

Save Kashgar's Old Town!

**Treasure of the Silk Road in danger -
China's authorities ordered destruction**



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Save Kashgar's Old Town! Treasure of Old Silk Road in danger - China's authorities orderd destruction

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1. Summary

The Old Town of the city of Kashgar, which is over 2000 years old, in the north-west of China is threatened with destruction. In the coming five years about 200,000 people are to be re-housed in so-called earthquake-proof apartment buildings. The project, which began on 27th February 2009, involves the destruction of 85 percent of the basic fabric, which is centuries old. Kashgar has the reputation of being the most important Islamic town in central Asia in terms of cultural history. Only 15 percent of the old houses are to be retained in the framework of an open-air museum to present to the 1.5 million tourists from home and abroad the old Islamic culture.

The people affected have not been properly brought into the process of planning the project. Those affected complain that they are not given adequate information on the forthcoming resettlement. Most of the inhabitants were surprised by the arrival of the bulldozers on 27th February 2009. By the middle of June 2009 some 5 percent of the Old Town, including several districts and streets had been destroyed.

The Chinese authorities justify the project as protection of the people against earthquakes, an improvement in living conditions and the lack of water required by the fire-brigade in case of a large fire. Structural engineers and people who know the country do not see this as a sound argument. For many of the houses built of mud and wattle have a history of several hundred years and have already survived many earthquakes. Structural engineers and residents point out that it is precisely the use of wooden supports which renders the mud-built houses capable of buffering the seismic shock. The six-storey new apartment houses in which the residents of the Old Town are to be re-housed are, contrary to the projections put forward by the authorities, not earthquake-proof in the light of unsatisfactory construction practice. In the catastrophic earthquake in the province of Sichuan, which in May caused the death of some 90,000 people, it was construction deficits which led principally to the high number of dead.

Were the authorities only concerned to improve the living conditions of the residents of the Old Town they would not need to tear down the houses but could renovate them and keep them in repair. Good experience was made with a project of this kind in the old Tibetan capital of Lhasa at the end of the 1990s with the *Tibet Heritage Fund*, which contributed to the refurbishment of dozens of houses with international financial support. Many countries would surely also be prepared to provide generous support to viable ways of saving the original structures in Kashgar.

However China's authorities have evidently no interest in the maintenance of Kashgar's old appearance. It is true that in 1986 they declared "the Cairo of the East", as Kashgar is often called in admiration, to be a "Chinese city of historical and cultural importance". But in their efforts together with their central Asian neighbours to have "the Silk Road" registered as a world cultural legacy in the sense of the World Cultural Heritage Convention of the World Culture organisation UNESCO they ignored the Old Town of Kashgar. This certainly goes in the face of the spirit of the World Cultural Heritage Convention, but the controversy over Kashgar also shows the limits of this convention. So a cultural monument of world heritage format cannot be properly protected if the state concerned, in which the cultural object lies, is not prepared to have the monument registered in the World Heritage list. It seems likely that China will

issue conservation orders for some 48 cultural sites in the People's Republic in its application for registration of the Silk Road as World Cultural Heritage at the World Heritage Commission in 2011. The interest lies mainly on burial places, caves and the remains of the Great Wall.

Conservation of only 15 percent of the historic structure is not sufficient since the value of Kashgar's Old Town lies not in individual buildings but in the picture of the city as a whole as a metropolis built mainly of mud and wattle. The value of such a unified city panorama is also clearly to be seen in the fact that Kashgar's Old Town has been used for making films with an international reputation. The most recent example of this is the film *The Kite Runner*, for which many scenes were shot in Kashgar's Old Town.

China's refurbishment with bulldozers violates both national Chinese and international law. The authorities are disregarding the "Town-planning Law", the "Law for the Conservation of Cultural Monuments" and the "Directive for the Conservation of towns of significant historical and cultural value". The authorities are also ignoring the "Recommendations of UNESCO for the Conservation of and the Present Role of Historical Sites" and the "Charter for the Conservation of Historical Towns and Urban Areas" of the prestigious NGO International Council on Monuments and Sites (ICOMOS), with which the Chinese authorities otherwise cooperate closely.

The Kashgar case also makes clear the weaknesses of the "Law of Ownership" and the "Directive on the demolition of houses in towns and on the conduct of re-settlement". China's cultural vandalism is also violating international law. The People's Republic is violating the "Convention of the Rights of Children", the "Convention for the Abolition of all kinds of Racism and Racist Discrimination" and the "Convention on the Abolition of all Discrimination against Women". Likewise violated are the "International Pact on Economic, Social and Cultural Rights", the UNESCO Declaration on Race and Racist Prejudice and the Global Conservation Strategy for the year 2000 of the General Assembly.

The demolition of Kashgar's Old Town is also reminiscent of the deliberate destruction of old Lhasa in the 1990s. At that time also it was security concerns which were paramount for the Chinese government. The narrow winding streets of the Old Town made complete surveillance of the Tibetan people with security cameras impossible. After the demolition of the old buildings the streets were widened and new apartment and business buildings built, which make it possible today to cover all important squares and streets with security cameras. In this way public protests by Tibetans against Chinese policies are made more difficult and have since declined in numbers. Lhasa has for the Tibetans a central cultural, historical and religious meaning. The city also plays a decisive role in forming and strengthening their identity.

Kashgar has a similar significance for the Uighurs. The Old Town is important not only as a cultural and religious focus, but was also in the history of East Turkestan a symbol for the steadfastness of the Uighurs in pressing their rights of self-government. The Chinese security authorities see in the city the centre of Uighur resistance against Chinese rule. They have in the past two years besieged the resident of Kashgar with constant raids. Just recently a directive was given to the staff of the government offices not to wear beards. The party secretary of the Communist Party of Xinjiang paid a visit to the city in April 2009 and he called on everyone to fight "separatism" and

“terrorism” with all means at one’s disposal. The city council set up a special militia of 1792 security officers just for the surveillance of Kashgar. 2,100 security cameras have been set up throughout the city to monitor all movements of the people. When the Old Town has been almost completely destroyed in five years the monitoring of the Uighur population will be considerably easier for the security services. New apartment houses, broad streets and squares will transfer Kashgar into just another Chinese town planned at the drawing-board.

