



DISPOSSESSED

Land and Housing Rights in Tibet

# DISPOSSESSED

Land and Housing Rights in Tibet

ལྷོ་བོད་ཀྱི་ས་གནས་དང་འཇཉག་གི་ཐོབ་ཐང་གི་ཐོབ་ཐང་

TRUE

## Tibetan Centre for Human Rights and Democracy

For copies of any reports and/or for more information, please contact:

**Tibetan  
Centre for  
Human  
Rights and  
Democracy**

Top Floor, Narthang Building,  
Gangchen Kyishong  
Dharamsala (H.P.),  
176215, India  
Tel: + 91 1892 23363  
Fax: +91 1892 25874  
E-mail: dsala@tchrd.org  
Web site: www.tchrd.org

**Cover photo:** Destruction of a traditional home in Minyak Gongkar, Dartsedo County, Karze TAP, Sichuan Province. Photo by Wendy Jarrah

**Cover design and layout:** moonpeak design studio

© August 2002  
Funded by Habitat International Coalition

■ The Tibetan Centre for Human Rights and Democracy (TCHRD) is the first Tibetan non-governmental organisation (NGO) to be formed with the mission "to highlight the human rights situation in Tibet and to promote principles of democracy in Tibetan community". TCHRD is independent of the Tibetan Government-in-Exile, and is based in Dharamsala, India. It is funded by donations from individual supporters and foundations around the world. It was founded in January 1996 and was registered as an NGO on 4 May 1996. In addition, a branch office has been set up in Kathmandu, Nepal.

**TCHRD** conducts regular, systematic investigations of human rights abuses in Tibet and publishes research documents on various human rights issues confronted by the Tibetan people in Tibet.

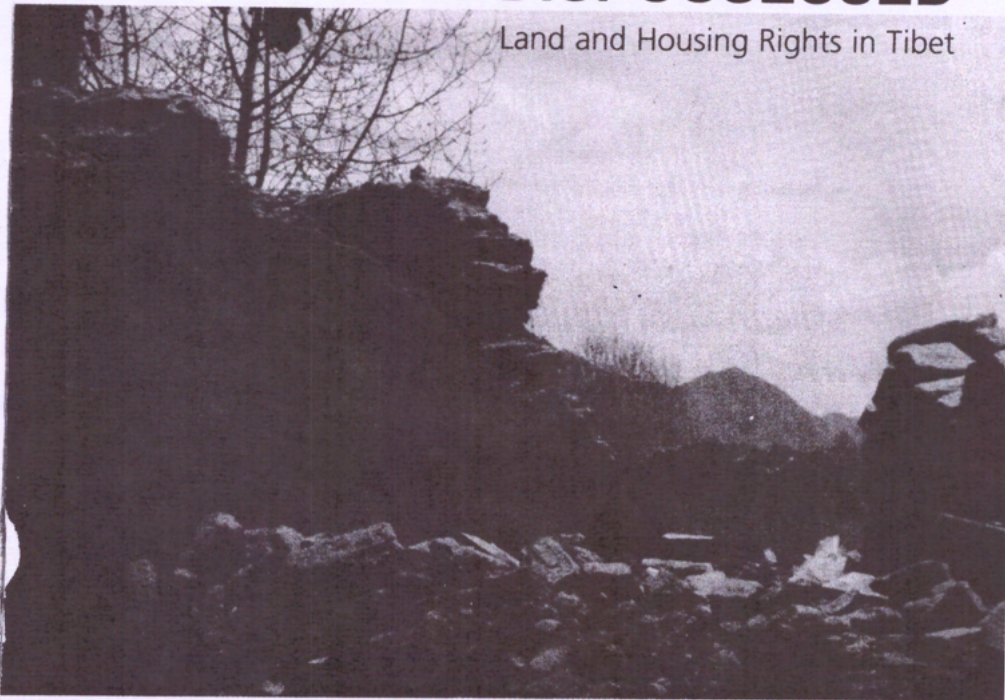
**TCHRD** attends the UN Commission on Human Rights and takes part in other relevant national and international conferences to highlight the human rights situation in Tibet.

**TCHRD** organises various educational programmes like workshops and seminars in an effort to empower the Tibetan community to play an important participatory and vigilant role in a democratic future Tibet. We produce various educational materials on human rights and democracy in both Tibetan and English languages.

**TCHRD's** staff members are Executive Director: Tsewang Lhadon; Senior Programme Officer: Youdon Aukatsang; UN Personnel: Tenzin Chokey; Researchers: Jampa Monlam and Norzin Dolma; Information Officer: Ugyen Tsewang; Field Officer: Tenzin Norgay; Accountant: Phurbu Dolma; Research Associate: Polly Porteous; Staff members at the branch office: Dorjee Damdul and Dawa Tsering; and Office Assistant: Bugha

# DISPOSSESSED

Land and Housing Rights in Tibet



Tibetan building being demolished, Shigatse, June 2002 © I K 2002

# contents

MAP : Map of the Tibetan Plateau under PRC / Map of Tibet pre-1949 ● p.4

Introduction ● p.6

## I Section

### Land rights and sustainable land use ● p.11

- 1 ——— Traditional land use ● p.12
- 2 ——— The right to land: a norm emerging from international covenants and guidelines on sustainable development ● p.14
  - 2.1 International laws relevant to the right to land ● p.14
  - 2.2 Principles of sustainable development regarding the right to land ● p.15
  - 2.3 Working definition of a right to land ● p.17
- 3 ——— PRC land laws and policies in Tibet ● p.18
  - 3.1 Legal and policy developments from 1949 to the present day ● p.18
  - 3.2 Current land laws ● p.21
    - Case Study 1** - Farming land confiscated by the government, turned into state farm
- 4 ——— Current land rights issues in Tibet ● p.26
  - 4.1 Development imperatives: economic development and population transfer ● p.26
    - Case Study 2** - The World Bank's Qinghai population transfer proposal
  - 4.2 Development-based displacement from land ● p.32
    - Case Study 3** - Lhasa's growth steals land from rural Tibetans
    - Case Study 4** - Forceful removal from traditional landholdings
    - Case Study 5** - County government steals land from local villagers for tourist development
  - 4.3 Making grasslands with Chinese characteristics ● p.39
    - Case Study 6** - Penalties enforce the grassland law
    - Case Study 7** - Nomads killed in grassland disputes
  - 4.4 Biased enforcement of land protection policies ● p.47
    - Case Study 8** - Logging "ban" selectively enforced
    - Case Study 9** - Enforced plantations leave farmers destitute

## II Section

### Housing rights and sustainable development of human settlement ● p.51

- 5 ——— Traditional Tibetan housing ● p.52
- 6 ——— Housing rights and sustainable development of human settlements ● p.53
  - 6.1 International law on the right to adequate housing ● p.53
  - 6.2 Sustainable development of human settlements ● p.57

- 7 — PRC housing laws and policies in Tibet ● p.59
  - 7.1 Legal and policy development from 1949 to the present day ● p.59
  - 7.2 Current housing laws ● p.62
- 8 — Current housing issues in Tibet ● p.65
  - 8.1 Housing space: debunking China's statistics ● p.66
  - 8.2 The biased application of the *hukou* system ● p.68  
**Case Study 10** - Twenty years of government harassment
  - 8.3 The likely effect of housing reforms ● p.72  
**Case Study 11** - Tibetan family cannot afford public housing rents  
**Case Study 12** - Tibetan family loses home and business to Chinese family
  - 8.4 Chinese development of settlements ● p.76  
**Case Study 13** - The town of Machen, capital of Golog "TAP"
  - 8.5 Urban reconstruction causing forced evictions ● p.81  
**Case Study 14** - Evictions from Tibetan quarter of Lhasa in 2002
  - 8.6 Loss of cultural heritage ● p.88  
**Case Study 15** - The Tibet Heritage Fund – a model of sustainable development  
**Case Study 16** - New Chinese apartment blocks built on site of old Tibetan buildings
  - 8.7 Religious institutions: Mass evictions and destruction of housing ● p.92  
**Case Study 17** - Serthar Institute  
**Case Study 18** - Yachen Gar Buddhist centre

### III

#### Section

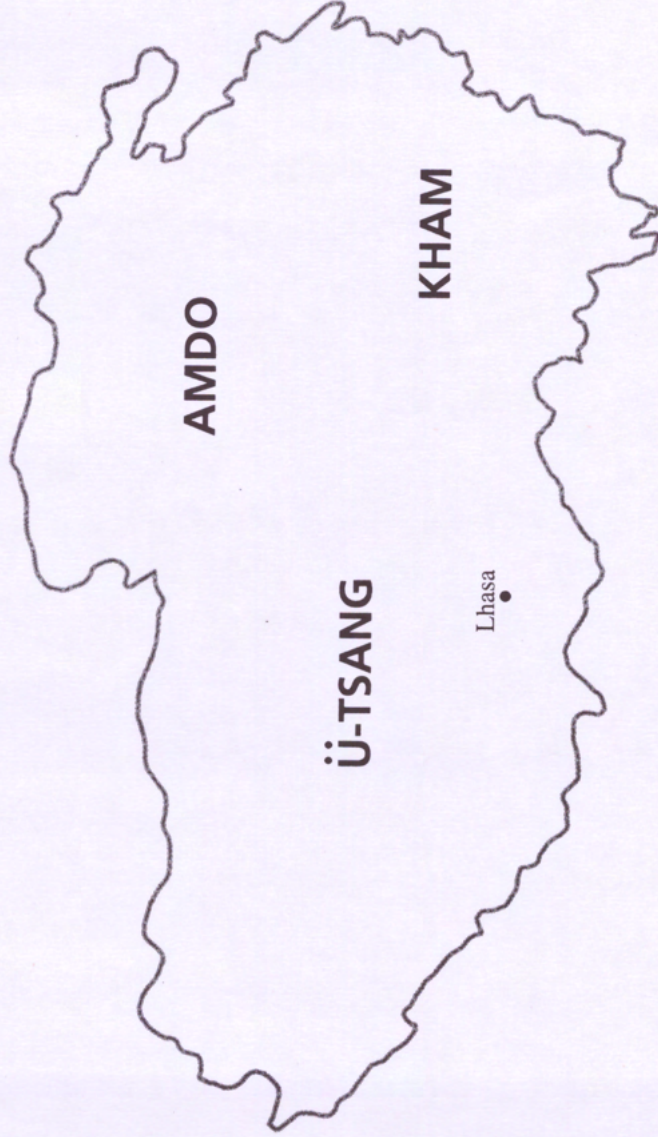
### Homelessness in Tibet ● p.98

- 9 — International law regarding homelessness ● p.99
  - 10 — Causes of homelessness in Tibet ● p.100  
**Case Study 19** - Orphans made homeless after orphanage closed down
  - 11 — Numbers of homeless people in Tibet ● p.103  
**Case Study 20** – Estimating homelessness in Lhasa
  - 12 — Treatment of homeless people ● p.105
- Conclusion and Recommendations ● p.107
- Endnotes ● p.111
- Appendix 1 — Chronology of modern Tibet 1911-2002 ● p.123
- Appendix 2 — Terms and definitions ● p.125

# Map of the Tibetan Plateau under PRC



Map of Tibet showing pre-1949 provinces



---

## I n t r o d u c t i o n

**F**or many years human rights monitors have reported on China's denial of political and civil freedoms rather than focus on economic issues. In return, China often defends its stance on civil and political issues by claiming that its citizens are more interested in economic security than with personal freedoms. With China's ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2001, the time is ripe for a closer analysis of China's record in relation to specific economic rights.

The Tibetan Centre for Human Rights and Democracy (TCHRD) has therefore prepared this Land and Housing Rights Report to present to two different forums. The first is the World Summit for Sustainable Development (WSSD), South Africa, September 2002; the second is the United Nations' Committee for Economic, Social and Cultural Rights which will assess China's first state report regarding the ICESCR, due in June 2003.

Land rights, housing, and sustainable habitats are economic issues which are crucial not just to individuals' personal rights, but also to the future of a country. A balance must be struck between affording individuals equitable access to quality land/housing, and ensuring that the settlements in which such housing is located, or the uses to which the land is put, are sustainable. This report therefore examines housing and land issues using a rights framework that embraces the right of a people to sustainable development.



In 1996 the PRC government made a public commitment to the full and progressive realisation of the right to adequate housing.<sup>1</sup> In ratifying the ICESCR in 2001, China has made a legal commitment to recognise this right. Over the past decade, the PRC has also regularly made submissions to the United Nations' Committee for Sustainable Development claiming compliance to sustainable development including the right to land. Despite this public face, there are serious violations of international law and principles currently occurring within Tibet.

In studying Tibet's housing and land rights issues against the framework of both human rights and sustainable development, TCHRD hopes to contribute to the ongoing debate about the links between the two issues. At the time of writing, many human rights NGOs participating in the Preparatory Meetings for the WSSD were outraged at the exclusion of human rights discourse from the Summit platform. It is to be hoped that the WSSD in Johannesburg will correct the course of international policy development. The fact is no country can claim to be achieving sustainable development if it denies its people their fundamental political, civil, religious, economic, social and cultural rights. Sustainability is meaningless if people are not involved in creating or taking part in its benefits.<sup>2</sup>

It must be stressed that this Report is not a result of fieldwork research. Although China is increasingly permitting NGOs and international academics to conduct research in various regions of China, given TCHRD's background in human rights advocacy, we face insurmountable difficulties entering Tibet to conduct comprehensive research on housing and land conditions. TCHRD very much hopes that in the near future academics

and/or international NGOs are able to conduct grassroots research in both the "TAR" and the rest of ethnographic Tibet.

In the absence of this level of access, TCHRD has researched academic papers and Beijing's White Papers for data on China's policies in Tibet. TCHRD has also made use of information provided to the centre by Western travellers. However, our greatest resource is the testimonies of recently-exiled Tibetans whom we have interviewed in India and Nepal since our inception six years ago. TCHRD strongly believes in a people-centred approach to human rights issues and to sustainable development. Tibetans best know what is happening in their country and the information they provide is crucial to understanding the situation on the ground.

This Report is titled "Dispossessed" because the key feature of land and housing in Tibet over the last fifty years is the dispossession by the Chinese government of Tibetan land and housing. Even recent reforms which purport to grant households greater tenure over land and housing actually have the effect of further alienating control over land resources from the people of Tibet.

The Report is divided into three sections.

**Section I** covers land rights issues in Tibet. The redrawing of the nation's map by the PRC, allocating half the Tibetan Plateau to Chinese administrative provinces, was in itself a mammoth dispossession of land from the Tibetans. Subsequent control by the Chinese government has become more sophisticated,

employing structural methods to achieve the same result: for example, the sponsorship of Chinese population transfer into Tibet. The section therefore examines China's development programme which greatly affects Tibetans' rights to their land.

This section also analyses the insecurity of land tenure of Tibetan farmers under China's recent land reform policies. Land laws appear to give rural villagers certain rights to land, but on closer examination it is obvious that the Beijing government has reserved itself the right to dispossess farmers of their lands, without affording adequate compensation, when those lands are required for Beijing's development agenda on the Tibetan Plateau. In addition, the biased enforcement of land protection policies has caused hardship to Tibetan farmers while permitting Chinese state and private enterprises to continue their massive resource extraction programmes. The section also reports on international research which shows that, despite strong expert evidence that Tibetan nomadism is the most sustainable use of the Tibetan Plateau's fragile land, the PRC seems bent on eradicating nomadism within the next decade. This is causing not just poverty among Tibetan nomads but also leads to violent fights over land boundaries and hundreds of deaths.

**Section II** concerns housing rights and human settlements in Tibet. Laws of the PRC in relation to housing rights are found to be woefully inadequate to guard against forced evictions or racial discrimination in the housing sector. In general the PRC reserves itself the right to evict tenants and appropriate property where it is deemed in the public interest to do so. In Tibet,

the public interest only too often means the interests of the Beijing government and not the interests of individual Tibetans. The Report examines the bias of the government toward providing subsidised housing for Chinese settlers while local Tibetans lack adequate housing. In urban areas, the enforcement of the *hukou* household registration system has a racial bias resulting in Tibetans being denied housing opportunities, rights to freedom of movement, and rights to freedom of residence. To entice migration into Tibet, Chinese settlers are exempted from the strict application of the *hukou* system. The erosion of Tibet's religious institutions as a traditional provider of housing is also discussed.

Section **III** concerns the growth of homelessness in Tibet. Although statistics regarding homelessness in Tibet are largely unavailable, anecdotal evidence reveals the existence of a growing population of homeless Tibetans in urban areas. Such people are regularly subjected to grave human rights abuses including arbitrary detention and forced repatriation.

The Report concludes with a list of Recommendations to remedy the violations of international law and conform to the principles of sustainable development. Primary among these is the need for independent research and programmes in Tibet to address land rights and housing issues, particularly the escalation in homelessness.

Land rights and sustainable land use

Section

I

# 1 ■ Traditional land use

---

The historic territory of Tibet consists of 2.5 million square km of land corresponding to the geological plateau China calls the Tibetan-Qinghai Plateau. Traditionally the plateau consisted of three provinces: U-Tsang in the west, bordering with India, Nepal and Bhutan; Amdo in the north-east, sharing borders with Mongolia, Eastern Turkestan (Xinjiang) and China; and Kham in the south-east, bordering China and Burma (Myanmar). Across these provinces the indigenous people identified themselves as Tibetan, rather than (for example) Han Chinese, Hui, Lisu or any other ethnicity. Tibetan people shared history, the Tibetan script and language (albeit with regional dialects), Buddhist religion and a predominantly rural culture. In 1949 the population of Tibet reached six million. While almost all were ethnic Tibetans, several thousand Nepali, Indian and other non-Tibetan traders lived in Lhasa, with some Hui Muslim Chinese from neighbouring Eastern Turkestan (Xinjiang), and some Han and other Chinese farmers in eastern Tibet.

Tibet is famous for its high mountains, sweeping grasslands extensively utilised by nomadic families, and small farming settlements perched in green valleys. It is also famous for its Buddhism, which declares a belief in the interdependence of all living things. It is hardly surprising that, traditionally, Tibetans lived in harmony with their land using sustainable development principles which kept human impact on the land to a minimum. These respectful practices also ensured survival.

A ninth century AD official from Amdo penned the following description of land in Tibet:

## **The Ten Virtues of Land**

“There are two virtues in its grass: one good for meadows near home, the other for more distant pasture;

Two virtues in its soil: earth to build houses and good earth for the fields;

Two virtues in its water: for drinking and irrigation;

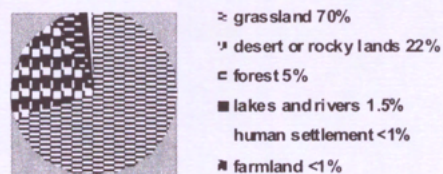
Two virtues in its wood: timber for building and firewood;

(Two virtues in the Tibetan land): a land ideal for agriculture and, at the same time, good for pasturing flocks."<sup>3</sup>

The vast majority of the Tibetan plateau – almost all of Amdo, the north-western part of U-Tsang, and western parts of Kham - is grassland.<sup>4</sup> This region has been described as "one of the largest and most important pastoral areas on earth".<sup>5</sup> Mountain ranges, some higher than 5,000 metres, are covered with green grasses for only a few months of the year.

Grasslands provided the backbone for drokpa, Tibet's nomadic pasturing industry. Lands were traditionally used by nomads communally with the lives of pastoralists and their animals "tuned to the growth of the grass and the rhythms of the grazing lands".<sup>6</sup> Traditionally whole nomad families travelled with their herds of yaks, horses, sheep and/or goats across the massive plateau according to the seasons. In the summer the nomads traversed the high grasslands while in winter they drove their herds to lower pasture areas. Each nomadic group developed an intimate knowledge of the capacity of the land they traversed; their livelihoods depended on ensuring they did not overgraze.

Figure 1: Land-type of Tibetan-Qinghai Plateau



The farming land of Tibet constitutes a mere 0.49 percent of land on the Tibetan Plateau. Agriculture is concentrated on the fertile soil of the valleys in the south which, at 3,000 metres above sea-level, are some of the highest croplands in the world.<sup>7</sup> Kham was the most fer-

tile cropland region, accounting for 85 percent of the plateau's arable land.<sup>8</sup> Grain-farming (shingpa) traditionally was mostly of barley, but other grains such as rice, maize, and millet were also cultivated. Non-grain crops included mustard-seed, cabbage, lettuce, radish, turnip, peas, potatoes, and tomatoes.<sup>9</sup>

Semi-nomadism (sama-drok) was common in Kham. Families would split their labour between travelling with their herds in the summer and maintaining a farm in valleys. The older and youngest members of the family often stayed in the farmhouse all year to tend crops.

Land in Tibet was owned by the Lhasa government, monasteries, or aristocratic families. Traditionally grassland was the property of the state, but in practice it was held in communal tenure for nomads to traverse with their herds. Most farmers worked land belonging to one of the land-owning groups; in return they were granted a portion of land free of rent from which they would produce enough for self-sufficiency.<sup>10</sup> The animals herded by nomads in most cases belonged to the nomad families themselves, although the government, local monasteries and local aristocrats taxed the animals for consumption. Although there were gross inequalities in the distribution of wealth, the rural community was self-sufficient and food insecurity was rare.

## 2 ■ The right to land: a norm emerging from international covenants and guidelines on sustainable development

---

Unlike housing, there is no explicit international law which states that people have a right to ownership or use of land. However, the right to land is implicit in many rights contained in the ICESCR and other covenants. In addition, equitable access to land has been recognised as central to sustainable development.

### 2-1 ■ International laws relevant to the right to land

The global organisation Habitat International Coalition<sup>11</sup> has point-



ed out that access to land is a prerequisite to the fulfilment of the right to housing, food and culture which are contained in the ICESCR.<sup>12</sup> Involvement in the development of economic policies and in the equitable use of land resources are also inherent in the first two Articles of the ICESCR:

“Article 1

(1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

(2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 2

(2) The States Parties to present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

One instance of a violation of the rights to self-determination and development is population transfer by governments in attempts to control existing populations or limit their right to self-determination. Population transfer will be further discussed in Chapter 4.1.

The right to development contained in the ICESCR has also been clarified by the Declaration on the Right to Development. This Declaration makes it clear that the right to development obliges governments to

“formulate appropriate national development policies that aim at the constant improvement of the well being of the entire population and of all individuals, on the basis of their active, free and

meaningful participation in development and in the fair distribution of benefits resulting therefrom."<sup>13</sup>

In addition to these general rights contained in the ICESCR, the growing body of law regarding indigenous peoples also confirms the importance of land rights. While not yet formally recognised in international law, these principles give indigenous people the right to protection of traditional land tenure and land use systems, the right not to be removed or relocated away from traditional lands, and the right not to be discriminated against in the formulation of land laws and policies.<sup>14</sup>

## 2-2 ■ Principles of sustainable development regarding the right to land

While the above laws imply the existence of a right to land, sustainable development principles formulated over the past decade have increasingly called for equitable land tenure systems. Agenda 21, formulated in 1992 after the Rio Earth Summit, advises governments to "establish appropriate forms of land tenure that provide security of tenure for all land-users, especially indigenous people, women, local communities".<sup>15</sup> It also states that people should be protected by law against unfair eviction from their land.<sup>16</sup>

In 1996, the second United Nations Conference on Human Settlements (Habitat II) drew a link between land rights, housing rights and sustainable development by noting that "access to land and legal security of tenure are strategic prerequisites for the provision of adequate shelter for all and for the development of sustainable human settlements affecting both urban and rural areas".<sup>17</sup> The Habitat Agenda arising from Habitat II committed governments to protecting "the legal traditional rights of indigenous people to land and other resources, as well as strengthening of land management".<sup>18</sup>

One of the central platforms of sustainable development is "people participation": the involvement in policy development of the people

who are affected by the policies. For example, a "farmer-centred approach", involving the decentralisation of decision-making away from national governments and towards local and community organisations especially farmers' organisations, is described as the key to sustainability in agriculture.<sup>19</sup>

In December 2001 the Secretary-General's Report on "Implementing Agenda 21" stated:

"110. In many countries, existing systems of land tenure and land-use planning do not generally promote sustainable land use. .... There is a need to strengthen institutional arrangements for land tenure, with the participation of civil society and local governments in the delivery of decentralised land administration services. Effective land tenure reform and land-use planning require coordination and cooperation within and among several ministries and an equitable participatory process involving local communities and multiple stakeholders.

112. Land reforms have been more successful and easier to implement when beneficiaries and other stakeholders participate in their design and implementation, and when there is a strong political will to carry them out."<sup>20</sup>

### 2-3 ■ Working definition of a right to land

From these international laws and principles of sustainable development, Habitat International Coalition have proposed that the right to land can be stated in the following terms:

"Land is a resource integral to survival, livelihood and adequate housing. To this end, the state must ensure reasonable access to land. In particular, the state must ensure equitable distribution with emphasis on the provision of necessary resources for poor households and other marginalised and vulnerable groups. Governments

■ must implement land reforms where necessary to ensure fair distribution as a public good."<sup>21</sup>

To this we would add: Governments must design and implement land reforms through meaningful consultation with, participation and consent of, local communities. Governments should also respect the skills, knowledge and rights of indigenous/local people developed through their long connection with the land.

## 3 ■ PRC land laws and policies in Tibet

---

### 3-1 ■ Legal and policy developments from 1949 to the present day

When the Communists gained control of China in 1949 they made it clear that they regarded Tibet as Chinese territory.<sup>22</sup> Tibetans refuted this vociferously but in 1950 Chinese troops overwhelmed the Tibetan army. From this point on, the Beijing government assumed increasing ownership and control of the land of Tibet, with Tibetans having little influence on the way in which their land was used.

The following exchange makes this point abundantly clear. A Tibetan arrested for protesting against a mining project in Meldrogonkar county, Lhasa municipality, "TAR", was told by the authorities:

■ "Tibetans do not have the right to say anything on the matter since the land belongs to the country of China."<sup>23</sup>

One of the first acts of the Chinese Communist Party after invading and taking possession of the land of Tibet was redrawing the map of the Tibetan Plateau. From 1951 onwards the Communists began to demarcate administrative regions within Kham and Amdo, and started marking out the territory to become the "Tibet Autonomous Region" ("TAR"), corresponding loosely with the original Tibetan

province of U-Tsang.

