
OFFICIALLY SANCTIONED CRIME AND PROPERTY RIGHTS

By He Qinglian

This excerpt from an upcoming report describes how laws and contracts on property rights are rendered useless by official corruption and the use of thug violence to intimidate individuals who attempt to protect their rights.

Chinese media coverage of the connections between Chinese government officials and criminal organizations tends to assume that crime bosses take the initiative in corrupting government officials and that officials are passive agents in such relationships. This assumption fails to explain a significant political phenomenon that has occurred in China in recent years: officially sanctioned crime. This trend is particularly evident in the requisition of land in rural areas and the eviction of residents and demolition of their homes in the cities.

Since the policy of reform and opening began in 1978, there have been two large-scale “enclosure movements” (*quandi yundong*)¹ in China. The first fueled a real estate boom; the second movement, which began in 1999 and is still underway, is the product of rampant corruption that enabled officials to abuse their authority through large-scale eviction of urban residents and seizure of rural farmland.

In both the rural and urban situations, ordinary people’s fundamental right to housing is being violated. Chinese people have grown accustomed to enduring injustice and oppression, but when deprived of the basic resources of survival, their resistance has been fierce and is growing every year. In 2003 alone, 58,000 protests and public disturbances broke out across China;² in 2004 there were as many as 74,000,³ and in 2005 the figure reached more than 87,000.⁴ Most were protests against forcible seizures of land and housing. Faced with tenacious resistance from dispossessed farmers and evicted city-dwellers, local officials have proven all too willing to enlist the assistance of criminal elements to impose their will.

Violations of property rights since the late 1990s

From 2001 to 2004, real estate topped the list of China's 10 most profitable industries, and was ranked third in 2005.⁵ According to industry insiders, real estate companies elsewhere in the world make an average profit of approximately five percent per transaction, but in China, the average profit is more than 15 percent. In *Forbes* magazine's list of the world's billionaires, only 30 out of 500 are property developers, but on the list of the "Top 100 Chinese Business Leaders" published by *Forbes* in 2002, more than 40 were in real estate. Even after some of these tycoons were arrested for various economic crimes, 35 real estate developers remained on *Forbes*' 2003 list.

The obvious question is: how can China's real estate market sustain such high profits? The main reason is an abundance of cheap land, and land is cheap for no other reason than that it has been forcibly seized.

THE PHENOMENON OF FORCED EVICTIONS

In the real estate markets of most other countries, there are two main players: developers and home buyers. In China, two additional parties are involved: the original occupants of the property, and the local governments that seize the land. The central government has proven singularly ineffective as an arbiter between these parties.

There is no doubt that of the four parties involved, the local government plays the most important role, "requisitioning" land from the original occupants by various means and then selling the right to use the land to real estate developers. In effect, local governments create the real estate market.

Why are local governments so keen to buy and sell land? Local governments play a leading role in land seizures and forced evictions, mainly because land-use fees have become an important source of income for them. The key factor is the huge difference between purchase and selling price. Statistics show that between 2001 and 2003, local governments earned 910 billion *yuan* from the transfer of land-use rights. In comparison, from 1998 to 2003, when a proactive fiscal policy was implemented, China's national debt was around 930 billion *yuan*. By 2003, real estate had already become the second most important source of income for these "second governments." In some cities, districts and counties, income from land-use fees accounts for half of fiscal revenues, and may even exceed fiscal revenues.⁶

Real estate is also a source of private profit: it is an open secret that individual government officials pocket fees for the transfer of land-use rights. Real estate developers know that making big bucks requires cooperating with government officials, and there is ample opportunity for corruption in this process. How much money do corrupt officials actually make from real estate deals? Two statistics are revealing; according to industry insiders, just one instance of bribery in a large-scale transaction can cost a real estate developer up to 30 percent of the value of the land. China's National Audit Office has revealed that more than 80 percent of high-level officials charged with corruption

have been involved in land deals.⁷ Since the National Audit Office began publishing its annual audit, it has consistently described the land-use review and approval process as a black hole of corruption.⁸

How much money do local governments make from property deals? The figure of 910 billion *yuan* cited above is too general. Here are two specific examples:

- When the Beijing government requisitioned land from Liuquan Village near the southern section of Beijing's Fourth Ring Road, it paid farmers 177 *yuan* per square meter. That same land was later sold for 6,750 *yuan* per square meter. This means that the government acquired the land at virtually no cost relative to its value.⁹
- The government of Conghua City, Guangdong Province, violently evicted merchants from their shops in the town's Xiaohai District, paying proprietors 2,500 *yuan* per square meter in compensation. It then decided that after the Xiaohai development zone project was completed, land there would sell for 13,000 *yuan* per square meter.¹⁰