For Kashgar this has dramatic consequences. A city which is more than 2000 years old, the cradle of Islamic civilisation in central Asia, will in a mere five years be razed to the ground. An irresponsible policy of this kind is not only a crime against the world cultural heritage, but destroys the cultural identity of the Uighurs. For years the Chinese authorities have been systematically violating the basic human rights of the Uighurs. The destruction of the Old Town of Kashgar is a massive attempt of the Chinese authorities to secure their control over the Uighurs at any price. But for Kashgar and the Uighurs it is a catastrophe. The existing tensions between the Uighurs and the Chinese administration and between different ethnic groups will be aggravated even further.

2. Recommendations of the Society for Threatened Peoples

The Chinese authorities in the city of Kashgar should be forced to

- Stop immediately the resettlement and the destruction of the Old Town of Kashgar,
- Make sure that the Uighurs affected should be contacted in time and in a proper way and be able to take part in the planning process,
- Place the Old Town of Kashgar under the protection of the World Cultural Heritage of the United Nations,
- Prevent the immigration and settlement of Han Chinese in new estates in Kashgar and in the whole autonomous region of Xinjiang,
- Recognize the significance of the Old Town of Kashgar in terms of culture and history and also in everyday politics (e.g. in the implementation of new traffic projects and in town planning) and
- Provide generous compensation for the affected Uighurs also after the expiry of the date for voluntary application for resettlement.

3. Kashgar's Old Town will be destroyed

The Islamic School dating back to the Middle Ages in the old centre of Kashgar was torn down by bulldozers on 15th June 2009, report eye-witnesses. The Xanliq Madrasa was of great cultural importance for the Uighurs, the Moslem majority in the Autonomous Uighur Region Xinjiang in the north-west of the People's Republic of China. In East Turkestan, as the Uighurs call their country, there is a rich heritage of history and philosophy of this high culture. The Xanliq Madrasa documented the centuries-old tradition of philosophical and religious studies in East Turkestan. In the 11th century already the world-famous scholar Mahmud ibn Hussayn ibn Muhammad al-Kashgari (1005-1102) carried out studies of the Turk languages at the Madrasa. The linguist published in the year 1072 with the *Compendium of the Language of the Turks* the first comprehensive lexicon of all Turk languages. The lexicon was intended for the caliphs of Baghdad and contained the first maps of the settlements of the Turk people and their lyrics.

There was later a decline of the Islamic School, which was only arrested around the year 1860 when the rich tradesman Abdurusulbay from Atush founded the Madrasa anew. In return the Madrasa offered shelter for primary schools which had been founded by prominent people of the town. In the year 1883 Abdurusulbay's grandsons, Bawudunbay and Hüsäyinbay Musabayov, set up the first primary school of East Turkestan, in which the Moslem and other forms of training were brought together in scientific subjects. It is true that this project was only short-lived, but in the following *Atush's Hüsäyniyä-School* generations of pupils learnt Islamic studies and other scientific matter. Many of the Uighur intellectuals were trained in the 20th century at the *Xanliq Madrasa*. So the Islamic school was also a cradle for the Uighur opposition against the Communist Party of China and its ideology. In its heyday there were 18 Islamic schools in Kashgar, in which every year up to 2000 students were trained. The deliberate destruction of the *Xanliq Madrasa* demonstrates in a shocking way the relationship of the Chinese authorities and the Communist Party with the culture and the traditional society of the Uighurs.

The demolition of the Madrasa is part of a comprehensive remodelling of the Old Town of Kashgar by the Chinese authorities. On 27th February 2009 they had announced a comprehensive "reconstruction" of the old town centre (*Xinjiang Daily*, 27.2.2009 / www.xj.chinanews.com.cn, 28.2.2009). Just a few days later the authorities began a programme of "restoration" with the bulldozer of the largest Uighur town in the far west of Xinjiang /East Turkestan. In the next five years 50,000 households are to be resettled, i.e. some 200,000 people in so-called earthquake-proof new apartments and houses (www.kashi.gov.cn, 27.3.2009). Some 85 percent of the 2000-year old city centre is to be demolished in the course of the controversial town-planning project. The authorities state that the rehousing of the residents is to cost about 448 million US dollars (*The Times*, 18.6.2009).

Most of the Han Chinese do not understand the criticism, which abroad is growing louder, of the destruction of Kashgar's Old Town. They see it as the duty of their government to care for its citizens and to keep the number of victims of future natural catastrophes as low as possible. Apart from this, so runs their argument, part of the Old Town will be kept for a tourism project, so the criticism of the foreigners is out of place.

This reaction makes clear how deep is the gulf between the various ethnic groups in the state of many peoples and how little understanding the majority, made up of the Han Chinese, has for the concerns of other nationalities.

Those whose houses are to be demolished leave voluntarily before 6th June 2009 are to receive 21 euros per sq.m. in compensation. Those who leave their properties for ever by 18th June 2009 receive only 10.50 euros per sq.m. Those who stay longer receive no compensation.