In 1965, China officially declared the creation of the "TAR". The provinces of Kham and Amdo were eradicated, becoming a collection of "Tibetan Autonomous Prefectures" or "Tibetan Autonomous Counties" under administration of the province of Qinghai in the north and the provinces of Sichuan, Yunnan, and Gansu in the south-east. These areas collectively were almost as large as the "TAR" and even today contain a greater number of Tibetans than "TAR" itself.<sup>24</sup> It is worth noting that Kham and Amdo contained most of the fertile agricultural land, forests, and river resources of the Tibetan Plateau (see Chapter 1). In incorporating Kham and Amdo into existing Chinese provinces China made sure that the choicest parts of the plateau came under immediate provincial control.

The confiscation of land from private owners and redistribution to "the masses" was one of the Communists' central platforms. In the 1950s China's attempts to implement land reform and to settle the nomads in Kham (Gansu, Sichuan and Yunnan) met with fierce resistance which turned into a wide-spread revolt against Chinese rule, causing thousands of deaths, and sparking the 1959 Tibetan uprising in central Tibet.<sup>25</sup> After the revolt, part of the Communists' motivation in implementing land reform was to punish anyone who had taken part in the 1959 uprisings, anyone who had fled to India with the Dalai Lama, or anyone who belonged to the "aristocratic class".<sup>26</sup>

Many poorer sections of Tibetan society welcomed receiving land from the large manorial estates, particularly when they were handed the land titles.<sup>27</sup> However, "while the Tibetan masses did not question their right to the land, they doubted whether the Chinese had the right to dispense it".<sup>28</sup> The situation was different, however, when the Communists began taking land from monasteries. Tibetan Buddhism was so tightly interwoven into the fabric of Tibetan culture that the Tibetan people viewed land confiscation from monasteries as an attack on Tibetan identity.<sup>29</sup>

From 1955-1962 the Communists continued to redistribute land to individual Tibetan farmers, and also organised the majority of farmers into "mutual aid groups" which replaced the traditional economic structures based on manorial estates.<sup>30</sup> However, ill-conceived attempts to cultivate grassland led to food shortages and crop failures.<sup>31</sup> It was during this period that the International Commission of Jurists examined the situation of Tibet and found, inter alia: that Tibetans had lost control over the affairs of Tibet; that Article 17 of the Universal Declaration of Human Rights which guaranteed property rights including rights to land, had been violated; and that the Chinese authorities were carrying out the economic and social reforms against the will of the Tibetan people.<sup>32</sup>

In the mid-1960s the Communists began to phase out "mutual aid groups" to be replaced by communes. This was extremely unpopular in Tibet. The peasants who had been so happy to receive their own plots of land, and the nomads their own animals, now had to relinquish all of this, and more: they were ordered to give away their personal household possessions.<sup>33</sup>

Although communes themselves could be quite large, below the commune there was a production team, basically an administrative construction for further ease of control, and below that a production group which generally correlated with natural villages or groups of nomads. All levels of the communes were controlled by Chinese Communist policy. The farmers could not choose the crops to farm, the quotas or the farming methods. Surplus grain was sold to the state procurement board and the people received no benefit from their work.<sup>34</sup> Effectively the farmers were being employed by the State to work land which for one brief moment they had proudly called their own. To make matters worse, the Chinese Communists attempted to convert grasslands to cropland with disastrous effect. Not only did the crops fail, causing mass food shortages, it also set off a degradation of the grasslands that persists to this day.<sup>35</sup>

Following the Cultural Revolution (1966 – 1976) the PRC admitted

that the commune system had been disastrous throughout China and Tibet. In the early 1980s the Tibetan communes were disbanded. The commune was replaced with a new administrative unit called townships; the production team was replaced by administrative villages; and the production groups became villagers groups.<sup>36</sup> Ownership of rural land was still said to vest in the "collectives" but they were leased to individual households under the "Household Responsibility System".<sup>37</sup> The amount of land allocated to families was based on the number of people in the family at that time, with re-allocations only authorised by local provincial governments.<sup>38</sup> The leases were eventually extended under the current Land Administration Act to 30-year terms, as detailed in the next Chapter.

### 3-2 ■ Current land laws

Article 10 of the Constitution of the PRC (as amended) sets out ownership of land in China as follows:

"Land in the cities is owned by the state. Land in the 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 private plots of cropland and hilly land are also owned by collectives. The state may in the public interest take over land for its use in accordance with the law. No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means. The right to the use of land may be transferred according to law. All organizations and individuals who use land must make rational use of the land."

The General Principles of the Civil Law of the People's Republic of China (1986) outlines the way in which state-owned land can be used (Article 80):

"State-owned land may be used according to law by units under ownership by the whole people; it may also be lawfully assigned for use by units under collective ownership. The state shall protect the

usufruct of the land, and the usufructuary shall be obligated to manage, protect and properly use the land. The right of citizens and collectives to contract for management of land under collective ownership or of state-owned land under collective use shall be protected by law. The rights and obligations of the two contract parties shall be stipulated in the contract signed in accordance with the law. Land may not be sold, leased, mortgaged or illegally transferred by any other means."

The full regime of land ownership and use rights is then set out in the Law of Land Administration of the PRC (1998) (LAL). The purpose of the LAL is claimed to be to protect the total amount of farmland and to "protect cultivated land against industrial development" (Article 4). To this end, governments at all levels have to compile general plans "in accordance with the national economic and social development programme", environmental policies, land consolidation and construction projects (Article 17).

The LAL declares that the State Council, on behalf of the nation owns all land in urban areas or land occupied by state departments while land in rural areas is owned by the village collective (Articles 6 and 8). The definition of "village collectives" is not contained in the LAL but is assumed to mean local villagers groups, generally conforming to the population of traditional villages. However critics have pointed out that the ambiguity in the definition of "village collectives" permits bureaucrats of "administrative villages" (which replaced the old production teams which existed under the commune system) to appropriate the rights under the LAL.<sup>40</sup>

The distinction between state-owned land (the rights of which can be exercised by county governments or higher) and collective-owned land (the rights exercisable by two-thirds of the village collective) is important because different land appropriation rights and compensation calculations apply. In rural Tibet most land would be held by village collectives so only these provisions shall be discussed in detail. The law in relation to urban Tibet shall be discussed under Section



on Housing Rights.

Article 10 states that "village committees" administer collective-owned land. Under the Organic Law of Village Committees (1987) village committees are elected by adult villagers.

Farmers' contracts for their land are guaranteed for 30 years unless changes are approved by a two-thirds majority of the village assembly (Article 14). The law requires that "no unit or individual is allowed to let the land lie idle or go wasted" (Article 37). The LAL also prohibits the sale or purchase of portions of land by the land-users themselves – any transfers must be done by the collective (Articles 2, 14 and 73).

Land owned by village collectives can be requisitioned by the state (represented by county, provincial or prefectural governments) for construction purposes (Articles 43-46) or, less specifically, "according to the law on public purposes" (Article 2). There doesn't appear to be any Chinese law on public purposes so Article 2 effectively grants wide, ambiguous discretion to the state for requisitioning rural land. Similarly Article 58 permits the state to take back its own land (rather than land held by collectives) if it requires the land for "public purpose" or for urban reconstruction (this shall be further discussed in Chapter 7.2). The village collective can also itself take back land from farmers if they want to use the land for public facilities or if the land is not being used properly (Article 65).

The level of compensation given for loss of land varies under the LAL according to the purposes for which the land is taken. Where land owned by collectives is requisitioned by the state for construction purposes, the LAL sets out a compensation formula which includes "resettlement" costs and the value of the land based on the average output over the past three years (Article 47). Where rural land is requisitioned for water conservancy projects and hydroelectric power projects, the compensation and resettlement fees can be determined separately by the State Council (Article 51). Where the state wants to exercise its broad discretion in Article 2, the ambiguous "law on pub-

lic purposes" would apply to compensation. Where the state takes back its own land (rather than requisitioning land held by collectives) compensation is merely to be "proper" (Article 58).

Where the state requisitions rural land from collectives, compensation is given to the village committees which are then obliged to pass the money onto individual farmers whose land has been taken (Article 49).

The LAL has been proclaimed by the PRC Government as imposing "the world's strictest land-use regulations"<sup>41</sup> and a keystone to the country's sustainable development policies.<sup>42</sup> However, when considering the way in which the LAL actually works in the context of Tibet, it becomes apparent that the LAL's strictness has the effect of consolidating control over land-use in the hands of the Chinese government while Tibetan farmers are given few rights at all.

This lack of power stems from the fact that Tibetan farmers do not own land, but merely lease the land from village collectives. This means that farmers are vulnerable to having their land removed either by the village collective or by the State (county governments or higher). Farmers are not given rights to transfer portions of their land privately, to defend the requisition of their land, or to challenge the amount of compensation granted to them.<sup>43</sup>

Village collectives are also not perfect models of democracy. Many critics have noted that election processes for the committees often fall far short of democracy, and that village committees – particularly in politically sensitive areas such as Tibet – are controlled by higher levels of government or local Communist party officials.<sup>44</sup>

Despite the appearance that land use and allocation occurs at a village level, the requirement for government-developed plans (Article 17) means that land use and land management strategies remain controlled at county level. The people who know the most about the land – the Tibetan farmers themselves – have very little control over the allocation system or the use to which their land is put.

The level of compensation offered through the LAL (whether under the formula set out in Article 47 or through the ambiguous requirement for "appropriate" compensation) has been criticised as inadequate to actually compensate farmers for the loss of their livelihood.<sup>45</sup> The World Bank has also noted that the requirement for compensation to go through the collective before it gets to the farmers gives opportunities for corruption and embezzlement at the local level.<sup>46</sup> As one legal analyst says, government officials take contracted land away from farmers for development because they want to and they can.<sup>47</sup>

The LAL's failure to protect Tibetan farmers' land tenure, and its inadequate compensation regime, is illustrated by the following Case Study. Here land was taken from Tibetan farmers not for construction purposes but merely because the government wanted to farm it for its own profit.

CASE  
STUDY  
1

Farming land confiscated by the government,  
turned into state farm

In 2002 it was reported that farmers from Dechen township, Taktse County (26 kms east of Lhasa city), have been forced to return 100 mu of land to the government for it to cultivate. A recently-arrived Tibetan explained:

"It is said that the government paid 3,000 yuan for a mu of land. It was for that year only, with no extra money being given in subsequent years. 3,000 yuan does not compensate farmers for the yield from the land over many years. ... There is no choice as to whether you want to sell your land or not. They said it is the government's land which has been leased to the Tibetans, the Tibetans do not own the land. The government will grow vegetables on the land with the profit going to the government. The local farmers criticise these confiscations of land for such a paltry sum but they can't say anything in public."

Source : *Voice of Tibet* broadcast 28 June 2002, translated from Tibetan into English by TCHRD

It is not wholly clear which provisions of the LAL support the government's requisition of land from these Tibetan farmers. However, given the wide discretion of both Articles 2 and 58, which permit the state to requisition or take back land for "public purposes", the state can simply justify requisitions as being in the interests of the national economic and social development programme (Article 17). Thus an understanding of land use in Tibet requires an understanding of China's development agenda for the plateau.

## 4 ■ Current land rights issues in Tibet

### 4-1 ■ Development imperatives: economic development and population transfer

To strengthen state control, China has integrated Tibet into its economic and development policies. Despite the word "autonomous" China has always made it clear that autonomous regions are controlled by the State Council in Beijing. Article 4 of the Constitution of the People's Republic of China states the following:

"The state helps the areas inhabited by minority nationalities speed up their economic and cultural development in accordance with the peculiarities and needs of the different minority nationalities. Regional autonomy is practised in areas where people of minority nationalities live in compact communities; in these areas organs of self-government are established for the exercise of the right of autonomy. All the national autonomous areas are inalienable parts of the People's Republic of China."

The Regional Autonomy Law of the PRC passed in 1984 granted the "TAR" People's Congress some limited powers regarding the administration of economic policies, including land use. However, in February 2001 the Beijing government removed even this token of "autonomy". It amended the Regional Autonomy Law to ensure that

the development of Autonomous Regions will be carried out under the unified plans of the central authorities in accordance with market demand.<sup>48</sup> The government justified the amendments as being necessary to accelerate the development of autonomous regions and further integrate such regions into the rest of China.<sup>49</sup>

For this reason, Tibet's autonomy is effectively meaningless. As one PRC scholar puts it "Regional autonomy is essentially a tactical policy serving the ultimate goal of socialization, national integration and political stability in China."<sup>50</sup> It permits China to follow centralised policy programmes such as population transfer.

### **Population transfer**

In international law, population transfer is defined as "the moving of peoples [as] a consequence of political and/or economic processes in which the state government or state authorised agencies participate".<sup>51</sup> International law first recognised the use of population transfer policies during times of armed conflict where one country occupies another country. Article 49 of the Fourth Geneva Convention provides that "the occupying powers shall not deport or transfer parts of its own civilian population into the territory it occupies". However, over the last two decades there has been a growing realisation that population transfer is also used by governments as a more subtle alternative to direct conflict as a means to consolidate control over a newly-formed state or particular ethnic populations. The definition of population transfer therefore includes circumstances such as:

"Demographic manipulation preceding or consequent upon the formation of a new State as part of the consolidation or integration of statehood, accompanied by measures aimed at either balancing population density or at ethnic homogenization, or separatist apartheid tendencies;

Transfers purportedly for development or other public purposes;  
The implantation of settlers."<sup>52</sup>

To consolidate its occupation of Tibet, in the 1950s Beijing moved military forces and government officials into Tibet. The size of military force was itself a substantial increase in Tibet's population. Even today there are at least 200,000 troops stationed permanently in Tibet.<sup>53</sup> Between 1954 and the mid-60s there was a large-scale recruitment of Chinese into Qinghai (Amdo) to claim grassland for agriculture, and to run both state farms and *laogai* (reform-through-labour camps).<sup>54</sup> Thousands of Chinese migrants attracted by agricultural opportunities also began arriving in the 1960s, and Chinese cadres were sent to the plateau's rural areas for administrative purposes. However it wasn't until the mid-1980s that the Beijing government began in earnest to encourage Chinese workers to migrate to Tibet. Around 60,000 Chinese labourers arrived in the "TAR" to work on the new development programmes announced by the Second Tibet Work Forum in 1984.<sup>55</sup> The policy of "development and opening up" Tibet to China became official in 1987 when Deng Xiaoping stated:

"Tibet is a region with a sparse population and has a vast expanse of land. The more than two million compatriots of the Zang [Tibetan] nationality alone are insufficient for construction. There is no harm for the Han people to go and help them. Some more Han people there will be conducive to the development of the local nationality economy. This is not a bad thing."<sup>56</sup>

In the 1990s, the Chinese influx escalated with further encouragement given by Deng Xiaoping.<sup>57</sup> Most settlers moved to the Tibetan Plateau to work on roads and other infrastructure projects. A gold rush in Qinghai (Amdo) and the "TAR" attracted thousands more Chinese. Lhasa was declared a "Special Economic Zone" in 1992. Tax benefits, a relaxation of business regulations, and other benefits attracted thousands of Chinese entrepreneurs to the TAR.<sup>58</sup>

In 1994, the Third Work Forum on Tibet provided clearer details on this policy of population transfer, claiming that the importation of Chinese into Tibet was absolutely necessary for Tibet's economic

ed  
is  
n:  
in  
t-  
i-  
r-  
i-  
e  
-  
o  
o  
l

development. The Work Forum spoke of opening "Tibet's door wide to inner parts of the country [to] encourage traders, investment, economic units and individuals from China to Central Tibet to run different sorts of enterprises."<sup>59</sup>

To attract Chinese settlers to Tibetan regions, Beijing offers them "special allowances" including

- higher salaries and retirement pensions for government cadres
- helping cadres to obtain housing, schooling and employment for their dependents
- more relaxed family planning regulations (compared to the one-child policy which prevails through urban China)
- favourable tax and investment policies for private entrepreneurs
- increased research funds and opportunities for scientific or research personnel
- the retention of benefits available in their previous work positions or places of origin, including housing and welfare benefits.<sup>60</sup>

The most recent detailing of policies to encourage such settlers is provided in a December 2001 document titled "Implementation Opinions Concerning policies and Measures Pertaining to the Development of the Western Region" which lists ways in which "qualified personnel" are to be attracted to the West, including Tibet.<sup>61</sup> Such policies encouraging voluntary migration into Tibet today provide the incentives for most new Chinese settlers.

Chinese migrants now outnumber Tibetans on the Qinghai-Tibetan Plateau.<sup>62</sup> While exact statistics are difficult to obtain, experts estimate that 7.5 million Chinese now reside in the traditional ethnographic Tibetan areas compared to only six million Tibetans. In the eastern Tibetan provinces of Amdo (Qinghai) and Kham (Sichuan, Yunnan, Gansu) the Chinese admit that their settlers have outstripped the number of local Tibetans.<sup>63</sup> U-Tsang province, now called the "TAR", is the only area of Tibet where the Chinese are not in the majority, although in urban areas of the "TAR" the Chinese population may in fact be greater than the Tibetan population (see Chapters 8.4 and 8.5).

The policy of population transfer is continuing unabated - particularly with mega-"development" projects now going on. Beijing's Tenth Five-Year Plan (2001-2005) for National Economic and Social Development identified three major infrastructure projects which will affect Tibet: the Qinghai-Tibet railway, the west-to-east gas pipeline, and west-to-east electricity transmission.<sup>64</sup> These projects are not only attracting more Chinese settlers into Tibet for work or other business opportunities, their construction on Tibetan land will inevitably affect the lives and settlements of thousands of Tibetans.

CASE  
STUDY  
2

### The World Bank's Qinghai population transfer proposal

In 1997 the PRC Government applied to the World Bank for a massive loan to fund its "China Western Poverty Alleviation Project". One portion of the project, worth US\$40 million, was to create a water storage dam and large-scale irrigation scheme in Qinghai. The project involved the resettling of 58,000 farmers of Chinese or Hui ethnicity into Dulan County, Tsonub "Mongol and Tibetan Autonomous Prefecture", Qinghai. This county has one of the highest Tibetan populations of all counties in this prefecture. It is also home to the largest number of *laogai* (reform-through-labour camps) of any county in China. The *laogai* have already swallowed up substantial tracts of agricultural and pastoral land traditionally worked by Tibetans and Mongols.

In April 1999 Tibetans in Dulan County smuggled letters out to Tibetan exiles in the West pleading for help to stop the project, fearing it would destroy their cultural identity. A campaign by Tibet support groups, international human rights organisations, and environmental groups then focussed intense scrutiny on the project. Of particular concern was the proposed mass transfer of Chinese settlers into Dulan County, a move very much in keeping with the population transfer policies of the Chinese government. A World Bank "Project Summary Paper" released in 1999 stated that the proportion of the Tibetan population currently living in Dulan County was 23 percent, but that after the proposed resettlement, the proportion would shrink to 9.2 percent. The proportion of Mongols would be reduced from 14 to 5.9 percent.



The Chinese population would then be overwhelmingly the majority.

The Bank also estimated that at least 289 nomadic households who regularly graze their herds across the project area would have their annual migration pattern disrupted. Compensation was offered in the form of house-plots and small resettlement sums – with no option for the nomads to continue their traditional nomadism. This conformed to the PRC Government's stated goal to eradicate nomadism through forced settlement.

Gabriel Lafitte, a Western researcher who travelled through Dulan County in 1999 observed many Hui and Chinese people in the small towns but not one Tibetan or Mongolian nomad. It wasn't until he got to Dulan's largest town, Xinagride, that he found the missing Tibetans.

"The next morning we found them, right under our noses, huddled in walled compounds right on the edge of town, compulsorily settled by a government sure it knows what is best for everyone. In the name of development and modernisation, these proud nomads have been made to till tiny plots of irrigated soil, and give much of the corn, rapeseed and wheat they grow to the government in water tariffs and tax. The Tibetans in their dusty lanes, tiny houses and small plots, were not the favoured nationality in a chess game of ethnic division and favouritism played by authorities in Beijing. These Tibetans were afraid to talk to us, to be seen in public with foreigners, the climate of fear was palpable.

" 'If even more Chinese come here, they will only steal everything that is not already stolen from us,' one young man said. 'Please tell the United Nations, tell the world, because no-one hears us.' Several people said similar things."

As a result of international pressure, in 1999 the World Bank Inspection Panel commenced a full investigation into the project. The final Panel report, dated 28 April 2000, revealed serious violations of several of the World Bank's policies on Involuntary Resettlement, Indigenous Peoples, Information Disclosure, Environmental Assessment and Natural Habitats. The Inspection Panel Report examined the compensation offered to the nomadic households and found it to be inadequate. The Report also found that the "climate of fear" in the project area made meaningful consultation with affected people

impossible. Such consultation is a crucial element of the World Bank's own policies on resettlement, not to mention the UN's definition of "adequate housing" and the United Nations' Comprehensive Human Rights Guidelines on Development-Based Displacement (1997).

In July 2000 the World Bank Board of Management reconsidered the project. Before the Board could make a final decision, the Beijing government withdrew the project from consideration. China announced it would fund the project itself.

In late 2001 travellers visiting Xinagride noted that the city was undergoing major reconstruction, including the demolition of existing shops. In February 2002 the Beijing government announced the commencement of a mass relocation of 20,000 Chinese settlers to Dulan County. Reports in the Chinese media have also indicated that the major construction projects – a reservoir, electric grid, roads, and an irrigation scheme – would be finished by the end of 2004, an earlier date than that projected in the 1997 funding plans submitted to the World Bank.

The 1997 funding plans make it clear that hundreds of Tibetan nomads will experience restrictions on their movement due to project constructions or to lands being allocated to the resettled farmers. Without positive steps being taken to preserve the indigenous religion, language or nomadic life-style, the resettlement project will certainly accelerate the destruction of Tibetan culture.

Sources : Steven D. Marshall and Susette Terner Cooke (The Alliance for Research in Tibet), *Tibet Outside the TAR*, 1997, CD-Rom, p 1892

Tibet Information Network, "World Bank Management continues to back controversial Qinghai resettlement project", *TIN News Update*, 5 July 2000

Kay Treacle and Liz Sweet (Bank Information Centre) "Summary of Events Leading to the Cancellation of the China Western Poverty Reduction Project", 20 July 2000, [www.bicusa.org](http://www.bicusa.org)

*South China Morning Post*, "Boycotted Tibet Area Relocation To

Resume", 24 January 2002

Tibet Information Network, "Resettlement and Urban Reconstruction in Former World Project County", *TIN News Update* 14 February 2002

Gabriel Lafitte, "Go West, Young Man: From Cultural Revolution to cultural dissolution, China's frontier marches on", *Asian Wall Street Journal*, 30 June 2000

International law makes it clear that population transfers purportedly for development purposes are in fact a breach of the right to development.

"The combined application of self-determination, equality and non-discrimination of any kind in the enjoyment of economic, social and cultural rights means that development, as a right of the people, must be pursued in the interest of all the people belonging to a State, and that the pursuit of development goals which have the effect of transferring selected or targeted population without their consent, or demographic manipulation by implanting settlers, would be a breach of economic self-determination and the equality of peoples within a State."<sup>65</sup>

In today's Tibet the effect of the implantation of settlers is to further remove land from the control of Tibetans, thus increasingly denying them their right to self-determination. It is also the cause of growing discrimination against Tibetans, a point made in 1996 by the Committee on the Elimination of Racial Discrimination which for this reason warned in its Report on China of "reports concerning incentives granted to members of Han nationality to settle in autonomous areas".<sup>66</sup>

#### 4-2 ■ Development-based displacement from land

The United Nations' Expert Seminar on Forced Evictions issued Human Rights Guidelines on Development-Based Displacement in

1997.<sup>67</sup> These guidelines relate to people who are evicted from land or housing to make way for developments ranging from urban expansion programmes to infrastructure construction such as dams and railways. The guidelines apply equally to developments carried out by governments and those initiated by private companies. The guidelines entitle people to be given information about the project; to be consulted in the resettlement plans; to defend eviction in an independent court or tribunal; to be protected against violence or intimidation in the process of eviction; to be awarded appropriate compensation if their land or property is taken from them; and/or to be resettled in a location agreeable to them.<sup>68</sup>

China's population transfer programme has mostly focussed on encouraging non-Tibetan settlers to move to urban areas of Tibet. The result has been a rapid growth of Tibet's towns and cities. Urban expansion inevitably means a loss of land to farmers or nomads who use the land on the periphery. Most are not compensated sufficiently. Nowhere is this expansion more obvious than in the area surrounding Lhasa.

CASE  
STUDY  
3

### Lhasa's growth steals land from rural Tibetans

In 1949, Lhasa city was no more than three square km in area, and had a population of 30,000 and a mere 600 buildings. By 2001, Lhasa was 53 square km in size with an estimated population of up to 400,000. Moves for further expansion of Lhasa are afoot. The Chinese Communist Party's Five Year Plan for 2001-2005 envisages Lhasa's urban area to expand to 70 square km by the end of 2005, while the goal by 2015 is for a Lhasa which, at 272 square km, will take up half of the Lhasa municipality.

One initiative to expand Lhasa was the announcement in 2001 of a new Special Economic Zone (SEZ) in Toelung Dechen County, just outside of Lhasa. The SEZ will centre around the Lhasa terminus of the Qinghai-Tibet railway, currently under construction. Reports from Tibetans indicate that Chinese investors have begun land speculation: it is not known whether offers

of compensation or alternative accommodation have been made to Tibetan farmers in Toelung Dechen. A Tibetan former official, now living in exile, predicted that anyone protesting against evictions resulting from this development will be dealt with severely because "...they would be accused of being a 'splittist', as someone who wants to destroy the country""

Clearly farmers in Lhasa municipality will be the losers in this rapid expansion of Lhasa city; the winners, Chinese settlers who increasingly dominate Lhasa (see Chapters 8.4-8.6 of this Report).