How much money meant to compensate evictees actually goes to corrupt officials and property developers? A redevelopment project in Beijing provides an example of how a series of frauds diverts funds into the pockets of developers and officials:

- State-owned land being redeveloped for urban renewal is transferred gratis to property developers without the payment of land-use fees that should go to the central government.
- Developers fail to pay the compensation promised to evicted residents. Instead, evictees are relocated to housing that is typically on the outskirts of the city—in most cases to buildings constructed illegally on rural collective land or apartment blocks owned by government agencies—and given three years' rent, or about 20,000 *yuan*. After the three years are over, they are forgotten. Meanwhile, developers fraudulently declare the payment of full compensation to evictees as a tax deduction.
- When facing disgruntled evictees, developers cite the Detailed Regulation of Beijing Municipality for the Implementation of the Regulation on Managing Urban Residential Demolition and Eviction¹¹ to claim they are not required to pay private land use compensation. Then, when the property is sold, the developers turn around and include payment of this compensation as the main factor in valuing the property, and quote land-use rights fees to tout "prime neighborhoods" with "limitless appreciation potential." In the western and eastern districts of Beijing, the price for new buildings has shot up to tens of thousands of *yuan* per square meter, but it is the location of the property, rather than the actual development costs, that determined the price.¹²

How much money are we talking about? It is impossible to estimate any reliable

numbers for China as a whole, but approximate figures are available for Beijing. Experts estimate that from 1994 to 2003, state-owned property with a total value of approximately 138 billion *yuan* was unlawfully appropriated through forced demolitions and evictions. The Beijing municipal government has neither confirmed nor denied this figure.¹³

Why doesn't the central government restrict the seizure of land by local governments? Even though land seizures and forced evictions have become the leading cause of social unrest in China, local governments have shown no intention of stopping this serious violation of human rights, and the central government has turned a blind eye to it for the simple reason that local governments now depend on land-use fees to survive and to continue operating.

Since the two-tiered tax-sharing fiscal system was introduced in 1994, the central government has scooped up the most lucrative taxes, leaving the lowest-revenue taxes to local governments.¹⁴ This tax system has provoked a divergence of interests between the central and local governments. Initially, the problem was not critical, because local state-owned enterprises had not yet gone bankrupt on a large scale and China's consumer market had not yet begun to slow. Starting in the mid-1990s, however, one local state-owned enterprise after another went bankrupt, and tax revenues from local enterprises—and the profits they previously turned over to local governments—gradually dried up.

Personal income tax is a negligible source of government revenue in China, while the shrinking consumer market has gradually eroded the business tax base, and deed and inheritance taxes are also inconsequential sources of revenue. This means the only way for local governments to raise revenue is to tax farmers and their land. Local governments have therefore continuously raised taxes on agriculture, on special kinds of agricultural produce, on the use of agricultural land and on the slaughtered livestock sold by farmers. In addition to these regular taxes with established names, local governments are forever inventing all sorts of irregular and arbitrary taxes and fees, which in spite of their small scale have become a principal source of income for local government.

Burdening local government with far more responsibilities than it has the financial resources to pay for is a sure recipe for disaster. To survive, local governments below the county level spend much of their time exacting land taxes and other fees from farmers, while major public services such as education, bridge repair and road construction, and even ordinary public services such as waste disposal, have all but ground to a halt. Local officials are finding it increasingly necessary to resort to violence to collect land taxes and other fees, and as a result, political power in small towns and villages has fallen into the hands of local despots and bullies. The growing influence of gangsters, bandits and the criminal underworld in such areas is very evident.

In an effort to develop new sources of taxation, local governments have set their sights on the last resource available to farmers: their land. The main goal of the second enclosure movement in the late 1990s was to seize the land that farmers rely upon to survive,

The only way for local governments to raise revenue is to tax farmers and their land.

but a secondary goal was to take back many of China's old urban neighborhoods. Given the increasing importance of capital gains taxes from land sales and land use fees on state-owned land as revenue, placing restrictions on land development would be tantamount to cutting off the main source of funding for the day-to-day operations of local governments.