Only 15 percent of the centre of the Old Town is to be spared from demolition and kept as a sort of open-air museum. So the authorities are making allowance for the fact that Kashgar with its Old Town has always been an important attraction for 1.5 million foreign and Chinese tourists every year. They have been bringing the town and its inhabitants an income of some 65 million euros every year (www.uhrp.org, Henryk Szadziwski, 4.3.2009). In the year 2004 the town was noted as being one of the most important tourist towns of the People's Republic. The destruction of most of the Old Town will probably result in a reduction of the number of visitors and so affect thousands of people who live directly or indirectly from tourism. For the planned open-air museum will not be able to keep the character of the Old Town made up of hundreds of one or two-storey timber-frame houses, since the whole face of the town will be changed radically by the erection of high apartment and business houses on the spaces now becoming empty. It will not be possible in the "reconstruction" planned by the authorities to retain the historical, cultural and social significance of this Old Town.

The authorities put forward as explanation for the project the lacking quality of life in the old houses with the lack of quench-water in the case of a fire and the danger to the town in case of an earthquake. They say that the "reconstruction" of the town has a high priority after the catastrophic earthquake of May 2008 in the province of Sichuan, in which 90,000 died (www.kashi.gov.cn, 13.8.2008). The argument is that the old timber-frame houses would not be able to withstand earthquakes and in the case of severe tremors would disintegrate into dust. East Turkestan suffers an average of five or six severe earthquakes each year, which however as a rule cause only relatively injury to persons.

4. Dubious justification of the authorities

Many residents of the Old Town are not convinced by this explanation of the authorities for the demolition. "In the year 2004 there were earthquakes, but none of the houses in the Old Town collapsed", reported a businessman. "The people in the Old Town believe that their houses are sounder than the modern buildings. They have survived hundreds of years" (*The National*, 3.5.2009). An elderly man is confident: "These houses have withstood earthquakes for 2000 years" (*The Times*, 18.6.2009). They are not just built of mud, for wood was also used in their construction to dampen possible shockwaves. The old man points sceptically to the buildings nearby, built of bricks and cement. These houses are officially earthquake-proof, but in reality the manner of construction has so many defects that the houses would not withstand an earthquake. This is why modern government offices and hospitals are always being destroyed in Xinjiang. In a quake in the districts of Bachu and Jiashi in the west of the

province in February 2003 a single-storey hospital and a school collapsed (*China Daily*, 25.2.2003). The reason for the deficiencies in the construction is often corruption and mismanagement. The natural disasters in Sichuan would not have caused so many deaths if many houses had not collapsed as a result of construction deficiencies. Heavy roof constructions in new or refurbished houses often present a severe risk since they cannot react flexibly to the shock-waves and are liable to bury all occupants beneath them.

Houses built of mud and wood cannot be safely classified as unsatisfactory and earthquake-prone. More than three thousand million people on six continents around the globe live in houses made of a variety of mud or clay (These terms are in English very elastic- translator). Mud is not a building material with a short lifespan either, as is sometimes asserted. Archaeologists have recently discovered wall materials in houses in the north of Syria which are 11,000 years old, partially made of mud. In Jericho too 8,300 years before Christ houses were built of mud.

The professor of geography Wu Dianting of Peking University (*Beijing Normal University*), who has worked intensively on the structure of the town of Kashgar, emphasises the advantages of mud and other natural building materials. The style matches the desert region around, for the mud keeps the buildings cool in summer and warm in winter. There are in the world only a few towns remaining with such a large number of mud (or so-called half-timbered) houses. He appealed therefore to the authorities to think again about their decision. "The destruction of the town would really be a great shame", said the professor (*The Times*, 18.6.2009). "The Old Town must remain as a whole", demands Wu (*The Irish Times*, 8.6.2009). It is not necessary to pull down the whole centre of the Old Town in order to meet the safety standards. Many of the houses could be renovated.

"If the residents have to go away the town will lose its soul", fears the founder of the NGO *Beijing Cultural Heritage Protection Center*, He Shuzhong. Of course it is important to protect the people against earthquakes, but the complete destruction of the Old Town is not necessary. "The government could renovate the houses which are in danger", said He Shuzhong. However old building materials and handicraft technologies which have been used since time immemorial should be part and parcel of the renovation. The original condition of the edifices should also be replaced (*The Irish Times*, 8.6.2009). The managing director of the NGO, Wu Lili, too has scathing criticism for the resettlement project: "From a cultural and historical perspective their plan is crazy...From the point of view of the local people it is cruel" (*The New York Times*, 28.5.2009).

The managing director of the (*Uyghur Human Rights Project*), located in Washington D.C. USA, Henryk Szadziwski, who has for many years lived in East Turkestan warns of the disastrous social and cultural consequences of the resettlement project. "The destruction of the Old Town of Kashgar would be a disaster for the preservation of the Uyghur traditions", warns the human rights activist. "Many residents of Kashgar have their shops and workshops in the immediate vicinity of their houses. If they are now taken out of the Old Town into new estates some five miles away, this will also affect their way of life", warns the human rights activist (*Deutsche Welle*, 27.5.2009).

With their reconstruction by bulldozer to ease the consequences of earthquakes the authorities are ignoring Article 10 and 14 of the Charter for the Conservation of Historic Towns and Urban Areas. The charter was instituted by the *International Council on Monuments and Sites* (ICOMOS), with which China normally works in seeking the recognition of the Silk Road as World Culture Heritage. Of course protective measures can be undertaken against natural disasters. However they should be “matched to the specific character of the places affected”, say the recommendations.

Concerning the demolition of old structures, the authorities refuse to accept any responsibility. Sixty percent of the houses of the Old Town were built in the 50s and 60s of mud and wood and would not meet today’s building standards, say the authorities today (www.yaxin.com, 8.6.2009). Quite a different picture from that painted two years ago!

The provincial government of Xinjiang said in August 2007 on their official homepage that most of the dwellings were reaching 80 years of age and not a few were more than 400 years old (www.kashi.gov.cn, 27.2.2007).

5. Houses are continually being pulled down

Immediately after the announcement of the “reconstruction” at the end of February 2009 bulldozers began with the demolition of individual houses. At least 49,000 of the 65,000 houses in the Old town are to be demolished (*Deutsche Welle*, 27.5.2009). By the middle of June 2009 according to eye-witness estimates five percent of the old structures had been pulled down.