Sources : Tibet Heritage Fund, "The Old City of Lhasa: report from a Conservation Project (98-99)", Chapter 3,  
[http://www.asianart.com/lhasa\\_restoration/report98/ch\\_03.htm](http://www.asianart.com/lhasa_restoration/report98/ch_03.htm)  
TCHRD Interview 01/5/435, 25 October 2001  
TIN, "Dramatic transformation of Lhasa planned; new railway station announced", 13 June 2001

Another example of displacement occurred in 1993-1998 with the construction and expansion of the Lokha airport in the "TAR" where many Tibetan farmers were removed from fertile farming lands with very little granted in the way of compensation.<sup>69</sup>

Clearly where the Beijing government has plans, private individuals must forego any rights. China's Constitution, Civil Law or the LAL permit the goals of the government to take precedent over individual rights. If there is an order from the State Council to confiscate land in autonomous areas for "economic development" then private individuals may end up with very little or no compensation. Objectors to the development will be branded "splittists".

One of the most fundamental elements of the UN Guidelines for Development-Based Evictions is informed consent. In 1997 the Manhla Water Project in Shigatse Prefecture, "TAR", required the resettlement of six villages. The residents in that case were handed a form written in Chinese which they could not read. They were told

to sign the form, and only later discovered they had thereby agreed to leave their homes and accept new land. The land the villagers were moved to was greatly inferior to their traditional lands and was in an area likely to flood.<sup>70</sup> In other cases, some Tibetan families were completely overlooked in the resettlement plans and ended up with no land.

CASE  
STUDY  
4

### Forced removal from traditional landholdings

Dorjee Lhundrup, a refugee who escaped from Tibet early 2002, grew up with his parents and two siblings in Gonjo County, Chamdo Prefecture, "TAR". Instead of attending school he helped his family take care of their land and animals.

Lhundrup reports, " About two years ago, large numbers of Chinese workers began arriving in the area and started marking all the trees with red paint. They carried out tests on soil and rocks in the area. We were not told what the Chinese were doing or why they were there. Many rumours began to circulate that the Chinese intended to mine the area or cut down the trees and that local people would have to move out of the area. Some thought there was a possibility that a big military camp would be set up in the vicinity.

"In early 2000, the local Chinese authorities called the 60 families that live in our area for a meeting. The authorities explained that all of us had to move out of the area as houses were being built for us in another area. Many families responded that they had lived on this land for over a hundred years and did not want to move. The authorities said that the land actually belonged to the Chinese government who in turn lends the land to the families. It was also explained that the Driчу River that flows along the border between the "TAR" and China was flooding too often and causing many problems in China. The authorities gave some flimsy excuses to the effect that our removal would help prevent floods in the area. But if we failed or refused to vacate the area, we would have to pay 70,000 yuan as a fine.

"The area chosen for the families to move to was Kongpo Gyama County,

Nyingtri Prefecture, "TAR" where the Chinese authorities spent nearly two years building new houses. In December 2001, the authorities told us that the houses were ready for us to move. All the 60 families were then loaded into about 100 military trucks and we travelled for five days. While the Chinese authorities did not ask the families to pay for transportation, the families had to pay for all other expenses on the trip such as food and water.

"The farming land we were moved to was of an inferior quality to our traditional land and it is difficult to grow crops. The houses are built in Chinese style and seem unsuitable for our needs. The houses are grouped into two areas with 30 families residing on each side of the area. The houses have three rooms each and no other facilities.

"To add to the already growing list of problems for these families, there were not enough houses built, with nine out of the 60 families having no accommodation built for them. Apparently, at the meeting in the village the previous year, the families had been required to register to have new houses built for them. Unfortunately, some families, including mine, were not present during the meeting and hence, no houses were built for us.

"Four of the families who were without housing moved in with relatives, the other five families, including mine, went and lived with relatives in Lhasa. The local Chinese authorities told us that the government would pay compensation but as yet no family has received any money. My family members are currently living in Lhasa and trying to find work."

Source : TCHRD, *Human Rights Update*, February 2002.

A young Tibetan from Rebkong County, Malho "TAP", Qinghai (Amdo) told TCHRD that in the past 20 years, "families in and around my village have lost all or most of their land to Chinese buildings or roads".<sup>71</sup> In the same area, a power station constructed in 1997 also damaged the croplands of about 50 farming families.<sup>72</sup> Several refugees informed TCHRD in 2001 that a new dam and powerhouse to be built on the Machu in the Malho "TAP" and Tsolho

"TAP" areas in Qinghai will result in the forced resettlement of many nomad families.<sup>73</sup>

The following Case Study reveals a confiscation of Tibetan land by the Chinese authorities for another purpose: tourism.

CASE  
STUDY  
5

### County government steals land from local villagers for tourist development

A young exile from a nomad community in Dzoge County, Ngaba "TAP", Sichuan, described a tourist development around one of the Machu River's famous "bends" which sparked a dispute over communal grasslands - traditionally the community's winter pastoral area.

"The government had already made us distribute most of the winter pastoral land to individual families. In the case of this particular site, the government said they wanted to keep the land, so it was not allocated to any family. Then in 1999 the county government began running a tourist project there. They occupied the area thinking they could make some money from it.

"So there was a dispute over the site; the sixth village said that the area belonged to the village; the monastery claimed that it belonged to them, and the Dzoge County government said that it belonged to the county. The land was of no use to the monastery but the sixth village needed it as grassland for its animals, and also wanted to build some storerooms for families. But the county wanted to run a tourist place and make some money from it.

"The county government said that the land belonged to them because when the Chinese soldiers first came to Tibet they camped there. There is a stone pillar where a character was made by the Red Soldiers and the government claimed that this is a sign to prove that the land belonged to it.

"The case was taken to Ngaba Prefecture. Both the prefecture and the county jointly made the decision to allow the county government to run the tourist project.



"Initially the county had told the sixth village that half the income would be given to the village. However, when the prefecture authorities made the final decision, there was no compensation given to the village. The government ordered the village to stop constructing storehouses on the land.

"From 1999 Dzoge County turned it into a tourist place. The county has constructed a big building there where county administration staff stay, and they have pitched many tents where tourists sleep. There is a tent for playing games. There are boats on the river. Chinese government officials have a long holiday in summer and they come here during that time. Last year when I was about to come here, about 50 to 60 tourist buses came there per day. Most of them come from Chengdu and Beijing.

"There is a Tibetan school nearby and the students from that school are called by the county government to dance around a bonfire at night for the tourists. They do not give any fee to them. The students have no choice but to dance as that is what the government orders.

"There is talk among the public that this place will develop into a town. They say that many more Chinese will come."

Source : TCHRD Housing Interview 02/10, 22 February 2002

#### 4-3 ■ Making grasslands with Chinese characteristics

The PRC's policy in relation to grasslands has focussed on changing the land tenure system from communal pastoral land to individual ranch-style enterprises where Tibetan nomad families are restricted to certain portions of land. There are many reasons put forward for this change of land-tenure and land-use. China has historically seen pastoral land as waste land, and pastoralists as primitive; central authorities have consistently sought to sedentarise the nomads as part of a project to "civilise" the pastoralists. The PRC claims that this will protect the land from overgrazing and will increase efficiency.

In the first stage of rural reform in Tibet, measures to settle nomads were defeated by fierce resistance.<sup>74</sup> Where the government attempted to turn pasture lands into fields, the crops failed because the land was too cold to support farming.<sup>75</sup> By the 1980s China realised its compulsory communalisation of the grasslands was a disaster. The degradation, desertification and salinisation of rangeland is derived from the 1960s and 1970s when the land was made to carry huge herds, far beyond the carrying capacity of a frigid upland prone to blizzards and vulnerable to unstoppable erosion.<sup>76</sup>

In 1985 the Grassland Law of the PRC (the Grassland Law) came into effect, signalling a renewed attempt by the PRC to settle nomads through allocating fixed portions of land.

The purpose of the Grassland Law is to (inter alia) "enhance prosperity of local economies of national autonomous areas" (Article 1). Grassland is owned by the state, and county governments are authorised to contract out portions of the land falling within their boundaries "to individuals for pursuits of animal husbandry" (Article 4).

Disputes between individuals or counties regarding boundaries of land are to be resolved by the people's government (Article 6).

Article 7 permits grassland to be requisitioned for state construction. The article goes on to state "If grasslands in national autonomous areas are to be requisitioned or used for state construction, due consideration shall be given to the interests of the national autonomous areas and arrangements made in favour of the economic development of those areas." Clearly this exclusion leaves Tibet vulnerable to the discretion of the Beijing government's development agenda for the plateau. There are also no clear guidelines regarding what kind of compensation will be offered to individuals who lose their land under this provision.<sup>77</sup>

In 1985 the Grassland Law represented the government's shift in policy away from communalisation to the opposite extreme of vesting

land use rights in households. Although this may have been a useful policy change for farming households, for nomads it has had negative results.<sup>78</sup> The PRC's policy changes left each family unable to combine with others to deal as a group with the demands of the government. The land allocation system was also not implemented in consultation with local nomadic communities, but rather by officials at county levels or above. Such officials are mostly Chinese, are far removed from the day-to-day realities of the land-users, and often have no training in animal husbandry. In some cases, high mountain villages have been allocated the high land surrounding them while low-lying villages are given low land. Low-lying villagers then have no access to the high grazing land in warmer months, and high-land villagers have no access to low-lying land in the winter. The seasonal rotation essential for effective nomadism has thereby been destroyed.

A Tibetan from Ngamring County, Shigatse Prefecture, "TAR" says

"We do not have good grassland in the winter. People quarrel over the grassland because their animals graze on others' lands. When there is a shortage of grassland, the animals stay hungry."<sup>79</sup>

In an environment where access to good grassland literally means the difference between life and death, it is little wonder that corruption is common and bribes essential to secure preferred portions of land.<sup>80</sup>

International rangeland experts agree that the Grassland Law's attempt to change the traditional communal land tenure system to individual household contracts is detrimental to the ecology of the Tibetan plateau and to the livelihoods of Tibetan nomads.<sup>81</sup> Settlement causes land degradation through overgrazing. Poverty results, with many nomads finding themselves destitute and homeless in the largely Chinese cities in Tibet (see Chapter 8.4 and Chapter 10).

Whether these results are accidental or deliberate on the part of the Beijing government is a matter of interpretation. In 1998 China's

land use rights in households. Although this may have been a useful policy change for farming households, for nomads it has had negative results.<sup>78</sup> The PRC's policy changes left each family unable to combine with others to deal as a group with the demands of the government. The land allocation system was also not implemented in consultation with local nomadic communities, but rather by officials at county levels or above. Such officials are mostly Chinese, are far removed from the day-to-day realities of the land-users, and often have no training in animal husbandry. In some cases, high mountain villages have been allocated the high land surrounding them while low-lying villages are given low land. Low-lying villagers then have no access to the high grazing land in warmer months, and high-land villagers have no access to low-lying land in the winter. The seasonal rotation essential for effective nomadism has thereby been destroyed.

A Tibetan from Ngamring County, Shigatse Prefecture, "TAR" says

"We do not have good grassland in the winter. People quarrel over the grassland because their animals graze on others' lands. When there is a shortage of grassland, the animals stay hungry."<sup>79</sup>

In an environment where access to good grassland literally means the difference between life and death, it is little wonder that corruption is common and bribes essential to secure preferred portions of land.<sup>80</sup>

International rangeland experts agree that the Grassland Law's attempt to change the traditional communal land tenure system to individual household contracts is detrimental to the ecology of the Tibetan plateau and to the livelihoods of Tibetan nomads.<sup>81</sup> Settlement causes land degradation through overgrazing. Poverty results, with many nomads finding themselves destitute and homeless in the largely Chinese cities in Tibet (see Chapter 8.4 and Chapter 10).

Whether these results are accidental or deliberate on the part of the Beijing government is a matter of interpretation. In 1998 China's

vice-minister of agriculture stated that all herdsmen in Tibet were expected to end their nomadic life by the end of the century.<sup>82</sup> Many White Papers have proudly boasted of the success of this policy, as measured through the quantities of grassland which have been fenced. For example, Beijing's 2001 White Paper on the Development-oriented Poverty Reduction Program for Rural China boasted that between 1994 and 1999, 6.72 million mu of grassland in autonomous areas (including "TAR" and the Tibetan prefectures) were fenced in for livestock grazing.<sup>83</sup> In November 2001 the chairman of the "TAR" government stated that "...one million hectares of fenced grasslands will ... be added" in the next decade.<sup>84</sup>

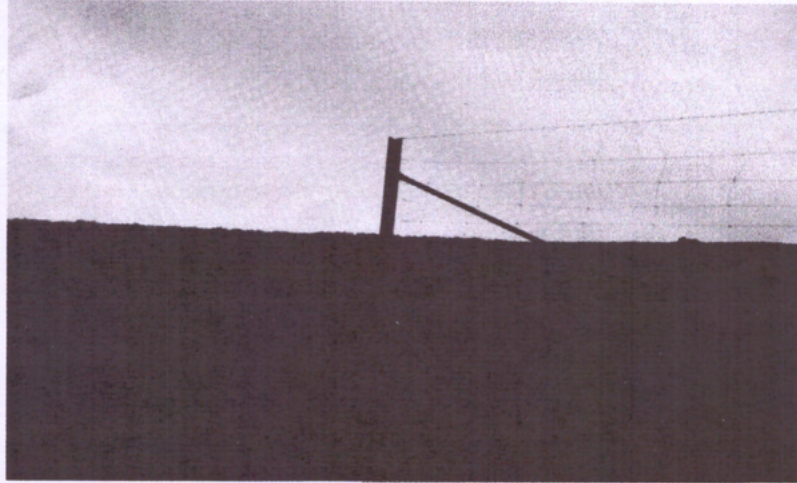
To ensure compliance to the policy of enforced settlement Chinese government authorities impose penalties on nomads who do not comply with their orders.

CASE  
STUDY  
6

#### Penalties enforce the grassland law

Khundrup is a 28-year-old nomad from Karze "TAP", Sichuan. Traditionally his family moved with their herds according to the seasons; in warm weather they went to the higher mountains, in winter descending to lower lands. However, in the late 1970s, the Chinese authorities began restricting the places open to nomad families from this area. At certain times of year the authorities order the nomads to move their herds to a different pasture even though the seasons may not have changed. If the families do not move on as ordered, they are fined 150 yuan per day. So even if it was snowing or raining on the day they were ordered to move, the nomads would be fined if they didn't leave.

The authorities also ordered that the boundaries of the grazing areas be fenced. Nomad families had to buy the fencing material from the government and build the fences themselves. The amount each family had to pay for the fencing was calculated according to the number of animals owned by the family. A bundle of fencing wire costs 1,500 yuan. Khundrup's family owned 100 animals so they had to buy six bundles of fencing wire, which is 9,000 yuan.



Fence on grasslands, Rebkong County, Amdo, April 2001, © Jarrah 2002

It was very difficult for Khundrup's family to find this amount of money. If a group of families did not put up a fence within the time stipulated by the authorities they were fined 300 yuan per day. As a result, the nomads had to work all day to complete the fences as fast as possible, sometimes until their hands were bleeding.

Source : TCHRD Interview 02/003, 2 July 2002

Rubbing salt into the wound, nomads can only buy fencing material from the government and, as can be seen from the above Case Study, this is not cheap. Another Tibetan exile dryly remarked to TCHRD that

"poor families had to pay so much money on setting up fences that they were left with no money to feed their cattle. In some cases people had to sell their cattle in order to buy fences, and when they finished erecting the fences there were no cattle left to put within them."<sup>85</sup>

Travellers through Tibet have also noted that the fencing is farcical: sometimes fences end in the middle of a field or have been broken in so many places as to be rendered useless.<sup>86</sup>

Many Tibetans who spoke to TCHRD could see no point behind the

policy except to destroy their way of life, or to remove nomads from lands which the government wishes to develop.<sup>87</sup>

In Tsekhog County, Malho "TAP", Qinghai (Amdo) a group of nomad families were told to relocate from their land twice. The first time their tents and houses were demolished and security forces sent in to arrest any protestors. The families were relocated to new land only to be ordered, four years later, to move once again.<sup>88</sup> In the same county several nomads, desperate for money to survive or to pay their taxes, began selling or leasing their land to Chinese traders who then set up shops.<sup>89</sup> While this may provide nomads with money in the short-term, it is clearly no solution to long-term survival.

The purpose behind the grasslands allocation is also considered by many nomads to be nothing less than a deliberate strategy to set Tibetans against each other. In 1997 a farmer from Ngamring County, Shigatse Prefecture, "TAR" expressed his concerns about the introduction of land distribution in his region.

"My greatest fear is that this type of land redistribution could be the cause of many disputes and soon people will start saying "my land, your land" which was totally unheard of in earlier times. Such actions may sound superficial but the Chinese do not make policies for no reason. Very often such policies act as a façade for the actual goal of destroying communal harmony."<sup>90</sup>

Four years later, a recently-arrived nomad confirmed these fears.

"If we live happily with our neighbours the government officials tell us that we cannot live this way. The government distributes the grasslands, divides the river and always makes us fight because we are told to stop other people's cattle coming onto our land. The government doesn't come at all to give advice. The officials are happy if we fight because they will receive bribes to allocate larger amounts of land."<sup>91</sup>

The government authorities are in fact obliged, under Article 6 of the Grassland Law, to mediate grassland disputes. In 2000 a dispute over access to grassland between nomads from two counties in Karze "TAP", Sichuan, caused several deaths.<sup>92</sup> After county officials failed to mediate the dispute, a lama from Lithang County stepped in to mediate before further deaths arose. However he was accused by the Chinese authorities of interfering and they tried to arrest him.<sup>93</sup>

The following Case Study details a major land dispute which began in 1997 and continues to this day. Once again, attempts by local Tibetan lamas to mediate the dispute were hampered by government officials.

CASE  
STUDY  
7

#### Nomads killed in grassland disputes

Between 1997 and 1999 at least 29 Tibetan nomads were killed in disputes between nomads from Sogpo County, Malho "TAP", Qinghai and nomads from Machu County, Gannan "TAP", Gansu. The dispute arose as a result of forced fencing which consolidated the claim of one of the nomad groups to a particular area of land, traditionally traversed by all the nomadic groups. Repeated appeals to prefecture and province level governments were ignored. Some Tibetans in the area believed that the county authorities were actively encouraging the dispute.

The abbot of Labrang Monastery, and other senior lamas in the area, stepped in to mediate. One group of nomads agreed to move out of the area they had been allocated by the Chinese authorities if a similar amount of land could be located. However all the surrounding land had been allocated to other nomadic groups which were themselves involved in boundary disputes. In their dispute-resolution, the lamas were hindered by their lack of formal political authority: whatever solution they proposed could not be effective unless the county governments approved it.

In 2002 nomads who spoke to TCHRD said that the land disputes were still ongoing, with more deaths in 2000 and 2001. This informant said that the tension is currently simmering but it would take just one spark to set off



another spate of violence.

Source : Tibet Information Network, "Nomads killed in pasture fights",

TIN *News Update* 21 June 1999.

TCHRD Housing Interview 02/11, 18 July 2002

It has been estimated that between 1990 and 2001 there were 697 land disputes in Qinghai (Amdo).<sup>94</sup> Twenty percent of these involved guns, with 135 people killed and 113 injured. The disputes have caused losses of more than 90,000,000 yuan.<sup>95</sup> It is a curious anomaly that, just when the Chinese government is seeking to increase efficiency in the countryside, it does nothing to assist resolving disputes which prove so costly.<sup>96</sup>

The PRC justifies sedentarisation and compulsory fencing as necessary to protect lands from overgrazing and also to increase productivity.<sup>97</sup> At the heart of these policies is a belief that traditional migratory grazing systems do not protect the land and are an inefficient use of land, measured in terms of animal production per square kilometre.<sup>98</sup> However, international land experts, including the World Bank, are increasingly recognising that customary tenure systems such as those employed by Tibetan nomads are in fact the most sustainable and efficient use of such land.<sup>99</sup> Academics have for this reason criticised China's grassland policies and called on China to respect the traditional land-use knowledge and skills of Tibetan nomads.

"Over the centuries, Tibetan nomads acquired complex knowledge about the environment in which they lived and upon which their lives depended. The fact that numerous, prosperous pastoral groups remain to this day, bears witness to the extraordinary knowledge and animal husbandry skills of the herders. Pastoral development specialists need to access this vast body of indigenous knowledge and incorporate such information in range-livestock development programmes. Nomads should be considered as "experts" even though they may be illiterate."<sup>100</sup>

This analyst is not alone in his conclusion. Many ecologists, biologists, sociologists, and UNDP officials have identified Tibetan pastoralism as "a unique human ecological adaptation" to the Tibetan Plateau and argued that "only economic growth that preserves and enhances pastoral culture is viable".<sup>101</sup> These academics believe that the grassland of the plateau is already almost fully utilised and that the current attempts to increase the number of livestock on the land will threaten the ecology of the Tibetan Plateau.<sup>102</sup> The destruction of Tibetan nomadic culture is of detriment to both the environment of Tibet and to the distinct identity of Tibetans.

"In the long term, grassland degradation exacerbated by overstocking, could endanger the unique nomadic herding adaptation of Tibetans to this high altitude ecosystem; it may also shift herders from an already intensive to an unsustainable level of livestock management which is at odds with both traditional pastoral life patterns of Tibetan culture and the Tibetan ecosystem. Such a shift would have serious human, religious, cultural and political consequences..."<sup>103</sup>

#### 4-4 ■ Biased enforcement of land protection policies

In 1998 the Yangtze River flooded, causing a national disaster in Tibet and China. Environmentalists reported that the flooding was related to deforestation, and subsequent desertification, in Tibet.<sup>104</sup> The evidence of extensive logging in Tibet is immediately apparent to any travellers across the plateau. For example, several Westerners who travelled through Karze "TAP", Sichuan in 2002 saw a 600 km stretch that had been completely deforested.<sup>105</sup> On their travels through the region they passed an estimated 20 logging trucks a day full of timber.

Beijing's response to the advice of environmentalists was to introduce two initiatives to reverse the effects of desertification and lessen the likelihood of flooding; a ban on logging, and a programme of enforced plantation whereby Tibetan farmers had to plant trees and grasses on their croplands. Although few would argue that such envi-

" As a result, in Lhasa alone there are quite a few people who are engaged in the illegal timber trade, obtaining such certificates through bribes. Therefore, the Chinese and Tibetan senior officials of this forestry department are the key beneficiaries from this illegal but lucrative trade.

" On the other hand, the local Tibetan inhabitants, particularly those who used to be dependent on the forest for their livelihood and have been adopting afforestation methods to sustain the supply of wood and timber, are now being forced out of work. They are required to obtain permission even to get wood for home use such as building a house or making furniture. The application has to be made through the local office of the forestry department and they have to pay all the charges set by the government. They are also required to plant exactly the same number of trees as those that are cut.

"In short, Tibetans have no special rights or privileges with regard to their local forest resources. They have to apply for permission like any other customer from outside. In fact, in many respects, Chinese nationals coming from outside enjoy more privileges and exemptions than the local Tibetan inhabitants."

Source : TIN, "Personal view: Tibetan perspectives on Lhasa today",  
27 December 2000, [www.tibetinfo.net/news-updates](http://www.tibetinfo.net/news-updates)

Thus the Tibetans who traditionally used and conserved forestland in a sustainable manner, are effectively being punished for deforestation caused by Chinese enterprises.

The replanting referred to in the above Case Study is another "environmental" initiative introduced in the wake of the 1998 floods in China. Tibetan farmers living in degraded areas have been ordered by the government to plant some of their cropland with trees and grasses in order to reverse the effects of desertification. Tibetan farmers in the Karze "TAP", Sichuan told a recent traveller that the trees they are forced to plant are not indigenous.<sup>106</sup> Environmentalists have expressed concern that insensitive replantings such as these will therefore reduce biodiversity in the area and could cause unforeseen envi-

ronmental initiatives are crucial to restore the land and in the interests of sustainable practices on the plateau, these initiatives have been carried out in such a way as to penalise Tibetans and undermine their use of land, while leaving untouched the massive resource extraction by private and government enterprises.

According to reports from tourists and recently-arrived refugees, the logging ban is selectively enforced; the following Case Study explains that wealthy Chinese businessmen and enterprises have no problem continuing their logging on payment of large bribes to the forestry department.

CASE  
STUDY  
8

#### Logging "ban" selectively enforced

A Tibetan who escaped into exile late 2000 gave the following testimony about corruption in the logging industry.

" In the wake of the wide-scale deforestation of many forest areas of Tibet over a period of many years, this forestry department was created to manage and save the remaining forest cover of Tibet. The department was given overall control and authority with regard to forestry and forest products. For any kind of logging work and transportation of timber, prior permission and Authorisation Certificates must be obtained from this forestry department.

" This has given the department the best of opportunities to accept bribes. Thus, officially, logging and trade in timber are prohibited in the forest regions of Tibet .... However, if you can manage to pay bribes ranging from RMB 5,000 to RMB 50,000 (US\$600 to \$6,000) to the right officer in the forestry department, an Authorisation Certificate can be obtained which would allow the logging and transportation of timber ranging from 30 to 100 lorry loads. Once you have the Authorisation Certificate, there is no one to stop you from transporting the timber to anywhere for sale for a massive profit. Most of this timber goes to China. Some of such illegally-obtained timber is also sold in Lhasa.

ronmental damage.<sup>107</sup>

The government provides compensation to farmers for loss of land due to these enforced replantations but many families report that it is insufficient.<sup>108</sup> Without sufficient land on which to plant crops, families suffer a drastic loss of livelihood.

CASE  
STUDY  
9

### Enforced plantations leave farmers destitute

Lobsang is an 18-year-old man from Derge County, Karze "TAP", Sichuan. He left Tibet in September 2001. Lobsang reported that farmers from all nine of the villages in Zakong Township have had to sacrifice some part of their land towards the enforced plantation campaign. Once a particular area of land has been identified by the local authorities, the farmers are forced to plant vegetation. They receive some compensation but it is not sufficient to replace each farm's loss of livelihood. By the end of 2000, Lobsang's family could no longer survive and they were forced to move to Lhasa looking for work. Here they could find no work and so had to beg on the streets.

Source : TCHRD interview # 5/428, 18 September 2001

TCHRD *Annual Report 2001: The Human Rights Situation in Tibet*,  
India, 2002

There is no doubt that environmental protection is required in Tibet. However it is important that initiatives such as bans on logging and enforced plantations are enforced across the board without disproportionately harming small land-holders such as Tibetan farmers. Research has shown that in China, land degradation has a direct relationship to rural poverty.<sup>109</sup> It therefore does not make sense for environmental protection programmes to in fact cause further financial hardship for land-users. Tibetans have the right to alternative land allocations where their land has been lost due to degradation or environmental programmes, as well as adequate compensation for loss of livelihood.