Whether it involves seizing farmland in the countryside or tearing down old houses in the cities, this newest enclosure movement has led to a sharp deterioration in living conditions for untold numbers of people. The compensation paid to farmers has always been exceedingly low, and huge amounts of the money earmarked for such compensation has in fact been misappropriated by local officials. As a result, nearly all displaced farmers have been thrown into poverty. In Zhejiang, a relatively developed province, farmers deprived of their land are supposed to receive compensation above the national average and therefore ought to be less dissatisfied than farmers in other provinces. But according to a survey conducted by the Zhejiang Province Rural Investigation Team, only 6.8 percent of farming households said they were satisfied with their compensation, while 22 percent thought it was extremely low and 53.2 percent thought it was somewhat low.¹⁵ Many local governments manage to embezzle all of the compensation funds and force farmers from their homes without a penny.

If the central government feels inclined to put an end to this key source of revenue, it faces the real possibility of resistance or boycott from local governments. This happened previously when the authorities tried to reduce the agricultural tax.

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THE 2006 CAMPAIGN AGAINST CORRUPT LAND DEALS: DIVIDING THE SPOILS

Given the social problems caused by land seizures and forced evictions, the Chinese government has begun publishing annual statistics on illegal land deals, but it does not rigorously investigate these incidents. According to incomplete statistics from the Ministry of Land Resources, based on an investigation conducted in 2003 of 168,000 cases of illegal land transactions, including many that were previously overlooked, only 738 people were disciplined by the Party, and only 134 were subjected to criminal prosecution and prison terms.¹⁶ Extrapolating from these numbers, if each land-violation case had involved just one guilty official, 168,000 people could have been prosecuted for corruption; but in fact, less than one percent of these officials were held criminally responsible. This shows that the risk of being prosecuted for involvement in corrupt land deals is extremely low compared with the very high returns they bring. Under these circumstances, the anti-corruption campaigns the central government launches every few years have had no deterrent effect whatsoever.

More recently the government has appeared to be taking a tougher stance on land-use violations. In early June 2006, the Ministry of Land Resources convened a National Land Law Enforcement Conference and declared that corrupt land deals had become an extremely serious problem. It also ordered provincial land management departments to investigate and prosecute at least three cases involving serious violations of land-use laws by the end of the month, and up to eight cases by the end of the year.

What made the Ministry of Land Resources' offensive different from the National Audit Office's almost comical annual anti-corruption campaigns was that it had the backing of the central government. The *People's Daily* and the Xinhua News Agency endorsed the move with articles about a major effort to enforce land-use laws and regulations. As a result of this directive, numerous local governments took the central government's arrest quotas as an opportunity to aggressively pursue local real estate magnates (popularly known as "Land Gods") who had earned their envy and enmity by amassing substantial fortunes. By the end of June 2006, several officials involved in shady land deals had been arrested, including Beijing Vice-Mayor Liu Zhihua,¹⁷ Tianjin Procurator-General Li Jinbao, Tianjin Vice-Mayor Chen Zhifeng and several real estate bigwigs in Fuzhou.¹⁸

Nevertheless, anyone who thinks that the Chinese government's latest campaign is really intended to combat corruption and stop the local governments' plunder of people's farmland has completely misunderstood repeated public announcements made by the Ministry of Land Resources.

There are two reasons for the Chinese government's campaign against land-use violations:

- 1) China's available land resources are dwindling rapidly. As of October 31, 2005, China's total arable land was 1.83 billion *mu* (122 million hectares; one *mu* equals one fifteenth of one hectare). Per-capita arable land has dropped from 1.41 *mu* (0.094 hectare) last year to 1.4 *mu* (0.093 hectare) this year, which is less than 40 percent of the world average.
- 2) Nearly all serious violations of land-use laws and regulations involve local governments or their officials. In many cases, local government agencies whose responsibility it is to monitor and manage land have been the principal culprits in violations of the law. That is why the central government has reclaimed the authority to examine and approve land-use rights.

The first fact speaks volumes. China remains a country in which 70 percent of the population consists of farmers, for whom the loss of arable land is a threat to livelihood. It is therefore a real cause for concern that the Ministry of Land Resources has not made a commitment to stop future land development, but has merely said that the central government intends to reclaim the power to examine and approve land-use rights. The clear implication is that land development will continue, but from now on, the central government will have the final say and local governments will have to withdraw from the business.