Three of the seven quarters of the Old Town have an earthquake risk, said the deputy mayor of Kashgar, Xu Jianrong (*The New York Times*, 28.5.2009). He said that the old houses must be demolished and replaced by new earthquake-proof apartment houses. 2000 more houses are according to Xu to be demolished to make room for squares and schools. “Significant buildings and districts have already been entered in the list of protected national monuments” and would not be touched, said the deputy mayor vaguely. No archaeologist has been engaged to accompany the demolition work, since the government already knows everything about old Kashgar.

Eye-witnesses report that the following have been completely demolished since the end of June 2009: the three quarters of Dorga Bek, Kölbishi, Sipil Tüwiand Yumlak Shahar Kölbishi and the Besh Irik Road. Partly demolished have been the two roads Elgekqi and Orang Kay and the market of Orda Aldi. From the beginning of the “reconstruction” to the middle of June 2009 900 families from the Old Town are reported to have been re-housed.

In the middle of June 2009 the work was halted for three days during a visit from a government delegation, but on 19th June the bulldozers began once more their work of destruction.

The authorities give so little information to those affected that there is now speculation on real estate business arising in connection with the “reconstruction”. There are

rumours that the local authorities had given a group of Han Chinese from Wenzhou control over the sale of the district around the Id-ha mosque. According to other rumours the Appaq Khoja Mazar square has been offered for marketing to a Jinkun enterprise of Han Chinese. The square has a great religious meaning for the Moslem Uyghurs. The truth of such speculations cannot in the light of the very restrictive information policy of the Chinese authorities be checked. However the rumours show how low the trust of the inhabitants of Kashgar is in their own local government (www.uhrp.org, Henryk Szadziewski, 4.3.2009).

6. Kashgar's double character

Kashgar is the city of the People's Republic which lies furthest to the west with an official population today of 355,000. However if all the soldiers, Chinese government officials and migrant workers are counted the figure is probably nearer 500,000. In the year 2001 the population was consisted of about 90 percent Uyghurs. Following the opening of the new railway between the provincial capital Urumchi and Kashgar the number of Han Chinese living in the city has considerably increased. Some 5,000 migrant workers are reported to come to the Kashgar region every week (*The Destruction of Kashgar*, Ruth Ingram, 17.12.2003, *Central Asia-Caucasus Institute Analyst*, www.cacianalyst.org). In December 2008 the construction began of a new railway connection between Kashgar and Hotan (*Tianshannet*, 31.5.2009). After the completion of each new railway line the size of the Han Chinese majority increases. These people then settle along the line to open a business or to find work.

Urumchi has become a magnet for tens of thousands of Han Chinese as a result of the easier links by rail and air. Within a few years the share of the Uyghur population sank from 60 to no more than 30 percent today. A similar development was noted in the old Tibetan capital of Lhasa, in which the share of Tibetans in the total population has sunk dramatically. The result was a clear deterioration in the relationships between Tibetans and the Han Chinese who had moved in. These tensions exploded into demonstrations, which were sometimes violent, of Tibetans against the Chinese rule in March/April 2008. In Kashgar too the relationships between the ethnic groups could further deteriorate should the authorities move Han Chinese into the new apartment blocks being built in the Old Town.

The city was always divided into two: between the Chinese and the Uyghur quarters (*China's Muslims*, Michael Dillon, Oxford 1996, S. 30). Before 1949 the Chinese quarter was termed Hancheng (Chinatown). There were Confucian and Buddhist temples. Today these areas of Kashgar are hardly distinguishable from other Chinese cities. High-rise buildings, broad streets and modern businesses characterise this new town, which is very different from the old city centre.

The Old Town however retains its special Moslem and Uyghur character. With its thousands of mud and wattle buildings it is so unique that it was also the background for the film *"Kite runner"* in 2007, which tells the story of friendship and civil courage in Afghan Kabul. The Old town is surprisingly well preserved and lends a unified appearance. Craft guilds are concentrated in particular alleyways. Here you find locksmiths, there blacksmiths and in front of their doors large scrap-heaps, from which

they produce knives. Shoemakers, turners, wood-carvers and instrument-makers - all have their workshops in special quarters of the Old Town.

7. Destruction in instalments

The construction of a fast road and high-rise buildings has greatly changed the appearance of Kashgar in recent years. Some years ago the ramparts round the city, 7.50 wide and 10.50 high, were torn down. In the 80s a circular road round the city and a wide main street into the Old Town were built. In the year 2001 the authorities announced that 87.8 million US dollars would be spent on better protection for historically important monuments. Certain houses would be strengthened and made earthquake-proof. The watch-word of the authorities is now to build new houses with so-called "ethnic decoration". This is however far removed from traditional Islamic architecture. Yet the city has always regenerated itself over the centuries. Repairs, large and small, have always been carried out on the old buildings, the structures have been enlarged and the mud or clay renewed. The mud and wattle structures are completely different from buildings made of stone. The latter do not always have to be re-plastered. In the course of the centuries many changes have taken place in the Old Town of Kashgar, yet the overall picture of mud and wattle has remained unchanged. It is not individual historic buildings, but this overall picture of a vibrating Old Town with countless apartment and business houses matching each other in their appearance which makes Kashgar the best preserved traditional Moslem city in central Asia.

The world-famous cattle-market too, which for centuries was inseparably linked with the bazaar in the centre of the Old Town, was on the order of the authorities moved from the city centre. It is a market for sheep, camels, horses, donkeys, yaks, cows and goats. The traditional bazaar, like any oriental market, was moved at the order of the authorities in the year 2003 to a newly erected market-hall, in which every dealer has to offer his wares at an identically-built stall.

