy the same surface in the new building to be constructed on the other side of the road. Buying won't be possible; we will have to rent a place. It will cost around 4,000 yuan a month; that might be hard. Now we sell food for only 200 to 300 yuan a day."

According to residents we interviewed in several parts of Chongqing, the authorities and developers are adopting a specific strategy against shop owners. One of them explained: "The government focuses on striking agreements with home owners because the compensation is lower than for shops. Then, they can claim that they reached a fair agreement with dwellers in general, even if the ones owning shops are not part of the deal and won't get good compensation. Shop owners lose a lot during relocation."

The administration in charge of relocation also tends to refuse to acknowledge commercial activities for many shop-houses in order to cut down compensation to the rate for homes. In Shapingba district, the owner of a 100 square meter shop that was used as a cybercafé and then as a karaoke bar was

offered for less than 400,000 yuan because the authorities and developer claimed that it was a home and not a commercial locale. Despite the lawsuit brought, the owner wasn't offered more than 500,000 yuan. She refused, and the house was destroyed in September 2005. During the forced eviction, the owners' son was handcuffed.

In several cases, shop owners were told they could only receive compensation at home rates because their shops were not registered with the Real Estate Administration, despite the fact that the Administration stopped registering shops several years ago. According to these shop owners, the Real Estate Administration discontinued registration to purposefully limit compensation in case of relocation. "Now we can only register at the Commerce and Industry Administration but it doesn't give us any relocation compensation guarantee," complained one such shop owner. "No official announcement was made about this change. In 2003, I tried to register my shop at the Real Estate Administration but failed and now have only a commercial licence that the authorities refuse to compensate at the shop rate."

### *Other vulnerable groups: tenants, migrants and farmers*

For **tenants** in China, the contemporary housing situation is particularly precarious. In China, tenants are usually city dwellers who are too poor to buy their homes or migrants who, besides lacking money, cannot acquire a flat because they aren't registered as "urban" on their *hukou*.<sup>99</sup>

In the Shanhu neighbourhood of the Nan'an district, 40 families facing relocation are refusing the government's meagre compensation offering. "We arrived here twenty years after our first relocation. In 1986, residents came from Liujiatai and a neighborhood near the railway station. Most of us are jobless workers. The flats we are renting belong to the Real Estate Administration," one interviewee explained. "We have asked the Administration for many years for the benefits of owning our homes, but they always refuse. In fact, they want to keep the benefits of the building for themselves, and now the compensation is only 1,800 yuan for us. Actually, the developer gives 2,800 yuan to the administration, but the administration pockets 1,000. With this kind of compensation it's impossible to buy a flat, even a second-hand one, and we fear that renting in the new building will also be too expensive for us." The official explanation given by the Real Estate Administration for the low compensation is that Nan'an is a poor district, but 1,800 yuan is far below the market rate, especially in this area next to the new commercial centre of Nanbing. "Residents in Jiangbei and Hualongqiao got to own



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their flats before the relocation. Why can't the Nan'an government do the same?"

For **migrants**, protesting against relocation is nearly impossible. Normally, they either stay in dormitories attached to the factory where they work or rent beds for two or three yuan per night or small rooms for 100 yuan per month (without a contract) in poor areas slated for demolition. Once the area is demolished, they simply move to another such place since their illegal status in the city makes them vulnerable to deportation to their village of origin at any time.

**Peasants** from Chongqing's outlying rural areas who now live in the city are particularly vulnerable to relocation and do not receive compensation on par with that given to city dwellers. While urban landowners possess two ownership certificates - one for the land and another for the home - these farmers have only one for their land, resulting in poor compensation for their houses upon relocation. In fact, their compensation depends mainly on the number of family members in the home.

In the Shapingba district's Tuanjie village, land has been taken away from farmers to build the new university centre. "The government told us to move out before the end of the year. I will get 222,000 yuan compensation: 40,000 for each person and 22,000 yuan for the house," a father of three described. "We will be allowed to buy a flat in new buildings that are being built for relocated farmers." This farmer will receive a 100 square meter (20m<sup>2</sup> for each family member) flat for 60,000 yuan, with an additional installation cost of at least 30,000 yuan.<sup>100</sup> "But the buildings are not yet ready. Some neighbours who left a year ago have to pay rent until the building is finished. Even if we get a flat, the main problem for us will be the income; we will have to find small jobs in the city."

Nearby, an old couple will receive a total of 100,000 yuan compensation. "We don't want to leave. Even if we can buy a cheap flat, the money won't feed us for long. Without land, what can we eat? What can we do? We are too old to look for jobs in Chongqing."

### Resettlement

"I was born here. I remember well the Japanese bombings. I'm 81 years old and I can't imagine living across the river.<sup>101</sup> The place where I belong is here in the centre of Chongqing, the heart of Yuzhong," said a woman from the Wuyi area. In addition to the extreme social uprooting it entails, resettlement is also economically disastrous for low-income residents like this elderly Wuyi woman, who lives on a mere

130 yuan monthly pension. Buying a home is obviously impossible, given her meagre disbursement, and even if she could obtain a flat in exchange for her demolished house, which is rather implausible, she would not be able to pay the additional housing fees. For evictees, resettlement is a financial burden: settling into a new place is costly, and the price of housing in that new place is generally higher.

Eviction almost never entails the possibility of dwellers' returning to live in the building erected on their old property; for the most part, residents have to move to distant districts. But in the rare instance an individual is offered a place in the building that replaced his former residence, he often discovers too late that the new flat is of a poor quality or does not offer the same facilities. "Years ago we could reclaim a space in the new building with a limited amount of money to pay the developer. It's now basically impossible unless you're quite rich," said a Jiefangbei citizen. The value of land and structures per square meter in Jiefangbei has increased so much that developers have no interest in providing flats to evictees. "Before, the law gave us the right to come back, but now we are forced to accept compensation much lower than the value of the place we lose, and when we do get offered a flat it's of very poor quality and location."

Another Jiefangbei resident said: "Some of my neighbours felt lucky because they were promised a flat the same size as their old apartment not too far away, but when they visited the new building, they realized that the developers had given them the flats they couldn't easily sell, those located at the bottom of the building with no light at all."

It is not uncommon for developers to make empty promises of resettlement to residents in order to entice them to leave or accept lower monetary compensation. In some cases, after inhabitants are promised a flat in the new building erected atop their demolished home, they discover that, even though an agreement was signed, the developer changed his mind and sold the space

Relocation to badly situated places or districts is of particular concern for shop owners. In summer 2005, most of the luxurious shop spaces of the "Eastern Manhattan" tower located on Minzu Street in Jiefangbei were still empty except for a State-owned jewellery for which the developer provided a nice space. The regular shop owners who also signed relocation agreements in the '90s were not so lucky; developers gave them basement spaces without light, windows or passersby. One relocated shop owner said, "We can't do anything, we are too weak. When the relocation

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agreement was signed, 20 local leading members of the Communist Party threatened to leave the Party if the jewellery wasn't relocated on the spot. Obviously small shop owners didn't have the same option of putting pressure on the developer. Not only are new spaces not adapted to business, but the surface given is only half what was originally promised."

Shop owners are also frequently misled into thinking they will have an equivalent shopping space after resettlement. In Chaotianmen, at the extremity of the Yuzhong peninsula, this happened to city dwellers whose shops located next to Chongqing's bustling wholesale market were demolished in 1999. During the construction period that ended in 2005, owners were given temporary shops built on side streets until they were permitted to enter the new buildings, but just as their temporary shops were about to be destroyed, they discovered that their spaces in the new high-rise were located below street level, contrary to the developer's promise, and thus lacked any business possibility. The developer offered them 7,000 yuan per square meter to replace their shops, but the residents refused since the value of commercial space in the new building was two to four times greater.

In another instance, the Qunlin shop owners in Jiefangbei signed a resettlement agreement in 1996 with the Chongqing demolition and relocation bureau guaranteeing them the right to return to the new commercial centre that was going to be built on their neighbourhood. At that time the citizens accepted a compromise: since a garden would be installed at street level, they accepted replacement shops in the basement of the building. But when the shopping mall "Maison Mode Times" opened in 2004, they found out that the street level space would be occupied by shops, contrary to the information provided in 1996. Then they were told that they couldn't get any shop, even in the basement, and the relocation bureau pressured them to accept compensation of 10,000 yuan per square meter. On the Internet, shop owners wrote: "We received very unfair treatment. The demolition and relocation bureau used its power and unjust means to cheat the people and violate human rights."

When residents of Jiefangbei entered an agreement in 1993 with the China Construction Bank, they thought it was fair. The compensation was 10,000 yuan per month during the construction period, plus the promise of a shop in the new building. But after several years the bank stopped paying them their monthly compensation. Dwellers took legal action but then discovered that the bank had sold part of the land to the British Intercontinental Group, depriving them of further

legal recourse. In 2003, when the residents were offered 10,000 yuan per square meter compensation for the new shop they would never obtain, they refused.

Shop owners relocated from busy downtown areas never find the same opportunities in new areas with limited commercial activity. Moreover, they are usually offered relocation to flats without shops. "My shop-house was worth a lot because it was located on a busy commercial street," said an evicted Daping citizen. "But I was offered a flat on the 4th floor without any chance to reopen a shop. I refused and was offered another flat located far away across the Jialing River. When I visited the building, I noticed that some flats had had their doors and windows stolen. On that visit I didn't see any passersby, which means that commercial opportunities are non-existent."

These situations clearly contravene the provisions of the ICESCR with regard to both the right to housing (Article 11) and the right to work (Article 6). In its General Comment No. 4, the UN CESCR defines "location" as one of the key aspects of the right to housing: "adequate housing must be in a location which allows access to employment options, health care services, schools, child-care centres and other social facilities."<sup>102</sup> By ratifying the Covenant, States parties commit to respect and protect the right to work: "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right" (Article 6).

Another consequence of eviction and resettlement is the dramatic pauperisation of the denizens. Given that many poor households from old neighbourhoods live in very small spaces of approximately 10 square meters, when they are relocated to new, larger flats, they have to pay for the difference. A 50 square meter space might cost them a minimum of 100,000 yuan, an amount they cannot afford. But even if they could afford it, finding smaller flats has become very difficult in large cities. In fact, in the absence of a meaningful welfare housing supported and controlled by the State, housing needs are entirely left to the real estate market; developers and local governments neglect low-income housing to focus on economically, as well as politically, profitable upscale residences over 100 square meters in size.<sup>103</sup>

While relocation may in some cases improve the living conditions of residents coming from old quarters with very basic sanitary facilities, it often means an impoverishment of the dwellers, especially with repeated relocation. "Many residents in our building already suffered from a relocation in

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1996. We were forced to leave the Qixinggang neighbourhood and came here. And now we are asked to move again," said a Jiangbei interviewee. "But now they want us to go very far away from central Chongqing. Some of us already suffered three relocations. We are laid-off workers. We already lost a lot, and bit by bit we get even poorer."

Another *xiagang* from Liziba, an industrial neighbourhood undergoing full reconstruction warned: "Here our building is old, fees are very limited - much less than 100 yuan a month. If I move to a new place I will definitely have to pay around 300 yuan a month. This is impossible. With such a fee, I would have 100 yuan left to live on. How would I eat? I don't want to move. They can beat me, they can kill me if they want."

Pauperisation, eviction and resettlement may thus implicate violations of the human rights to food, water, health and education, despite the CESCR's view that "evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights."<sup>104</sup> The Committee further indicates: "States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration.... It would thus appear to the Committee that a general decline in living and housing conditions, directly attributable to policy and legislative decisions by States parties, and in the absence of accompanying compensatory measures, would be inconsistent with the obligations under the Covenant."<sup>105</sup>

### C. Resistance and repression



Protest banners on the facade of a building in the district of Jiaochangkou, 2005.



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Facing forced eviction, Chongqing residents are trying to resist in a variety of ways. Although they are most often unable to alter their fate or save their homes from demolition, citizens are nonetheless trying to obtain fair compensation or, though less likely, just resettlement. Groups of occupants use judicial means, display banners and posters and organize street protests to denounce their situation and pressure the authorities to respect the law and restore their rights.