Housing rights and sustainable  
development of human settlements

Section

II

## 5 ■ Traditional Tibetan housing

Traditional Tibetan housing varies across the plateau, taking into account climate, regional characteristics and the dictates of landscape. One common type of housing seen throughout rural Tibet is small, low, flat-roofed buildings made of materials gathered onsite or from the surrounding area, such as stone, mud or mud-brick. In forest-rich Kham (Sichuan and Yunnan) construction is commonly from wooden poles.

Some Tibetan houses have two or three storeys, with the animals on the ground floor, living space on the second floor and the top floor containing a prayer room and often a workspace. The flat mud roof is used for drying and storing essential winter commodities. A central internal courtyard is a feature of many homes, a place where children



Traditional Tibetan building, west of Dartsedo, Kham, May 2001  
© Jarrah 2002

can play, dogs can be kept, or general household and farm work is done. Houses in traditional U-Tsang were often painted white with brighter colours for the wooden framed windows. Roof joists are traditionally decorated with auspicious Tibetan designs painted in bright primary colours.

In smaller settlements, houses are often clustered together in the slope of the hill while in more urbanised areas houses tend to share walls or courtyards with their neighbour.

Traditionally, few nomads built permanent dwellings. During summer nomads lived in woven yak-hair tents. Given the ready availability of yaks, the non-availability of alternative materials in high grasslands, and the transience of the lifestyle, yak-tents are ideal housing. In winter months some nomads and their herds would stay in temporary houses in the valleys, often constructed of stone.

In deference to the harshness of the Tibetan climate, as well as Buddhist respect for the land and ecology, human settlements were kept small to ensure that housing did not use up valuable farming or grazing land.<sup>110</sup> The percentage of land occupied by permanent human settlements was very small - less than one percent.<sup>111</sup> In 1949 even Lhasa, Tibet's biggest city, was only three square km in size and had a population of 20,000 - 30,000.

Like all indigenous housing, Tibetan dwellings are adapted perfectly to the environment, the Tibetan Buddhist religion, Tibetan culture and traditional livelihood. One architect has remarked:

"The overall effect, both visually and symbolically, is that of an architecture which blends with the environment. The use of natural materials which have not been modified, the integral relationship of structured form with building function, and the importance of the process of site selection, all evoke modern theories of organic architecture.....This is a natural architecture, an antecedent of modern day ecological construction."<sup>112</sup>

Before 1949, as already discussed in Chapter 1, land in Tibet belonged to local governments, the monasteries or aristocrats. The right to inhabit or use land, particularly farming land, was often subject to a form of rent. However the houses themselves tended to be privately constructed and owned by the inhabitants.

## 6 ■ Housing rights and sustainable development of human settlements

---

### 6-1 ■ International law on the right to adequate housing

The right to adequate housing was first set out in the Universal Declaration of Human Rights in 1948. In the last 10 years it has received increasing attention by the United Nations, particularly with



the appointment of a Special Rapporteur for Adequate Housing (as a component to an adequate standard of living).

The People's Republic of China has signed and ratified many international treaties relevant to the right to adequate housing. These instruments include: the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Finally, the Universal Declaration of Human Rights (UDHR) is also relevant.

The most comprehensive provision regarding the legal right to adequate housing is embodied in Article 11(1) of the ICESCR, which states:

"The States Parties to the present Covenant recognise 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 realization of this right, recognising to this effect the essential importance of international co-operation based on free consent."

Article 2(1) of the ICESCR obliges a government

"to take steps...to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."

In General Comment No. 4, entitled "The Right to Adequate Housing," the Committee on Economic Social and Cultural Rights defines the right as containing the concept of human dignity and the principle of non-discrimination. In addition to these two concepts,

“the full enjoyment of the right to freedom of expression, the right to freedom of association (such as for tenants and other community-based groups), the right to freedom of residence and the right to participate in public decision-making – is indispensable if the right to adequate housing is to be realised and maintained by all groups in society. Similarly, the right not to be subjected to arbitrary or unlawful interference with one’s privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing.”<sup>113</sup>

General Comment No. 4 sets out minimum core obligations of the right contained in Article 11(1) of the ICESCR that the state must fulfil immediately. These minimum core obligations are as follows:

1. Legal security of tenure - there should be protection against forced eviction and harassment (a full definition of "security of tenure" and forced "forced eviction" is given below);
2. Availability of services, materials, facilities and infrastructure - there must be made available facilities essential to health, security, comfort and nutrition, including sanitation and sustainable access to drinking water and energy sources;
3. Affordability - expenditures for housing should not compromise other basic needs; where housing is constructed by the occupier, natural materials for construction must be inexpensive and available;
4. Habitability - there should be adequate space and protection against cold, heat, rain, wind; conditions conducive to disease and structural hazards should be eliminated;
5. Accessibility - all should have access to adequate housing allowing people to live in peace and dignity according to their needs; this includes positive measures to house disadvantaged groups such as racial minorities, women, people with disabilities;
6. Location - adequate housing must allow for access to employment options (the right to livelihood), healthcare, schools and other social services without excessive transport costs or time spent travelling;
7. Cultural adequacy - the housing should be suited to the lifestyle of the resident’s culture and allow the expression of cultural identity.<sup>114</sup>

"Security of tenure" is defined as follows:

"A person or household can be said to have secure tenure when they are protected from involuntary removal from their land or residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure."<sup>115</sup>

This necessarily involves protections against "forced evictions", which are defined as "the permanent or temporary removal against their will of individuals, families and/or communities from their homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."<sup>116</sup>

Governments have an obligation to implement legislation which forbids such evictions, and they also have an obligation not to approve or implement such evictions themselves. When evictions do occur, the UN Commission on Human Rights has advised that governments must offer immediate, appropriate and sufficient compensation and/or alternative accommodation in consultation with the people who have been evicted.<sup>117</sup> Governments are also obliged to take measures to guard against homelessness which is the "most severe violation of housing rights" and "reflects a status where all aspects of universally accepted human rights are open to abuse, violation and unfulfilment".<sup>118</sup>

Other international laws also oblige governments to ensure that the right to adequate housing is granted to particular classes of people without discrimination. CEDAW obliges governments to take all appropriate measures to eliminate discrimination against women, including in the provision of housing (Articles 1, 14). CRC obliges governments to ensure children have an adequate standard of living including housing (Article 27).

ICERD is also relevant. Article 1 defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect

of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms." Article 5 provides that these rights include the right to own property alone as well as in association with others, and the right to housing.

The Habitat International Coalition notes that, in keeping with the notion of the indivisibility of human rights, the right to adequate housing intersects with many other human rights found in the Universal Declaration of Human Rights and other sources.<sup>119</sup>

Particularly relevant to this Report are the rights to

- equality in access to all rights of freedoms without distinction as to race, colour, sex, language, religion, political opinion, or origin (Article 2)
- freedom from interference with privacy or home (Article 12)
- freedom of movement and residence within the borders of the country (Article 13)
- ownership of property and the right not to have such property arbitrarily confiscated (Article 17)
- freedom of religion (Article 18)
- expression of culture (Article 27).

## 6-2 ■ Sustainable development of human settlements

In the last three decades there has been an increasing awareness of the need for countries to implement human settlement policies which have a long-term beneficial effect on both the environment and future generations.

The first United Nations Conference on Human Settlements (Habitat I), held in 1976 in Vancouver, Canada, addressed these issues on a worldwide scale. In 1988 the Global Strategy for Shelter to the Year 2000, emphasised the need for improved production and delivery of shelter, including revising national housing policies. From that year onwards, a plethora of international conferences and UN-sponsored strategies developed international policies on the sustainable development of housing and land.<sup>120</sup> Agenda 21, formulated in

1992, stated that

“the overall human settlement objective is to improve the social, economic and environmental quality of human settlements and the living and working environments of all people, in particular the urban and rural poor.”<sup>121</sup>

Agenda 21 made it clear that the provision of adequate housing for all was essential to sustainable human settlements, and that the first step towards this goal was for countries “to take immediate measures to provide shelter to their homeless poor”.<sup>122</sup> Agenda 21 reiterated that people should be protected by law against unfair eviction from their homes or land. It also obliged individual cities to improve the urban environment by involving local communities in the identification of needs, “protection and/or rehabilitation of older buildings, historic precincts and other cultural artefacts”.<sup>123</sup>

In 1996, the second United Nations Conference on Human Settlements (Habitat II) adopted the Istanbul Declaration and Habitat Agenda which have been described as “a strong human rights document which forms a basis for further national and international actions towards progressive realisation of the right to adequate housing”.<sup>124</sup> The Habitat Agenda made a clear connection between human rights and sustainable human settlements:

“Sustainable development of human settlements combines economic development, social development and environmental protection, with full respect for all human rights and fundamental freedoms, including the right to development, and offers a means of achieving a world of greater stability and peace, built on ethical and spiritual vision. Democracy, respect for human rights, transparent, representative and accountable government and administration in all sectors of society, as well as effective participation by civil society, are indispensable foundations for the realization of sustainable development.”<sup>125</sup>

Sustainable development has also led to the concept of "sustainable urbanisation" which "brings together urban and rural, encompassing the full range of human settlements from village to town to city to metropolis".<sup>126</sup> "Sustainable urbanisation" is defined as a process including "not only environmental but also social, economic, and political-institutional sustainability".<sup>127</sup> Central to sustainable urbanisation are efforts to eradicate poverty and gender inequality; community involvement in urban policy development; and environmental management plans including water and sanitation services.<sup>128</sup>

## 7 ■ PRC housing laws and policies in Tibet

---

### 7-1 ■ Legal and policy development from 1949 to the present day

After the occupation ("liberation") of Tibet, the People's Republic of China began to nationalise housing as well as land. Habitat International Coalition has noted that this nationalisation often worked directly to the benefit of individual Chinese officials:

"During the early years of the occupation, every house in Lhasa owned or occupied by opponents to the Chinese takeover was systematically searched by members of the People's Liberation Army (PLA). The families were either evicted or forced to live with the livestock in the ground floor stables, with all possessions of any value requisitioned without warning or compensation. The unlawful expropriation of Tibetan homes was also commonplace. The Chinese often moved into the stolen homes of Tibetans, and began strengthening their control over the territory they had recently occupied."<sup>129</sup>

By 1966 the PRC Government had confiscated almost all private property in Tibet. In Lhasa, specifically, more than 85 percent of all

traditional residential buildings were nationalised.<sup>130</sup> The remaining proportion stayed in the hands of the families who owned them. In urban areas of the Tibetan Plateau, as throughout China, the nationalised houses became either subsidised public housing or free housing for the employees of state work units. The municipal Housing Authorities managed the housing, allocated flats and collecting the rent. Rent across Tibet, as throughout China, was kept low.<sup>131</sup>

Allocation of public housing took place through a household registration system called *hukou*. *Hukou* was established across China in the 1950s with the purpose of stopping unauthorised migration from the countryside to the cities, and as a means for allocating basic resources including food rations.<sup>132</sup> The system divided citizens into one population with urban *hukou* and one population with rural *hukou* based on birthplace. Within a *hukou* location, citizens either had local (permanent) *hukou* or non-local (temporary) *hukou*. In general, only people with urban and permanent *hukou* qualified for state employment and for welfare benefits such as subsidised housing, free medical care and pension.<sup>133</sup>

For people with urban permanent *hukou*, there were two types of housing available: housing owned by state work units then rented to the employee as part of their employment benefits; or if work unit housing was unavailable, housing was obtained directly from the state. The higher a citizen's job status, the better the unit of housing they were allocated.<sup>134</sup> This is discussed in greater depth in Chapter 8.2.

By the late 1970s, it became apparent that China had failed to allocate enough money on housing maintenance or construction, resulting in dilapidated and overcrowded housing.<sup>135</sup> Some commentators noted that people were less inclined to take care of their homes when they no longer owned them and when tenure was insecure.

“The disappearance of private ownership of houses led to a problem not foreseen by the advocates of socialist ownership: a near-total lack of maintenance, apparently caused by lack of responsibil-

ity and security. Experience from other countries with similar housing systems suggests that people feel discouraged from taking care of their residences if they have little security over their continued staying there.<sup>136</sup>

In April 1980 Deng Xiaoping made a speech advocating private ownership through sales of state-owned housing and private housing production, and increasing rents with compensating wage increases.<sup>137</sup> In the 1980s, some smaller properties were returned to their owners.<sup>138</sup> The 1982 Constitution of the People's Republic of China recognised the right to private property (see below). In 1994 the State Council issued a Decision on Deepening Housing Reform in Urban Areas which further encouraged private ownership of housing. Sitting tenants were offered the right to purchase their apartments at subsidised prices. Rents in both work unit-owned and state-owned housing would be gradually increased to market rates; in 2000 rents were expected to consume approximately 15 percent of household income.<sup>139</sup> Tenants employed by work-units received wage hikes to off-set rent increases, but private sector employees mostly were not given equivalent increases.

Surveys of urban households across China revealed that prior to the 1990s housing reforms, only 14 percent of urban housing was owned privately (mostly inherited old houses), while by 1995 40 percent of housing in urban China was owned privately.<sup>140</sup> The overwhelming majority of this privately-owned housing were work-unit or government-owned apartments which had been purchased by the sitting tenants.<sup>141</sup>

The government set the date of 31 December 1999 after which State work units and Housing Authorities could no longer allocate welfare housing to employees or to new tenants applying for government housing. The management of work-unit-owned buildings was to be taken over by "real estate agent development corporations". Government housing was thereafter to be managed by Municipal Corporations. People entering the housing market for the first time



would have the options of renting or purchasing in the private market, which now included all vacant or new work-unit housing.

## 7-2 ■ Current housing laws

There are no PRC laws which guarantee the right to adequate housing, for example by providing protection against forced evictions. In general the PRC reserves itself the right to evict tenants and appropriate property where it is deemed in the public interest to do so. While there are some laws claiming to protect the individual's right to own private property, rights are somewhat illusory because it is extremely difficult for citizens to take legal action to ensure that their rights are enforced.

### **Laws in relation to ownership of private housing**

The Constitution of the PRC explains that urban land is owned by the State (rather than village collectives, as is the case for rural land). The Constitution also contains the right to own and maintain property (Article 13); the right not to have property expropriated by the State unless in the "public interest" (Article 10); the right not to suffer unlawful intrusion into one's home (Article 39); and the right to be compensated if rights are violated (Article 41).

The General Principles of the Civil Law of the People's Republic of China (1986) also states that a citizen's personal property including housing is protected by law, and no organization or individual may appropriate, encroach upon, destroy or confiscate it (Article 75).

The Urban Real Estate Administration Law of the PRC (1994) (Urban Property Law) details the "rights" of property owners. The state can lease a right of use of urban land which can include construction of property or ownership of property existing on that land (Article 7); these leases are to be written contracts (Article 14) with terms and fees set by the State Council (Articles 7, 13 and 15). The lease-holder's rights, including their right to build or to use property on that land, are protected for the term of the contract except where the state wishes to take back the land "out of public interest" (Article

19). In this case, the land-user has the right to compensation "in accordance with the real term that the land has been used and the real conditions of the land development" (Article 19). These compensation levels are not detailed in the Urban Property Law. Instead the State Council reserves itself the right to determine the standard land and property values from time to time (Article 32).

Clearly the government still has a great deal of power to evict even property-owners from their own properties. Most importantly, the Land Administration Law (LAL) gives the state the right to recover the land use right where they require the land "for the sake of public interests" or to "adjust" land for the purpose of "re-building old city districts in order to implement urban construction plans" (Article 58). Under this provision of the LAL, compensation to land-users is merely to be "appropriate". This makes it extremely vague as to whether private owners of properties in these circumstances would receive compensation equating to the value of their properties.

Some Chinese provinces have also enacted Administrative Provisions on the Dismantlement and Removal of Housing in Urban Areas, but it is unclear whether these provisions have been enacted in the "TAR" or provinces with Tibetan populations.

In general, where private houses in urban areas are expropriated to make way for urban development plans or other purposes in the "public interest", it would appear that the owners do not appear to have much protection. In any case, few Tibetans own property in urban areas, so more relevant for this Report are laws relating to tenants' rights.

#### **Laws in relation to renting**

Until very recently, the vast majority of residential property on urban land was state-owned, either by work units or municipal housing authorities. As is discussed further in this Report, for the majority of urban Tibetans, it appears that this is still the case despite the recent housing reforms which encourage tenants toward home ownership.

The terms of leases with work units or municipal authorities are drawn from broader government policies, as there is to date no tenancy legislation in the PRC. It appears that tenants had the right to remain in their flats so long as they paid their (nominal) rent, worked for that work unit, or continued to fulfill the requirements for allocation of municipal housing. The amount of rent tenants have to pay is determined by government policy.

In relation to evictions, the Administrative Rules for Urban Housing Eviction have been adopted by many municipalities in China although once again it is unclear whether the "TAR" government or provincial governments of Tibetan areas have adopted similar Rules.<sup>142</sup> These particular rules state that for evictions to be lawful, an eviction order must be issued by the government and an agreement must be made between the owner and the person being evicted which must include clauses governing

- an appropriate form of compensation
- new accommodation of similar size and quality to original home, and a subsidy to cover removal costs
- a transition period for the demolition
- penalties to be imposed for violation of the agreement by either side.<sup>143</sup>

While these rules apply to tenants of government housing, tenants in private housing are mentioned briefly in the Urban Property Law. Lessors (landlords) and their lessees (tenants) must sign a written lease contract with provisions including "the leasing term, use of the house, rental and repair liabilities, and other rights and obligations of the parties" (Article 53). In addition, the leasing policy of the relevant municipal government must also be implemented (Article 54).

There are therefore no detailed, uniform laws across the PRC which protect tenants in the growing private rental sector from forced evictions.

### **Other relevant laws**

The Constitution of the PRC contains a prohibition against racial discrimination (Article 4) which theoretically should also prohibit the discriminatory allocation of housing.

It has to be said at this point that although the laws outlined above appear to grant some rights to both home-owners and tenants, in reality such "rights" are extremely difficult to enforce. China's legal system does not provide for low-cost appeals by individual citizens against either the government or private bodies. In addition, there are simply no courts empowered to take up citizen's allegations of constitutional breaches. As just one example, despite the "prohibition" against racial discrimination in China's Constitution and China's Regional Autonomy Law of the PRC, there are no legal avenues through which individuals can challenge discriminatory policies.<sup>144</sup>

## **8** ■ Current housing issues in Tibet

---

In rural areas of Tibet housing is mostly owned by individual households. In urban areas most housing continues to be owned by the State, although China's recent opening-up of the housing market promotes private ownership. By the end of 1999 the figure for home-ownership was 50 percent of urban households across China.<sup>145</sup> This is an extremely rapid conversion of rental tenure to ownership tenure.

Little research has been done on the effect of the commodification of housing in China on low-income households, for example Tibetan households. However, anecdotal evidence from Tibet is that the private housing market has, so far, passed Tibetans by. It appears that the vast majority of Tibetans in urban areas continue to rent from the government directly with a small amount from state work units.<sup>146</sup> Such Tibetans are therefore hit with rising rent levels which they find increasingly difficult to pay, particularly given rising unemployment amongst Tibetans. In comparison, due to the Western Development

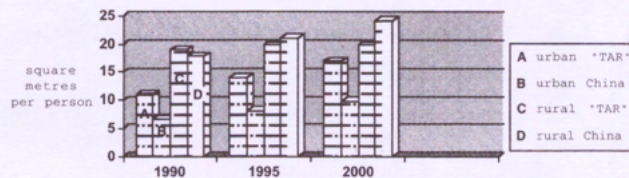
Programme's efforts to entice Chinese settlers into Tibetan regions, there is continued investment by Beijing in providing housing for state employees to rent or purchased at heavily subsidised rates.

As a result, there is a glaring disparity between Tibetan and Chinese housing visible in all cities and towns throughout the Tibetan Plateau. Almost all Tibetan urban areas have a majority non-Tibetan population. In cities within "TAR", for example Lhasa and Shigatse, official Chinese reports claim that Tibetans are in the majority, but local Tibetans point out that such reports do not include the large "floating" population of migrants who are not counted in Chinese census.<sup>147</sup>

### 8 – 1 ■ Housing space: debunking China's statistics

China has a habit of measuring the success of its housing policies in terms of per-capita living space.<sup>148</sup> The PRC claims that "Tibet ranks first in per capita housing in the country"<sup>149</sup> and they back this up with housing space statistics for the "TAR" compared to the rest of China (see Figure 2 below).

Figure 2: PRC statistics regarding per capita housing size for 'TAR' compared to average for China 1990-



Sources: Government White Papers and other official publications.<sup>150</sup>

However even the simplest analysis reveals that such statistics do not support China's claim that Tibetans are adequately housed. The statistics can be criticised on at least four grounds.

Firstly, rather than "proving" that Tibetans somehow have better housing than other citizens across China, the statistics tend to show the reverse. They show that people living in urban "TAR" have experienced a rapid increase in housing space over the past 10 years whereas people in rural "TAR" have experienced little change at all. Given

that the vast majority of Tibetans in the "TAR" live in rural areas, and that the massive increases in population in the "TAR" have occurred in urban areas (see chapter 4.1), the statistics show a clear bias toward construction of new housing for recent urban residents of the "TAR", migrant Chinese. Further, the size of rural housing in the "TAR" is smaller than the size of rural housing across the whole of China. In other words, even by China's own statistics, the vast majority of Tibetans live in housing which is on average smaller than their Chinese peers.

Secondly, averaging out space-per-capita successfully hides discrepancies between poorer households and richer ones; between households belonging to ethnic Tibetans and those belonging to non-Tibetans; between home-owners and tenants of public housing. In 1992 the World Bank reported that at a time when the PRC boasted of an average of 6-7m<sup>2</sup> living space per resident, at least 30 percent of urban residents in fact had fewer than 4m<sup>2</sup> of living space.<sup>151</sup> For this reason, housing analysts have stated that using housing space indicators to measure housing policy success encourages the production of oversized luxury dwellings while failing to improve the condition of households in substandard dwelling units.<sup>152</sup>

It is obvious to any visitor to Tibet that new constructions in urban areas are dominated by Chinese residents while Tibetans, for the most part, continue to cram into older and smaller homes. Independent sources estimate that 50,000 Tibetans are living in the remaining "old city" area of Lhasa, a figure which doubled between 1988 to 1999.<sup>153</sup> Poorer Tibetan families in urban areas often share small rooms in order to keep rental costs down or because some family members cannot access their own housing.

A third criticism of China's "space statistics" is that space-per-person measures do not equal housing adequacy, a point made in 1992 by the World Bank.<sup>154</sup> Adequate space is just one of the seven principles articulated by the UN Committee on Economic, Social and Cultural Rights as an essential element of the right to adequate housing. Even

if these space statistics were otherwise valid, they do not of themselves show compliance with affording the right to adequate housing. Indeed, many Tibetans TCHRD spoke to said that they did not want to live in new, potentially larger Chinese-style buildings.

Fourth, and perhaps most fundamentally, official statistics of the PRC need to be taken with a grain of salt, particularly in relation to publicly-announced policy goals. A 2001 Newsweek article makes the point that when China announces a policy target it is in the interests of government officials to provide figures showing those targets have been met.<sup>155</sup> Given China's interest in the "development" of Tibet, it is highly probable that housing space statistics in the "TAR" in the future will undergo manipulation to meet stated targets.

## 8 – 2 ■ The biased application of the *hukou* system

The bureaucratic registration system of *hukou*, as described in Chapter 7.1, allows the PRC to restrict its citizens' freedom of movement, place of residence and type of residence. *Hukou* in general targets rural people who seek to move to urban areas. In Tibetan areas, *hukou* is particularly used by the PRC to restrict rural Tibetans from seeking work opportunities in urban areas. At the same time it has relaxed the strict application of the *hukou* system on Chinese migrants who come to live in the "TAR" or in Tibetan provinces now designated part of China. The result is that Tibetans are subject to close government control and restriction of movement while once again Chinese settlers are advantaged.

In the past decade, many rural Tibetans whose farming or nomadic livelihoods can no longer sustain them have drifted into urban areas hoping to find work. But they can only work in the formal, state sector if they have, at the very least, temporary urban *hukou*. Temporary *hukou* – or Temporary Registration Permits – generally are granted only if a person has obtained work in the area to which they are seeking permission to move. For rural Tibetans whose agricultural skills have no application to urban work, who do not speak or read

Chinese, who have no influential connections in the Chinese-dominated urban areas, and who in many cases have progressed no further than primary level of education, work with the government or state-owned enterprises is simply impossible.<sup>156</sup> Work in the private sector is also very difficult, particularly to start up one's own business, which requires a bewildering array of business permits, start-up cash, and deposits for bank-loans.<sup>157</sup>

The following Case Study shows that a Tibetan trader was unable to obtain permanent urban *hukou* and as a result lived in constant fear of government authorities.

CASE  
STUDY  
10

### Twenty years of government harassment

A 40-year-old Tibetan who escaped into exile in 1998 described his life in Lhasa without the correct registration.

"I was never able to go to school, and I worked with my parents in Gonjo County (Chamdo Prefecture, "TAR") doing farming. I first went to Lhasa in 1978 and started a small business in petty trading.

"I spent almost 20 years in Lhasa with my family: my wife, my daughter and my brother-in-law. I lived without a ration card in a rented house as a "traveller" and had to regularly report to the local police station. For each member of my family I had to pay 18 yuan per month as a 'traveller's tax'.

"The local security officials sometimes came in the middle of the night to make enquiries and search for 'travel papers'. Since we didn't have a registration card for Lhasa, they would ask for money and when we refused they forcibly seized our carpets, radio and even a watch. Sometimes they beat us if we refused to give them anything. We were constantly living in fear and tension."

Source : TCHRD, *Human Rights Update*, 15 July 1998, p. 2



Without urban *hukou*, life is extremely difficult. People without *hukou* have to pay more in their daily life in the city, for example, finding jobs, training, medical treatment, education of their children.<sup>158</sup> The only available work for people without urban *hukou* tends to be of the lowest-paying kind or in the informal sector where government authorities can either be bribed or avoided.