Nevertheless the Old Town retained its unified appearance as a maze full of winding alleys, half-timbered mud houses and other traditional structures. The call to prayer comes without any loudspeakers from 40 mosques.

In the year 2003 however the authorities ordered the demolition of many houses in the immediate vicinity of the *Id-ha Mosque*, which is also well-known across the border. Many small restaurants and tea-houses, which used to be frequented by people coming from prayer, were in this process destroyed (www.forum18.org, *Xinjiang: Strict control of China's Uigur Muslims continues*, 15.8.2006). Hundreds of houses were demolished (*The Star*, 30.5.2004). There were warnings at that time from tourist offices that the destruction of complete quarters could have negative consequences for tourism.

New buildings have been erected in their place, in which traditional architecture has been disregarded. Many Uyghurs fear that the quarter has lost its character. Uyghur traders criticise the fact that the government offices which have moved in there must pay exorbitant rents (*Telegraph*, 16.7.2005). One large apartment complex remained for two years after completion largely without tenants and empty because the Uyghurs did not want to live in it.

Similar “reconstruction projects” have also been started in the city of Hotan. In the provincial capital of Urumchi traditional quarters were demolished already in the middle of the 90s. The Xinjiang expert Gardner Bovingdon, who teaches at the *Indiana University* in the USA, sees parallels between the destruction of Kashgar and that of Urumchi. In both cases it is a matter of bringing Uyghur quarters under the control of the authorities and the police to increase China’s control. In Urumchi even the old mosque was torn down and rebuilt in the framework of a shopping mall. Today it is located in between a branch of Kentucky Fried Chicken and a large Carrefour supermarket. “It is quite out of place”, said a Uyghur. “We come here to pray, but sometimes we can’t hear our own prayers because of the music coming out of the shopping mall”, criticised the believer (*BBC*, 29.11.2005).

8. Incomprehension and impotence of the people

There have been so far no reports of open protests on the part of the people of Kashgar – which is hardly surprising in view of the ubiquity of the security police in the city and the constant threat of new repression. In spite of their fears of prosecution many citizens express to journalists their incomprehension and their bitterness at the behaviour of the local authorities.

“This town is the hometown of my parents, my grandparents and my great-grandparents”, said a trader regretfully in the face of the demolition of the Old Town, while mounds of rubble from the demolished houses pile high around his shop. “We were told that our shop would be pulled down either this month or next”, said another businessman. “It is a disaster, even if we receive compensation”, said the man, who looked left and right while he was speaking because he fears that he is being watched by security officers.

“My family built the house 500 years ago”, reports a man aged 56. “It is built of mud. It has always been improved over the years, but the layout of the rooms has not changed” (*The New York Times*, 28.5.2009). “The house belongs to us”, says his wife. “In a house like this many generations can live one after the other. But if we move into a flat the building will be pulled down every 50 to 70 years... – that is the biggest problem in our lives. How can our children inherit a flat?”

“They want us to live like the Han Chinese, but we can’t accept that”, says an elderly lady. “If we live in flats built by the government we shall no longer have any gardens or sunlight. This is our land. We didn’t buy it from the government” (*Washington Post*, 24.3.2009).

“They don’t tell us anything”, complained an elderly businessman. “We don’t understand why they do that. Whatever it is, I don’t believe a word of what they say” (*The Times*, 18.6.2009). Most of the residents of the Old Town are too scared to say anything in the open. “The police are here. We must be careful”, warned a resident. “Most people don’t agree with it all”, said an elderly businessman. “But they are poor. They must go”. (*The Times*, 18.6.2009)

“The money is not so important for people here”, said a businessman in a cafe on the compensation payments announced by the authorities. “The important thing is that they were born here and grew up here. In a block of flats there is no feeling of togetherness; people lose the contact with each other. The doors in the Old Town are always open and everyone knows everyone else. I just don't want to leave” (*The National*, 3.5.2009).

“This really is a headache – and it's like that for everyone”, said a 70-year old resignedly. “We can do nothing about it – nothing”. His family has lived for three generations in the Old Town of Kashgar (*The National*, 3.5.2009).

“If the government gives me money, I'll go”, said a 60-year old man. “Everyone is unhappy about it, but government is government. We can't do anything” (*Washington Post*, 24.3.2009).

One man, who has already moved, comes to terms with his living conditions in the new tenement block: “What can we do? We have no choice.”

Many people complain that the compensation payments are too low and do not cover the costs of the move in the long run.

Uigurs in Kashgar say clearly that they have at no time been properly brought into the planning process of the move. There was no sign of any transparent and understandable planning on the part of the authorities. Most of the residents of the Old Town were completely surprised by the plans and their immediate implementation. Once again the Chinese authorities are creating a *fait accompli*, while infringing their own national laws. In view of the massive persecution of Uyghur human rights activists the people have no alternative but to bow helplessly to fate as they see it. The security authorities have left no doubt in anyone's mind that they will take all measures to break all non-violent resistance on the part of the Uyghurs and discredit it as “terrorism”.

9. Uyghur organisations are protesting

It is true that Uyghurs in East Turkestan cannot bring criticism against the project or resist the forced resettlement. But many leading Uyghur persons and exile organisations have expressed serious criticism of the destruction of the Old Town of Kashgar.

“The destruction of the Old Town of Kashgar is a blow to Uyghur identity and an attempt to assimilate the Uyghurs”, criticised the chair of the *World Congress of the Uyghurs*, Rebiya Kadeer. The *World Congress of the Uyghurs* is an umbrella organisation of Uyghur organisations throughout the world (*Agence France Press*, 25.3.2009). “The Uyghurs see Kashgar as the cradle of Uyghur civilisation”, said Kadeer. “The Old Town of Kashgar represents thousands of years of Uyghur civilisation. If Kashgar is destroyed the Chinese government will change all towns of East Turkestan into towns similar to the Chinese towns on the east coast. When Kashgar has been finally destroyed the unique Uyghur and central Asian character of East Turkestan will be history. What are the people who have been moved supposed to

do? What are they going to live off in their new places? The places where they live and work are closely linked with the Old Town of Kashgar" (*The National*, 3.5.2009).