Confronted with more and more opposition, the local government - allied with developers - employ various methods, including repeated intimidating visits, verbal threats and physical violence, to silence and stifle the resistance, fearing that noisy protests will reach Beijing and jeopardize their local affairs. Because the rule of law is weak, the local government has plenty of tools at its disposal to pressure and repress residents.

But this repression in Chongqing and other cities cannot operate as it used in light of the major social and economic changes China has undergone in the last decade. As a result, Chinese society has become visibly more open, and power is in the hands of a new generation of political leaders who know that they must leave room for protest in order to avoid large-scale social implosion. In these interstices of freedom, citizens take the risk of defending their rights.

### Illegal coercion against collective resistance

Methods of resistance vary from place to place, depending on the social and economic context of the neighbourhood. The quarters where *xiagang*, laid-off workers, live generally exhibit a stronger collective identity and, perhaps due to the residents' shared misfortune, tend to resist more strongly. Poverty also bears on patterns of resistance: because the very poor cannot economically bear eviction, they desperately struggle for relocation. The nature and scale of the project are also significant: for example, people have less opportunity to resist hastily pursued public infrastructure construction like roads and bridges. Finally, the level of education and leadership of a neighbourhood influence resistance. Where laws and regulations play a secondary role in processes of relocation, these social factors are all the more important.

*The roots of collective resistance: unity, timing and determination*

In areas such as Jiangbei, Shanhu, Shuangbei, Wuyi and Chaotianmen, how unified citizens facing relocation are seems to be the factor most determinative of protest. For the

most part, residents organise collectively, whether staging a sit-in, petitioning or hanging banners, believing that together they have more influence and a lower risk of retaliation.

"Except for a few who have already left, families here are very united. We have regular meetings and exchange all kinds of information useful for resisting relocation," said a Jiangbei shop owner whose building near the business district is at risk. "Developers and government employees visit dwellers individually to convince us to leave, but it doesn't work. We support each other; we oppose illegal relocation in solidarity. Here many of us are former executives laid-off from state-owned factories, so we know how to defend ourselves, how to defend our rights." Another Jiangbei interviewee who has already suffered relocation twice said: "A developer told me that nowadays they cannot do anything if occupants are united. But, if they don't resist together, he said, relocation is very easy for developers."

In Western Shapingba district, the project of widening the main road did not face as much resistance from the denizens of the first section of the project in Lieshimu as from the second group in Shuangbei. "As soon as they heard the first rumours of expropriation, residents complained collectively to the district government. They refused to talk with the developer unless they could do so as a group," said a Shapingba dweller. "In July 2005 they even managed to get the eviction process suspended. Shop owners are very active in Shuangbei because they have such a strong interest in location. The giant Jialing Motorbike factory is nearby and brings them a lot of business."

In the Wuyi lanes quarter of Jiefangbei, while most families have already left, a core group has successfully prevented demolition for more than three years thanks to its collective actions. "It's also a matter of timing: you have to target the government and the developers very early if you want to obtain something," said a Wuyi interviewee in July 2006. "If you wait, you lose. In Wuyi we presented a petition long before the developer officially announced the compensation rate. This is one of the reasons we are still here."

Resistance can be fuelled by despair, either because of what the residents, particularly *xiagang* (laid-off workers), have lost, or because they no longer trust the government. "We are not afraid of the authorities because we are the poorest. We have nothing more to lose," said a Jiefangbei man. "We have heard the government announce that more forced relocations will be carried out soon. We have decided to protect our homes at any cost. When a family is slated for relocation by



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force, all the neighbours gather in that house and refuse to move. If the government gangsters dare approach, the owner will put on clothes soaked in gasoline, and we will all perish together." The Jiefangbei man then mentioned two dwellers from the Nanjing and Anhui provinces who committed suicide out of desperation.<sup>106</sup>

Although they often attempt legal means to protect their property, many Chongqing residents interviewed expressed the belief that fair relocation or compensation did not depend on regulations and law but rather on their ability and courage to protest loudly. "In China making noise works better than any lawsuit," said one dweller.

Repeatedly, people from various neighbourhoods cited the "Jiangbei Victory" in which thousands of Jiangbei dwellers took to the streets to protest the meagre compensation offered by the developers. They blocked road traffic and even attacked a local police station. This social unrest, combined with negative media coverage, forced the authorities and developers to provide decent allotments of 10 square meters per person to the 10,000 residents. However such "victories" are very rare; in most cases, inhabitants struggle at great expense with very limited results.

### *Multiple pressures*

Before resorting to violence to carry out forced eviction and demolition, local authorities and developers use diverse pressure tactics to expedite evacuation and preempt resistance, including harassment of stalwarts, refusing to clean the subject area and cutting off water and energy supplies. Such practices clearly violate not only the right to housing but other human rights, like the rights to health, water, physical security and non-interference with one's home, as protected in particular by the ICESCR and the International Covenant on Civil and Political Rights (ICCPR).<sup>107</sup>

One widely used means of pressuring occupants is **to undermine the sanitation of a neighbourhood to exacerbate daily hardship**. "From 1997 to '98, my family endured filthy conditions for two years because our quarter was being destroyed for the construction of People's Park," said one of the few remaining denizens of Wuyi's lanes. "In 1998, we bought a house in the lane here and five years later we started suffering from similarly dirty, unhealthy conditions. For more than two years we have been living in a half-demolished lane without any municipal sanitation or garbage services. Now we fear that sooner or later they will cut the water and electric supply." This strategy has served the authorities well:

in summer 2005, of the 60 or so families who refused relocation, fewer than a dozen were still willing to bear the living conditions in the lanes, guarding the area and always ready to alert the others in case of forced relocation and demolition. The other 50 or so families had rented flats in more salutary areas while continuing to struggle for fair compensation; their departure had weakened the neighbourhood struggle, since physical presence is a baseline of resistance.

In Qixinggang, Yuzhong district, an elderly woman from the old-city-wall neighbourhood destined for demolition dared to remain, despite the unhealthy conditions. When she complained to the developers about the insalubrious situation, she was so badly beaten by their employees that she was hospitalized for a week.

In addition to depriving resisting neighbourhoods of sanitation services, the authorities also cut off electric and water supplies. "We have to fetch water more than three times a day far from our home, and we rely on candles to light our house after dark," complained a Lieshimu resident whose shop-house had its water and electricity disconnected. "Even our telephone line has been cut off, but we have to stay here day and night because some paid thugs already broke into our place, and the authorities could take advantage of our absence to demolish our shop."

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Clothes drying in the ruins in Shanhu district, July 2004.

These methods, which undermine living conditions and create sanitary threats, violate the 2003 *National Regulations for urban residential eviction and demolition administrative arbitration work* as well as human rights, especially the rights to housing, health and water. ICESCR Article 11 safeguards "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing." As specified in CESCR General Comment 7 (1997), the right to adequate housing means the "availability of services, materials, facilities and infrastructure," including "sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal." It also means "habitability... in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors." Thus, impairing the cleanliness of the neighbourhood or cutting off

water and energy supplies clearly contravenes the right to housing in ICESCR Article 11, "the right to the highest attainable standard of physical and mental health" under Article 12, and the right to water.

Developers have also resorted to **intimidation and harassment** to force out occupants. In the Shanhu quarter of the Nan'an district, over 40 families have resisted relocation since March 2006 because of poor compensation. "Now developers and the authorities don't put as much pressure on us. But in the beginning, in March, many local officials and policemen were coming around and standing here without talking. It was clearly to intimidate us. Developers' agents also conducted door-to-door visits to every family in hopes of pushing us out with the meagre compensation of 1,800 yuan per square meter. The Real Estate Administration summoned four families for a hearing on May 29th, but the authorities didn't answer any of the dwellers' questions. Public officials

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were the only ones able to defend their views and in the end the Administration ruled that the families had 15 days to leave their flats. The four families had been invited because they were the weakest in the building."

Similar door-to-door intimidation occurred in Jiangbei. In two buildings located next to the Carrefour supermarket, developers' visits were the primary tool used to push out owners. "In the beginning, developers tried to make us leave by any means. They even had policemen do door-to-door visits in order to scare us and convince each family not to resist relocation," a dweller recalled. "But occupants ripped up the relocation agreements they wanted us to sign. When developers launched their project, many policemen, in uniform or plain clothes, hung around the buildings. This police presence and daily pressure lasted for four months. They were observing us, watching us and telling us repeatedly that we had to move. Developers' agents were knocking at our doors several times a day to put on the pressure. This pressure succeeded in making some families leave. The agents also targeted a very humble, uneducated old couple because they thought they were leading the resistance against the real estate project. Agents, accompanied by policemen, went to their home several times. The couple asked them to leave and asked them about the police presence, but the agents didn't dare answer. In fact, we know from a police employee living in our building that policemen are paid 100 yuan by the developers each time they visit resisting residents."

These practices of intimidation and harassment contravene fundamental principles of international human rights law, including Article 17.1 of the ICCPR, which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence." As specified by the ICCPR's Human Rights Committee (HRC) in its General Comment 16 (1988), "this right is required to be guaranteed against all such interferences and attack whether they emanate from State authorities or from natural or legal persons" (§1). As noted by the CESCR, security is integral to the right to housing, which "should not be interpreted in a narrow or restrictive sense... Rather it should be seen as the right to live somewhere in security, peace and dignity."<sup>108</sup>

Because it is easier to pressure individuals than a group, the local authorities and developers tend to target denizens one at a time. In Daping, a businessman who was resisting relocation near the main road had his company audited by local authorities. Civil servants living in buildings to be demolished also constitute an easy target since they are in a very weak position to resist administrative pressure. At the same time,

developers fear them, as their connections could undermine the relocation process.

In Jiefangbei, developers discreetly offered a relocated policeman 5,000 yuan per square meter, or twice the compensation given his neighbours. When the policeman asked for the agreement in writing, the developer refused, fearing that other residents would demand the same amount. Interviewees posited that the secret offer was made to get rid of the policeman, since his presence afforded protection to the residents opposing demolition.

In neighbourhoods like Daping and Shuangbei, the administration has tried to separate shop owners from ordinary inhabitants. In doing so, developers first strike a deal with flat owners, who outnumber the shop owners and receive much less compensation. Shop owners are dealt with individually, on the theory they will resist weakly, enabling the government to label them "troublemakers" who demand exorbitant compensation, and justifying use of the stick instead of the carrot.

### *The use of violence during evictions*

Under Chinese law, when residents resist the pressures applied and refuse to sign a compensation agreement, developers are legally entitled, after getting permission from the local demolition and relocation administration, to carry out "forced eviction" (qiang zhi chai qian). Yet no elaboration has been made on how forced evictions should be carried out; there is, for instance, no express prohibition against using extreme measures such as physical violence in the 1999 Chongqing Urban Housing Demolition and Relocation Regulations (amended in 2003).

Forced evictions clearly contravene fundamental principles of international human rights. As mentioned earlier, the UN CESCR "considers that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law."<sup>109</sup> In its General Comment 7, the Committee emphasized that "in cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality" (§14). Violent acts against residents conducted by public authorities or developers undoubtedly qualify as "disproportionate" and therefore violate the Covenant. The State has the obligation to ensure that all possible solutions are explored in consultation



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with dwellers in order to avoid, or at the very least minimize, resort to violence. Violence in forced evictions also constitutes a violation of rights protected by the ICCPR, in particular the right to security and the right not to be subjected to arbitrary arrest or detention (article 9), the right not to be subjected to arbitrary or unlawful interference with one's home (article 17) and even, in some cases, the right to life (article 6).

On June 30, 2005, dozens of Yuzhong district employees, accompanied by police forces and a bulldozer, gathered at Zhongshan Er Road 134 in the Lianglukou area to forcibly evict two shop owners who had until July 1st to move out before demolition. As they applied force to remove one owner, there was a large explosion which injured 17 people, 14 of whom were in charge of conducting the forced eviction (civil servants and policemen) and three denizen-resisters, including the owner, who barely survived his burns.