As the above Case Study shows, the lack of urban *hukou* also exposes Tibetans to harassment by government authorities and ultimately expulsion. Individuals without urban *hukou* status can be subject to arbitrary administrative detention at any time under "Custody and Repatriation" (C&R). This allows urban authorities to detain people who do not possess the correct household registration and send them back from the city to their place of origin.<sup>159</sup> C&R is effectively a blank slate for police to harass anyone who they perceive to be a threat to law and order (for further discussion, see Section III Homelessness in Tibet).

Tibetans on the streets of larger urban centres are regularly stopped by police for "on-the-spot" checks of their registration cards.<sup>160</sup> In Lhasa, Chinese authorities regularly conduct house-searches in Tibetan areas for "unauthorised residents". Often the searches and expulsions are motivated by a desire to quash political dissent. On 21 March 1989, during a period of martial law in Lhasa, all Tibetans without residence permits – estimated to be up to 40,000 people – were forcibly removed from the capital and returned to their birthplace villages.<sup>161</sup> TCHRD also receives many reports of police invading private households in urban areas of Tibet, perhaps initially to check *hukou* of residents, but resulting in arrests for the possession of "splittist" items such as photos, videos or writings of the Dalai Lama.<sup>162</sup>

These intimidatory searches, whichever their motivation, are clear breaches of the human right to privacy which is integral to the right to security of tenure. This right to privacy is also guaranteed in Article 10 of China's Constitution.

While the registration system subjects Tibetans to close government control, the Chinese government has relaxed the application of the system on Chinese settlers coming to live and work in Tibet. Indeed, to attract settlers into Tibet under Beijing's development plans, Chinese migrants are given either permanent *hukou* or temporary *hukou* which allow them immediate access to housing and jobs. The "Implementation Opinions Concerning Policies and Measures Pertaining to the Development of the Western Region" released in December 2001 includes great flexibility in *hukou* registration for Chinese migrants to Tibet:

"58) There is a policy of freedom of movement for qualified personnel of all types who go to the western region to work. ... Fresh college graduates who go to the western region to work may have their residency registration transferred to the area where they work, should they so desire, or they may opt to revert their residency registration back to their hometown. .... In the case of people who invest and start a business in the western region or qualified personnel of all types whose expertise is required for development and who have transferred their residency registration to the western region, if they want to return to the eastern region to work or to live, they may, if they so wish, transfer their residency registration back to their original locality.

Individuals selected for assignment to a key national development task or key development project in the western region do not have to transfer their residency registration and instead may keep their work relationship with their original unit. .... The western region needs to accelerate the reform of the personnel, labour, and hiring systems and allow people from other parts of the country to invest, do business, and participate in its development while keeping their original residency registration."<sup>163</sup>

Although these measures speak of attracting "skilled" personnel, at the same time broader policies also encourage ordinary Chinese workers to move to the "impoverished" western regions, including Tibetan

areas.<sup>164</sup> Thus Chinese workers coming to work on construction projects in the western regions would, at the very least, be granted Temporary Registration Permits or even permanent registration. This is in marked contrast to the difficulties faced by rural migrants who try to move to urban areas in China's eastern regions.

Chinese citizens from rural regions throughout China can therefore obtain urban *hukou* if they move to Tibetan urban areas, while rural Tibetans are excluded from the same offer. This is a clear breach of China's constitutional "guarantees" of racial equality, is a clear breach of the non-discriminatory element of the right to adequate housing contained in ICESCR, and comprehensively violates the ICERD.

### 8-3 ■ The likely effect of housing reforms

In the mid to late 1990s China's housing policy changed radically. Housing was no longer perceived by government as a core welfare benefit available to all citizens; it is now seen as a commodity. While China's housing system prior to these reforms was certainly imperfect and did not provide adequate housing to all its citizens, there are concerns that privatising housing will not resolve these inadequacies and in fact may deepen inequities already present in the system, particularly for disadvantaged groups such as Tibetans. The inequity is most likely to be felt by tenants who remain in the public housing system or are forced to rent in the newly-emerging private rental system.<sup>165</sup>

In 2001 the Special Rapporteur on Adequate Housing warned that the privatisation of housing and land markets can result in the increased marginalisation of disadvantaged people "as manifested by the growing numbers of people having to cope with land speculation, the commodification of housing, the application of "user fees" for housing resources such as water, sanitation and electricity and the repeal or amendment of land ceilings and rent control legislation."<sup>166</sup>

This appears to be what is happening across China and Tibet. Rents in public housing were traditionally kept very low, usually less than

one percent of average income.<sup>167</sup> However, under the housing reforms, rents are gradually rising, reaching around 10-15 percent of average income in 2000.<sup>168</sup> For many Tibetans this rent excludes them from accessing government-owned housing.

CASE  
STUDY  
11

### Tibetan family cannot afford public housing rents

One Tibetan from Kyirong County, Shigatse Prefecture, "TAR", provided the following testimony to TCHRD.

"My family and I were forced to live in a mud house for many years, despite being on the public housing waiting list. The concrete houses, which were of much better quality than our mud walls, were always given to the Chinese families migrating from the east. By the time our turn came for possible accommodation, the rent they were charging was far too high and we couldn't even take it."

Source : TCHRD, *Racial Discrimination in Tibet*, India, 2000, p. 88

From 31 December 1998, the PRC Housing Authorities no longer allocate subsidised flats to new residents. People trying to access public housing have to pay spiralling rents which is often completely unachievable. Market rents in Lhasa, for example, have been estimated at 50 percent of the average income of Tibetans living in the old area, literally 100 times greater than the previous rent.<sup>169</sup>

As yet, little research has been done on the effect of housing reform in the "TAR" or the various "TAP"s. However, research in Chinese cities such as Shenzhen, which bears some similarities with Lhasa in that it is also a SEZ and has a high population growth, has revealed a growing disparity between the newly-emergent middle-class, with its access to subsidised property purchases, and the poorer classes who are often temporary or illegal migrants trying to eke out a living in the non-government employment sector. For these people housing is becom-

ing increasingly hard to come by.

There is already evidence that the promotion of a private housing market in Tibet will entrench the housing disparity between Chinese settlers and Tibetans. Chinese traders and other settlers have begun acquiring land and property in towns throughout the Qinghai-Tibetan plateau. This is causing problems for Tibetan residents who simply cannot compete on the property market. To make matters worse, the current form of tenure registration is vague and insecure.

In Lhasa, Shigatse and metropolitan areas throughout Tibet, government authorities at county level have set up registers of property-owners and of land-use holders; under the Land Administration Law transfers of land-use rights must be registered.<sup>170</sup> But in rural Tibet the registration system has not materialised and people mostly conduct transactions in a more informal manner. Housing analysts note that this vague ownership registration system allows bureaucrats to exploit the system to their own advantage.<sup>171</sup> In a climate of racially-based disadvantage, it is also highly likely that the system will work to the detriment of Tibetans who lack the education, connections, or resources available to Chinese settlers. The following Case Study bears out this assumption.

CASE  
STUDY  
12

Tibetan family loses home and business to Chinese family

A recent-arrival from Sog county, Nagchu Prefecture, "TAR", informed TCHRD that every year more and more Chinese migrants come to Sog County, often at the invitation of other Chinese friends or relatives who have already set up shop. These Chinese settlers bring no possessions with them. Instead they work for their Chinese friends or family in their businesses; often within months the new settlers have purchased their own business and then begin to make a profit selling goods which they can source more cheaply from China than from local Tibetans.

Many Tibetans in Sog County believe that they are being deliberately removed from business opportunities, while government authorities encourage Chinese people to settle in the area.

TCHRD's informant gave the following example of a situation in which a Tibetan was literally squeezed out of his home and business through a biased enforcement of the requirement for registration of land-use transactions.

Tenzin, his wife and two children lived in a small shop/house from which they ran a petty business in the main market town of Sog County. They paid 30,500 yuan to purchase the building in 1997. At the time of sale, the previous owner, a Tibetan, gave Tenzin a private declaration stating that he was the owner of the building and the business, and was now transferring ownership to Tenzin. Tenzin said that although the government in Lhasa and the bigger towns required sales to be registered with the government, in rural areas such as Sog the standard practice was to use private declarations exactly like the one he received in 1997.

In 1998-1999 the Chinese authorities began demolishing all the old Tibetan shops in Sog Market place, citing plans to replace them with new Chinese-style shops. Tenzin was informed that as the land on which his shop stood belonged to the PRC Government and not to him, they could deal with his shop in whichever way they wished. The authorities then claimed that there was no evidence of Tenzin's registration as the authorised land-user, and therefore he was not entitled to compensation or to appeal the government's decision. Tenzin's protests to various government levels went unheeded.

In 1999 Tenzin and his family were evicted. They were given no compensation. They were able to locate a house for 400 yuan per month and they started up a new business but it was much smaller as the family are in debt after losing their property.

Chinese migrants who had bought shops in Sog county using the same informal method as Tenzin were not evicted.

Even though Tenzin and his family were evicted in 1999 because their shop

was to be demolished, as of May 2002 it still stands. A Chinese family was living in it and running a business.

Source : TCHRD Housing Interview 02/006, June 2002

The privatisation of the housing and land market is thus yet another policy proving to have a differential effect on Tibetans and Chinese people in Tibet.

#### 8-4 ■ Chinese development of settlements

To service the rapid population influx of Chinese migrants, government authorities have redeveloped existing Tibetan towns by adding Chinese-style concrete suburbs. A 1998 Beijing White Paper boasted that "municipal construction has been sped up in major cities and towns" in the "TAR" including Lhasa, Shigatse, Nagchu, Chamdo, Zethang and Senge.<sup>172</sup> Towns and cities all over the Tibetan Plateau are now characterised by a clear demarcation between the Tibetan area of town and the Chinese section. New Chinese-style apartment blocks, new roads, new shopping precincts and large administrative headquarters are springing up in every county town. Indeed some of the urban centres in Qinghai (Amdo) only came into existence after the PRC took over Tibet, an example of which is provided in the following Case Study.

#### CASE STUDY 13

##### The town of Machen, capital of Golog "TAP"

Machen town is the capital of Golog "TAP". The land of Golog is on average 4,000m above sea level and consists mostly of grassland or rocky mountains. For over a thousand years the only inhabitants were Tibetan nomads and their herds. Some Chinese publications claim that before 1960 Machen was just a wild animal habitat, with no significant human presence, although this fails to explain why the Chinese name for the town is "Dawu" which is the name of the Tibetan tribe indigenous to the area. Although there were numerous

Tibetan nomadic families in Golog, there were very few permanent human settlements.

The 1994 Census estimated the population of Machen County as 33,000 of which 76 percent were claimed to be Tibetan. In 1995 researchers described the town of Machen as "a manufactured town, created to serve Chinese plans and policies". There is no traditional housing in Machen, although some herders' dwellings are just beyond the town fringes. The researchers noted that in 1995 there appeared to be a majority of Tibetan residents, but only just; they predicted that Chinese and Hui would soon outnumber Tibetans. Most Tibetans continue to live as nomads, using their traditional tents, and the nomads do not see Machen as an important trading centre, as it is after all a creation of the Chinese government. The researchers conclude "it is difficult to escape the impression that Machen is entirely a Chinese implant, alien to Golog in appearance and substance".

In 2002, two Western travellers confirmed the researchers fears that Tibetans in Dechen would be outnumbered by Chinese settlers:

"Machen itself is a very Chinese town, as are most towns in Amdo....There are more Chinese than Tibetans in most places that we have been to here and it is quite depressing: the towns are usually ugly - and they look mostly like army camps. A concrete jungle with white tiles for decoration. Most Tibetans, it seems, still live a nomadic life in Amdo but they are out-numbered by the Chinese settlers."

Sources : Steven D. Marshall and Susette Ternent Cooke (The Alliance for Research in Tibet), *Tibet Outside the TAR*, 1997, CD-Rom, pp. 2217-2243

Testimony of travellers to TCHRD 4 June 2002

The concrete residential buildings so common to Chinese-style towns throughout the Tibetan Plateau are usually owned by state work units with projects or offices in the area. As fewer Tibetans are employed by these work units, so Tibetans in general do not benefit from the new



constructions. As an example of the difference between the housing of Tibetans and non-Tibetans, a 1991 study found that in Lhasa, where according to the government the majority of residents are Tibetan, less than a third of the occupants of work unit accommodation were Tibetan.<sup>173</sup>

In larger, older towns Tibetans continue for the most part to live in traditional Tibetan buildings. Many of the buildings are now owned by municipal housing authorities. However these buildings are often badly maintained by the authorities. Many Tibetans TCHRD spoke to testified that houses in the Tibetan part of town lacked services such as full-time electricity, running hot and cold water, or plumbed toilets. These facilities were however available in the new Chinese housing blocks in the same town.<sup>174</sup>

Chinese settlers at this stage are only attracted to the plateau's large county towns; as a result, Beijing's money has poured into those larger towns while failing to deliver even the most simple improvements to smaller rural villages where the majority of rural Tibetans continue to live. All Tibetans TCHRD spoke to raised concerns over the poor living standards in these villages. The vast majority of villages do not have electricity.<sup>175</sup> Few have tap-water. A recently-arrived refugee from Do-wi Salar Autonomous County in Tsoshar "TAP", Qinghai (Amdo) says that a water tax was introduced in the area in 1998 but villagers did not receive better access to water. He commented wryly, "I don't mind paying water tax if the government has spent money in making water taps along with cement and some other constructions to it. We do not have such things".<sup>176</sup>

The availability of services such as water and energy is one of the components of the right to adequate housing under the ICESCR. In failing to deliver such essential services to Tibetans, while simultaneously constructing housing for Chinese settlers which are fully serviced, the PRC is in breach of both the right to adequate housing in Article 11 of the ICESCR and the prohibition against racial discrimination in the ICERD.

Another component of the right to adequate housing is the right to have access to materials with which to construct houses. Several Tibetans testified to TCHRD of the problems caused by the government's logging ban. Tibetans in many areas, particularly in the east of the plateau, traditionally built their houses from timber. The ban means they no longer have access to the basic material with which to construct shelter. Most Tibetans TCHRD spoke to were fully supportive of conserving forests, but they were bitter about a system which allows truck-loads of trees to be cut down every day by government enterprises or wealthy timber traders, while local residents are refused permission for enough wood to even repair their own houses.<sup>177</sup> It is particularly galling that Tibetans carry the burden of halting deforestation when the original cause was not the individual farmer building his own house, but rather was Beijing's massive deforestation projects from 1950-1980.<sup>178</sup>

There are reports to TCHRD that new houses are being built for Tibetans in rural areas under the "help-the-poor" schemes using compulsory labour.<sup>179</sup> However such schemes are often less about improving the living condition for individual Tibetans, and more about moving Tibetans away from designated areas for the government's own agenda. One recent arrival from Chamdo in eastern "TAR" said "...the poor people for whom the houses and fields were being constructed often refused to leave, not wanting to be forced to leave their family's area".<sup>180</sup> Another recent-arrival told TCHRD that the popu-



Development of Derge town, Kham, May 2001 © Jarrah 2002

lation of his entire village was forced to move to new houses built in a Chinese style which did not cater to their traditional farming livelihoods; to make matters worse, nine families were completely overlooked in the resettlement plans and ended up homeless (see Case Study 4). One way in which the houses are inappropriate to traditional Tibetan lifestyles is that, being built of concrete, they are very cold and impossible to heat using the readily-available fuel of yak dung. Even if electricity eventually came to these buildings, the cost to heat the units would be too great for the average Tibetan.<sup>181</sup> Tibetans who are forced to move into the new buildings often complain that they are too cold in winter, provide insufficient sound-proofing, and each room is too small. In urban areas, heating tends to be available only to cadres and state employees living in subsidised apartments (also see Case Study 16).

The state policy of forced settlement of nomads (discussed in Chapter 4.2) now requires nomads to build permanent homes. Usually the cost is largely borne by the nomads themselves, even if they have to hire Chinese labourers to do the construction work. As with enforced fencing (see Case Study 6 in Chapter 4.2), bricks and other materials often must be purchased from Chinese state enterprises, a cause of great financial hardship to nomads. Some larger county towns, such as Machu in Gannan "TAP", Gansu, feature rows of barrack-like compounds which house Tibetans who formerly would have been semi-nomads.<sup>182</sup> However, more disturbing are the impoverished nomad settlements to be seen on the outskirts of most county towns. The following is a description of nomads' housing in Dzoge, Ngaba "TAP", Sichuan:

"Nomad settlements appended to the county town are particularly squalid. Some nomads have been settled here under government directive, while others have moved to seek employment or business opportunities in town, bringing with them animals to be grazed on outside pastures by day and penned at night in the enclosures surrounding the residential shacks. Nothing Tibetan characterizes these crude structures, other than the people living in them."<sup>183</sup>

A nomad from Darlag County, Golog "TAP", Qinghai (Amdo) says "we are forced by Chinese authorities to buy canvas tents instead of our tents of yak, which we find expensive and unnecessary".<sup>184</sup> This nomad may be referring to new permanent dwellings in which former nomads are forced to spend all winter, and perhaps, if their land allocation is insufficient, summer also. Reports are that the new dwellings are modelled on the design of a tent, with no windows, leading to a lack of ventilation and poor admission of light. This means women toil in smoky kitchens, children grow up in environments conducive to respiratory disease, and the absence of light makes it difficult for children to complete their schoolwork.<sup>185</sup>

In forcing nomads to abandon their appropriate traditional tents, and to construct unhealthy and inferior housing options which do not suit their lifestyle, the Chinese government is once again denying Tibetans the right to express their culture through their housing.

#### 8-5 ■ Urban reconstruction causing forced evictions

As with the housing allocation system, the planning and development of Tibet's urban areas has been one-sided. Chinese authorities use the catch-cry of "development" as an excuse to neglect, or even worse, destroy the "old" urban areas, where the majority of Tibetans live. Many of these buildings have suffered decades of neglect by government authorities and are conveniently pronounced "dangerous" or "unhealthy". From their ruins grow the ubiquitous Chinese concrete precincts composed of units of residential housing rented or sold at double the price of the old units, therefore out of reach of the average Tibetan family.

Lhasa and Xining are the biggest cities on the Tibetan Plateau. Although Xining – capital of Qinghai (Amdo) - has a population of close to one million, there is very little housing for Tibetans whose proportion of the population is negligible.<sup>186</sup> Lhasa therefore provides the majority of urban housing for Tibetans.

Lhasa became the capital of old Tibet in the seventh century AD and is now the capital of the "Tibet Autonomous Region". Traditionally Lhasa was not merely Tibet's major trading and business locale; as the seat of the Potala Palace, the Dalai Lama's winter residence, it was also a mecca of deep religious significance to all Tibetans. Lhasa in 1948 consisted of two main residential areas: the Shol area, at the foot of the Potala Palace in the north, and the Barkhor area around the seventh-century Jokhang temple (also known as the Tsuglakhang) in the south-east. These areas form the part of Lhasa now referred to as the old city of Lhasa.

Given Lhasa's centrality to the religious and political life of old Tibet, it is hardly surprising that the PRC Government's occupation of Tibet has wrought massive transformations on it. In 1949, Lhasa city was no more than three square km in area, and had a population of 30,000 and a mere 600 buildings.<sup>187</sup> In 1980, the Beijing government formulated a Lhasa Development Plan which projected a population of 200,000 by 2000, with the size of Lhasa extending to 42 square km.<sup>188</sup> Lhasa's size in 2002 exceeds Beijing's 1980 projections: it is 53 square km in size with an estimated population of up to 400,000.<sup>189</sup> The rate of population increase for the last decade is at least five times the officially claimed national average of 1.07 per cent.<sup>190</sup>

In 1994 Scott Leckie, a Western housing activist, examined changes in Lhasa up to 1993 and found that:

- The Lhasa Development Plan (1980-2000), approved by the Beijing State Council in 1984, was designed to make Lhasa meet the needs of the Beijing government and therefore prioritised the construction of "new" residential housing for the growing Chinese population, while also "modernising" (effectively destroying) the old city of Lhasa
- The plans required the eviction of at least 10,000 Tibetans from old Lhasa
- In 1990, 50 traditional Tibetan residential compounds in the old city of Lhasa were demolished, causing the forced eviction of at least 3,500 Tibetans

- In 1992-1993, at least nine significant historic buildings were destroyed and 116 families (up to 800 people) were evicted
- Official Government reports stated that between 1988 and 1990, 13 residential estates were built in the city with a total floorspace of 377,000 square metres.<sup>191</sup>

The period from 1994 to the present day has seen an even more rapid reconstruction of Lhasa. In 1998 China proudly claimed that "since the 1980s more than 300,000 square metres of old residential houses have been rebuilt in Lhasa, and 5,226 households have moved to new dwellings".<sup>192</sup>

This has effectively meant the destruction of older Tibetan buildings in the "old city" of Lhasa, the Shol and Barkhor areas, which house the majority of Lhasa's Tibetans. Lhasa has been described as "really two cities: a dense Tibetan core – all that remains of pre-1959 Lhasa – and a much larger modern Chinese city that has grown to encircle the shrinking Tibetan centre".<sup>193</sup>

The reasons for this concentration of Tibetans in the small area of the old city are twofold:

"The city planners maintain that the old town is Lhasa's prime public housing area. One reason they cite is the popularity of living in close proximity to the Tsuglakhang [Jokhang] temple. Another reason is that much of the land in the Lhasa valley is being developed in a partnership between privatised work units, government departments and private property developers, while most buildings in the old city are still government-owned and managed by Housing Authorities. This means that the old city has to absorb a continuous influx of new residents. To cope with the growing population demand, the Planning and Construction Departments devised the policy of replacing existing old buildings with four-storey, densely packed concrete blocks.... As a result of this policy, the population within the old city has approximately doubled over the last 10 years. Today [1999] it is estimated that 50,000 people

■ (mostly ethnic Tibetans) live in the old city."<sup>194</sup>

The policy of replacing buildings in the core of the old city effectively means mass evictions. One Tibetan told TCHRD in 2000

"The housing authority in Lhasa is much feared – they often order Tibetans out of their houses, telling them their houses are unsafe. If this was true, and if they really cared, they would simply repair the problem. But once the family has moved out, they simply demolish the house and build a new apartment block or office building on the site."<sup>195</sup>

The residents of the old buildings do not automatically become residents of the new buildings, as is made clear in the following Case Study.

CASE  
STUDY  
14

#### Evictions from Tibetan quarter of Lhasa in 2002

On 24 and 25 April 2002 demolition began on two blocks of buildings in a Tibetan area located near the Barkhor, approximately three minutes' walk from Jokhang square. The blocks contained many traditional Tibetan dwellings and some newer buildings, built in a Tibetan style several decades ago. It is estimated that at least 75 families, up to 400 people, were evicted. The great majority of these families, if not all, were Tibetans; some had lived in the building for generations. Most of the families rented their flats but a few were actually owners.

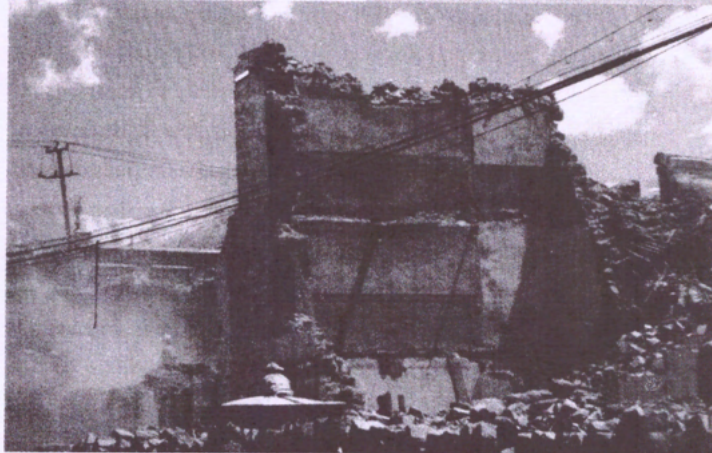
Observers stated that while the buildings were in need of some renovation work, they were sturdily-built, the apartments of a decent size compared to other Tibetan buildings in Lhasa, and could have lasted for many more decades if they had been maintained properly or were renovated. Importantly for many of the residents, their homes were built in a Tibetan style, with rooms overlooking a communal courtyard.

Residents were offered accommodation in the new buildings replacing their old homes, but they were told the rent or purchase-price would be much

higher and the size of the apartments much smaller than their current homes. One family who owned their own flat were offered 50,000 yuan as compensation, but if they wished to purchase one of the new flats they were told it would cost a minimum of 160,000 yuan.

Residents were given only five days eviction notice by the Residential Management Committee. Appeals to this committee were ignored. Tibetan families were seen during those five days frantically removing their belongings from their homes, loading them onto trucks, jeeps, and bicycle rickshaws, and driving away.

One evicted Tibetan woman who spoke to a witness said she had looked for an apartment in the older Housing Authority buildings where rent is generally cheaper, but there were no vacant apartments. Finally she found a vacancy in a new building. The rent is 300 yuan per month; this woman only makes 600 yuan a month on which she supports two children.



Demolition in Lhasa, June 2002 © I K 2002

Sources : Tibet Information Network, "Further Demolitions of historic buildings in Lhasa", *TIN News Update* 29 April 2002.

International Campaign for Tibet, "Chinese Authorities Demolish Traditional Tibetan Houses in Lhasa", 29 April 2002

AFP Beijing, "Chinese Authorities Raze Homes in Historic Centre of Lhasa", 3 May 2002

TCHRD, "Urgent Action Appeal to Special Rapporteur for



In submissions made to the Special Rapporteur for Adequate Housing regarding the above case, TCHRD argued that the evictions were forced evictions for the following reasons:

- a) insufficient notice was given
- b) there was no court or judicial body to which residents could take a challenge of the administrative order made by the Residential Management Committee
- c) no consultation took place with the residents regarding rehousing options
- d) no compensation was offered to tenants and insufficient compensation (far below market prices) was offered to home-owners
- e) alternative offers of housing of a similar size and price were not offered.

Regarding the issue of compensation, the LAL states that during urban reconstruction of old city districts, compensation to land-users should merely be "appropriate". It appears that governments can decide for themselves what is in any given situation appropriate: here, neither tenants nor home-owners were given anything which would permit them to buy or rent a similar apartment in Lhasa, to say nothing of resettlement costs.