The *Uyghur American Association* points out that China's authorities have already torn down many old city centres in East Turkestan. "The city of Kashgar is one of the last remaining religious and cultural centres of the Uyghurs. The Chinese government is building in place of the destroyed buildings blocks of flats in which it will put Han Chinese. .. A number of Uyghur communities in East Turkestan have been destroyed since the Chinese Communist Party took over the administration in the year 1949. Most of this destruction dates back to mass campaigns like the Culture Revolution (1966-1976), which deliberately destroyed historic aspects of the Uyghur culture. Above all the Chinese government has destroyed all Uyghur cultural centres in the north of East Turkestan. First the Uyghur people were moved, then their traditional houses were destroyed and finally they were cooped up in blocks of flats, surrounded by Han Chinese as neighbours and isolated" (*Uyghur American Association, Press Release*, 24.3.2009).

10. Surveillance and control are being tightened up

Kashgar is for the Chinese security authorities the centre of Uyghur protest and resistance against the Chinese government policies in Xinjiang / East Turkestan. In the light of its historical significance and the still very high Uyghur share in the population Kashgar among the other large cities of East Turkestan requires in the eyes of the Chinese security forces particular attention. The Party Secretary of the Communist Party in Xinjiang, Wang Lequan, in a visit to the city in April 2009 called for increased efforts in the fight against separatism and terrorism. Kashgar lies, he said, in the front line of the battle against separatism. Hard measures must be taken to fight effectively against the three "devilish powers" (terrorism, extremism and separatism). The director of the security office of Xinjiang, Liu Yaohua, had already in March 2009 directed that the security offices must proceed more energetically against the "powers of disharmony" to maintain social stability and unity.

On 3rd June 2009 the security authorities stated that they had in the first four months of the year 2009 unearthed "seven terrorist groups" in the city. Further details of the arrests were not given. The Party Secretary of the Communist Party in Kashgar, Zhang Jian, warned however that extremists from the neighbouring countries would try to recruit supporters through the internet (*Associated Press*, 2.6.2009 / *Reuters*, 3.6.2009). Here again we see foreign countries being made responsible for the domestic problems of the Chinese authorities in East Turkestan. Peking has since the terrorist attacks of 9/11 been systematically trying to represent its policy of suppressing and persecuting Uyghur activists and human rights workers in Xinjiang as its contribution to the world-wide fight against terrorism. Uyghur civil rights workers have denied the charge that "terror cells" have been broken up by the police in Kashgar. The people in custody have been arrested for political reasons and had not been planning any acts of terrorism, said Rebiya Kadeer, the chair of the *World Congress of the Uyghurs*.

In the recent history of East Turkestan Kashgar has served as a symbol of Uyghur culture and of the Uyghur independence movement, which was particularly strong in the 30s of the 20th century.

In the run-up to the Olympic Games in Peking in August 2008 the Chinese authorities stepped up once more their persecution. At the end of March 2008 70 Uyghurs in the city were arrested for political reasons. The arrests had the purpose of intimidating the people and preventing any public protests during the Olympic torch-run and the Games themselves. Days before the torch-run reached Kashgar on 18th June 2008 there was a tense quiet in the city. Nobody was allowed to attend the torch-run who had not been directed to do so from his work-place (*Reuters*, 17.6.2008). The people were instructed by the authorities to watch the event at home on TV (*International Herald Tribune*, 16.6.2008). The authorities directed that all windows were to remain closed. Eye-witnesses reported that people were not allowed to go onto their balconies during the torch-run. Foreign journalists were not allowed to conduct interviews with the people watching the torch-run. The representatives of the media were driven from their hotel to the start and end of the torch-run to ensure that they could not establish any contact with the bystanders.

On 9th July 2008, 15 Uyghurs were sentenced by the court in Kashgar for “separatist and terrorist activities” to terms of imprisonment ranging from ten years to life-long. Death sentences were pronounced against three Uyghurs, the execution of which was postponed for two years. Two other Uyghurs, Muhetaer Setiwalidi and Abuduwaili Yiming, were sentenced to death. The sentences were executed immediately (*Radio Free Asia*, 11.7.2008). Citizens of the district were directed by the authorities to attend the executions, but they were not allowed to have with them any cameras or other recording equipment.

The attention of the world was drawn to an event in Kashgar in the run-up to the Olympiad. On 4th August 2008, just four days before the official opening of the Olympic Games, 17 riot police were reported to have been killed by two Uyghurs. The circumstances of the crime led to contradictory information being given by the authorities (*International Herald Tribune*, 29.9.2008), but finally the 28-year old taxi-driver Kurbanjan Hemit and the 33-year old greengrocer Abdurahman Azat were sentenced to death in December 2008 and executed on 9th April 2009 (*The New York Times*, 18.12.2008 / *The Wall Street Journal*, 9.4.2009).

Raids in Kashgar and the town of Kucha resulted in more than 1000 Uyghurs being arrested in the year 2008. In March/April 2009 90 further Uyghurs were arrested in house searches in Kashgar (*Uyghur Human Rights Project*, 6.1.2009 und 8.4.2009). 16 further Uyghurs in the region were arrested.

One Christian Uyghur also was arrested for political reasons on 12th January. Alimujiang Yimiti is still 18 months later still in custody in Kashgar. Relatives fear that he could soon be sent to a work camp for three years. The cases of these political prisoners document that Kashgar is seen by the authorities as the nucleus of resistance against the Chinese rule on East Turkestan.