The origin of the explosion depends on the source. According to the official version published in local newspapers, the owner "took extreme means to interrupt the legal process of expulsion, setting the petrol on fire." In other words, the story was that he immolated himself to stop the eviction process. A differing account was relayed by a relative of the owner who was in the shop at the time: the explosion was caused by one of the employees in charge of the relocation – his cigarette had come into contact with a petrol generator made necessary when the developers cut off the shop's water and electricity. Just before the explosion, the owner was violently pushed from his bed to the ground. Another witness confirmed that the owner had sprayed himself with the petrol used for the generator and was threatening to set himself on fire to prevent physical expulsion when a policeman accidentally ignited him with his cigarette. Despite these contrasting accounts and while the exact origin of the explosion is still unclear, it was undeniably occasioned by the forced eviction process itself, which was carried out with violence and by disproportionate means.

During the two hours leading up to this tragic explosion, the owner and his relatives had tried to explain their situation to the developers' employees and the public officials who had come to expel them. They displayed their legal contracts for the two shops; cited the support they received from the State Council, the People's Congress and the Ministry of Construction, to whom they had complained; referenced regulations and laws protecting their rights; and even quoted President Hu Jintao's speech lauding the weak and defending an "harmonious society." The only response they received was: the shops are illegal and must be demolished; violence ensued.

In fact, the case began when the two owners commenced a long legal struggle in 1999 to try to obtain the two shops they had bought three years earlier in a nearby building being constructed on Zhongshan Road. Facing complaints, the real estate company, Open Corporation Limited, finally agreed in 2001 to give the owners temporary use of two shops (built without permits) until the building was completed; but Open Corporation neglected to tell them that the design of the building (influenced by the state-owned Children's Palace) had been changed and would not include any retail space. In 2004, when the company offered to reimburse the buyers, but without interest, the buyers refused. The company in response cut off water and electricity in the temporary shops. One year later, arguing that the road had to be cleaned to prepare for the APC Summit, the local government alleged that the temporary shops had been illegally built and gave the buyers until July 1st to leave their shops, which would be then demolished. The citizens wrote to the legal affairs department of Yuzhong district: "Holding the APC Summit is a great opportunity supported by every citizen. The purpose of the APC Summit is to benefit the people, but the basic rights of the weak must be guaranteed as well."

About a month earlier, on the other side of the Jialing River, the APC Summit was again the official justification for forcibly relocating more than 10 families who were living in the heart of the Jiangbei district, where the CBD (Central Business District) is being built. Most of the residents who refused to move out were retired executives who had hoped to enjoy the comfort of Jiangbei's new downtown. Although their homes were located in a new building (constructed in the '90s), the developers told them the structure was dangerous and therefore had to be destroyed, and then relied on the excuse of the Summit when the inhabitants refused to evacuate. What is more likely is that the developers wanted to take advantage of the building's very valuable location for a lucrative real estate project, all with the support of the local government. The developers refused to let the residents return to the new building but offered scanty compensation well below the market rate.<sup>110</sup> Of the hundred families affected by the relocation, the ten families who declined the proffered compensation were offered alternate locations, but these were either occupied, not for sale or not yet built.

These residents resisted by all means, even going to Beijing to present a petition. Receiving no response, they went before a Chongqing court to argue that the developers' demolition-relocation permit had expired and the eviction was therefore illegal.<sup>111</sup> The vice-president of the Chongqing High Court reportedly acknowledged that the permit had expired and expressed to one dweller that the relocation process was indeed illegal, but nevertheless held that the eviction would



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be carried out. She added that residents should only expect to obtain State compensation at a later stage. Yet not only did the developers resort to an illegal procedure, but they also used violence against the resisting denizens. This violence began on March 31, 2005 when more than 70 thugs armed with iron rods dashed into buildings, struck doors, and destroyed water pipes, water meters and backyard walls. Although the water and electricity were cut off and some residents were beaten, this still wasn't enough to convince the remaining occupants to leave.

Around 9 on the morning of May 20, 2005 developers' agents knocked on the door of the dweller whom they considered to be the residents' leader, pretending that they needed to talk with him. "When I opened the door, the secret police rushed at me, grabbed my arms and pushed me onto my bed. I tried to resist the beating and was handcuffed," the man recounted. "After the employees in charge of relocation had removed all my furniture, the policemen dragged me down from the sixth floor to the second and removed the handcuffs." Outside he discovered that over 100 police officers had surrounded the building. The man, along with his furniture, was driven by force to a flat in the remote neighbourhood of Jin Guo Yuan. Two weeks later, on June 3, an identical operation was carried out against the other families resisting relocation, who were forcibly removed along with their furniture. Demolition of the building began very soon thereafter in order to prevent anyone from coming back.

The suspected "leader," a retired engineer living on a 200 yuan monthly pension, was unable to afford rent in Jin Guo Yuan and was thus evicted from that flat several months later. He now rents a cheaper flat in the Yuzhong district. Among the other residents who suffered forced eviction was a retired university professor and former government official of one of Chongqing's rural counties. In mid-2006, more than a year after their forced eviction, the denizens were still awaiting compensation and were preparing documents to petition once again in Beijing.

In Shanhu, on the southern bank of the Yangzi River, 13 families resisted relocation for over a year in a half-demolished building. Demolition arrived in the form of hundreds of police officers and officials at 6 a.m. on November 26, 2004. The occupants, most of whom were still sleeping, were driven out by the policemen (who had removed their badges); some dwellers were injured, and one who resisted was handcuffed. As soon as everyone was cleared out of the building, their flats were destroyed completely.

Because the real estate project was illegal and the head of the local court had told them their rights would be protected, the residents believed their struggle would succeed. They were in a sense right: the illegal project was cancelled in 2005. But this result came too late for those who had already lost their homes. The families eventually obtained compensation only after petitioning the Ministry of Construction in Beijing.

"If you encounter gangsters, you should oppose them; but what if the gangster is your government?" asked a Daping resident. "On August 27, 2004, three families in our neighbourhood were told they had 15 days to move out of their houses before they would be forcibly evicted. We didn't take it seriously then and thought the Chongqing government would not dare defy the central government, especially after the State Council had issued a notice protecting the residents' interests. But what happened on September 1 showed us how cruel reality is." On that day, the police and government employees arrived just before noon, finding a much bigger crowd of occupants than they had expected. In fact, the forced eviction had already been postponed three times due to protests. This time, the family resisting eviction prepared a gas cylinder to be used as a bomb, which was snatched by two policemen without badges. The family members were forcibly taken from their home and at 4 p.m. the house was torn down.

In Liziba on the Jialing River, in northwest Yuzhong district, residents faced violence on June 24, 2005. Around 8 in the morning, about 20 thugs broke into a building and forced the eight families refusing relocation to leave. Occupants were beaten, and those refusing to move out were dragged down flights of stairs; most were injured. One woman calling for help was slapped and gagged by a man who forcibly removed her.

All the residents, many of them only wearing nightclothes, were forced into a minibus and taken away to the remote Yu Bei district. The thugs lobbed insults and threats at the citizens before abandoning them along a faraway road. When the dwellers finally managed to return home, they found total chaos; all their belongings had been destroyed or stolen. An elderly woman victim recalled: "It was a nightmare. What happened in my home was comparable to the arrival of Japanese soldiers. We were taken out of our homes for no good reason, thrown into a bus like criminals and insulted. We called the press, but they didn't dare to come." The local press didn't mention the violent event, but details and photographs were published on the Web from articles in Hong Kong newspapers. The residents' only means of publicly denouncing the attack was to lie on a main road nearby and block traffic for a while.

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According to a Liziba dweller, the residents were coal-miners, and their building had to be demolished because of the construction of a bridge over the Jialing River. They had been asked to sell their flats to the owner of the mining company, who was receiving compensation from the administration in charge of the relocation. Some families consented to sell their flats for 2,000 yuan per square meter; eight families - those eventually taken out violently – refused to leave. Because the deadline for the demolition was approaching, the owner sent his henchmen to push out the resisting dwellers.

Aside from violating a range of substantive social and civil rights, the foregoing cases also contravene procedural human rights guarantees. In its General Comment 7, the CESCR stated that it "considers that procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the court" (para. 15). In the above examples, the evictions were carried out with little or no prior notice, often by henchmen in the absence of any public officials or by policemen not wearing their identifying badges; the evictions took place in the early morning hours; and residents were deceived and denied access to their property. Moreover, as examined above, relocation and eviction usually occur without giving reasonable notice to or properly consulting with the affected people.

### Legal means of resistance

Chinese regulations for the management of urban demolition and eviction theoretically offer limited legal remedies to citizens wishing to challenge such decisions. The right to legal redress is enshrined in international human rights law. Article 2.3 of the ICESCR requires States parties to ensure "an effective remedy" for those whose rights have been violated and states that "competent authorities shall enforce such remedies when granted." As reviewed above, this principle is also well established in the case of forced evictions.

Legal process is the first resort of residents who fear the risk of repression associated with public protest. But they also know their chances of winning fair redress are slim. A fair proportion of Chongqing city dwellers, as opposed to the farmer-victims of land seizure in the countryside, are aware of legal matters. Some have legal background thanks to their education and training; many others have learned about law out of necessity. To better defend their rights, citizens explore legal texts, particularly via the Internet; many have learned to quote the Constitution and other laws and regulations, research similar cases taking place in other parts of the country, and keep tabs on legal developments, especially changes to laws and regulations. In fact, ordinary denizens appear to be much more advanced than officials when it comes to knowledge of the rule of law and housing regulations. As one Jiangbei resident said: "As a result of our long struggle against forced eviction, all of us are ending up with so much legal knowledge that we could become lawyers!"

However, in the course of their struggle, city dwellers also learn the limits of the legal system that they are testing endlessly. In early 2006, residents from Shuangbei, Shapingba district, sent an open letter to the National People's Congress Standing Committee<sup>112</sup> seeking specific legislation to protect residents from abusive evictions.<sup>113</sup> This reflected their belief that a private property law could be a key component of protecting their homes, which were threatened by demolition. "At present, we can only petition the central government, we cannot do anything to protect our interests in Chongqing itself," said a Shuangbei denizen. "If this new law could take our demands into account, residents in Chongqing would be strong enough to confront local governments." Yet for now citizens have few, tentative legal means of seeking redress: administrative arbitration, litigation and petitioning.

### *Administrative arbitration*

Both the 2001 State Council Regulation and the 2003 Chongqing Regulations (Article 17)<sup>114</sup> stipulate that when evicted residents cannot reach agreement on compensation with developers, they may request an administrative arbitration from the City Housing Demolition-Relocation Administrative Department. However, the circumstances in which municipal arbitrations usually take place render fair decision-making nearly impossible. The first obstacle derives from the very close relationship, if not collusion, between the governmental body in charge of relocation on the one hand and the demolition companies on the other. Second, and as mentioned earlier, local governments work hand-in-hand with developers on lucrative urban projects, standing together

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against resisting occupants, which makes fair arbitration highly unlikely.

A Chaotianmen shop owner spoke about an arbitration that took place in August 2005: "When the hearing started we understood that it was not a negotiation between only us and the developer. The government was playing an active role. The officials were clearly advocating in favour of the developer and tried to convince shop owners to accept the deal they were offered." The citizen added: "Fearing the strong solidarity of the dwellers, and in order to have better control over the situation, the developer divided the residents into two groups for the hearing. The latter was scheduled shortly after the developer threatened to terminate compensation payments."<sup>115</sup>

In this case, the owners had tried to obtain what the developer had earlier promised: street-level retail space in the new building to replace the demolished shops formerly along the road. In light of the value of the street-level shops, the developer ignored the initial agreement and instead offered owners basement space with obviously severely limited business opportunities. The developers also wanted approximately 40% of the building space to be public,<sup>116</sup> considerably reducing the available retail space.

Earlier that year, the shop owners went to Beijing to defend their case before the Ministry of Construction, where they managed to meet with a high official. According to one shop owner, the official even called the Chongqing government to underscore the legitimacy of the dwellers' request and to stress that it should be properly answered. However, it is clear that Beijing's official advice to the Chongqing government wasn't followed. During the arbitration, local officials didn't consider the dwellers' request. The shop owners, finding themselves at a dead-end, threatened that they would be forced to imitate the Lianglukou shop owner who allegedly used petrol to prevent his forced eviction, if no solution could be reached. "He is an example for us," some residents said.