These evictions are therefore clearly in breach of the right to adequate housing contained in the ICESCR, particularly the right against forced eviction. In addition, the razing of older, distinctively Tibetan housing to be replaced by new, Chinese-style, and more expensive accommodation also has the effect of discriminating against Tibetans and therefore contravening the ICERD. TCHRD has submitted to the Special Rapporteur for Adequate Housing that few Tibetans will be able to afford the new housing units; the demolition of older-style housing in Lhasa will effectively displace Tibetans away from the city

centre. There is little doubt that wealthier Chinese migrants will move in to take their place.

It is difficult to avoid the conclusion that government authorities allowed these buildings to become run-down so that there would be an excuse for demolitions and evictions, thus freeing up the space for more lucrative developments. Research has shown that rehabilitating older buildings is in fact cheaper than building new constructions from scratch.<sup>196</sup> The fact that the Chinese government refuses to take up the option of rehabilitation points to a goal which is less about improving accommodation and possibly more about removing Tibetans from prime real-estate.

The Chinese government may also have another motivation in destroying and dispersing the largest urban Tibetan community in the "TAR". The Tibetan independence demonstrations of the 1980s and early 1990s were staged on the Barkhor where the narrow alleyways and predominance of Tibetan households permitted many Tibetans to escape from or defend themselves from the Chinese police.<sup>197</sup> The police authorities have now installed security cameras throughout the Barkhor, but creating new wide streets, building standardised concrete apartments and reducing the concentration of Tibetans in the city centre would make the policing of Tibetans in Lhasa that much easier for the authorities.

Urban planning which causes evictions disproportionately affecting a particular ethnic group have been recognised as a tactic of an occupying state. In Vienna 1993 the Working Group on Evictions, Displacement and Housing Rights at the World Conference on Human Rights expressed alarm

“at the explicit use by States, including occupying powers, of the utilization of the planning process as a means of discriminating, through policy and programmes, including master plans, against certain groups, often leading to being forced to leave their homes through the process of displacement and forced evictions.”<sup>198</sup>

As Scott Leckie notes,

"Governments throughout the world have sought to alter the locations where minority or poor groups live, the prevailing urban demography and the spatial dimensions of their capital cities. China appears to be on the same path in its treatment of Lhasa as presidents Ceausescu in Bucharest, Balaguer in Santo Domingo, Marcos in Manila or the Israeli government in Jerusalem where the politically or economically powerless, if their existence are even considered, were deemed 'invisible' or 'surplus' people."<sup>197</sup>

### 8-6 ■ Loss of cultural heritage

These evictions and the subsequent demolition of buildings are not merely breaches of the right to security of tenure, they are also breaches of the right to live in homes which are culturally adequate, the seventh principle of the right to adequate housing. The loss of cultural heritage is also in contravention of Agenda 21's requirement that cities should work with local residents to preserve "older buildings, historic precincts and other cultural artefacts".<sup>200</sup>

In the past, China rarely respected the principles of conservation of traditional buildings in Tibet. The Cultural Revolution saw the loss of thousands of significant religious and secular buildings, and Tibet today continues to suffer rapid loss of its unique built heritage. Nowhere is this more apparent than in the city of Lhasa.

Although the city of Lhasa was designated one of "China's Historic Cities" in the tourist-oriented 1980s, the Lhasa Development Plan proposed destroying "Old" Lhasa, protection only being offered to the Jokhang temple, the Ramoche temple and a handful of historic homes. The "Historic City" regulations which stipulated that construction in the old city area had to have "national characteristics" turned out to mean "little more than giving new facades a Tibetan-style paint-job".<sup>201</sup> A large proportion of Lhasa's historic buildings were destroyed between 1980-1993.<sup>202</sup> From 1993 onwards it has

been estimated that an average of 35 historic buildings are demolished every year.<sup>203</sup> By 1998 only 200 buildings remained from the 600 buildings recorded in Lhasa in 1949.<sup>204</sup>

Demolitions continue despite the best efforts made by international organisations to save traditional Tibetan monuments and housing. In 1994, UNESCO listed the Potala Palace on the World Heritage List; in 2001 the Jokhang temple and the Norbulingka also gained World Heritage protection.<sup>205</sup> The PRC boasts proudly of the money that it is spending on restoration of these sites.<sup>206</sup> However it conveniently omits to mention that the World Heritage Committee has asked the government to consider nominating the historic village of Shol and the Chakpori Hill,<sup>207</sup> and has also asked it to mitigate changes in the areas surrounding the World Heritage properties caused by "development pressures in the city".<sup>208</sup> To date no residential buildings or areas in Tibet have been proposed by the Beijing government for World Heritage consideration.

In the late 1990s, the destruction of the old city had some respite due to the work of a conservation NGO funded mostly from foreign aid. The efforts of this NGO, the Tibet Heritage Fund, led to new conservation guidelines for Lhasa. However this project has been brought to an abrupt halt by the "TAR" government.

CASE  
STUDY  
15

### The Tibet Heritage Fund — a model of sustainable development

In 1993 two Europeans, Andre Alexander and Pimpim de Azevedo, formed the "Lhasa Archive Project" with the purpose of lobbying for the preservation of the old city of Lhasa. In 1996 the project became an international NGO named the Tibet Heritage Fund (THF). It attracted funds from international sources including the German and French governments, the Trace Foundation and His Royal Highness the Prince of Wales. In 1999 the Beijing government also began to provide some funds.

The purpose of the THF was to restore buildings in their traditional style -

using old Tibetan masters who would pass their skills to other Tibetans - while also improving water, sanitation and basic amenities in residential parts of the old City of Lhasa.

The THF worked closely with local Tibetans and local government authorities in their choice of buildings and methods of renovation. One of the THF's priorities was to upgrade toilets, drain and sewer connections, and improve water supply to houses in the old city. The THF lobbied to preserve culturally significant buildings, and educated Tibetans in the maintenance of their own houses. Hundreds of Tibetans were employed by the THF, many of them previously unemployed and unskilled.

The THF Lhasa programme has been widely praised as a model of sustainable development. It fulfils all the criteria of "best practice" in sustainable urbanisation, from consultation with the local residents, training of local people, liaison with all levels of government, through to long-term environmental planning.

The work of the THF, however, ground to a halt in August 2000 when Andre Alexander and Pimpim de Azevedo were ordered out of Tibet. The Chinese authorities did not give an official explanation for the expulsion of the two experts. A recent report from Lhasa was that a group of traditional houses designated for conservation by the THF was knocked down immediately after Andre Alexander left.

In 2002, it seems that the Tibet Heritage Fund no longer operates in Lhasa. The website has not been updated since 21 July 2000 and no further reports of their work are available.

Sources : Tibet Heritage Fund website, [www.asianart.com/lhasa\\_restoration/](http://www.asianart.com/lhasa_restoration/)  
*AP* Beijing, "German aid worker ordered out of Tibet", 17 August 2000

Testimony of traveller to TCHRD, 30 June 2002 and 12 July 2002

Once the old buildings in Lhasa are demolished, they are replaced with the ubiquitous three- or four-storey Chinese concrete apartment

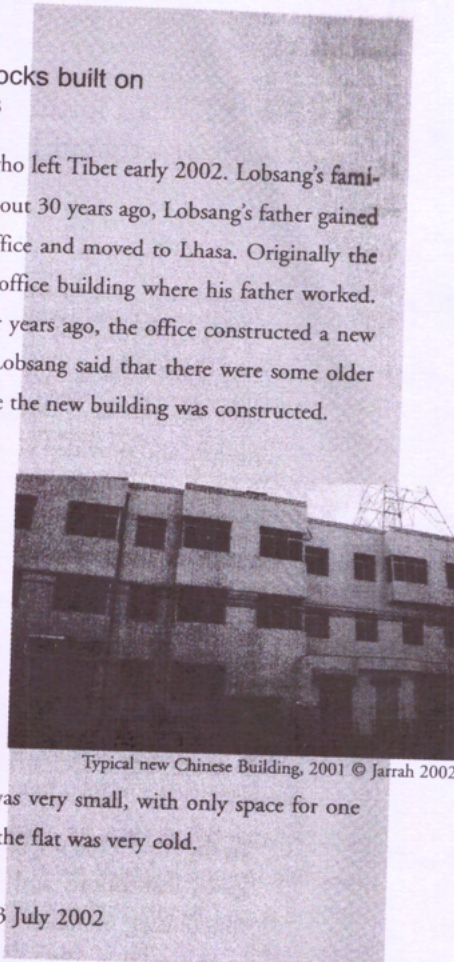
blocks. A row of shops generally runs along the ground floor, while the three floors above consist of uniform square flats.

### New Chinese apartment blocks built on site of old Tibetan buildings

Lobsang is a 25-year-old Tibetan who left Tibet early 2002. Lobsang's family were originally from Shigatse. About 30 years ago, Lobsang's father gained work as a cook in a government office and moved to Lhasa. Originally the family lived in small rooms in the office building where his father worked. Rent was 30 yuan per month. Four years ago, the office constructed a new building in the old city of Lhasa. Lobsang said that there were some older Tibetan buildings on that site before the new building was constructed.

The new building was three storeys tall with four flats on each level. Lobsang's family moved into one of the flats. The rent for the apartment was 70 yuan per month, more than twice the rent at the office. The flat consisted of five rooms including a kitchen, which Lobsang said sounds like a lot of rooms, but each room was very small, with only space for one bed. In winter the family found that the flat was very cold.

Source : TCHRD Interview 02/007, 3 July 2002



Typical new Chinese Building, 2001 © Jarrah 2002

Development plans which destroy traditional homes of indigenous or ethnic minorities, while constructing new buildings in a "modern" style which do not reflect the traditions or needs of those minorities, breach the seventh component of the right to adequate housing articulated by the Committee on Economic, Social and Cultural Rights: the right to cultural adequacy. As discussed in Chapter 5, traditional Tibetan housing expressed cultural values, for example by allowing families to interact in central courtyards. It was also designed to min-

imise intrusion onto the land. The new buildings in Tibetan cities, and the new settlements across the plateau, pay no respect to the traditional culture, climate or lives of Tibetans.

## 8-7 ■ Religious institutions: Mass evictions and destruction of housing

Buddhism is tightly interwoven with Tibetan history, culture, education and language. In traditional Tibet, religious institutions were more than a site of worship. Before China's occupation of Tibet in 1950, approximately 9.3 percent of Tibet's population were monks and nuns: looking at it another way, 20 percent of the male population were monks.<sup>209</sup> Monasteries and nunneries were part of the community and provided housing not just to monks and nuns but also to lay people who would come at auspicious times of the year for religious gatherings or pilgrimages.

“The monastery was seen as part of a collective investment. The Tibetan custom of recruiting at least one son from each family for a life in the monastic community also had an effect. Not only was the monastery in each village the focus of the community's spiritual life, but it also served as its fount of education.”<sup>210</sup>

In the late 1950s the Chinese authorities destroyed thousands of religious institutions and the housing around them. The number of functioning monasteries in the “TAR” alone fell from around 2,500 to about 70 in 1962.<sup>211</sup> By the end of the Cultural Revolution only eight monasteries across the plateau were left intact. After the “democratic reforms” the number of nuns and monks in Tibet was reduced from 110,000 to 7,000, a reduction of 93 percent.<sup>212</sup>

In the early 1980s these destructions were halted by a more liberal PRC Government. During this period the PRC claims to have restored “over 1,400 temples, relic sites and places for religious activities” in the “TAR” although such a claim must be taken with a grain of salt.<sup>213</sup> Tibetan people slowly rebuilt the monasteries and moved

back to live in the institutions or in encampments around them. Separate small living quarters were built by the residents themselves from stones, mud and wood. By the mid-1990s thousands of Tibetans once again lived in and around such institutions; the institutions were their home and their community.

Unfortunately, these communities are once again under threat. In 1996-1997 Beijing returned to a more repressive policy towards Tibetan Buddhism with "Patriotic Education Work Teams" set up across Tibet to force monks and nuns to denounce the Dalai Lama and pledge allegiance to the Communist Party. The "work teams" revived the policy of installing "Democratic Management Committees" at each institution. These committees imposed restrictions on the numbers of residents in each place. Those residents who were in excess of the ceiling imposed were expelled from the institute and evicted from their home in the institutions. They were ordered to return to their family's homes, thus effectively ending their life as a monk or nun. These cases are therefore breaches not just of the right to housing but also of the right to religious freedom.

Many of the residents have lived away from their family homes for so long they simply do not possess the skills to contribute to the family's livelihood; many wish to preserve and continue their religious education and practice and therefore have no wish to become suddenly transformed into rural labourers. Some expelled monks and nuns drift to the cities, particularly to the still-holy city of Lhasa.

Without urban *hukou* these monks and nuns run the risk of once again being expelled back to their families' villages. Other monks and nuns try to flee into exile in order to join monasteries, nunneries and institutes of higher learning in India. Those who succeed in escaping are lucky; in the last two years security on the Tibet/Nepal border has been tightened, with thousands of Tibetans caught by Chinese security forces in their escape attempts.<sup>214</sup> Those who are caught are detained indefinitely, imprisoned as "splittists", or sent to re-education-through-labour camps.



## Serthar Institute

Serthar Buddhist Institute (also known as Larung Gar) is located in Serthar County, Karze "TAP", Sichuan. It was established as a non-sectarian study centre by Khenpo Jigme Phuntsok in 1980. By 2001, Serthar was the pre-eminent institute of religious studies in Tibet with a population of around 8,800 students including 1,000 overseas students (many from China), and around 4,000 nuns, perhaps the largest population of Tibetan nuns in Tibet.

Between 1998-2000 Serthar came under increasing scrutiny of the Central Government's Religious Bureau. Khenpo Jigme Phuntsok was subject to interrogations focusing on his visit to India in 1994 where he met the Dalai Lama. In late 2000 a 70-strong "work team" imposed orders on the institute, including orders for all overseas students to leave. The work team set a ceiling of 1,400 residents, all of whom had to be aged between 18-50 and originate from the local province only.

Frustrated by the Tibetan students refusal to leave, on 18 April 2001 the Chinese authorities issued a formal notice reiterating their ceiling of 1,400 residents, and threatening to evict the remaining 7,000-plus students. On 24 May 2001 the authorities forcefully transported around 1,000 students back to their home counties in Tibet and China.

An eyewitness gave the following account of events from June 2001 onwards:

"A large force of Public Security Bureau, Peoples Armed Personnel and "work teams" from the United Work Front Department arrived in Serthar Institute .... There were approximately 100 PAP from each of the 18 counties under the Karze "TAP" and a large contingent from the People's Liberation Army (PLA).... Over 2,000 personnel were camped at Lorok Township, located near Serthar Institute.

"The officials summoned, entreated, and cajoled us to return to our respective places of origin. We were threatened with dire consequences if we refused to comply... [W]e were told to sign a document that entailed denouncing the

Dalai Lama, committing to uphold the policy set by the Chinese authorities, and pledging not to return to the institute. We refused to sign the document and maintained our stance at all cost. When the level of threats and warnings escalated, we opted to leave the institute without signing the document. ...

"Abuse, threats and beatings accompanied the enforced expulsions. The officials spat, kicked, threw cups at us and brandished guns to threaten us. We were told that refusal to abide by the order would be tantamount to committing an illegal act, punishable by law".

During June and July 2001, over 2,000 buildings within the institute were destroyed including 300 nuns' dwellings. Chinese officials have admitted to demolition of 1,875 dwellings in their work report but eyewitnesses claim that the real number far exceeds the official figure.

A student monk who watched the demolitions gave the following description:

"Army personnel dressed in civilian clothes, and hired workers, arrived in four trucks to carry out the demolition. They were armed with spades, iron rods and cables. The workers were paid 130-350 yuan (up to US\$41) for each hut destroyed. There were two big army trucks and 40 to 50 vehicles....These labourers demolished 200 to 300 huts in a day.

"The demolition of the living quarters was carried out with full force.... The huts were demolished with all household possessions and shrines still inside. Several cases have been reported of workers stealing the residents' belongings after destroying the huts. The workers dragged out invalids and elderly residents, sometimes even dismantling the roofs while the owners were still inside.

"During the operation, taking photographs and video footage of the demolished site was banned. All roads were blocked and visitors strictly prohibited.... It was announced that visitors were liable to face arrest and detention. Policemen carrying guns and binoculars surveyed the scene."

Evicted residents were ordered to return to their families in their home villages. Offers of alternative accommodation or compensation were only made

if residents signed the document denouncing the Dalai Lama. There have been several reports of ex-residents of Serthar being seen on the streets of Lhasa begging for a living.

Source : TCHRD, *The Destruction of Serthar Institute: A Special Report*, India, 2001

The action of the government authorities at Serthar Institute contravenes numerous human rights. First: the prohibition against forced evictions within the right to adequate housing has been breached, because

- a) the evictions were violent, accompanied by physical and emotional threats as well as the damage of personal possessions;
- b) residents were provided with no access to a court or other judicial tribunal to appeal the eviction decision;
- c) offers of compensation were coercive and contingent on residents signing a document denouncing their religion, particularly the Dalai Lama; and
- d) no alternative offers of equivalent accommodation (for example in a similar religious institution) were made.

Secondly, the right to freedom of religion contained in Article 18 of the UDHR was comprehensively breached. Thirdly, the right to freedom of residence within one's State contained in Article 13 of the UDHR was breached. Fourth, the right to freedom from arbitrary interference of home or property was breached (Articles 12 and 17 of the UDHR).

Finally, the rights of women to equal treatment and equal access to religion, housing and education (Article 2 of the UDHR and various provisions of CEDAW) were also breached. Although the men evicted will also have difficulty finding alternative monasteries in which to study, women would have a much greater difficulty as Serthar was one of the few remaining venues in which Tibetan women could live, study and practice Buddhism. The actions at Serthar Institute there-

fore have a disproportionate effect on women.

CASE  
STUDY  
18

### Yachen Gar Buddhist centre

Another mass- eviction and series of demolitions was also carried out in 2001, at Yachen Gar Buddhist centre in Payul County, Karze "TAP", Sichuan. In 2000 the population of this centre was estimated at around 5,000 Tibetan (and some Chinese) monks and nuns. A public notice issued on 1 September 2001 ordered the destruction of up to 800 living quarters within 14 days. Reasons given for the expulsions and demolitions included "better maintaining and managing of the monastery" and to stop damage to the surrounding grassland.

A nun from Yachen Gar who escaped into exile gave the following account of the demolitions:

"They said that we had to destroy our homes ourselves and if we didn't, then the police would come and take our belongings. So most of the nuns wrecked their homes by pushing the mud walls in. We were all crying and sobbing but what else were we supposed to do? If we didn't push the walls down ourselves they would beat us and take our belongings... We were afraid of being arrested if we did not destroy our home."

Sources : TCHRD Interview 01/5/442, October 2001

ICT, "Nuns and Monks Forced to Demolish Own Housing", 14 November 2001, [www.savetibet.org](http://www.savetibet.org)

Radio Free Asia, *RFA Reports*, January 2002, p. 3

While the PRC continues to evict Tibetans from religious institutions, with a perverse sense of materialism it simultaneously promotes Tibetan temples and monasteries as tourist sites all over the Tibetan Plateau. Many travellers to Tibet, including Western journalists, note that exorbitant fees are charged to view monasteries which are noticeably empty of inhabitants.<sup>215</sup>

Section

Homelessness in Tibet

III

Over the past six years TCHRD has recorded numerous testimonies regarding the growth of homelessness in Tibet, particularly Lhasa. Unfortunately, to the best of our knowledge there has been no comprehensive research on homelessness in Tibet, nor are NGOs permitted to monitor homelessness. While this makes it very difficult to provide statistics on homelessness, international research on the existence and causes of homelessness in mainland Chinese cities does provide some information which is useful in assessing the problem.

## 9 ■ International law regarding · homelessness

---

Homelessness has been defined as "the absence of a personal, permanent, adequate dwelling".<sup>216</sup> There has been much debate in the international housing arena regarding whether homelessness should actually include the lack of "inadequate" housing or whether it should be kept to those people who lack any sort of shelter at all.<sup>217</sup> Among those who may be defined as inadequately housed are those whose living space is too small, including where more than one family lives in the same dwelling.<sup>218</sup> As this Report has already dealt with the lack of inadequate housing for Tibetans, this chapter on homelessness will concentrate on those citizens who lack any form of stable permanent home.

Some families may, in the eyes of the government, have a house, but for various reasons the family cannot live in that house. For example, if a rural family loses its livelihood and is forced to relocate permanently to urban areas seeking work, then the existence on paper of their family home should not rule such people out of the category of homelessness.

Homelessness is recognised internationally as "not only the most severe violation of housing rights, it also reflects a status where all aspects of universally accepted human rights are open to abuse, viola-

tion and unfulfilment".<sup>219</sup> Homeless people are also the most vulnerable to abuses of civil and political rights.

In traditional Tibet, homelessness resulted mostly from poverty caused by natural disasters. In pastoral areas unseasonal blizzards and snow disasters can destroy entire herds and leave families destitute. Usually the families would be supported by relatives or neighbours, who would take them in or lend animals while the family recovered. If a family lacked such a support network, or everyone in a district was equally hard hit, then people would go to a town to beg, knowing that Tibetans traditionally give to beggars, rather than disdain them as happens in most cultures. Tibetans believe that the experience of good fortune or misfortune is a matter of karma, and the poor are not blamed.<sup>220</sup>

## 10 ■ Causes of homelessness in Tibet

---

There is no official definition of homelessness in China as the PRC policies claim that every citizen has an identified place of residence.<sup>221</sup> In accordance with this denial of the existence of homelessness, the PRC claims that all families in Tibet have their own permanent houses "except for people living in a small number of pastoral areas".<sup>222</sup> Such statements fail to explain the visible existence of homelessness in Tibetan cities.

As discussed earlier in this Report, every Chinese citizen is allocated a *hukou* which determines where they may live, work, and gain access to social services such as schools and health care. People who move away from the area in which their *hukou* is allocated are known as the "floating population". Sometimes such people are able to gain Temporary Living Permits (TLP) which permit them access to rental housing and work in urban areas.<sup>223</sup> In Tibet, as has already been discussed, Chinese migrants to urban areas are offered either TLPs or even permanent registration. However, many Tibetans are excluded

from the protection of even these temporary permits.

People who lack even temporary registration are often derogatorily called *mangliu*, the "blindly floating population".<sup>224</sup> International research examining homelessness in Chinese cities such as Shanghai have found that most identifiably homeless people - those sleeping in the streets or in makeshift shelters - fall into the category of "blindly floating population".<sup>225</sup>

The various policies of the PRC Government detailed in this Report have created a significant portion of Tibetans who live in urban areas without the appropriate *hukou*. Nomads whose traditional lifestyle has been destroyed through land disputes (see Case Study 7); farmers or nomads who have not been allocated any land during land distribution (see Case Studies 4 and 7); farmers whose land can no longer support their livelihoods (see Case Study 9); and monks and nuns evicted from religious institutions have all effectively been made homeless (see Case Studies 17 and 18). In addition, Tibetans who have been released from prison or reform-through-labour camps often face restrictions or unbearable conditions if they return to their hometown, and find it particularly difficult to gain employment.<sup>226</sup>

Another category of homeless people in Tibet are homeless or "street" children whose numbers in Lhasa appear to be growing. In the following Case Study the cause of homelessness was quite clearly government action.

CASE  
STUDY  
19

Orphans made homeless when orphanage closed down

In 2000 TCHRD interviewed Choegyal, a 12 year-old-boy who escaped into exile in July 2000.

Choegyal was born in Jomdo County (Chamdo Prefecture, "TAR"). When he was three years old, his mother died in childbirth. A year later his father



died in a road accident. Choegyals uncle tried to look after Choegyals and his brother and sister, but couldnt afford to bring them up. Choegyals uncle sent Choegyals brother and sister into exile, and then in 1996 admitted Choegyals to the Gyatso School for Orphans in Lhasa.

Gyatso School for Orphans was set up in 1996 by "Bangri" Rinpoche and his partner Nyima Choedron, and attracted international sponsorship. About 50 orphans from across the "TAR" were enrolled.

Choegyals told TCHRD he was very comfortable at the school. However in late 1999 "Bangri" Rinpoche, Nyima Choedron and four staff members were arrested for alleged "splittism". The school was closed down and the children were sent back to their "home" areas. If families could not be located to look after them, they were taken to Lhasa.

Choegyals managed to locate his uncle and stayed with him again. One day while in the Barkhor, Choegyals saw three of his friends from Gyatso School begging for money; he saw several other ex-students just hanging around, without anyone looking after them.

After some time, Choegyals uncle just did not have enough money to look after him, so in June 2000 Choegyals decided to follow his siblings and made the trek across the Himalayas into exile.

Sources : TCHRD, *Human Rights Update*, July 2000

TIN, "Confirmation of sentence for Orphanage Director", *TIN News Update*, 6 June 2002

China would argue that many of these people do in fact have family homes, and if they choose not to live in these homes, or their families reject them, that it is their fault. However this violates Article 13 of the UDHR which gives every person a right to choose their place of residence within their country. It has also been pointed out that Chinas registration policies discriminate against people on the basis of descent or ethnicity and therefore breach Article 1 of ICERD.<sup>227</sup>

And in Case Study 19 above, Article 27 of the CRC has clearly been breached as the government actively took away these children's home and caused homelessness.

## 11 ■ Numbers of homeless people in Tibet

Figures of homelessness in Tibet are impossible to obtain, as indeed are homeless statistics for any part of China.<sup>228</sup> In the following Case Study we have attempted to "guestimate" figures for homelessness in just one area of Tibet, Lhasa.

CASE  
STUDY  
20

### Estimating homelessness in Lhasa

In 1992, an underground group in Tibet estimated that more than 2,000 Tibetan families were homeless in Lhasa. It is assumed that by "homeless" this group meant inadequately housed as well as literally without any form of accommodation. At a conservative estimate of five persons per family, this is approximately 10,000 people. The 1992 Census figures showed 96,431 Tibetans living in Lhasa but homeless families would not have been included in the census, so in fact the Tibetan population would be around 106,000. Therefore the percentage of the Tibetan population in Lhasa which was homeless in 1992, according to this underground group, is around nine percent. This statistic is definitely conservative. The proportion and rate of homelessness would certainly have increased since 1992 given that many of the policies detailed in this Report, for example the mass expulsions of monks and nuns from monasteries, have accelerated in the last few years.

