《中国将立法禁止暴力拆迁》

Legislation to regulate and curb the forced demolition and seizures of property that have plagued China's citizens and created major headaches for the central government appears to have new life after twelve years of deliberation.

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The draft law, now being discussed in the National People's Congress, calls for an end to the intimidation, violence and "other illegal means by both local administrations looking to take possession of people's homes and third-parties acting on their behalf," the Beijing-based, state-run China Daily reported on Thursday.

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First proposed by a group of legal scholars including Ying Songnian, president of the Administrative Law Studies Institute under the China Law Society, in the late 90s, the legal reforms have taken on more urgency as disputes over property have become a flashpoint for China's citizenry.

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Several incidents involving attempted property seizures made headlines in the past few years as residents threatened suicide or committed suicide to protest attempts to seize their property. The seizure process also frequently leads to violent stand-offs between evictees and local authorities, dozens of which have been documented on a crowd-sourced "Blood-Stained Property Map."

Peter Parks/Agence France-Presse/Getty Images2011?1?25?,?????27?????????(??,?).???????????,???????????.
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In its latest incarnation, the legislation up for approval by the NPC, China's main legislative body, would not only curtail local authorities' ability to seize property but it would also ban property seizures from occurring during holiday periods or at night, unless an emergency justifies it, according to the China Daily report.

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The new law would also require legislative approval at the local and national levels before a property could be seized by authorities. At the same time the law leaves a good deal of power in the hands of local chengguan, or urban management officers, which may create a potential for abuse, according to Peking University legal scholar Zhan Zhongle.

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"[The latest draft] can be seen as an attempt from the top legislature to restrain administrative coercive power on one hand, and to maintain their ability to undertake social management on the other," Mr. Zhan told China Daily. By accepting the latest re-submission of the draft law, the NPC protects it from being automatically abolished under a legislative requirement that laws be submitted for review at least every two years.

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"It is one of the most long-awaited laws in China's legal history," the 75-year-old Mr. Ying said. And now it is "close to implementation, despite minor defects."

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While Mr. Ying is optimistic, property owners may not want to exhale just yet. Local governments, which depend on land deals for the vast majority of their revenues, have a history of resisting regulations that restrict their ability to pursue new real estate projects. And even if the law passes, there may be loopholes like the emergency clause that allow forced seizures to continue.

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On the other hand, Beijing has lately been at pains to prove it can protect the interests of regular people, part of an effort to maintain stability as the Communist Party prepares for a scheduled leadership change in 2012. Implementing a law that genuinely put an end to forced evictions and demolitions â ' one of the country's most common causes of unrest â ' would go a long way towards maintaining peace on the streets.

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