Because arbitration is known to be ensnared in conflicts of interests and biased in favour of developers, residents usually do not expect fair rulings, and instead use the hearings as a public arena in which to gather and denounce illegal practices. In Lieshimu, when two shop owners resisting relocation attended a hearing in July 2005, more than 50 victims of relocation from other neighbourhoods offered their support at the local government office. "At the beginning of the hearing, the officials announced that taking pictures or recording the hearing was forbidden, but they took pictures of us. And plain-clothed policemen were mixing with the

residents," recalled one resident. "Any word said by the shop owners was followed by applause, and the governments' claims were opposed. Of course the final decision will be taken against the shop owners, but at least we showed the authorities that residents are united. It's a first step."

After the hearing, a participant already identified by the authorities as a local leader among the residents received death threats, which were enough to convince him not to take part in further relocation cases and to stay away from resident protesters. A few days later, the developers' agent gave the two shop owners an official document giving them 15 days to leave, after which forced eviction and demolition would be carried out. The document did not make any mention of the hearing.

A similar gathering allowing for a showing of solidarity took place in Daping at the hearing for three families whose homes had been demolished. According to one of the dozens of citizens who participated actively in the hearing: "Of course the hearing is just for show, but we seized the opportunity to protest. And we will do so given any other opportunity. Before the hearing, residents called other residents from several neighbourhoods. Anyone who was free that day was invited to come. We also prepared documents to defend the three families. During the hearing the residents strongly denounced the developers, as well as the authorities' decisions favouring the developers. The audience applauded endlessly, and the hearing ended with the residents singing "Unity is strength."

### *Litigation*

Unable to obtain fair redress through administrative arbitration, many choose to pursue litigation. But the courts, too, are tightly controlled by local authorities, particularly the Communist Party, and thus seldom deliver fair decisions.<sup>117</sup> Many judges are poorly versed in the law and make their decisions based more on government rules than on the rule of law. Not only do the courts lack independence, but they are also used by the government to protect corrupted officials and cover misdeeds. In Chongqing, as in any other Chinese city, judges are appointed by the People's Congress. Furthermore, the Party's local committees sometimes intervene in judicial affairs, for instance by deciding whether or not cases should be heard.

In several cases, local courts asked the plaintiffs to settle with the administration, even though the reason why residents go to court is out of mistrust of the government. As the number of lawsuits arising from forced evictions increased dramatically, the Supreme Court declared in August 2005 that the "People's courts will not hear compensation or



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resettlement disputes if agreements cannot be reached between demolishers and property owners or occupants," thereby leaving litigants to solicit "relevant government departments" for arbitration.<sup>118</sup> Under this legal structure, only after an aggrieved party exhausts the arbitration process can he or she file a lawsuit, and even if the court decides to hear the case, a party can have difficulty convincing a lawyer to work on such a sensitive issue.

The three-year imprisonment of tenants' rights advocate Zheng Enchong in Shanghai is well known in Chongqing and dissuades many lawyers from accepting such cases.<sup>119</sup> For impecunious dwellers, the monetary cost can also be a deterrent. In most cases, Chongqing citizens have no choice but to defend themselves without the service of a lawyer, based on the legal information they can gather from other dwellers or the Internet.

Because of the partiality of the courts, some residents believe lawsuits are not worth pursuing, and that legal recourse could in fact undermine any petition<sup>120</sup> presented in Chongqing or Beijing, rendering authorities more likely to use judicial non-interference as a reason to abstain from decision-making. In addition to the uncertainty and potential bias, judicial proceedings also take too long. With housing cases, timing is key, but demolition and eviction are not stayed pending the resolution of a lawsuit.

In Shanhu, Nan'an district, 13 families refusing relocation in 2003 took their case to court, arguing that the Real Estate Administration project that aimed to erect a new building for its employees was illegal. The inhabitants had been defeated twice before deciding to seek redress in Beijing, at the Ministry of Construction. In the end, thanks to central government pressure and after investigation by the Chongqing land resource administration, the project was declared illegal on several grounds including the fact that the company in charge of resettlement and demolition did not have the required certification. But by the time the project was declared illegal, the 13 families were living in half-destroyed buildings that could not be saved from demolition. According to the dwellers, the local government knew that the project was illegal but did not do anything to protect them against relocation; indeed, it facilitated resettlement for a doomed project. At the end of the long legal struggle, the three remaining buildings were demolished, the families lost their homes and as of June 2006, the land was being used as a parking lot.

Yet several cases have proved that the determination and

solidarity of occupants can result in some concessions. In Shuangbei, Shapingba district, 20 families sued the Real Estate Administration: they were protesting the meagre compensation offered for their shops, which were located along a road to be enlarged. In June 2006, the administration, apparently fearing the plaintiffs' unity, approached three families considered to be leaders and offered them shops along the new, widened road in exchange for withdrawal of the lawsuit. This was considered a victory for the residents, who felt they had forced the administration to compromise; but at the same time, the administration managed to divide them.

### *Petition*

More and more Chongqing residents choose to bypass administrative and legal processes and petition high government officials, most often in Beijing. In presenting their grievances to the government, they submit detailed documents and request proper investigation and redress. Victims of forced eviction from Chongqing have met in Beijing with citizens from all over the country also coming to petition.

The right to petition officials is a longstanding right, protected by national law. While the chance of obtaining reparation is negligible, the petitioning process is seen as an important avenue that gives citizens the satisfaction of circumventing local corruption or bad governance. Petitioning before the administration can be done at the district, city, province or national level.

"As soon as we were informed about the demolition of our shops, we immediately left as a group to complain before the Yuzhong district government," said a Daping resident. "We didn't get any answer so we organised a sit-in in the city hall and petitioned the municipal government of Chongqing. Still left with no response, we went directly to the Ministry of Construction in Beijing. We went together, in a large group of about 30 residents, because we believe that the government doesn't care about individual complaints. We stayed for a month in Beijing. The Ministry told us that it had no right to impose a decision on the Chongqing government but could "cooperate" with it. The Ministry of Construction called officials from Chongqing who had travelled to Beijing, but they refused to meet with us. Instead they promised to speak with us once we were back in Chongqing. Obviously, this was a trick, because once they were far away from Beijing, the Chongqing officials were not subjected to pressure anymore and ignored their promise."

Even when they listen to residents' requests, the central authorities leave the final answer to local authorities. A Wuyi

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citizen under threat of relocation explained: "In Beijing, the central authorities told us that they could not do anything for us but that the Chongqing government would answer our request. Back in Chongqing, we visited the government office but not a single official agreed to meet with us." In another case, dwellers from Chaotianmen went to the Ministry of Construction to defend their shops. The official who had visited Chongqing a year earlier to attempt to resolve their dispute told the residents that he would not be able to help them even though he was sympathetic. He expressed that relocation was too tricky in Chongqing, i.e., the developers were too powerful and well-connected.

Overwhelmed by the fast growing number of petitions,<sup>121</sup> Beijing prefers to leave the disputes for local officials whose behaviour is precisely most often the reason for the petition in the first place. In July 2005, the national petitions bureau accused petitioners of "undermining the State" and announced the adoption of restrictions, which included sending back plaintiffs to their provinces to meet with local authorities.

Residents in Chongqing acknowledge that Beijing is becoming a meeting point. A Daping citizen said: "While we were in Beijing for our petition, we met by chance with other Chongqing residents who were victims of resettlement in the Wuyi and Qixinggang districts as well as some farmers from Chongqing's rural counties. Once we return home, we can contact one another, share our plights and build solidarity." It is in the interest of both the local and central governments to dissuade petitioners from travelling to Beijing. Local officials do not want their malpractice and abuses exposed, lest their image and careers be affected; Beijing authorities have an interest in reducing the waves of petitioners overwhelming government offices. Beijing might also fear the formation of larger groups which would be more difficult to control and repress.

Yet the central government cannot completely hinder the petition system, which remains the primary channel of protest available to citizens, as elimination of this process could lead to increased desperation among the growing masses of impoverished people in the countryside and cities, and fuel more radical actions. In February 2006, a Communist Party senior official said: "Properly handling petitions is an indispensable and incomparable task that should not be neglected in building a harmonious socialist society."<sup>122</sup> For now, the petition system functions more as a necessary outlet and space for protest, rather than a reliable remedy to restore rights and redress abuses.

Local authorities trying to prevent residents from visiting

Beijing, and thereby provoking central government reprimand of provinces and municipalities, send their police to Beijing to monitor, arrest and bring home petitioners. Many petitioners have fallen victim to such raids, which often involve the use of force. A Daping resident who went to petition Beijing in 2003 was arrested and sent back to Chongqing by police and Yuzhong district officials. They prevented him from petitioning the central authorities regarding the illegal demolition of his shop. At the time, he was travelling with his wife, an elected member of the Chongqing People's Congress whose T-shirt read: "A representative of the People's Congress is forcefully relocated." Once back in Chongqing, the man was kept under house arrest for several months and could not meet with any other resident victim of forced eviction. Other Chongqing residents, this time from Chaotianmen, also went to the Ministry of Construction to petition the State Council office. But upon hearing about the many occupants who were beaten, arrested and sent home while going to petition the State Council, the most sensitive and tightly controlled government office, they feared for their safety and abandoned their plan.

### **Public protest**

Given the numerous restrictions on judicial remedies, many residents instead choose public protest. Through banners and street demonstrations, posters and public petitions, Chongqing residents try to denounce their situation, show their determination and put pressure on authorities and developers in order to obtain fair compensation, reasonable relocation or, in rare cases, termination of the illegal resettlement process. The government tolerates this freedom of expression to a certain point. However the space for protest has clear limits that must not be crossed, at the risk of repression, including use of violence.

#### *Banners and posters*

Banners and posters are often used by dwellers: they cost little, are quick to prepare and are immediately visible. For those located on busy streets, hanging slogans and posting articles or legal documents are effective means of informing bystanders about their plight. Banners and posters also prove to developers that residents are determined and united, and pressure authorities trying to contain protest. In several of the neighbourhoods we visited in Chongqing, occupants mentioned other areas in which forced relocation had occurred, which they had learned of via banners. In some cases, they had contacted those communities to exchange information and prepare collective action.

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A banner on a building in Jiangbei: "The building layout must be fair, demolitions and expulsions must serve the people. The more they demolish, the more poor people suffer", July 2005.

In Jiangbei, a group of residents in two newer buildings were threatened by plans for the Wan Tang Road leading from the Jialing River to the business district. From early on, they hung banners of red and white cloth and paper, which displayed slogans such as, "Govern for the people, take human rights into account;" "Act according to the law, govern for the people;" and "The people's interest is no minor issue, we must be committed and united." Other banners were about demolition and eviction: "Demolition and eviction make poor people more and more desperate;" "Planning must be proper, demolition and resettlement must take people into consideration;" and "The demolition and relocation bureau is cold-hearted, taking away our rice bowl and then our home." Other banners targeted specific projects: "We oppose the construction of a six-lane road to the Jin Yuan supermarket;" developers' misrepresentations and misdeeds were also directly addressed: "If the compensation rate is not fair, don't even think about moving us out;" "If you double the compensation, we will move out peacefully."

The protesters displayed on the walls of a shop in one of the

subject buildings copies of legal documents and press clippings about forced resettlement in other Chinese cities including Beijing, Shanghai and Nanjing. According to one of the occupants: "Government employees came regularly to remove the banners we were hanging from our windows. Although we resisted, they managed to take them down several times, but we always put them back up. When we hung them at night, government employees were present to monitor us. Once, as employees were trying to remove some of the banners, a 50-year old woman living on the fifth floor threw water on them to make them leave." The residents also signed a petition, which was rejected by both the district government and the Chongqing authorities, and personally petitioned the Chongqing government in groups of four. One dweller explained: "We haven't yet been to Beijing because we believe that we can struggle here against the developers and win."