International research shows that in China people who come to urban areas from remote rural areas, but lack family or friendship networks in those cities, find it more difficult to get employment and are more likely to become homeless. It is interesting to note that nine percent is roughly the same as independent estimates of China's current unemployment rate in urban areas. According to testimonies provided to TCHRD, unemployment among

Tibetans is definitely much higher than in the Chinese population on the Tibetan Plateau.

A young Tibetan man from Karze "TAP", Sichuan who lived in Lhasa for four years before escaping in January 2000 gave the following testimony to TCHRD.

"At least 40 percent of Tibetans in the Barkhor area of Lhasa are unemployed, despite their efforts to try and start small market stalls. The taxes are too high and the Chinese competition too great, so the older generation then resorts to begging, and the youth to thieving. Some Tibetan girls even try prostitution to make enough money to live. It makes me so sad to see my people reduced to this, but the government provides no help for the unemployed, so what can they do?"

In 1998, as already discussed, the Tibet Heritage Fund estimated that 50,000 Tibetans lived in the old city of Tibet around the Barkhor. According to the above testimony, therefore, some 20,000 Tibetans in the old city could be unemployed. Given the substantial overcrowding in the old city of Lhasa detailed earlier, as well as the substantial risk families take if they house people who lack proper registration, a reasonable estimation would put the figure of homeless Tibetans just in the old city of Lhasa at 5,000-10,000.

Not all Tibetans live in the old city; there are certain to be several thousand more Tibetans who are homeless throughout the rest of Lhasa. In all, and taking into account the 1992 estimation of around 10,000 people, up to 20,000 Tibetans could be homeless in Lhasa.

TCHRD would be interested in any statistics which would assist in testing this "guestimate".

Sources : TCHRD, *Racial Discrimination in Tibet*, 2000

Leckie, *Destruction by Design*, p. 113 .

Hou Li, "The Nature, Extent and Eradication of Homelessness in China", see endnotes for full citation, p. 20

Melinda Liu, "Why China Cooks the Books", *Newsweek International*, 8 April 2001

## 12 ■ Treatment of homeless people

International research shows that homeless people are often targeted by governments in urban "beautification" programmes.

The attitude shown by the Chinese authorities toward homeless people and beggars is that such people are chaotic and a threat to law and order.<sup>229</sup> The combination of "Custody and Repatriation" (C&R) regulations, already described in this Report, with a racist perspective on Tibetans as barbaric and backward,<sup>230</sup> mean that urban Chinese authorities crack down hard on rural Tibetans who are found begging or sleeping in urban areas. In 1993 a banner in the Barkhor stated "In the Barkhor beggars and unemployed persons are not allowed to stay. We will make the Barkhor even more beautiful and this is the work of everybody."<sup>231</sup> A more recent billboard seen in 2002 shows police standing in front of new government buildings and contains the slogan "Salute those citizens who cherish urban government facilities".<sup>232</sup>

TCHRD receives regular reports of urban clean-ups in Lhasa, Shigatse and other cities where rural Tibetans attempt to find work or beg. In 1992, 2,000 homeless Tibetan people and pilgrims were evicted from the ground behind a hospital in Lhasa and deported to their birthplace villages.<sup>233</sup> In 1998 a refugee provided the following testimony to TCHRD:

"These days beggars and paupers are not to be seen in and around the Barkhor. There are about 3,000 beggars but they have been sent to other places where they will not be seen by tourists. Some have even been locked up behind bars. During the religious month of Saga Dawa, when Tibetans traditionally give alms to the poor, the entire Barkhor will be filled with beggars. This is the time when one can clearly see the "truth" of China's claim of economic prosperity in Tibet. When an important delegation visits, all the beggars are cleared away much ahead of time to make it appear as though all is well in Tibet."<sup>234</sup>

The conditions of detention for those caught under the PRC's C&R regulations are reported by the NGO Human Rights In China to be appalling: frequent beatings, unsanitary conditions, and insufficient food or water.<sup>235</sup>

The PRC Government is once more promoting Lhasa as a tourist destination, with numerous upbeat reports in the Xinhua state media praising tourism as a source of income. It is likely that the pressure to "clean-up" Lhasa, as well as to crack down on any possibility of dissent, will intensify in the lead-up to the Beijing 2008 Olympic Games.

The experience of other cities that host mega-events is that key tourist sites undergo a "whitewash" prior to the event, with stringent controls on political activities and on homeless people, as well as increased evictions and other housing rights violations.<sup>236</sup> A researcher on homelessness in Shanghai found that temporary squats erected by homeless people had magically disappeared in the lead-up to the APEC conference in 1997.<sup>237</sup> Reports are already emerging of orders having been given for Olympic-related crackdowns on dissidents.<sup>238</sup>

While obviously Beijing itself will be the site of most violations relating to housing and homelessness in the lead-up to the 2008 Olympics, Lhasa and other cities on the tourist road across the plateau are also a target for such violations because they are likely to be promoted as tourist destinations for visitors coming to China for the Games. Homeless Tibetans living in urban areas throughout the Tibetan Plateau have everything to fear from these increases in tourism.

---

## C o n c l u s i o n a n d R e c o m m e n d a t i o n s

This Report shows that the PRC has committed, and continues to commit grave human rights violations regarding Tibetans' land and housing. These violations also invariably contradict sustainable development principles regarding land use and human settlements.

Since 1949 Tibetans have been denied the ownership and effective control of their own land. Commencing from China's redrawing of the map of Tibet, continuing with the mass confiscation of land, through to the dictation of resource-management directives and policies, Tibetans have had little say in the use of their traditional lands. Culturally-appropriate and ecologically-sustainable land management systems and housing design are to this day being rapidly destroyed by Beijing's policies. This eradication of knowledge and culture is an immense loss not just to the Tibetan people, but ultimately to the world.

Underlying the inequality and discrimination of both land and housing developments is the continuing flood of Chinese settlers into Tibet. With regards to housing, the dominant issue for Tibetans is massive inequality and discrimination in the allocation, construction and type of housing available to Tibetans. Tibetans simply do not have the same access to services as Chinese. Tibetans are also rarely consulted regarding plans for new constructions which may meet their cultural needs, as opposed to Beijing's "development" plans. Such

discrimination and non-consultation contravenes the Habitat Agenda's requirement for "equitable human settlements", the right to adequate housing in the ICESCR, the right not to be discriminated against on the grounds of race in the ICERD and the general provisions of equality and non-discrimination in the UDHR.

TCHRD therefore makes the following recommendations to the Government of the People's Republic of China:

- 1 — Halt the population transfer of Chinese settlers into Tibet.
- 2 — Afford the Tibetan people genuine autonomy in order that they may pursue their right to economic, social and political development.
- 3 — Enact legislation guaranteeing the right to adequate housing, particularly security of tenure, the right not to be forcibly evicted (covering public housing, private housing and religious institutions), and if evicted, the right to an adequate level of compensation and/or rehousing options developed in consultation with the people affected.
- 4 — Enact legislation which grants stronger security of land tenure for farmers and permits them greater control over the use of their land.
- 5 — Enact and apply laws and policies which protect the civil and political rights of all people, including homeless people.
- 6 — Apply laws and policies on land use and housing equitably throughout Tibet without discrimination as to race.
- 7 — Develop a sustainable human settlements policy for Tibet in consultation with those Tibetans affected by such a policy.
- 8 — Ensure popular participation in housing provision and land management through supporting the formation of independent tenants' groups, farmers' associations, and nomad representative groups.
- 9 — Implement environmental policies equitably and end corruption in logging and resource extraction operations.

- 10 — Research, recognise and preserve the special skills and indigenous knowledge of Tibetan nomads in their management of land.
- 11 — Abolish the Grassland Law and abandon attempts to sedentarise nomads or to fence the grasslands; instead recognise that the communal land tenure system traditionally used by Tibetan nomads is both sustainable and efficient given the Tibetan climate.
- 12 — Stop evictions and demolitions of Tibetan religious institutions.
- 13 — Remove the "Democratic Management Committees" from religious institutions, and allow each institution to develop land-management and housing policies in line with principles of sustainable development, religious freedom and cultural expression.
- 14 — Halt the demolition of traditional Tibetan housing and buildings.
- 15 — Declare the entire Lhasa valley a UNESCO World Heritage Site and permit the Tibet Heritage Fund to continue and expand its work in Lhasa and other areas of Tibet.
- 16 — Provide housing for Tibet's homeless population.
- 17 — To ensure that the deregulation of the housing market does not discriminate against the poor. Provide subsidised finance to poor Tibetan families so that they may own land or property, encourage the construction of low-cost housing which meets the needs of Tibetans.
- 18 — Establish an Ombudsman or other effective judicial remedies for people affected by evictions from houses, displacement from land and eviction from religious institutions.
- 19 — Compensate Tibetans for past land and housing losses.
- 20 — Allow independent monitoring of land rights, housing conditions, and particularly homelessness in Tibet, either by local NGOs, international NGOs such as HIC-HLRN or COHRE, or United Nations agencies.



TCHRD also makes the following recommendations to the international community:

- 21 — Request the United Nations to appoint a Special Rapporteur on Tibet to examine China's policies regarding Tibetans and the Tibetan plateau.
- 22 — Call on the UN Special Rapporteur on Adequate Housing to visit Tibet.
- 23 — Call on the UN Centre for Human Settlements to examine the housing situation in Tibet and provide an advisory opinion.
- 24 — Request the UN Committee on Racial Discrimination to ask China to explain the discriminatory implementation of housing and land use policies in Tibet.
- 25 — Request the UN Committee on Economic, Social and Cultural Rights to seek the PRC's permission to visit Tibet and examine China's compliance with the ICESCR.
- 26 — Call on UNESCO to take all action possible to stop housing rights violations in Tibet.
- 27 — Refuse to fund international aid projects which result in further population transfer onto the Tibetan Plateau or which do not involve or consult Tibetans at a grassroots level.
- 28 — Provide funding for pilot housing projects, such as those initiated by the Tibet Heritage Fund, which employ the principles of sustainable development and people's participation.
- 29 — Provide funding for independent research projects to examine land rights, housing rights and homelessness in Tibet, including monitoring the effect of the Beijing 2008 Olympics on housing rights and the treatment of homeless people in Tibet.

## ■ End Notes

- 1 Statement made in the preparatory meeting of the 1996 UN Conference on Human Settlements (Habitat II) in Istanbul; quoted in International Commission of Jurists (ICJ), *Tibet: Human Rights and the Rule of Law*, December 1997, p. 221
- 2 A comprehensive analysis of the way in which the principles of sustainable development have been breached in Tibet can be found in the Department of Information and International Relations (DIIR), Tibetan-Government-in-Exile (TGIE), *Shadow Report to the WSSD*, Dharamsala India, 2002
- 3 The brackets exist in the original translation found in Peter Gold, "Tibetans and Their Way of Life", *Cho-Yang: The Voice of Tibetan Religion and Culture*, Year of Tibet Edition, 1991, p. 279
- 4 U.S. Embassy, "Sustainable Development in China's Tibetan Population Regions", September 1996, <http://www.usembassy-china.org.cn/English/sandt/final1.htm>
- 5 Daniel J. Miller, "Himalayan and Tibetan Pastoralism", paper presented to the International Centre for Integrated Mountain Development (ICIMOD) Regional Experts Meeting on Rangelands and Pastoral Development in the Hindu-Kush Himalayas, 1997, <http://www.icimod.org/focus/rangelands/himtibet.htm>
- 6 Ibid.
- 7 U.S. Embassy, "Sustainable Development in China's Tibetan Population Regions", September 1996, <http://www.usembassy-china.org.cn/English/sandt/final1.htm>
- 8 Department of Information and International Relations (DIIR), Tibetan Government-in-Exile (TGIE), *Tibet 2000: Environment and Development Issues*, India, 2000, p. 45
- 9 DIIR, *Tibet 2000: Environment and Development Issues*, pp. 42-45
- 10 International Commission of Jurists, *Tibet: Human Rights and the Rule of Law*, Switzerland, 1997, p. 29
- 11 Housing International Coalition (HIC) is "an independent, international, nonprofit movement of some 400 organisations and individuals working in the area of human settlements", see their website <http://www.hic-mena.org/main.htm>
- 12 Housing International Coalition – Housing and Land Rights Network, *The HIC Report of a Fact Finding on the Resettlement Process in Delhi*, 2002, <http://www.hic-mena.org>
- 13 UNDRD Article 2 (2)
- 14 United Nations Report of the Expert Seminar on "Practical Experiences Regarding Indigenous Land Rights and Claims", Whitehorse, Canada, 26-28 March 1996, UN Doc. E/CN.4/AC.4/1996/6
- 15 Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (Agenda 21) paragraph 7.30.f
- 16 Agenda 21 Paragraph 7.9.b

- 17 Report of the Second United Nations Conference on Human Settlements,  
Istanbul, Turkey, 3 to 14 June 1996 (Habitat Agenda), Paragraph 75
- 18 Habitat Agenda Paragraph 40 (m)
- 19 Agenda 21 paragraph 32.3
- 20 ECOSOC, Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development, Report of the Secretary-General, "Implementing Agenda 21", 19 December 2001, UN Doc. E/CN.17/2002/PC.2/7
- 21 See Housing International Coalition – Housing and Land Rights Network (HIC-HLRN), *The HIC Report of a Fact Finding on the Resettlement Process in Delhi*, <http://www.hic-mena.org>
- 22 Tsering Shakya, *The Dragon in the Land of the Snows*, Pimlico, London 1999, p. 3
- 23 TCHRD, Human Rights Update, 30 April 1997, p. 1
- 24 Steven D. Marshall and Susette Ternent Cooke (The Alliance for Research in Tibet), *Tibet Outside the TAR*, 1997, CD-Rom, p. 2
- 25 Shakya, *The Dragon in the Land of the Snows*, p. 139
- 26 Ibid. p. 251, pp. 294-295
- 27 Ibid. p. 254
- 28 Ibid.
- 29 Ibid. p. 309
- 30 Ibid. p. 287
- 31 Ibid. p. 288
- 32 For a summary of these reports, see ICJ, *Tibet: Human Rights and the Rule of Law*, pp. 53-57 and pp. 62-65
- 33 Shakya, *The Dragon in the Land of the Snows*, p. 309
- 34 Ibid. p. 311
- 35 World Bank, *China: Air, Land and Water*, Washington D.C., 2001, p. 24
- 36 Wang Jingxin, "China's Rural Reform – the "Rights" Direction", *Transition Newsletter*, March/April 1999, pp. 13-14, available <http://www.worldbank.org/transitionnewsletter/marapr99/pg13-14.htm>
- 37 DIIR, *Tibet 2000: Environment and Development Issues*, p. 48
- 38 Fu Chen and John Davis, "Land reform in rural China since the mid-1980s", *Land Reform* 1998/2, p. 5
- 39 The definition of "usufruct" according to Black's Law Dictionary: "a right to use another's property for a time without damaging or diminishing it, although the property might naturally deteriorate over time". *Black's Law Dictionary* (Seventh Edition), West Group, St Paul 1999
- 40 Wang Jingxin, "China's Rural Reform – the "Rights" Direction", p. 14
- 41 *Xinhua* 1 January 1999, quoted in Sally Sargeson, "Building the Family Future: Attitudes Toward the Consumption and Control of Housing in Rural China", paper presented to the conference Managing Housing and Social Change, City University of Hong King, April 2001, p. 3

- 42 United Nations Summary of Sustainable Development Issues in China, "Land Management", <http://www.un.org/esa/agenda21/natinfo/countr/china/nature.htm>
- 43 Donald C Clarke, "Incentives and the Bottom-Up Approach to Land Use Regulation in China", Working Paper 31 January 2000, available on <http://www.daculty.washington.edu/dclarke>
- 44 See TCHRD, *Annual Report 2001: The Human Rights Situation in Tibet, India*, 2002, p. 70, <http://www.tchrd.org/pubs/2001>; Human Rights in China, "Rural grassroots organisations", *China Rights Forum*, Summer/Fall 2000, <http://iso.hrichina.org>
- 45 Clarke, "Incentives and the Bottom-Up Approach to Land Use Regulation in China"
- 46 World Bank, *Land Policy and Administration: Lessons learned and new challenges*, Preliminary Draft, 2002, "Box 2.2 China: The importance of tenure security and the scope for long-term lease rights", p. 20
- 47 Clarke, "Incentives and the Bottom-Up Approach to Land Use Regulation in China", p. 2
- 48 TIN, "National autonomy law revised to support western development policy", 13 March 2001
- 49 *Xinhua*, 28 February 2001; also see Information Office of the State Council, *Progress in China's Human Rights Cause 2000*, Beijing, 9 April 2001
- 50 Tan Leshan, "Autonomy is not what it was", *Chinabrief*, Vol II, No. 4, December 1999-March 2000; cited in Human Rights in China, "Implementation of the International Convention on the Elimination of all Forms of Racial Discrimination in the Peoples' Republic of China", July 2001, p. 25, <http://www.hrichina.org>
- 51 Preliminary Report of the Special Rapporteurs on Human Rights and Population Transfer, Awn Shawkat Al-Khasawneh and Ribot Hatano, to the Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-Fifth Session, "The Realization of Economic, Social and Cultural Rights: The Human Rights Dimensions of Population Transfer, including the Implantation of Settlers", Economic and Social Council, Sub Commission on the Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub.2/1993
- 52 Final Report of the Special Rapporteur on Human Rights and Population Transfer, Awn Shawkat Al-Khasawneh, to the Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Forty-ninth session, "Freedom of Movement: Human Rights and Population Transfer", E/CN.4/Sub.2/1997/23, paragraphs 11(e), (h) and (k)
- 53 International Committee of Lawyers for Tibet and Unrepresented Nations and Peoples Organization, *The Case Concerning Tibet: Tibet's Sovereignty and The Tibetan People's Right to Self-Determination*, Tibetan Parliamentary and Policy Research Centre, New Delhi, December 1998, p. 70
- 54 ICJ, *Tibet: Human Rights and the Rule of Law, Switzerland*, p. 104

- 55 Ibid. p. 105
- 56 Ibid. pp. 106-107
- 57 TIN, "Tibetan Views of Immigration into Central Tibet 1992-1993", 1993, <http://www.tibetinfo.net>
- 58 TIN, "Tibet Policies Designed to Attract Chinese Traders", *TIN News Update* 5 July 1994
- 59 Speech given by Ragdi, Chairman of the Standing Committee of the Tibetan Regional Congress on September 5, 1994 at the Seventh Plenum of the Sixth Standing Committee Session of the TAR Communist Party and distributed internally as "Document No. 5"; ICJ, *Tibet: Human Rights and the Rule of Law*, p. 110
- 60 See "Tibet to Implement Work Forum Guidelines", *Tibet Daily*, 2 August 1994, cited in ICJ, *Tibet: Human Rights and the Rule of Law*, p. 110; State Council of the PRC, "Implementation Opinions Concerning Policies and Measures Pertaining to the Development of the Western Region", *Xinhua* 20 December 2001
- 61 State Council of the PRC, "Implementation Opinions Concerning Policies and Measures Pertaining to the Development of the Western Region"
- 62 A comprehensive study of population transfer conducted in 1995 by the Tibet Support Group (UK) (now the Free Tibet Campaign) estimated that the total of non-Tibetans in ethnographic Tibet is between 5 and 5.5 million, and that Chinese statistics from 1990 put the total Tibetan population at 4.59 million. Tibet Support Group UK, *New Majority: Chinese Population Transfer into Tibet*, London 1995, pp. vii and ix (which have maps which clearly show the effect of the population transfer in terms of percentage of population on the Tibetan Plateau which is Chinese in 1949 and then in 1995); also see pp. 157-159
- 63 International Campaign for Tibet, 2 November 1994
- 64 TIN, 6 April 2001, [www.tibetinfo.net/news-updates](http://www.tibetinfo.net/news-updates); for an analysis of the possible effect of the railway on Tibet, see DIIR, *China's Railway Project: Where Will it take Tibet?*, India, August 2001
- 65 Final Report of the Special Rapporteur on Human Rights and Population Transfer, E/CN.4/Sub.2/1997/23, paragraph 51
- 66 TCHRD, *Racial Discrimination in Tibet*, India, 2000, <http://www.tchrd.org/pubs/racial/>
- 67 United Nations Comprehensive Human Rights Guidelines on Development-Based Displacement, UN Doc. E/CN.4/Sub.2/1997/7
- 68 UN Doc. E/CN.4/Sub.2/1997/7, Annex
- 69 TCHRD, *Human Rights Update*, February 1997
- 70 DIIR Interview with Gedhun Tenzin, 3 July 1998, cited in DIIR, *Tibet 2000: Environment and Development Issues*, p. 28
- 71 TCHRD Housing Interview 02/09, 16 July 2002
- 72 TCHRD Housing Interview 02/08, 16 July 2002
- 73 TCHRD Interview 01/69, 29 May 2001; TCHRD Interview 01/13, 30 April 2001
- 74 Shakya, *The Dragon in the Land of the Snows*, p. 134

- 75 Ibid., p. 312
- 76 World Bank, *China: Air, land and water*, p. 24
- 77 International Campaign for Tibet and the International Human Rights Law Group, *The Myth of Tibetan Autonomy: A Legal Analysis of the Status of Tibet*, Washington DC, April 1994, p. 27
- 78 John W. Longworth and Gregory J. Williamson, *China's Pastoral Region: Sheep and Wool, Minority Nationalities, Rangeland Degradation and Sustainable Development*, CAB International, 1993, p. 46, p. 321
- 79 TIN *News Update*, 6 August 2001
- 80 Peter Ho, *Rangeland Policy, Pastoralism and Poverty in China's Northwest*, PhD Dissertation, Leiden University 1999
- 81 See, among others, Camille Richard, "Rangeland Policies in the Eastern Tibetan Plateau: Impacts of China's Grassland Law on Pastoralism and the Landscape", *Issues in Mountain Development*, 2000/4, available at <http://www.panasia.org.sg/nepalnet/water/issues%20in%20dev.htm>
- 82 *Xinhua*, March 1998
- 83 Information Office of the State Council, *White Paper on the Development-Oriented Poverty Reduction Program for Rural China*, October 15, 2001, under the heading "Favouring ethnic minority areas in appropriating funds from the central budget"
- 84 *Chinese Radio International* 2/11/01, [www.cri.cn](http://www.cri.cn)
- 85 TCHRD Interview 00/44, 11 February 2000
- 86 Testimony by traveler WJ to TCHRD, July 2001.
- 87 See TCHRD Interview 01/09, 3 April 2001, in TCHRD, Annual Report 2001; also see J. Charles, "Livelihoods Lost? Globalisation, WTO Accession and the Future of the Tibetan People," Free Tibet Campaign, London, November 2001
- 88 TCHRD Interview 00/45, 20 March 2000, TCHRD, Annual Report 2001
- 89 TCHRD Interview 00/45, 20 March 2000
- 90 TCHRD, *Human Rights Update*, 30 June 1997, p. 2
- 91 TCHRD Interview 01/30, 3 August 2001
- 92 TCHRD, *Human Rights Update*, April 2002, under heading "Leading Tibetan social activist arrested"
- 93 Although Tulku hid from the authorities this time, he was eventually arrested on 7 April 2002 for a list of crimes, including the allegation of involvement in a bomb blast in Chengdu. Many local Tibetans believe he has been framed due to his social activism, which included the building of schools and monasteries in Karze "TAP": see TCHRD, *Human Rights Update*, April 2002
- 94 Yangdo Testen, "The causation and harmfulness of land dispute in Tibetan areas and its counter-measures", *Tibetan Studies*, 2001 (2), p. 96
- 95 Ibid.
- 96 See World Bank, *China: Air, Land and Water*, p. 39
- 97 D.M. Williams, "Grassland Enclosures: Catalyst of Land Degradation in

- Inner Mongolia", *Human Organisation*, 55 (3), 1996, pp. 307-313, cited in Richard, "Rangeland Policies in the Eastern Tibetan Plateau: Impacts of China's Grassland Law on Pastoralism and the Landscape"
- 98 Richard, "Rangeland Policies in the Eastern Tibetan Plateau: Impacts of China's Grassland Law on Pastoralism and the Landscape"
- 99 World Bank, *Land Policy and Administration: Lessons learned and new challenges*
- 100 Daniel J. Miller, "Himalayan and Tibetan Pastoralism", ICIMOD
- 101 U.S. Embassy, "Sustainable Development in China's Tibetan Population Regions", September 1996, <http://www.usembassy-china.org.cn/English/sandt/final1.htm>
- 102 Ibid.
- 103 Ibid.
- 104 DIIR, TGIE, *Tibet Under Communist China: 50 years*, India, 2001, pp. 53-54; DIIR, *Tibet 2000: Environment and Development Issues*, p. 52
- 105 Testimony of travellers to TCHRD, 5 May 2002
- 106 Ibid.
- 107 See references cited in World Bank, *China: Air, Land and Water*, p. 29
- 108 "China puts infrastructure first in western push", *The Times of India*, 2 August 2001; Testimony of travellers TCHRD, 5 May 2002
- 109 L. Zhou, R. Sun, L. Gao, Y. Zhang, and G. Veek, *Studies on the Relationship between Development Patterns and Ecological Changes in Impoverished Mountain Areas of China*, Taiyuan, Shanxi Economic Press, 1997.
- 110 Scott Leckie, *Destruction by Design: Housing Rights Violations in Tibet*, COHRE, The Netherlands, 1994, p. 125
- 111 These statistics are compiled in DIIR, *Tibet 2000: Environment and Development Issues*
- 112 William Semple, "Symbolism and Ritualism in Tibetan Architecture", *Chogyang: The Voice of Tibetan Religion and Culture*, No. 5, 1992, p. 107
- 113 Paragraph 9, The Committee on Economic, Social and Cultural Rights, General Comment No. 4 "The Right to Adequate Housing", 1999, UN Doc E/1992/23
- 114 General Comment No. 4, Paragraph 8
- 115 United Nations Commission on Human Settlements (UNCHS)(Habitat), "Global Campaign for Secure Tenure, 2000" cited in UNCHS (Habitat), "Position Paper on Housing Rights", March 2001, [www.unhcs.org/tenure/tenuew.htm](http://www.unhcs.org/tenure/tenuew.htm)
- 116 Committee on Economic, Social and Cultural Rights "General Comment No. 7: Forced Evictions", UN Doc.E/1998/22. Annex IV, 1997
- 117 UN Commission on Human Rights "Resolution 1993/877 on Forced Evictions" UN Doc E/CN.4/1993/65/122
- 118 UNCHS (Habitat), "Position Paper on Housing Rights", p. 7
- 119 The additional elements to the right for housing are articulated in HIC, *The HIC Report of a Fact Finding on the Resettlement Process in Delhi*
- 120 World Conference on Education for All (Jomtien, Thailand, 1990); World Summit for Children (New York, 1990); The United Nations Conference