In order to break the often passive resistance of the Uyghur residents of the city the Chinese security authorities often take resort to strange methods. They ordered in February 2009 in a dress code for all employees of the city that every employee should be cleanly shaved. For most Han Chinese this presents no problem, however many Uyghurs found this intervention a severe interference with the practice of their religion, their culture, traditions and rights of personality. The point is that many people of this nationality wear beards.

In order to exercise complete control over the residents of the city and to nip spontaneous protests in the bud the city authorities set up a special surveillance unit. This comprises 1792 security officers and has cost the city 900,000 euros (*Xinjiang Peace Net*, 31.3.2009). The unit, which is equipped with new vehicles, is to assist in maintaining stability and to take action in the case of "sudden events". Persons volunteering to join this militia in the Kashgar region are freed from having to carry out any other unpaid services.

Above and beyond this 2,100 video-cameras have been installed throughout the city. Streets, squares, internet cafés, shopping malls and places of amusement can in this way be efficiently and quickly monitored. A total cost of 2.7 million euros has been incurred. However the Old Town of Kashgar with its countless winding alleyways cannot be completely covered by video cameras. But the broader streets and squares now planned by the authorities make it feasible to monitor every movement. In the Tibetan capital the method has already been used very effectively. Following the destruction of the Old Town in the 90s public protests in Lhasa seldom last for more than a few minutes. The constant surveillance enables the authorities to arrest the demonstrators immediately after they have unrolled their banners.

11. Right to proper housing is being ignored

China's authorities praise themselves publicly for their care for the residents of the Old Town of Kashgar. Propaganda from Peking emphasises that the aim is not merely to provide earthquake-proof housing, but to raise the living standards.

However, living means more than just being surrounded by four walls and having a roof over one's head. It must provide security and dignity and in many cultures it must also safeguard the private sphere. It is the centre of life from which people develop their social relationships and develop their creativity and their sense of community. The kind of architecture or a house or flat, the internal layout, the arrangement of gardens or terraces – all this is unique in every society and matches the needs of this group of people. The residents of the Old Town of Kashgar complain that in the new nine-storey tenement blocks to which the authorities want to move them they will no longer have a garden and that many of their social contacts will be lost.

Instead of living door-to-door with their neighbours, with whom they have always shared everyday life, what is awaiting them is isolation and loneliness. So the demolition of the houses is a massive threat to their whole society since the cohesion of the group is no longer guaranteed.

The right to proper housing must not be calculated simply in terms of hot water and the number of toilets available in the house, but also in the general feeling of the people living there and the possibilities open to them to continue as an ethnically and religious community of pursuing their sense of community and their traditions.

12. China's protection of the cultural heritage

Article 22 of the Constitution of the People's Republic of China states that the state is responsible for the protection of historic monuments and places. In the year 1982 China's government passed the "Law on the Protection of National Treasures", which was in October 2002 amended with the addition of 47 articles to 80 paragraphs today. The Law requires that particular importance be attached to the protection of the national treasures in the People's Republic. In time of danger the cultural heritage must be saved first, states the law. These national treasures must also be sensibly used and the management of the cultural heritage must be strengthened. The law also provides limitations on construction projects which could affect cultural sites, regardless of whether these sites are under the protection of the government of Peking, of the provinces or only of a district.

The State Council of the People's Republic passed a regulation on the implementation of this law. 30 regulations have now been passed, in which the Ministry for Culture in Peking, which is here competent, reinforced the protection of the national treasures. Some of these rules were developed in cooperation with institutions from abroad. An example of this is provided by the "Principles for the Conservation of Heritage Sites in China" in collaboration with the *Australian Heritage Commission* and the *Getty Conservation Institute* (www.getty.edu, Los Angeles).

Nearly 400,000 immovable national treasures are registered in China. However the simple registration is not linked with a particular protection, meaning only that the authorities are informed of the position and the kind of national treasure. Most of the Chinese national treasures calling for protection are not protected by law. Depending on the importance of the cultural sites the national treasures are under the protection of the district, the province or the national "State Maintenance of the Cultural Heritage". 2,352 cultural monuments are under the State Protection of the People's Republic, 9,396 cultural sites are under the protection of the provinces and 58,300 are protected by the districts and towns (*Protection of Cultural Heritage in China, Ministry of Culture, 25.5.2006*). 103 towns have been declared by the authorities to be "towns of historical and cultural importance". The authorities are constrained to employ staff to protect the national treasures and to provide information on planned protective measures.

Article 14 of the "Town Planning Law of the People's Republic of China" of 1989 requires that in every new planning project the "protection of historical and cultural objects, the traditional style of the town and particular regional aspects..." are to be respected. In any refurbishment of protected cultural sites the original condition of the cultural monument must not be changed.

In spite of these impressive figures the factual protection of these registered cultural monuments is however very meagre. In China too the inadequate implementation of the legal requirements and regulations are publicly criticised. Even the government news agency Xinhua reports that Chinese experts are calling for better protection of the world cultural heritage and lamenting the conflict of interest between the protection of culture and modern town development (*Xinhua*, 17.6.2004). "China has no law for the protection of historic towns and their protection is subject to the corresponding laws of town planning and national treasures, which have in fact little to do with these important towns and above all contain nothing to protect old houses", said Zhang Xinjian, a member of the staff at the Chinese Ministry of Culture.

Clear criticism of the destruction of old city centres is expressed by the Chinese non-governmental organisation *Beijing Cultural Heritage Center*, which works for the protection of the Old Town of the Chinese capital. There is a wide gap between the officially declared policy and everyday life, complains the organisation. The reasons for this are many. The general public has no great awareness of the importance of protecting historic monuments, the staff of the authorities responsible is badly trained, the implementation of the legal requirements is not effectively supervised and the system of justice lacks the qualities necessary to offer adequate protection. The lack of funding for the protection of the national monuments is also mentioned (*Protecting China's Cultural Heritage Sites in Times of Rapid Change: Current Developments, Practice and Law*, Stefan Gruber, *Legal Studies Research Paper*, Nr. 8/93, University of Sydney, Sydney Law School, August 2008).