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Banners draped by citizens in Lianglukou district: "we will defend our space with our lives and our blood" (white sheet), "We oppose corruption, we demand what we are due" (red banner), October 2006.

Facing strong resistance from the residents and apparently lacking support from the authorities, the developer gradually assumed a lower profile. In 2005, almost a year after the project was launched, one inhabitant said: "We believe the project could be cancelled or at least frozen because the developer left only a few agents here. Before, there were about 50 agents here every day... After the APC Summit, the developers' agents contacted us to ask if we wanted to leave. We clearly told them we wouldn't leave at any price. That was our last contact with them." As of early 2006, no banners were hanging on the façade. One occupant said: "When the authorities came to ask us to remove the banners, they were much nicer than before, much more conciliatory. We told them to be careful because we can easily put [the banners] back up! We agreed to take them down because we believe we won our struggle and saved the buildings. Residents here

are more educated, and when we protest we are very careful to always respect the law. Our approach is always legal to prevent the government from taking action against us."

These Jiangbei citizens won their struggle due to the unified efforts of over 100 families, but the developer's apparent lack of connections with the authorities was also decisive. "Other Jiangbei residents were not as lucky as we were. Those living near the Jialing River eventually had to accept relocation. Like us, they put up banners hoping to obtain better compensation, but they didn't succeed. Their situation was pretty different; they were relocated to build the circular road along the river. The resettlement was for a public project, and also, residents of this neighbourhood are less poor than we are; they have jobs. Leaving was economically possible for them. Here, we are jobless; it's impossible."

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Inscriptions on a house in Wuyi district: "The Constitution is above everything, administration must obey the law closely, we will accept legal demolitions and resettlement", 2004.

In 2003, when the character *chai* was painted in red on houses along the main lane in Wuyi, dwellers posted articles about forced relocation in other parts of China and on the regulations governing resettlement. Although the police station is only a few metres away from where the information was posted, officers did not interfere. One resident said: "This police station should be an example for the rest of China. They stay neutral and don't try to silence us."

A year later, after many residents left and some houses were destroyed, the 60 families who resisted painted slogans on the old remaining houses. Many were inspired by the Constitution, including its new amendment regarding private property: "The Constitution above all;" "Protect the honour of the Constitution, we oppose unlawful demolition and resettlement;" "Swear to protect private property until the end;" "The country respects

and guarantees human rights;" "Forced demolition is against the Constitution;" and "All actions against the Constitution and laws must be investigated and questioned." Occupants were also very sensitive about the rule of law, painting slogans including: "Strengthen government action according to the law" and "we will accept legal demolitions and resettlement." In summer 2005, as inhabitants of the lane were celebrating their second anniversary of resistance, they added the slogan, "People are equal before the law," and some words on compensation: "All demolition and resettlement must be compensated fairly" and "Demand to be resettled nearby."

In Wuyi, no banners were removed; none of the painted words were covered up. But this leniency might have been due to the fact that the small lanes, though in the very centre of Jiefangbei, are not well visible from the main streets.



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In the Shanhu neighbourhood, denizens struggled to preserve their banner, which had first been hung in April 2006, after one 20-year-old resident was beaten with clubs by a developer's agents. The banner, which simply read "Oppose violent resettlement," was replaced days later by one bearing the official slogan, "Improve living conditions to build a wealthy society." But residents had the last word and replaced their banner on the front of a building in which 40 families were resisting relocation. They also displayed on the wall some official regulations on resettlement.

On Zhongshan Road near the gate of the Children's Palace, days after an explosion linked to forced eviction wounded 14 people in early July 2005 (see p.41), the damaged shop reopened. Although the owner was in the hospital struggling to survive his very severe burns, a relative opened the store, whose merchandise – mainly girls' dancing costumes – was charred. Nothing could be sold, and no salesperson was available, so the relative left after boarding up the front. The board detailed the shop's story for passersby: the shop contract purchased from the Open Group real estate company which they couldn't obtain, the many letters and petitions of protest and demand for reparation and references to the laws violated. Some days later, the shop owner's family added large posters on the adjacent two shops already closed for demolition. Passersby read the messages: "Open Group, show your face, Take responsibility for all those who were wounded," "Open Group, scoundrel, paid to kill, Mister Mayor, please help to save this couple's life and bring them justice." The authorities tolerated these slogans for about a week but kept the hospitalized owner under police surveillance to forbid any visitor, including his close relatives, from talking to him.

### *Demonstrations, sit-ins and public petitions*

As with banners and other displays, the authorities seem to leave minimal necessary room for street demonstrations, which has occurred all over the country. Many demonstrations assemble rural and urban dwellers whose lands and homes were taken away or demolished by the authorities, private companies or developers. By the central government's own account, more than four million people participated in the 87,000 "public-order disturbances" (including protests, demonstrations, picketing, and group petitioning) recorded in 2005, an average of 240 every day. In 2003, 58,000 had occurred; in 1994, only 10,000. Some protests resulted in bloody repression, as in Dongzhou, Guangdong province, where police shot dead as many as 20 villagers protesting against a land grab in December 2005. In many other cases, especially in cities where repression cannot be concealed as

easily as in remote rural counties, the police controls protests without necessarily resorting to violence.

In the very centre of Jiefangbei, a shopping and business realm always overcrowded with passersby, residents managed to demonstrate for over a week after trying in vain to use legal means. The relocation administration had refused to give them shop space in the newly opened "Maison Mode Times" luxury mall, as initially agreed. The sit-in took place over the national holiday season in early October; the streets were jam-packed then, giving many people the opportunity to talk with protesters and express their sympathy. The police were present but did not interfere in the demonstration.

In Jiefangbei, the limited number of peaceful demonstrators convinced the authorities not to act against them, but when residents take to the streets en masse, security forces are likely to deter the protesting crowd by any means, including violent repression. This is what happened in the Hualongqiao area when approximately one thousand residents protested the very limited compensation announced for their resettlement. According to the dwellers, the protest started on March 27, 2004. Around 9 a.m., the Yuzhong government posted in the neighbourhood an "announcement of the estimated compensation for the housing demolition and relocation" of more than 12,600 families. The compensation was between 1,470 and 1,800 yuan per square meter, and relocation was to begin as soon as April 11, taking only two months to complete. Shocked by the very low compensation offered (roughly one-third the market rate) and the short deadline given, residents began gathering spontaneously along Hualongqiao's main road to share their exasperation and denounce the unlawful decision. That afternoon, an 80-year-old woman sat in the middle of the road, and others soon followed, halting traffic. Local officers and anti-riot police arrived to clear the protesters, who were mainly retired workers from the nearby factories, but the citizens persistently returned to the centre of the road. At night, dwellers gathered at five different locations on the road crossing Hualongqiao. A 70-year-old woman who refused to leave the road was beaten by police and taken to the hospital.

After midnight, as the protesters were going home peacefully, policemen who had removed their ID numbers and nametags to avoid being identified targeted and assaulted individual residents, including children, walking in remote lanes. "Obviously, when residents were together on the road, the police refrained from violence, fearing a very strong reaction from the crowd. But later on, they could easily and shamefully



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attack solitary residents," said a dweller. At 3 a.m., unidentified men knocked at the door of the resident who had helped the hospitalized elderly woman. In an intimidating manner, the men advised her not to take part in further demonstrations. The next morning, a new announcement appeared, offering increased compensation of 1,800 to 2,200 yuan, and hundreds of riot police were posted along the road. Nevertheless, residents continued to gather and block traffic. During the second day of demonstrations, the authorities changed their strategy and used plain-clothed police dressed in black and policemen without identification tags to beat protesters. Throughout the day, residents were beaten: an old couple and later a young woman who was kept on the ground for 40 minutes without aid; a woman who tried to bring her water was also badly beaten. When the woman kept on the ground said she was pregnant, plain-clothed police officers beat her abdomen with a stick and punched her. Her husband and son were severely beaten when they attempted to rescue her. Finally, infuriated residents surrounded the assailants, who managed to flee and find refuge in police cars and at the police station. Dwellers demanded that the assailants show their faces, but they were driven away in riot police vehicles. That afternoon, more citizens, including a child holding a picket opposing violence, were beaten by plain-clothed police. Before midnight, a gang of men dressed in black stopped their police truck at the Huacun gas station, violently attacked those remaining on the roadside and then left. The third day of demonstrations, still more residents were beaten as they hung banners reading, "Rule the country according to the law" and "Severely punish the assailants." Around noon, a group of 200 plain-clothed policemen came out of the Hong Yan Museum and went to the entrance of the Caishikou market, where they indiscriminately beat protesters and passersby – children, adults and the elderly. Residents who dared to take photos had their cameras shattered. The Hualongqiao worker area was sold by the Chongqing government to the Hong Kong-based Shui On developer. Soon after the brutally repressed three-day demonstrations, the demolition of one million square meters and the resettlement of more than 50,000 started. This 1,800 mu<sup>123</sup> of land will welcome in coming years a luxurious living area and service centre for Chongqing industry.

Chongqing denizens know that their strength lies in numbers, in their unity and capacity to make noise. Many of them explained that since the country is not ruled by the law but by the personal interests, it is much easier to obtain reparation through noisy protest, or what the authorities call "public-order disturbance," than by judicial means. Yet at the same time, most dwellers insisted on their trust in the law, which

they follow and keep quoting in their struggle. For their part, local authorities fear any public protest that, fuelled by desperation and exasperation, could turn into a mass movement threatening "social stability" and consequently their political power.

Mixing street action and legal instruments, Yuzhong district residents belonging from neighbourhoods such as Daping, Wuyi, Baizhixiang and Qixinggang, collected signatures for a petition denouncing the growing, unlawful practice of forced eviction and relocation. "The forced demolition is a threat hanging over the heads of concerned people," began 2003 document. "We have petitioned the district and municipal governments to no avail; we went to Beijing to petition and won the sympathy and support of the administration. But because of the behaviour of the local government, the problem wasn't solved fundamentally. Through the struggle, through the in-depth study of laws and regulations, we have realised that this problem can be solved fundamentally only when the National People's Congress starts to investigate the demolition and resettlement regulations, which are not in conformity with the Constitution and the laws, and abolishes the articles in the demolition and relocation regulations permitting forced demolition and eviction. Therefore we submit this petition to the National People's Congress." The petitioners also referenced the Nanjing and Anhui province citizens who killed themselves out of desperation after losing their land and homes, demanding establishment of the rule of law and respect for the Constitution: "The Constitution protects citizens' legal rights and interests. To protect legal rights and interests of the citizen is to protect the Constitution. To protect the Constitution is to protect the highest interests of the country. Thus, in order to assist the establishment of an effective legal system for the country's highest interests, sign your name!"

With the goal of collecting 10,000 signatures to send to the National People's Congress, occupants took to the streets of Daping, equipped with a recorded megaphone message denouncing forced relocation. After collecting more than 7,000 signatures in nine days, a resident-leader was led to the police station, where he was interrogated. "Police officers came in the middle of the night to scare me and forced me to follow them. They could have interrogated me during the day. They never gave any reason for my arrest, they only said they wanted to ask me questions and kept me until 5 a.m. They asked me details about the petition and my stay in Beijing. They tried to convict me but didn't find a reason. They didn't threaten me directly but told me that if any action was organised by any residents of the neighbourhood I would be

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automatically considered responsible. In fact, before using force to relocate us, the authorities targeted me because they see me as a leader. They want to scare other residents." Less than a month later, this man's house was demolished when he was in Beijing to petition. This was enough to convince many of his neighbours to give up resistance and accept the low compensation rate. Criminal charges were eventually pressed against him for organising residents against resettlement, organising public petition and leading residents to petition in Beijing, even though these actions are safeguarded by law.

In Wuyi, residents managed to collect 1,000 signatures for the same petition. They spent five days in the streets until a policeman from the neighbourhood convinced them to stop. "We agreed to stop even though we did the petition in a legal way and although it's our right to do so," said a participant. Later on, the police interrogated several dwellers to enquire about their links to residents from other neighbourhoods, especially Daping. They were asked details about their stay in Beijing where they met residents from other areas and were forced to denounce alleged wrongdoings.