- on Environment and Development — the Earth Summit — held at Rio de Janeiro, Brazil, in 1992, produced Agenda 21; World Conference on Human Rights (Vienna, 1993); World Conference on Natural Disaster Reduction (Yokohama, 1994); Global Conference on the Sustainable Development of Small Island Developing States (Barbados, 1994); International Conference on Population and Development (Cairo, 1994); World Summit for Social Development (Copenhagen, 1995); Fourth World Conference on Women (Beijing, 1995)
- 121 Agenda 21 paragraph 7.4
- 122 Agenda 21 paragraph 7.9.a
- 123 Agenda 21 paragraph 7.9.b
- 124 Report of the Special Rapporteur on Adequate Housing to the Commission on Human Rights, UNDoc.E/CN.4/2002/59, p. 7
- 125 Habitat Agenda paragraph 4
- 126 "Coalition for Sustainable Urbanisation: Partnership Commitments for Implementing Agenda 21", Interim Report prepared by UN-Habitat for WSSD, available at [www.unchs.org](http://www.unchs.org)
- 127 Ibid. p. 4
- 128 Ibid.
- 129 Habitat International Coalition, "An Analysis of the Situation Regarding the Right to Adequate Housing in Tibet", Annex II.3 of UN Economic and Social Committee, UN Doc.E/CN.4/1992/37
- 130 Tibet Heritage Fund, "The old City of Lhasa: report from a Conservation Project (98-99)", Chapter 3, [http://www.asianart.com/lhasa\\_restoration/report98/ch\\_03.htm](http://www.asianart.com/lhasa_restoration/report98/ch_03.htm)
- 131 Jeffrey Zax, "Housing Reform in Urban China", Working Paper No. 65, Centre for Research on Economic Development and Policy Reform, California, August 2000, p. 4
- 132 Hou Li, "The Nature, Extent and Eradication of Homelessness in China", Draft Final Report for the Centre for Architectural Research and Development Overseas (CARDO)/DFID Study on Homelessness in Developing Countries, University of Newcastle-upon-Tyne, 12 July 2002, p. 7; final reports from this study will be available on <http://www.apl.ncl.ac.uk/research/cardo/homepage.htm>
- 133 Youqin Huang and William A V Clark, "Housing Tenure Choice in Transitional Urban China: A Multilevel Analysis", *Urban Studies*, vol. 39, No. 1, 7-32, 2002, p. 13 note 10
- 134 Huang and Clark, "Housing Tenure Choice in Transitional Urban China: A Multilevel Analysis", p. 11
- 135 Zax, "Housing Reform in Urban China", p. 4
- 136 Tibet Heritage Fund, "The Old City of Lhasa: report from a Conservation Project (98-99)"
- 137 Zax, "Housing Reform in Urban China", p. 5
- 138 Tibet Heritage Fund, "The old City of Lhasa: report from a Conservation Project (98-99)"



- 139 Zax, "Housing Reform in Urban China", p. 7
- 140 Ibid. p. 10
- 141 Ibid. p. 16
- 142 Leckie, *Destruction by Design*, p. 110
- 143 Ibid.
- 144 See Human Rights in China, "Implementation of the ICERD in the PRC", p. 27
- 145 Jiajin Xie, "'99 Report on Housing Reform and Real Estate Market", *Urban Development*, Vol. 172, 2000, pp. 4-5
- 146 In 1991 it was estimated that less than a third of the occupants of work unit accommodation in Lhasa are Tibetan: Rong Ma, "Han and Tibetan Residential Patters in Lhasa", *China Quarterly*, 1991, No. 28, pp. 822-23. Given the massive population influx in the mid-1990s, this proportion would today be much lower. In non-"TAR" cities, where Tibetans tend to be in a small minority, the proportion would again be even lower. Population statistics are available on TIN's website, [www.tibetinfo.net](http://www.tibetinfo.net)
- 147 Population statistics from TIN website, [www.tibetinfo.net/tibet-file/stats.htm](http://www.tibetinfo.net/tibet-file/stats.htm)
- 148 See for example Information Office of the State Council, *Progress in China's Human Rights Cause in 2000*, Beijing, 9 April 2001, section 1 "The improvement of people's right to subsistence and development", in which the paragraph "Housing conditions have continuously improved" is followed by a listing of changes in space-per-capita across China
- 149 Information Office of the State Council, *White Paper on Tibet's March Toward Modernisation*, Beijing, 2001, under the heading "The people's quality of life has greatly improved".
- 150 The statistics are obtained from, or quoted in: Information Office of the State Council of the PRC, *New Progress in Human Rights in the Tibet Autonomous Region*, Beijing, February 1999; Tsedon, "Dramatic progress in the lives of farmers and herdsmen after fifty years of peaceful liberation", *Tibetan Studies* (an official publication of the TAR Academy of Social Science), 2001, Vol 2, p. 51; Information Office of the State Council, *Progress in China's Human Rights Cause in 2000*; Li Ping, "Commercialisation of housing speeds up", *Beijing Review*, May 1991, pp. 20-23
- 151 World Bank, *China: Implementation Options for Urban Housing Reform*, Washington D.C, 1992, p. 12
- 152 Zax, "Housing Reform in Urban China", p. 30
- 153 Tibet Heritage Fund, "The Old City of Lhasa: report from a Conservation Project (98-99)"
- 154 World Bank, *China: Implementation Options for Urban Housing Reform*, p. 53
- 155 Melinda Liu, "Why China Cooks the Books", *Newsweek International*, 8 April 2001
- 156 See TCHRD, *Racial Discrimination in Tibet*, pp. 10-22
- 157 Ibid. pp. 17-22

- 158 Hou Li, "The Nature, Extent and Eradication of Homelessness in China",  
p. 22
- 159 Human Rights in China, "Not Welcome at the Party: Behind the Clean-up  
of China's Cities", Report on Administrative Detention under Custody and  
Repatriation, 1999, <http://www.hrichina.org>
- 160 Testimony of traveller to TCHRD, July 2001.
- 161 Habitat International Coalition, "An Analysis of the Situation Regarding the  
Right to Adequate Housing in Tibet"
- 162 TCHRD, *Human Rights Update*, June 2001, "Six years for watching Dalai  
Lama video"
- 163 State Council of the PRC, "Implementation Opinions Concerning Policies  
and Measures Pertaining to the Development of the Western Region"
- 164 For example, in 2000 the Beijing government declared a policy of actively  
developing particular small cities and towns which allowed rural migrants to  
keep their lands in their home areas even after changing to urban *bukou*.  
Human Rights in China, "Implementation of the ICERD in the PRC", pp.  
2-3
- 165 Housing reforms were trialled in developed areas of Southern China such as  
Shenzhen and Guangzhou. Research of housing in these boom cities 10  
years after the reforms commenced has revealed a growing gap between rich  
and poor. Kwok-yu Lau, "Housing Inequality and Segregation: An  
Exploratory Study on Housing Privatisation in Shenzhen City of the  
People's Republic of China", *Public and Social Administration Working Paper*  
1997/7, City University of Hong Kong, October 1997
- 166 UNDoc.E/C.12/2001/10 paras 57 to 61, cited in statement of Mr Miloon  
Kothari, Special Rapporteur on Adequate Housing, to the World  
Conference Against Racism, 2001 (the UN Doc reference is provided in the  
statement but the actual statement itself was circulated at WCAR and does  
not have a UNDoc reference)
- 167 Hou Li, "The Nature, Extent and Eradication of Homelessness in China",  
p. 6
- 168 Zax, "Housing reform in Urban China", p. 7; Hou Li, "The Nature, Extent  
and Eradication of Homelessness in China", p. 8
- 169 Tibet Heritage Fund, "The old City of Lhasa: report from a Conservation  
Project (98-99)"
- 170 LAL Articles 11-12
- 171 Zax, "Housing Reform in Urban China", p. 33
- 172 Information Office of the State Council, *New Progress in Human Rights in  
the Tibet Autonomous Region*, p. 11; this White Paper, however, uses the  
Chinese names for these cities
- 173 Rong Ma, "Han and Tibetan Residential Patterns in Lhasa", pp. 822-23
- 174 Case studies are from TCHRD, *Racial Discrimination in Tibet*, in particular  
p. 92 and p. 102
- 175 For example villages in Derge County in Karze "TAP", Sichuan; Machen  
county in Golog "TAP", Qinghai; and villages in Chamdo Prefecture,

- "TAR". See TCHRD, *Annual Report 2001*, pp. 50-51
- 176 TCHRD Interview 00/51, 21 November 2000
- 177 TCHRD Interview 01/14, 2 May 2001; TCHRD Interview 02/004, 2 July 2002; also see TIN, "Personal view: Tibetan perspectives on Lhasa today", 27 December 2000, [www.tibetinfo.net/news-updates](http://www.tibetinfo.net/news-updates)
- 178 See table 2.5 in World Bank, *China: Air, Land and Water*, p. 27
- 179 TCHRD, *Annual Report 2001*, p. 51
- 180 TCHRD Interview 00/5/409, 22 July 2001
- 181 TCHRD, *Racial Discrimination in Tibet*, p. 102
- 182 Marshall and Cooke, p. 1519
- 183 *Ibid.* p. 1172
- 184 TCHRD Interview 4/370, 23 January 2001
- 185 Communication from Gabriel Lafitte, 17 July 2002
- 186 See statistics provided by TIN, [http:// www.tibetinfo.net/tibet-file/stats.htm](http://www.tibetinfo.net/tibet-file/stats.htm)
- 187 Tibet Heritage Fund website homepage, [http://www.asianart.com/lhasa\\_restoration](http://www.asianart.com/lhasa_restoration)
- 188 Leckie, *Destruction by Design*, p. 87
- 189 Official reports give Lhasa's population as 230,000: TIN, "Dramatic transformation of Lhasa planned; new railway station announced," 13 June 2001. However many commentators believe the population figure to be far higher: a 1998 figure of 382,000 was estimated by Knud Larsen and Amund Sinding-Larsen, *The Lhasa Atlas*, Serindia Publications, 2001, quoted in "Lost Lhasa", *Asiaweek*, 16 November 2001. In 1999 the figure of 400,000 was given by the Tibet Heritage Fund in their "1999 Annual Report", [www.asianart.com/lhasa\\_restoration/report99/index.html](http://www.asianart.com/lhasa_restoration/report99/index.html)
- 190 *China Daily*, 28 March 2001
- 191 Leckie, *Destruction by Design*
- 192 Information Office of the State Council of the PRC, *New Progress in Human Rights in the Tibet Autonomous Region*, p. 11
- 193 Ronald D. Schwartz, *Circle of Protest: Political Ritual in the Tibetan Uprising*, Hurst and Company, London, 1994, p. 30
- 194 Tibet Heritage Fund, "The old City of Lhasa: report from a Conservation Project (98-99)"
- 195 TCHRD, *Racial Discrimination in Tibet*, p. 92
- 196 Zax, "Housing reform in Urban China", p. 23
- 197 For example during the Monlam riot on 5 March 1988 Tibetans made barricades in the alleys off the Barkhor and waited for Chinese soldiers who they then attacked with rocks: Schwartz, *Circle of Protest: Political Ritual in the Tibetan Uprising*, p. 82; also see pp. 26-33 for a description of the importance of the Barkhor, particularly the circumbabulation around the Jokhang temple, as a site for the 1988 and 1989 Tibetan protests
- 198 Final Report of the Working Group on Evictions, Displacement and Housing Rights at the World Conference on Human Rights, Vienna 1993, Paragraph (h)

- 199 Leckie, *Destruction by Design*, p. 95
- 200 Agenda 21 Paragraph 7.20.b
- 201 Tibet Heritage Fund, "The old City of Lhasa: report from a Conservation Project (98-99)"; see also Leckie, *Destruction by Design*, pp. 123-135
- 202 Leckie, *Destruction by Design*, pp. 101-108
- 203 Tibet Heritage Fund, "The old City of Lhasa: report from a Conservation Project (98-99)"
- 204 Ibid.
- 205 The Potala Palace was included on the World Heritage list at the 18th Session of the World Heritage Committee in 1994. The Jokhang Temple and Norbulingka area were added during the 25th Session of the World Heritage Committee in 2001.
- 206 See for example, *Xinhuanet*, "China invests heavily in protecting Tibet's relics", 23 July 2002.
- 207 Recommendation made at the 18th Session of the World Heritage Committee, 1994 (Chakpori Hill is the old site of the Tibetan Medical and Astrological Institute which was demolished during the Cultural Revolution)
- 208 Recommendation made at the 25th Session of the World Heritage Committee, 2001
- 209 Shakya, *The Dragon in the Land of the Snows*, p. 253, note 40
- 210 Semple, "Symbolism and Ritualism in Tibetan Architecture", p. 108
- 211 TIN, *A Poisoned Arrow: The Secret Report of the 10th Panchen Lama*, London 1997, p. 52
- 212 Ibid.
- 213 The figure is difficult to take seriously given that the Xinhua article which makes this claim also boasts that "Tibet's relics have been taken good care of by the central government ever since the peaceful liberation of the region in 1951": *Xinhuanet*, "China invests heavily in protecting Tibet's relics", 23 July 2002
- 214 TCHRD, *Annual Report 2001*, pp. 87-94; also see forthcoming article by TCHRD, "Seeking Safe Haven – Tibetan Refugees in Nepal", *Indian Society of International Law Yearbook*, September 2002
- 215 Testimony of travellers to TCHRD, 5 May 2002; Christopher Bodeen, "Monks, China Police Coexist Uneasily", *Associated Press*, 3 December 2001, Rupert Winfield-Hayes, "A censored Chinese media tour", *BBC News*, 9 September 2001
- 216 D Avramov, The Invisible Hand of the Housing Market, Brussels, FEANTSA, 1996 cited in UNCHS (Habitat), *Strategies to Combat Homelessness, 2001*, <http://www.un-habitat.org/hpu/hpu-pub.htm>
- 217 UNCHS (Habitat), *Strategies to Combat Homelessness*
- 218 Zax, "Housing Reform in Urban China", p. 5, note 1
- 219 UNCHS (Habitat), "Position Paper on Housing Rights", March 2001, <http://www.un-habitat.org/hpu/hpu-pub.htm>
- 220 Communication from Gabriel Lafitte, 19 July 2002
- 221 Hou Li, "The Nature, Extent and Eradication of Homelessness in China", p. 12

- 222 Information Office of the State Council of the PRC, *New Progress in Human Rights in the Tibet Autonomous Region*, p. 14
- 223 Hou Li, "The Nature, Extent and Eradication of Homelessness in China", pp. 14-15
- 224 Ibid.
- 225 Ibid. p. 13
- 226 See TCHRD, *Behind Bars: Prison Conditions in Tibet*, 2nd Edition, India, 2000, p. 25
- 227 Human Rights in China, "Implementation of the ICERD in the PRC", p. 2
- 228 "It is very difficult to estimate the number of homelessness in China or any Chinese cities...there is no useful reference which could help us on the number of houseless": Hou Li, "The Nature, Extent and Eradication of Homelessness in China", p. 18
- 229 Human Rights in China, "Implementation of the ICERD in the PRC", p. 16
- 230 TCHRD, *Racial Discrimination in Tibet*, p. 13
- 231 Leckie, *Destruction by Design*, p. 98
- 232 Photo taken by traveller to Tibet and sent to TCHRD July 2002
- 233 Ibid. p. 109
- 234 TCHRD, *Human Rights Update*, 15 January 1998, p. 1; also more recently *Human Rights Update*, October 2001, in which a recently-arrived refugee tells TCHRD that beggars were having to pay 10 yuan on regular occasions in the name of "cleanliness"
- 235 Human Rights in China, "Not Welcome at the Party: Behind the Clean-up of China's Cities"
- 236 See the upcoming publication COHRE, *International Events and Forced Evictions*, COHRE Sources No. 6, <http://www.cohre.org>
- 237 Hou Li, "The Nature, Extent and Eradication of Homelessness in China", p. 17
- 238 John Leicester, "China orders pre-Olympic crackdown", *Associated Press*, Beijing, 3 May 2002

# 1

Appendix ■

## Chronology of modern Tibet 1911-2002

<b>1911-1949</b>	13th and 14th Dalai Lamas reign as temporal and spiritual heads of an independent Tibet
<b>1949</b>	Communists overthrow the Nationalists in China and the People's Republic of China (PRC) is established; People's Liberation Army crosses into eastern Tibet
<b>1950</b>	Chinese Communists arrive in central Tibet; the Tibetan Government appeals to the United Nations for help
<b>1951</b>	The "17-point Agreement for the Peaceful Liberation of Tibet" is signed between the PRC and the Tibetan Government
<b>1951-1954</b>	Tibetan Government coexists with Chinese authorities; the Beijing government begins to create territorial divisions of Tibet including the creation of "Tibetan Autonomous Prefectures" out of the provinces of Kham and Amdo.
<b>1954</b>	Household registration system <i>hukou</i> introduced in China and Tibet to restrict movement of rural residents into urban areas
<b>1958</b>	Mao Zedong's "Great Leap Forward" launched throughout China, famine results, causing deaths throughout China including Qinghai Province (Amdo); collectivisation of rural land begins in eastern Tibet
<b>1959</b>	Tibetans protest in Lhasa against Chinese rule; the 14th (and current) Dalai Lama flees Tibet for India where he is granted political asylum; tens of thousands of Tibetans escape after him but many thousands more are killed or jailed
<b>1960</b>	The International Commission of Jurists publishes Tibet and the Chinese People's Republic which expresses concerns over the confiscation of Tibetan land and housing
<b>1959-1962</b>	"Democratic reforms" of religious establishments destroy over 90 percent of all Tibetan monasteries, while tens of thousands of monks and nuns are expelled or arrested; famine in Tibet causes thousands of deaths
<b>1965</b>	The PRC officially announces the creation of the "Tibet Autonomous Region"; mutual aid groups phased out; communalisation replaces it in Tibet

1966-1976	"Cultural Revolution"; most remaining Tibetan monasteries and cultural institutions are destroyed; communalisation throughout Tibet causes mass food shortages and more famine
1976	Death of Mao Zedong
1979-1984	Liberalisation reforms brought in across China and Tibet by Deng Xiaoping and Hu Yaobang, including a replacement of the communal land system with the "household responsibility system", and the recognition of private home ownership
1980	First Tibet Work Forum, consisting of Beijing's top leaders, convened; advocates liberalisation in the "TAR" including a partial revival of Tibetan religion and culture
1982	The Constitution of the People's Republic of China passed
1984	Second Tibet Work Forum introduces economic development policy to integrate Tibet into China's economy; Regional Autonomy Law of the PRC passed; Lhasa Development Plan (1980-2000) approved by the State Council
1985	Grassland Law of the PRC passed
1987-1989	Demonstrations and riots in Lhasa against Chinese rule
1989	March: Martial law declared in Lhasa resulting in mass arrests and mass evictions June: Tiananmen Square massacre December: Dalai Lama awarded the Nobel Peace Prize
1992	Deng Xiaoping announces greater liberalisation in the PRC and Tibet; Beijing declares Lhasa a "Special Economic Zone"
1994	Third Tibet Work Forum endorses policies of population transfer and "all-out" economic development, including 62 new "aid" projects
1996	"Patriotic re-education" campaign launched in Tibetan monasteries and nunneries
1998	Yangtze River floods leading to land reform policies in Tibet; new Land Administration Law passed
1999	Housing no longer provided as welfare benefit in China and Tibet
2001	Fourth Work Forum on Tibet announces acceleration of development projects in "TAR", including the Golmo-Lhasa Railway Project; new SEZ created in a small area of Lhasa

# 2

Appendix ■

## Terms, definitions and abbreviations

<b>Beijing government</b>	A simplified description of the central government of the PRC which has its seat of power in Beijing. The title "Beijing" is used to show that decisions are being made by the central government rather than more local levels of government; see definition of "government".
<b>CEDAW</b>	Convention on the Elimination of All forms of Discrimination Against Women.
<b>County</b>	Tibetans often refer to "County" not as a geographic area but as the government at county level: see "government".
<b>CRC</b>	Convention on the Rights of the Child.
<b>drokpa (Tib)</b>	Nomads/nomadism.
<b>Gansu (Ch)</b>	Gansu province is to the north-east of Qinghai province. It contains one "TAP" and one "TAC" which were traditionally parts of Amdo and Kham provinces.
<b>Government</b>	The variety of levels of government and administration in China and Tibet is confusing. In terms of hierarchy, the government administration in China commences with the Beijing government, then down to provincial governments (eg Sichuan Province), to prefectural governments (eg Karze "TAP"), county governments (eg Lithang county), township governments, then there are administrative villages which are more statistical creations than real entities, finally reaching villages collectives which correlate loosely with natural villages or nomadic groups. Since 1987 village collectives have elected committees and "heads" to represent their interests to the higher levels of government. Parallel to this hierarchy are prefectural and provincial government offices such as the provincial Animal Husbandry Bureau, Forestry Bureau, Ministry of Agriculture and Water Conservancy Bureau.
<b>Han Chinese</b>	The majority ethnic group in China: over ninety percent of the population of the PRC are Han Chinese.
<b>HIC-HLRN</b>	Habitat International Coalition - Housing and Land Rights Network.
<b>hukou (Ch)</b>	Household registration system.
<b>ICERD</b>	International Covenant on the Elimination of Racial Discrimination.



<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights; China ratified this covenant in 2001.
<b>LAL</b>	Land Administration Law of the PRC (1998).
<b>laogai (Ch)</b>	Reform-through-labour prison camps set up by the PRC in the 1950s.
<b>mu</b>	67 square metres.
<b>PRC</b>	People's Republic of China.
<b>Qinghai (Ch)</b>	Literally meaning "blue lake", Qinghai Province was named after the lake "Tsongon" (Tib). The area named Qinghai correlates almost completely with the traditional Tibetan province of Amdo, although Amdo also includes the southernmost "TAP" of Gansu Province and the most northern "TAP" of Sichuan Province. Most Tibetans in Tibet continue to call the Qinghai area Amdo. In this report the area is called Qinghai (Amdo). The boundaries of Qinghai were sketched out in 1929 by the Chinese Nationalist government but the Nationalists in fact did not have effective control over the area. The PRC revived the administrative boundaries of the province after defeating the Nationalists.
<b>SEZ</b>	Special Economic Zone – urban regions granted special status by the Beijing government in terms of tax advantages for investment, assistance with start-up capital, easier overseas investment and so on
<b>Sichuan (Ch)</b>	Sichuan Province is in the north-east of the Tibetan Plateau. After coming to power, the PRC changed its boundaries by allocating to it some areas of the Tibetan provinces of eastern Kham and southern Amdo.
<b>"TAC"</b>	"Tibetan Autonomous County" – the title given by the PRC to two areas which traditionally were ethnic Tibetan, but which under the PRC's administration exist in non-"TAP" prefectures of Gansu and Sichuan.
<b>"TAP"</b>	"Tibetan Autonomous Prefecture" – the designation given to 10 administrative districts created by the PRC from the traditional Tibetan provinces of Kham and Amdo. These "TAP"s are under administration of the Chinese provinces of Qinghai and Gansu (in the north-east), and Sichuan and Yunnan (in the south-east): for clarification, refer to the map "Tibet under the PRC". The reason the designation appears in quotation marks in this Report is to denote the rejection by Tibetans of this PRC-demarcation of Tibet, particularly of the misnomer "Autonomous".

<b>"TAR"</b>	Tibet Autonomous Region – the area created by the PRC out of the traditional Tibetan province of U-Tsang and a small portion of western Kham. The reason the title appears in quotation marks in this Report is to denote the rejection by Tibetans of this PRC-demarcation of Tibet, particularly with the misnomer "Autonomous".
<b>TCHRD</b>	Tibetan Centre for Human Rights and Democracy.
<b>TLP</b>	Temporary Living Permit – these are granted to people with rural <i>hukou</i> who have received permission to move into urban areas for work.
<b>Tibet</b>	Tibet in this Report refers to "ethnographic" Tibet as at 1949, and correlates with the plateau now known as the Qinghai-Tibetan Plateau. In the PRC's view and usage, "Tibet" refers only to that half of ethnographic Tibet now within the "Tibet Autonomous Region".
<b>Tibetans</b>	The PRC rarely differentiates between ethnic Tibetans and Han Chinese settlers when reporting statistics in relation to Tibet's income, housing, health, education and so on. However this report is concerned with the housing and land rights of ethnic Tibetans and not that of Han Chinese or other nationalities who moved into the area after China's occupation of Tibet.
<b>TIN</b>	Tibet Information Network, a London-based NGO which monitors events in Tibet.
<b>UDHR</b>	Universal Declaration on Human Rights.
<b>UN</b>	United Nations.
<b>Xinhua</b>	Government-controlled press outlet in China.
<b>yuan (Ch)</b>	Chinese currency; also known as RMB; approximately 8.5 yuan equals US\$1
<b>Yunnan (Ch)</b>	Yunnan province is in the far south of the Tibetan plateau. Its boundaries were altered by the PRC in the 1950s to include a portion of the traditional Tibetan province of Kham, now designated as Dechen "TAP".



TIBETAN  
CENTRE FOR  
HUMAN  
RIGHTS AND  
DEMOCRACY

Top Floor, Narthang Building  
Gangchen Kyishong  
Dharamsala-176215 H.P. INDIA

phone: +91 1892 23363

fax: +91 1892 25874

e-mail: [dsala@tchrd.org](mailto:dsala@tchrd.org)

website: <http://www.tchrd.org>