The Ministry of Land Resources has made no effort to conceal its real objective for enforcing land-use laws, which was to let the central government have a share in land profits. Many experts understand what this means, with one pointing out that in 2001, when the State Council issued the "Notice on Strengthening the Administration of Income from the Grant and Transfer of State-Owned Land-Use Rights,"¹⁹ the notice "stipulated that 40 percent of the income from the transfer of land-use rights would go



A woman, surrounded by police, tries to stop a bulldozer from destroying her home in Zhengzhou, Henan Province, in April 2007. Photo: Reuters

to central government coffers and 60 percent to local governments. Subsequently, however, the central government's share of local government land transfer fees was repeatedly decreased in order to enable local governments to finance the costs of urban construction. In the end, the matter was left unresolved."²⁰

This was, in any case, the reason given to the public. Another unofficial but widely understood reason was that officials in Beijing wanted the ability to obtain commissions from the review and approval of land-use rights, rather than letting local officials take in all the spoils. After all, since they are all members of the same Communist Party, why should local officials be the only ones to rake in profits while officials in the capital remain empty-handed?

The Chinese government has shown little concern for the fact that forced land seizures rob huge numbers of farmers of their means of livelihood. Rather, the central government has focused its efforts on ensuring that it obtains a share of the profits from local governments. Rather than engage in protracted and difficult negotiations on this matter, the central government has taken advantage of the fact that it appoints all local officials. Since the public takes for granted that local officials are inevitably corrupt, the central government need only wave its magic wand and discipline a recalcitrant official for corruption, and everyone sings the government's praises.

The trouble is that the central government cannot prove that its hands are cleaner than those of local governments. This was made clear in the case of former Ministry of Land Resources Director Tian Fengshan, who in December 2005 was sentenced to life imprisonment for accepting bribes totaling more than five million *yuan* (about \$600,000). The more power and authority that are vested in central government agencies, the more corrupt they become. Over the past few years, the central government has established the China Banking Regulatory Commission, the China Securities Regulatory Commission and the China Insurance Regulatory Commission, ostensibly to keep watch over fat cats in the banking, securities and insurance sectors. But the power to supervise these industries has done little more than provide government officials with the opportunity to take bribes and charge commissions. With rich and easy pickings to be made, the supervisors and the supervised have become one big happy family.

In fact, the sole reason land development is a breeding ground for official corruption is that land actually belongs to the state, creating an institutional window of opportunity for local governments to involve themselves in the business of buying and selling land. The current campaign to enforce land-use law has simply enabled the central government to grab its share of the spoils. The only effective way to end the serious corruption engendered by land seizures would be to privatize land ownership and allow farmers to own their land, and thereby prevent local governments from plundering the people's farmland and homes.

Farmers dispossessed of their fields

While millions of urban residents have been forcibly evicted from their homes, the number of farmers who have lost their land is even greater as China faces the harsh reality of a steady decrease in arable land.

This decline is a direct consequence of China's real estate boom. According to a report published by the Ministry of Agriculture, China's arable land dwindled from 1.951 billion *mu* (130 million hectares) to 1.837 billion *mu* (122 million hectares) in the period from 1996 to 2004. That is a loss of almost 120 million *mu* (eight million hectares) in eight years, or an annual average decrease of 14.25 million *mu* (950,000 hectares). By October 31, 2005, China's total arable land had fallen to 1.831 billion *mu* (122 million hectares), and its per-capita arable land had dropped to 1.4 *mu* (0.093 hectares), which is less than 40 percent of the world average and near the minimum level below which subsistence is impossible. If the current trend of steadily dwindling arable land coupled with a steadily rising population continues, by 2020 China's supply of arable land will fall short of national needs by at least 100 million *mu* (6.67 million hectares).²²

Behind these cold figures are the tragic stories of innumerable dispossessed farmers. In 2003, the National Bureau of Statistics' Research Team on Rural Society and Economy issued the Notice on the Critical Need to Investigate the Situation of Farmers who Have Lost Their Land,²³ and local governments have also conducted various surveys.²⁴ According to official statistics, more than 40 million farmers had been displaced from

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their land as of March 2005, and this number continues to increase by more than two million a year.²⁵ According to a sample survey conducted by Professor Wang Jingxin of Zhejiang Normal University in 134 counties in 11 provinces, including Hebei, Shandong, Hubei, Guangxi, Zhejiang and Yunnan, only 84.5 percent of the total agricultural population has been allotted a plot of land. Professor Wang estimates that at least 13.7 percent of Chinese farmers, some 51–55 million individuals, have lost their land. If farmers who were not allotted land for other reasons (such as having more children than permitted by government population quotas) are added to these figures, more than 60 million farmers in China are landless.²⁶

According to a circular published by the Ministry of Agriculture in March 2006, more than two million *mu* (133,000 hectares) of farmland are seized every year, which means that in all likelihood more than one million farmers are dispossessed every year.²⁷ If we accept the Ministry of Agriculture's figure of two *mu* (0.12 hectares) of farmland per farmer, some 120 million *mu* (eight million hectares) of farmland were lost in the eight years from 1996 to 2004, affecting approximately 60 million farmers.