### **The role of the media and the Internet**

The economic reforms have had an immense impact on the flow of information available in the country. Besides the traditional propaganda-style journalism, a new kind of social reporting that covers sensitive issues, including forced eviction in both urban and rural areas, has emerged the last 10 years. Without the state funding they used to enjoy, publications have to offer better content to maintain their readership. At the same time, readers have access to many other sources of information, in particular the Internet, and expect much more than flat propaganda pieces. In this context, even state-controlled media are forced to offer readers and viewers news that is likely to irritate the authorities.

#### *Media*

Newspapers with national circulation, such as the Guangzhou-based Southern Weekend, regularly publish detailed stories about forced urban relocation. Despite repeated crackdowns on publications and journalists in 2006 and the widespread censorship to curb press freedom,<sup>124</sup> immense social and economic changes have made it nearly impossible for authorities to revert to a fully controlled media sector.<sup>125</sup> The recent bans and restrictions recall the authoritarian nature of the regime but also reflect the

weakness of a political structure less able than ever to control the free flow of information.

When it comes to demolition and eviction issues, two kinds of media coverage coexist: on the one hand, national media, with fact-based reporting denouncing the excesses of developers and local corruption, publish stories detailing the plight of residents; on the other hand, tightly controlled local media, unable to publish journalistic reports, only disseminate government propaganda, including regular attacks against dwellers resisting resettlement. "As a journalist working for a Chongqing business newspaper, I have no choice but to cover relocation issues from the government's and developers' points of view. The government has control over the content, and real estate companies are economically important, since they buy advertisements in the newspapers," said a young reporter.

The misdeeds crippling urban reconstruction and leaving thousands of dwellers homeless are known across Chongqing, but the press keeps silent. A policeman working in Jiefangbei commented: "In fact, developers and the government have close links involving enormous corruption. No journalist can write about it. Everybody knows and talks about it but nothing can be printed." Thus, when residents publicly resist resettlement, or when demonstrations occur, the media may at best ignore the event. If any information is published, it undoubtedly disfavours the residents, who are accused of using "extreme and dangerous means," blamed for demanding "exorbitant compensation," or vilified as "nailed household" (dingzihu), acting in their own interests and against the people. In fact, local media operate as an arm of the political machine, thereby putting more pressure on resisting residents.

A Daping resident said: "We contacted journalists to explain our situation but they refused to listen, saying that demolition and resettlement was a landmine. Then they published inaccurate reports dictated by the government, accusing us of stalling the construction project and seeking excessive compensation. If only journalists could read and cite the regulations, then everyone would understand that we just want fair compensation. We also applied for a permit to hold a demonstration but were denied. We have nowhere to speak out."

In Lieshimu, those refusing relocation over a compensation dispute were accused of undermining the public interest, because their shops were along the new road needed for the APC Summit and its cortege of foreign officials. "Authorities call us self-interested and say that families like us should just

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disappear for the sake of construction projects, as nails to be pulled out!" said a Lieshimu citizen. After the last shops were demolished by force at the end of August 2005, newspapers falsely accused the owners of demanding enormous compensation far beyond what is stipulated in the regulations. On August 26, the Chongqing Evening Newspaper published an article entitled "Shapingba district finally removes the nail."<sup>126</sup> The evicted dwellers decided to sue the newspaper, hoping to dissuade the press from continuing to pressure them. Dozens of citizens from several neighbourhoods appeared in court to express their anger to the journalists. Unsurprisingly, they lost the case, but were satisfied and optimistic about the prospect of their lawsuit discouraging journalists from covering resettlement issues in such a partial way.

Chongqing officials have no reason to worry about the local media they so expertly control, but they do fear outside journalists coming in to cover sensitive issues of the municipality. Like others around the country, the Chongqing government is exposed to critical coverage by national newspapers, which enjoy greater latitude to investigate the reality of urban reconstruction and find it possible to denounce local abuses of power. Although central authorities repress journalists who denounce local malpractice, they also leave some room for investigation of the local fiefdoms no longer easily controlled. But in September 2005, 17 provinces and municipalities petitioned the central government for stricter control over the media, pressing for the interdiction of journalists' writing stories from beyond their region of origin. The response to this demand came a few weeks later from the central committee: it enjoined the media from reporting outside of their geographical zones. In addition, the Ministry of Propaganda required local authorities' approval of all critical articles before publication. Simultaneously, the Ministry announced new restrictions regarding reports on social issues, including conflicts related to forced eviction and demolition or to petitioning in Beijing.

### *Internet*

Every recent crisis, such as the spread of SARS in 2003, the pollution of the Songhua River in Heilongjiang in 2005, and the Saomai typhoon that devastated the Fujian coast in August 2006, has had an echo on the Internet. Social unrest not permissibly covered by traditional media are freely discussed on the web, where detailed accounts circulate. Not only has the Internet become a main source of information for more than one hundred million Chinese, but it also influences the traditional media. Even the government is affected, as it

cannot ignore this new forum of public opinion. In April 2006, the Shenzhen-based blogger Zou Tao launched his campaign "Don't buy a house," which denounces real estate speculation. This campaign quickly gained popularity among net users, forcing the press to talk about it and, fortuitously or not, spurring government measures to cool the overheated real estate market. Although this blog was shut down in September 2006,<sup>127</sup> Zou Tao's campaign nonetheless demonstrated the Internet's present role in urban China.

As with the traditional media, the authorities try to control and censor the Internet, especially sensitive information regarding protests. Even a well-equipped cyber police removing as quickly and frequently as possible forbidden postings and closing down sites, however, is not enough to silence criticisms and stop the spread of news; the web space is too vast to be controlled. Therefore, while printed information regarding forced demolition and relocation is clearly censored, protest missives and testimonies in electronic form continue to cover the virtual walls of Chinese cyberspace.

In Chongqing, the government cannot fully limit news of street demonstrations, violence against resisting residents or public petitions to word-of-mouth. Detailed accounts from areas such as Hualongqiao, Jiangbei and Jiefangbei are quickly posted on bulletin boards and websites, and written protests are sent by email. Local authorities can neither prevent residents from collecting online documents about abuses of urban resettlement in far away cities nor preclude display of this information in the streets of Wuyi, Jiangbei, or other areas. One Jiefangbei resident said: "We follow carefully on the net what's happening in other places, we also collect legal materials and post information regarding our situation here. The Internet is also very important to maintain links with other communities facing forced relocation." Moreover, the Internet serves as an information source for journalists based outside mainland China. When families were abducted and their homes blasted in Liziba, Yuzhong district, testimonies and pictures were immediately made available on websites, which were then used by press in Hong Kong to write articles.

Chongqing authorities, fearing that online spread of censored news, announced in July 2006 that Internet users would be required to register with the Public Security Bureau before October 30, 2006. National regulations of this kind have existed since the late '90s but were never fully implemented. While Chongqing citizens do not believe this program will proscribe their freedom to access the Internet and exchange information, it is one more censorship hurdle, particularly for sensitive issues such as forced eviction and demolition.



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72. See map of Chongqing municipality : <http://anywherechina.com/newfiles/maps/provinces/Chongqing.gif>.  
City map : <http://www.johomaps.com/as/china/chongqing/chongqing.html>
73. But the Three Gorges Dam itself is located in neighbouring Hubei province.
74. See Dai Qing, *The race to salvage the Three Gorges treasure trove*, Probe International, March 28, 2002.
75. The government recognized in October 2006 that 1.4 million people, not 1.1 million as initially announced, would eventually be relocated; NGOs and activists estimate that the dam will force up to 2 million to move to neighbouring areas or thousands of kilometres away on the East coast.
76. In *China's west seeks to impress investors*, BBC website, May 4, 2005.
77. Ironically, when the APC summit was held there – with foreign visitors welcomed to a "human and environmentally friendly city" (the APC summit theme was "City, Man and Nature") – many inhabitants were forced out of their homes, which were demolished (see pt. II).
78. Fortune Magazine quoted by the Yangtze Council at [www.yangtzecouncil.org/region\\_introduction.asp?region\\_id=15](http://www.yangtzecouncil.org/region_introduction.asp?region_id=15) or <http://www.cq.gov.cn/english/statistics/economy/20050826865.htm>
79. See Economists warn mushrooming CBDs, China Daily (Hong Kong Edition), October 31, 2003
80. Chongqing shang bao (Chongqing Business Daily), 29 December 2004.
81. *China's west seeks to impress investors*, BBC online, May 4, 2005.
82. *Defining 'public interest'*, China Daily, 2-3 September 2006. 83. *Id.*
84. *Development zone being overhauled*, China Business Weekly, August 17, 2004.
85. See *infra* "Resistance and Repression."
86. <http://www.laborrightsnow.org/china.html>, quoting Radio Free Asia.
87. See *infra* "Resistance and Repression."
88. *Id.*
89. *Id.*
90. If the independence of the Judiciary is enshrined in the Constitution, appointment and destitution of judges and prosecutors depends upon the Communist Party; in addition, judges and prosecutors are controlled at every level by the politic and judicial commissions of the Party.
91. See *infra* "Resistance and Repression."
92. Chongqing shang bao, article: "Nan an shanhu cun bianlian shangye cheng. 26 April 2005.
93. One mu is about 675 square meters.
94. See above regarding the APCS and its impact on relocation.
95. OG 4, §7.
96. OG 7, §13.
97. Danzishi, a partly rural neighbourhood located in east Chongqing across the Yangzi River, is progressively urbanizing.
98. See *infra* C. Resistance and Repression.
99. System of residence registration. The term "migrant" refers to the persons who are not residing in the place where they are officially registered. The objective of the Hukou is to avoid massive uncontrolled migrations from rural areas to the cities.
100. In China, apartments are most often sold without any doors (except the front one), the walls are bare and electricity and water must be installed through the front door, which explains the heavy cost of "installation."
101. Not long ago Chongqing city was roughly limited to the Yuzhong Peninsula. For elderly residents from the very centre of Chongqing who have never crossed the Jialiang and Yangzi rivers, relocation outside the peninsula would mean, in a sense, having to leave Chongqing.
102. OG 4, §8.
103. See pt. I.
104. General Comment 7, §16.
105. General Comment 4, §11.
106. Weng Biao, from Nanjing, died in August 2003 after setting himself on fire. His house had just been demolished and his properties burned. A month later, Zhu Zhangliang from Anhui Province went to Beijing and immolated himself in Tian'anmen Square.
107. The ICCPR has been signed by the PRC in 1998 but not ratified yet. However, according to the Vienna Convention on the Law of treaties of 1969 (Art. 18), "A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when it has signed the treaty (...) until it shall have made its intention clear not to become a party to the treaty".
108. UN CESCR General Comment 4 (1991), § 7.
109. GC 4, §18.
110. Residents were offered not more than 2,500 yuan per square meter. In August 2006, the developers were selling the flats in the new buildings for 4,400 yuan a square meter.
111. 1999 Chongqing Regulations, Article 11: "Except for demolition-relocation delayed by force majeure, housing demolition-relocation permits shall become ineffective for demolition-relocations that do not commence within three months after the demolition-relocation permit is obtained."
112. The National People's Congress Standing Committee enacts most of China's laws and meets between the brief annual sessions of Parliament.
113. The draft law was withdrawn from the parliamentary session in March 2006, but after modifications by lawmakers, it was voted in March 2007 by the NPC.
114. Article 17: "If demolition applicant and relocatee, or relocatee and the house lessor cannot reach an agreement after negotiation regarding the form and amount of compensation; settlement surface and location; means of relocation transition and its time limit, then demolition-relocation applicant must apply for adjudication from the City Housing Demolition-Relocation Administrative Department which has approved the demolition-relocation. If relocatee is a property development administrative department, it shall be subject to arbitration by the People's Government of the same level, within 30 days upon receipt of the application."
115. Shop owners planned to use the temporary shops from 1999, when theirs were destroyed, until the shops in the new building were ready for use. But on May 30, 2005, the temporary shops were demolished, and since no agreement was reached regarding the shops in the new building, the developer gave 250 yuan per square meter monthly compensation to the owners.

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116. In China, when buying an apartment or shop, the surrounding common area is included, but this area normally constitutes not more than 10 or 15% of the total space.

117. China's judicial structure consists of four levels: the Supreme People's Court; the Higher People's Courts at the provincial level; the Intermediate People's Courts at the prefecture and municipality levels; and the People's Courts at the county, municipal district and town levels.

118. *China tells courts to stop hearing eviction cases*, Reuters, August 15, 2005.

119. For more details on the situation of Zheng Enchong, see Annual Reports 2005 and 2006 of the Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and the World Organisation Against Torture (OMCT) [http://www.fidh.org/article.php3?id\\_article=4108](http://www.fidh.org/article.php3?id_article=4108).

120. See details about petition below.

121. According to official statistics, petitions have increased constantly since 1993 and reached 10 million in 2003. In the first quarter of 2005, the State Council Petitions Bureau in Beijing reported an increase of more than 90% in the numbers of letters and visits from the same period in 2004.

122. *China to further improve handling of petitions*, Xinhua, February 19, 2006.

123. One mu is about 675 square meters.

124. See reporters Without Borders, 2007 Annual Report.

125. See the article by fired Bingdian Weekly editor, Li Datong, *There's hope on the horizon*, South China Morning Post, July 27, 2006

126. Chongqing wan bao, "Sha qu bachu "dingzi hu"", August 26, 2005.

127. According to Paris-based Reporters sans frontières, the site was shut down because Zou Tao announced he would run as a candidate for Luoho district representative in the People's Congress of Shenzhen in the September 28, 2006 elections. The watchdog group stated that "candidates are normally nominated by Communist Party local committees, so Zou's candidature would have been seen as a threat by the authorities."

## **CONCLUSION AND RECOMMENDATIONS**

There are no official statistics made public or even comprehensive assessments of the number of forced evictions taking place in China. The authorities consider the issue as extremely sensitive, and such statistics would most probably fall under the state secret legislation, which includes catch-all definitions and is regularly used to prosecute people communicating information on human rights violations.

According to the Centre on Housing Rights and Evictions (COHRE), at least 1,25 million households would have been demolished and nearly 3,7 million people would have been evicted in China in the past decade<sup>128</sup>. According to the same source, the Beijing municipality has evicted over 400 000 residents since 1991, the majority of whom in preparation for the 2008 Olympics.

The FIDH investigation in Chongqing was able to confirm the very broad scope of forced evictions in the city, and the large number of people affected. The widespread phenomenon described in this report appears to be similar to what is reported in other Chinese cities.

Collusion between local authorities and developers is routine, and projects correspond more often to their private interests than to the genuine interest and well-being of the population. Although forced evictions should in theory, under domestic regulations, only take place if public interest so requires, in practice, private interests of local authorities and developers are very often at the origin of evictions. The lack of transparency in the commercial and financial transactions contributes to the widespread corruption in the real estate sector.

Evictions take place without previous timely information and consultation of the persons affected; there is most often no adequate compensation or satisfactory resettlement; and there are no effective remedies in case of violations of the residents' rights.

Not only do those forced evictions violate the right to housing of Chongqing's dwellers, but also a range of other civil and political as well as economic and social rights. During the process of eviction, people are regularly harassed, sometimes physically attacked. The neighbouring sanitary environment is worsened in order to make their daily life more difficult. The rights to health, to water, to physical integrity and to privacy are regularly violated in the framework of the eviction process. Physical violence is also often used when residents oppose relocation.

When victims denounce those human rights violations, they face further harassment and repression: demonstrations are often violently repressed while petitioners going to Beijing are regularly forcibly sent back to their province of origin, without any concrete measure being adopted to address their plight.

The practices of local governments and developers do often violate the national legal framework, in particular the national Regulations for management of urban residential demolition and eviction of 2001 and 2003. Local regulations are sometimes not in conformity with national regulations. Last but not least, national regulations themselves are not in conformity with the International Covenant on Economic, Social and Cultural Rights, ratified by China. In particular, the administrative arbitration and the judicial remedy in case of abuse do not constitute in any way an effective mean of redress, notably because of the blatant lack of independence of the judiciary.

The law on property rights adopted in March 2007 will enter into force in October. It constitutes an important step forward to protect the security of legal tenure and determines the legal regime of State, collective and individual ownership. However, it states that expropriation may take place "for the purpose of public interest" without defining this notion, which is currently being widely misused in China. Social unrest in connection with forced eviction of city dwellers from their home and of peasants from their land is on the rise. The deprived residents are acting spontaneously in Chongqing and all over the country, individually or in group, and are becoming a real force for social changes. The authorities leave to such movements of protest just enough space to avoid massive questioning of their legitimacy; but the most common answer is repression: the authorities are addressing only the symptom - social unrest, but are refusing to deal with the root of the problem: a real estate market driven by profit, crippled with corruption, unable to answer housing needs and worsening inequalities. FIDH considers that it is urgent for the Chinese authorities to address the phenomenon in a meaningful way.

### **Recommendations**

#### **FIDH urges the Chinese authorities to**

- Adopt a full-fledged legal framework replacing the existing national Regulations for management of urban residential demolition and eviction of 2001 and 2003, enshrining the right to housing and expressly prohibiting forced eviction as a principle;



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only very limited exceptions should be admitted, in conformity with the ICESCR. Such legislation should notably include:

- the right of residents affected by the projects to be effectively and meaningfully consulted on the project involving their eviction and to be informed timely of the proposed eviction,

- effective legal remedies,

- legal aid for needy parties seeking redress from court,

- a clear prohibition of eviction and demolition as long as disputes between the residents and the real estate company are not settled,

- adequate compensation of evicted residents, which notably means that any relocated resident using his house as a shop with a commercial licence must receive a compensation at a shop rate and not home rate,

- sanctions in case of forced evictions carried out, without appropriate safeguards, by state agents or private persons or bodies.

Such legal framework should also be in conformity with the *Basic principles and guidelines on development-based evictions and displacement* presented by the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.

- Establish a meaningful and well-funded welfare housing program in order to ensure full respect of Article 11 combined with Article 2.1 of the ICESCR, which oblige States to use "all appropriate means" to promote the right to adequate housing. As stated by the UN Committee on Economic, Social and Cultural Rights, "the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."<sup>129</sup>

- Ensure that the domestic legal provisions are enforced against State agents or third parties who carry out forced evictions,

- Ensure that local regulations are in conformity with the national regulations,

- Fully implement the recommendations of the UN Committee on Economic, Social and Cultural Rights of 2005, and notably provide information relating to the number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction,

- Put an immediate end to all form of repression against lawyers and activists defending the rights of urban and rural evictees, and more generally fully respect the UN Declaration on Human Rights Defenders of 1998,

- Take legislative measures to make a clear-cut exemption from criminal responsibility of those who peacefully exercise rights guaranteed by the Universal Declaration of Human Rights, as required by the UN Working Group on Arbitrary Detention,

- Lessen controls on the Internet in order to fully respect the rights to freedom of expression and to freedom of information, and put an end to the repression of protests, notably in connection with violations of housing rights,

- Set up human rights training programs for judges and prosecutors,

- Reform the appointment process of judges in order to prevent and prohibit any immixion of the authorities and the Communist Party in the judiciary,

- Allow the creation and functioning of independent human rights NGOs in China, which supposes to abolish the obligation for such NGOs to obtain the support of a government department or a body already approved by the government in order to be able to register with the Ministry of civil affairs. The obligation to provide for a high amount as a guarantee in order to create an NGO, enshrined in the Regulations for the registration and management of social organisations, should also be abolished,

- Address a standing invitation to all UN independent human rights mechanisms, in particular the UN Special Rapporteur on the right to housing,

- Allow access to international human rights NGOs to carry out independent fact-finding missions on human rights,

- Ratify the ICCPR, signed in 1998 by the People's Republic of China.

## Developing at the Expense of Residents Forced Evictions in Chongqing

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### FIDH urges the European Union

- To address the issue of forced evictions and the right to housing in its bilateral human rights dialogue with the People's Republic of China, and retain the theme on the agenda of a forthcoming EU/China seminar,
- To provide support to the PRC, in case the government so requests, in order to offer human rights training for the judges and prosecutors,
- To continue and urge China to ratify the ICCPR as soon as possible since ratification is now pending since nearly ten years,
- To pay a particular attention to the repression against lawyers and activists defending the housing rights of residents and peasants' rights to their land in the framework of the implementation of the EU Guidelines on Human Rights Defenders of 2004,
- To request from the Chinese authorities statistics concerning the number of evictees and homeless people.

### FIDH urges the United Nations

- In the lead up to China's review by the Universal Periodic Review Mechanism in whatever form it may take, the Human Rights Council members should consider the wide-scale human rights violations perpetrated in China in the framework of forced evictions.

### FIDH urges the business community

- To conform in all circumstances with the UN Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, that provide that " Transnational corporations and other business enterprises shall respect economic, social and cultural rights as well as civil and political rights and contribute to their realisation, in particular the rights to development, adequate food and drinking water, the highest attainable standard of physical and mental health, **adequate housing**, privacy, education, freedom of thought, conscience, and religion and freedom of opinion and expression, and shall refrain from

actions which obstruct or impede the realisation of those rights." (emphasis added).

### **Private developers**

Stop to forcibly evict individuals, families and/or communities against their will from their homes and/or land which they occupy without having had recourse to, and access to, appropriate forms of legal or other protection pursuant to international law in conformity with the right to housing as guaranteed by the International Covenant on Economic, Social and Cultural Rights,

Stop putting pressure on residents in order to force them to leave their homes, by worsening their living conditions, intimidation and harassment,

Require that local authorities do not violate the right to housing when evictions are to be carried out,

Conduct a risk/impact analysis of forced evictions in target project areas and refrain from being involved in projects involving forced evictions in violation of the right to housing, or where there is no guarantee that the right to housing will be respected.

### **Transnational corporations investing in China, in particular Beijing 2008 Olympic Games sponsors**

- Conform to the above-mentioned UN Draft Norms, the OECD Guidelines for multinational enterprises and the principles of the Global Compact, and other Corporate social responsibility standards on human rights,

- Press for human rights to be at the top of the agenda in the preparation process of the Olympic Games in Beijing.

### **FIDH urges International Financial Institutions and Aid agencies**

involved in large-scale projects in China that may imply displacements of population to abide by the guidelines on involuntary resettlement and relocation of the World Bank and of the OECD, so as to guarantee the right to housing and other human rights.

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128. COHRE, Forced Evictions, violations of human rights, December 2006, p. 66.