The forcible expropriation of farmland is closely correlated to the peculiar characteristics of China's land system, which allows farmers to use land, but not to own it, and provides institutional protection for the new enclosure movement currently underway in China. The system also enables local officials to act as proxy landowners and seize farmers' land when the farmers happen to be away from it, or to use other methods to cheat the farmers out of their land.

Because the government prohibits farmers and workers from forming organizations outside its control, local farmers lack the resources to engage in collective action. Loose and temporary instances of collective action based on regional and kinship ties nearly always end in failure, because they are no match for the formidable organizational resources of local governments that increasingly resort to criminal tactics, and for the real estate developers who enjoy their backing.

THE DINGZHOU INCIDENT

The Dingzhou Incident of June 11, 2005, serves as a particularly revealing example of government-sanctioned crime employed in land seizures.

In 2001, the Hebei Guohua Dingzhou Power Plant Co. Ltd. (hereafter referred to simply as the power plant) began to build a major thermal power plant that went into operation in 2004. The original government plan for the plant—one of 15 key national construction projects—called for dumping coal ash on 379 *mu* (about 25 hectares) of land south of Shengyou Village, which was located less than two kilometers from the plant.

The piece of land designated for the dumpsite consisted of an 80-*mu* (5.4 hectares) collectively owned orchard with some 3,000 pear trees, 200 *mu* (13.3 hectares) of woodland leased to local farmers and planted with two-to-three-year-old poplars, and

another 100 *mu* (6.7 hectares) allocated to farming families under the household responsibility system.

The crux of the conflict was compensation for the expropriated land. According to the director of the power plant, the total compensation amounted to more than 46 million *yuan*, but a village cadre said the township only gave the village 5.86 million *yuan*. The villagers believed that most of the compensation funds were given to corrupt “higher-ups” (as they call government officials above the village level). As to which level of “higher-ups” kept the money—Dingzhou City officials or township officials or officials at every level—that is something that has yet to be made public. Unable to determine the disposal of the compensation they had been promised, the villagers felt they had no option but to protest.

The Dingzhou government played a peculiar double role during this land seizure. Its first role was to suppress the villagers’ protests through a series of tactics:

- 1) Contingents led by government officials moved against villagers who were guarding the construction site. On March 15, 2004, Dingzhou Party Committee Deputy Secretary Zhao Guojun personally led 200 policemen, government officials and builders equipped with eight forklift trucks to the ash dumpsite to ensure that construction went ahead.
- 2) The police arrested a dozen village representatives, including Niu Xuguang, Niu Tongshun and Niu Caimin and his wife, on charges of “gathering a crowd to disrupt social order.” More than 200 arrests were made in the course of the crackdown.
- 3) The authorities resorted to violence to remove villagers who were guarding the building site. From March to July 9, 2004, the Dingzhou municipal government dispatched more than 5,000 police officers on more than 10 occasions to secure the construction site. From July 2004 onward, the villagers took turns guarding the building site to prevent construction work from getting underway, and conflict erupted every time construction work began. The Dingzhou government’s cold-bloodedness can be glimpsed from an incident on April 7, 2004. When Dingzhou Party Secretary He Feng went to Shengyou Village, more than a thousand villagers knelt before him to vent their grievances. He responded, “I’ve seen more than enough of this place. Don’t give me anymore of this nonsense.”²⁸

The government’s other role was to use violent underworld tactics in dealing with the villagers. During clashes with the local government, numerous villagers, including village representative Niu Yanping, were repeatedly attacked by “unidentified persons” who were actually government-hired goons. Before dawn on June 11, 2005, some 300 unidentified thugs wearing camouflage attacked the villagers in their sleep, killing six and wounding more than 140 (many suffered disabilities that have incapacitated them for work).

The central government took no notice of what happened, because such incidents are

nothing rare in China. It was only after the *Washington Post* obtained a video from local villagers that showed the attack in all its violence and brutality—evidence that “good friends of China” could not possibly refute—that the Chinese government decided to take action against Dingzhou Party Secretary He Feng and other local officials. In February 2006, seven months after the incident, the Handan City Intermediate People’s Court in Hebei Province sentenced 27 people for their involvement in planning the attack and killing the villagers. Four of the accused were sentenced to death, and five were sentenced to life imprisonment, including Party Secretary He Feng, who was found to have ordered the attack.²⁹ Even so, the local government continued to deny any responsibility. It claimed that a small minority of officials committed unlawful acts, insisted that the land requisition was legal, and refused to pay compensation to the villagers.