129. General Comment n°7, para. 16, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/959f71e476284596802564c3005d8d50?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/959f71e476284596802564c3005d8d50?Opendocument)



# FIDH represents 155 Human Rights organisations

## 155 organisations

**ALBANIA** - ALBANIAN HUMAN RIGHTS GROUP  
**ALGERIE** - LIGUE ALGERIENNE DE DEFENSE DES DROITS DE L'HOMME  
**ALGERIE** - LIGUE ALGERIENNE DES DROITS DE L'HOMME  
**ALLEMAGNE** - INTERNATIONALE LIGA FÜR MENSCHENRECHTE  
**ARGENTINA** - CENTRO DE ESTUDIOS LEGALES Y SOCIALES  
**ARGENTINA** - COMITE DE ACCION JURIDICA  
**ARGENTINA** - LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE  
**ARMENIA** - CIVIL SOCIETY INSTITUTE  
**AUTRICHE** - ÖSTERREICHISCHE LIGA FÜR MENSCHENRECHTE  
**AZERBAIJAN** - HUMAN RIGHTS CENTER OF AZERBAIJAN  
**BAHRAIN** - BAHRAIN CENTER FOR HUMAN RIGHTS  
**BAHRAIN** - BAHRAIN HUMAN RIGHTS SOCIETY  
**BANGLADESH** - ODHIKAR  
**BELARUS** - HUMAN RIGHTS CENTER VIASNA  
**BELGIQUE** - LIGUE DES DROITS DE L'HOMME  
**BELGIQUE** - LIGA VOOR MENSCHENRECHTEN  
**BENIN** - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME  
**BHUTAN** - PEOPLE'S FORUM FOR HUMAN RIGHTS IN BHUTAN  
**BOLIVIA** - ASAMBLEA PERMANENTE DE LOS DERECHOS HUMANOS DE BOLIVIA  
**BOTSWANA** - THE BOTSWANA CENTRE FOR HUMAN RIGHTS – DITSHWANELO  
**BRASIL** - CENTRO DE JUSTICA GLOBAL  
**BRASIL** - MOVIMENTO NACIONAL DE DIREITOS HUMANOS  
**BURKINA** - MOUVEMENT BURKINABE DES DROITS DE L'HOMME & DES PEUPLES  
**BURUNDI** - LIGUE BURUNDAISE DES DROITS DE L'HOMME  
**CAMBODGE** - LIGUE CAMBODGIENNE DE DEFENSE DES DROITS DE L'HOMME  
**CAMBODIA** - CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION  
**CAMEROUN** - LIGUE CAMEROUNAISE DES DROITS DE L'HOMME  
**CAMEROUN** - MAISON DES DROITS DE L'HOMME  
**CANADA** - LIGUE DES DROITS ET DES LIBERTES DU QUEBEC  
**CENTRAFRIQUE** - LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME  
**CHILE** - CORPORACION DE PROMOCION Y DEFENSA DE LOS DERECHOS DEL PUEBLO  
**CHINA** - HUMAN RIGHTS IN CHINA  
**COLOMBIA** - ORGANIZACION FEMININA POPULAR

**COLOMBIA** - COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS  
**COLOMBIA** - CORPORACION COLECTIVO DE ABOGADOS  
**COLOMBIA** - INSTITUTO LATINO AMERICANO DE SERVICIOS LEGALES ALTERNATIVOS  
**CONGO** - OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME  
**COSTA RICA** - ASOCIACION SERVICIOS DE PROMOCION LABORAL  
**COTE D'IVOIRE** - MOUVEMENT IVOIRIEN DES DROITS DE L'HOMME  
**COTE D'IVOIRE** - LIGUE IVOIRIENNE DES DROITS DE L'HOMME  
**CROATIE** - CIVIC COMMITTEE FOR HUMAN RIGHTS  
**CUBA** - COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NACIONAL  
**DJIBOUTI** - LIGUE DJIBOUTIENNE DES DROITS HUMAINS  
**ECUADOR** - CENTRO DE DERECHOS ECONOMICOS Y SOCIALES  
**ECUADOR** - COMISION ECUMENICA DE DERECHOS HUMANOS  
**ECUADOR** - FUNDACION REGIONAL DE ASESORIA EN DERECHOS HUMANOS  
**EGYPT** - EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS  
**EGYPT** - HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONNERS  
**EL SALVADOR** - COMISION DE DERECHOS HUMANOS DE EL SALVADOR  
**ESPANA** - ASOCIACION PRO DERECHOS HUMANOS  
**ESPANA** - FEDERACION DE ASOCIACIONES DE DEFENSA Y DE PROMOCION DE LOS DERECHOS HUMANOS  
**ETHIOPIAN** - ETHIOPIAN HUMAN RIGHTS COUNCIL  
**EUROPE** - ASSOCIATION EUROPEENNE POUR LA DEFENSE DES DROITS DE L'HOMME  
**FINLANDE** - FINNISH LEAGUE FOR HUMAN RIGHTS  
**LIBERIA** - LIBERIA WATCH FOR HUMAN RIGHTS  
**LIBYA** - LIBYAN LEAGUE FOR HUMAN RIGHTS  
**LITHUANIAN** - LITHUANIAN HUMAN RIGHTS LEAGUE  
**MALAYSIA** - SUARAM  
**MALI** - ASSOCIATION MALIENNE DES DROITS DE L'HOMME  
**MALTA** - MALTA ASSOCIATION OF HUMAN RIGHTS  
**MAROC** - ASSOCIATION MAROCAINE DES DROITS HUMAINS  
**MAROC** - ORGANISATION MAROCAINE DES DROITS HUMAINS  
**MAURITANIE** - ASSOCIATION MAURITANIENNE DES DROITS DE L'HOMME

**HAITI** - CENTRE OECUMÉNIQUE DES DROITS DE L'HOMME  
**HAITI** - RÉSEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS  
**INDIA** - COMMONWEALTH HUMAN RIGHTS INITIATIVE  
**IRAN** - DEFENDERS OF HUMAN RIGHTS CENTER  
**IRAN** - LIGUE IRANIENNE DE DEFENSE DES DROITS DE L'HOMME  
**IRAQ** - IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT  
**IRLANDE** - COMMITTEE ON THE ADMINISTRATION OF JUSTICE  
**IRLANDE** - IRISH COUNCIL FOR CIVIL LIBERTIES  
**ISRAEL** - ADALAH  
**ISRAEL** - ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL  
**ISRAEL** - B'TSELEM  
**ISRAEL** - PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL  
**ITALIA** - LIGA ITALIANA DEI DIRITTI DELL'UOMO  
**ITALIA** - UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO  
**JORDAN** - AMMAN CENTER FOR HUMAN RIGHTS STUDIES  
**JORDAN** - JORDAN SOCIETY FOR HUMAN RIGHTS  
**KENYA** - KENYA HUMAN RIGHTS COMMISSION  
**KIRGHIZISTAN** - KYRGYZ COMMITTEE FOR HUMAN RIGHTS  
**KOSOVO** - CONSEIL POUR LA DEFENSE DES DROITS DE L'HOMME ET DES LIBERTES  
**LAOS** - MOUVEMENT LAOTIEN POUR LES DROITS DE L'HOMME  
**LEBANON** - PALESTINIAN HUMAN RIGHTS ORGANIZATION  
**LEBANON** - FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS IN LEBANON  
**LETTONIE** - LATVIAN HUMAN RIGHTS COMMITTEE  
**LIBAN** - ASSOCIATION LIBANAISE DES DROITS DE L'HOMME  
**LIBERIA** - LIBERIA WATCH FOR HUMAN RIGHTS  
**LIBYA** - LIBYAN LEAGUE FOR HUMAN RIGHTS  
**LITHUANIAN** - LITHUANIAN HUMAN RIGHTS LEAGUE  
**MALAYSIA** - SUARAM  
**MALI** - ASSOCIATION MALIENNE DES DROITS DE L'HOMME  
**MALTA** - MALTA ASSOCIATION OF HUMAN RIGHTS  
**MAROC** - ASSOCIATION MAROCAINE DES DROITS HUMAINS  
**MAROC** - ORGANISATION MAROCAINE DES DROITS HUMAINS  
**MAURITANIE** - ASSOCIATION MAURITANIENNE DES DROITS DE L'HOMME

**MEXICO** - COMISION MEXICANA DE DEFENSA Y PROMOCION DE LOS DERECHOS HUMANOS  
**MEXICO** - LIGA MEXICANA POR LA DEFENSA DE LOS DERECHOS HUMANOS  
**MOLDOVA** - LEAGUE FOR THE DEFENCE OF HUMAN RIGHTS IN MOLDOVA  
**MOZAMBIQUE** - LIGA MOCANBICANA DOS DIREITOS HUMANOS  
**NETHERLAND** - LIGA VOOR DE RECHTEN VAN DE MENS  
**NICARAGUA** - CENTRO NICARAGUENSE DE DERECHOS HUMANOS  
**NIGER** - ASSOCIATION NIGERIENNE DES DROITS DE L'HOMME  
**NIGERIA** - CIVIL LIBERTIES ORGANISATION  
**NOUVELLE CALEDONIE** - LIGUE DES DROITS DE L'HOMME DE NOUVELLE CALEDONIE  
**OCCUPIED PALESTINIAN TERRITORIES** - RAMALLAH CENTRE FOR HUMAN RIGHTS STUDIES  
**OCCUPIED PALESTINIAN TERRITORIES** - AL HAQ  
**OCCUPIED PALESTINIAN TERRITORIES** - PALESTINIAN CENTRE FOR HUMAN RIGHTS  
**GUINEE** - ORGANISATION GUINEENNE POUR LA DEFENSE DES DROITS DE L'HOMME  
**UZBEKISTAN** - LEGAL AID SOCIETY  
**PAKISTAN** - HUMAN RIGHTS COMMISSION OF PAKISTAN  
**PANAMA** - CENTRO DE CAPACITACION SOCIAL  
**PERU** - ASOCIACION PRO DERECHOS HUMANOS  
**PERU** - CENTRO DE ASESORIA LABORAL  
**PHILIPPINE** - PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES  
**POLYNESIE** - LIGUE POLYNESIENNE DES DROITS HUMAINS  
**PORTUGAL** - CIVITAS  
**RDC** - ASSOCIATION AFRICAINE DES DROITS DE L'HOMME  
**RDC** - GROUPE LOTUS  
**RDC** - LIGUE DES ELECTEURS  
**REPUBLIQUE CENTRAFRICAINE** - ORGANISATION POUR LA COMPASSION ET LE DEVELOPPEMENT DES FAMILLES EN DETRESSE  
**REPUBLIQUE DOMINICAINE** - COMISION NACIONAL DE LOS DERECHOS HUMANOS  
**ROUMANIE** - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME  
**RUSSIA** - CITIZEN'S WATCH  
**RUSSIA** - MOSCOW RESEARCH CENTER FOR HUMAN RIGHTS  
**RWANDA** - ASSOCIATION POUR LA DEFENSE DES DROITS DES

PERSONNES ET LIBERTES PUBLIQUES  
**RWANDA** - COLLECTIF DES LIGUES POUR LA DEFENSE DES DROITS DE L'HOMME  
**RWANDA** - LIGUE RWANDAISE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME  
**SENEGAL** - RENCONTRE AFRICAINE POUR LA DEFENSE DES DROITS DE L'HOMME  
**SENEGAL** - ORGANISATION NATIONALE DES DROITS DE L'HOMME  
**SERBIE** - CENTER FOR PEACE AND DEMOCRACY DEVELOPMENT  
**SUDAN** - SUDAN HUMAN RIGHTS ORGANISATION  
**SUDAN** - SUDAN ORGANISATION AGAINST TORTURE  
**SUISSE** - LIGUE SUISSE DES DROITS DE L'HOMME  
**SYRIA** - DAMASCUS CENTER FOR HUMAN RIGHTS STUDIES  
**SYRIE** - COMITE POUR LA DEFENSE DES DROITS DE L'HOMME EN SYRIE  
**TAIWAN** - TAIWAN ALLIANCE FOR HUMAN RIGHTS R  
**TANZANIA** - THE LEGAL & HUMAN RIGHTS CENTRE  
**TCHAD** - ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME (ATPDH)  
**TCHAD** - LIGUE TCHADIENNE DES DROITS DE L'HOMME  
**TCHÉQUIE** - HUMAN RIGHTS LEAGUE  
**THAILAND** - UNION FOR CIVIL LIBERTY  
**TOGO** - LIGUE TOGOLAISE DES DROITS DE L'HOMME  
**TUNISIE** - ASSOCIATION TUNISIENNE DES FEMMES DÉMOCRATES  
**TUNISIE** - CONSEIL NATIONAL POUR LES LIBERTES EN TUNISIE  
**TUNISIE** - LIGUE TUNISIENNE DES DROITS DE L'HOMME  
**TURKEY** - HUMAN RIGHTS FOUNDATION OF TURKEY  
**TURKEY** - INSAN HAKLARI DERNEGI / ANKARA  
**TURKEY** - INSAN HAKLARI DERNEGI / DIYARBAKIR  
**UGANDA** - FOUNDATION FOR HUMAN RIGHTS INITIATIVE  
**UNITED KINGDOM** - LIBERTY  
**USA** - CENTER FOR CONSTITUTIONAL RIGHTS  
**UZBEKISTAN** - HUMAN RIGHT SOCIETY OF UZBEKISTAN  
**VIETNAM** - COMMITTEE ON HUMAN RIGHTS & QUE ME : ACTION FOR DEMOCRACY IN VIETNAM  
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