THE THREE ELEMENTS OF OFFICIALLY SANCTIONED CRIME IN RURAL LAND SEIZURES

The Dingzhou incident contains the three elements common to all land seizures and forced evictions by local governments:

- 1) The three parties in the Dingzhou incident—the government, an enterprise or business (in this case, a real estate developer) and local villagers—are the same three parties that have been involved in every incident arising from land seizures in recent years.
- 2) The municipal government and municipal Party committee played the dual role of buyer (by forcibly requisitioning the land from the farmers) and seller (by selling the seized land at a high price to real estate developers).
- 3) The local government hired thugs to attack villagers to force them into submission. What made this incident different was intense international public pressure, which led to the Chinese government ultimately bringing criminal charges against Dingzhou Party Secretary He Feng.

Other notable examples of officially condoned thug violence have targeted individual activists:

- In the Taishi Village incident in 2005, gangsters kidnapped rights activist Guo Feixiong, and assaulted university professor Ai Xiaoming and lawyers Tang Jingling and Guo Yan.³⁰
- In Zigui County, Hubei Province, unidentified thugs attacked Fu Xiancai in June 2006 after he gave an interview to a German television station regarding irregularities in the compensation for villagers displaced by the Three Gorges Dam project. Fu remains paralyzed from the waist down.³¹
- In August 2004, farmers from Wanli Village in Cangshan Township, Fujian Province, were attacked while they were staging a sit-in at a factory they had set

up, and which had subsequently been taken over by the local government without any compensation paid to the villagers. Fifteen villagers were injured in the attack, which was carried out by government officials, police officers and a dozen government-hired thugs.³²

In recent years, it has become a matter of course for officials to hire members of criminal organizations to beat up rights activists while the police look on with folded arms. As far as local governments are concerned, having dissidents attacked by unidentified thugs is convenient for two reasons:

First, the Chinese authorities can promise to search for the “unidentified thugs” without assuming any responsibility for the attacks. The public may suspect that the government hired the thugs, but where is the proof?

Second, by relying on the criminal underworld to do their dirty work, the government can exert enormous psychological pressure on dissidents. Dissidents and other rights defenders know that when they confront official suppression, there is only so far the government will go; the Chinese government, keen to joint the ranks of “great nations,” does not want to be seen employing the brutal tactics of a Saddam Hussein or Kim Jong Il. Criminal organizations, on the other hand, have no qualms about stooping to any methods necessary to terrorize their victims. Dissidents may have the courage to disregard their own safety, but when their families are threatened, even the bravest will hesitate.

Outsourcing the use of violence to “unidentified thugs” enables the Chinese government to deal with cases such as Fu Xiancai’s by having the Foreign Ministry issue high-sounding official declarations to stop the international outcry, while doing absolutely nothing about paying for Fu’s medical treatment or punishing his attackers. International human rights organizations are powerless to take action against “unidentified thugs” in foreign countries, and imposing economic sanctions against a criminal organization has certainly never happened.

In an article published in 2003, I discussed the growing trend in China towards the privatization of public power, the legitimization of political violence and the increasing official use of criminal tactics.³³ Under these circumstances, applying international values such as human rights, democracy and freedom to judge a government that increasingly uses underworld violence to keep down its citizens is like—as the Chinese saying goes—“climbing a tree to catch a fish.”

Translated by Paul Frank

He Quiglian’s full-length report, *Officially Sanctioned Crime in China: A Catalogue of Lawlessness*, will be published by HRIC later this year.

Notes

1. Translator’s note: The author alludes loosely to the British enclosure movement of the 16th-

18th centuries. Enclosure was the process whereby open land or common land was parceled up into privately owned fields.

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11. Beijingshi shishi “chengshi fangwu chaiqian guanli tiaoli” xize.
12. *People’s Daily*, August 24, 1999.
13. *Zhongguo Jingji Shibao* (China Economic Times), September 28, 2003.
14. He Qinglian, “Shui jiang Zhongguo nongmin bi shang jue” (Who Will Lead China’s Peasantry Into a Blind Alley?), *Caijing Wenhua Zhoukan* (Caijing Cultural Weekend), Issue 204, September 22, 2005.
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