The town planning expert Zhang Lianggao of the Faculty of Science and Technology at the University of Central China also holds the lack of the relevant legal regulations to be responsible for the fact that local authorities often regard historic sites as zones for economic development.

Professor C.Stephen Hsu of the *China University for Political Science and Law* holds that corruption, which is widespread in many regions in the lower echelons of the administration, is responsible for the lack of protection for historic sites. In view of the lack of unmistakable legal regulations the local authorities interpret the circumstances in their own interests and tend to give town development projects precedence over conservation of cultural assets.

Even the Minister of Culture has admitted in public that there are problems with comprehensive protection of the cultural heritage. It is true that Chinese museums have had a boom in recent years, but in the light of urbanisation and the advance of economic development China is facing a great challenge in the conservation of its cultural heritage, said the Minister of Culture, Sun Jiazheng (*Xinhua*, 25.5.2006). The minister lamented the destruction of many historic towns and unique landscapes.

The government newspaper *China Daily* also printed criticism of the failures in conserving the cultural heritage. China has unfortunately been more concerned to officially register cultural sites rather than to protect them in the face of new construction projects endangering their existence, writes the paper (*China Daily*, 13.3.2007). The key-note seems to be: "What's good for tourism and other forms of economic development is also good for our cultural heritage". The *State Administration of Cultural Heritage*, SACH, has the task of supervising the World Cultural Heritage

sites and has executive competence over the local authorities. It is encouraging to note that this office also trains local NGOs to support them in conserving the cultural sites. A further important step is also to be seen in extending the state protection for the world heritage to the objects of cultural heritage which are only under state protection.

13. Protection of the national treasures in Xinjiang / East Turkestan

The *Bureau of Cultural Heritage* of the Autonomous Uyghur Region Xinjiang states that there are more than 1,000 cultural monuments in the region. 58 cultural sites are according to this source under national protection, 263 cultural monuments are protected by the province and 673 cultural sites by local districts and towns. 95 percent of all cultural objects in the province have now been registered, says the *Office for the Cultural Heritage* on its homepage. The most important nationally registered cultural objects of the province, 80 percent of the monuments and 50 percent of the sites registered locally by the districts, have now been protected, says the authority. The authority is also proud that since the year 2004 every year a "Week of the Cultural Monuments" is organised to increase consciousness for the conservation of cultural monuments.

Hitherto it has been mainly archaeological excavation sites, caves and cultural sites along the Chinese Wall which have been declared cultural monuments in Xinjiang. Most of them are not now used as dwellings. Nevertheless the city of Kashgar (in Chinese Kashi) is included by the *State Administration of the National Heritage* among the 103 "Chinese towns of historic and cultural importance". The distinction was bestowed in the year 1986 on the largest oasis-town in modern China with its 162 mosques. The explorer Marco Polo (1254-1324), who came as one of the first Europeans to China, termed Kashgar after his visit the "Cairo of the East". "The people live from trade and commerce", said Marco Polo in his memoirs 700 years ago. "Many traders travel from here to all parts of the world". Other travellers describe the lively centre of trade as the "Heart of Asia". Genghis Khan and the central Asian conqueror Tamerlane (also called Timur the Lame) besieged Kashgar and destroyed parts of the town. Alexander the Great and the Chinese emperor Qianlong came to Kashgar and were fascinated by the city.

The Chinese State Council passed on 2nd April 2008 a "Regulation for the Protection of Towns of Historic and Cultural Importance", which became law on 1st July 2008. Chinese experts had on various occasions called for the protection of historically valuable towns to be improved. In view of the modernising of the country the cultural heritage has been destroyed in many of these towns, criticised Liu Baoquan, director of a research institute commissioned by the government to ascertain and register the cultural monuments (*China Daily*, 15.5.2006). At least 10,000 towns and 100,000 villages in China look back on a history of more than one thousand years, said the researcher. Article 28 of the new "Regulation for the Protection of Towns of Historic and Cultural Importance" expressly forbids new construction projects in the historic old city centres.

The only exceptions to this regulation are projects of infrastructure. Article 29 states that the authorities must obtain the opinion of the people before a final decision on the project is taken. The Regulation lays out the exact procedure of authorisation required to obtain this exceptional building consent and it calls on the town councils to do more for the preservation of the old city centre, not to affect the historic lay-out of the historic town and to conserve it in its entirety. The economic use and development of these towns must not be conducted at the expense of their cultural heritage. Many of the clauses are however ambiguously worded so that they can be interpreted by the local authorities in their own interests against a more effective preservation of the cultural sites. Article 47 of the Regulation, for example, defines very imprecisely the “historic architecture” under protection. This refers to sites which are “indubitably worthy of preservation” and represent “historic building styles and regional specialities”. It is not however clearly laid down who determines whether the sites are worthy of protection and what it is which makes up the ethnic and local characteristics. So this law is in its application of little help since it gives the local authorities wide scope to countermand the effective protection of these towns.

The Chinese authorities also disregard with their procedures in Kashgar recommendations of UNESCO. The world culture organisation in its Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas in Article 17c calls for the participation of the people in the planning of the safeguarding of cultural sites.

The importance of involving wide spheres of the general public is emphasised in Article 3 of the “Charta for the Preservation of Historic Towns and Urban Areas” of the non-governmental organisation ICOMOS. The rescue plan for threatened sites must be carried by the inhabitants of the historic areas affected, says Article 5 of the Charta.

The compulsory resettlement now threatened shows up clearly the weaknesses of the law of ownership, which did not come into effect until 2007. True, this law does protect private property and provides for compensation in the case of expropriation. However the law contains no mechanisms to ensure that these measures are implemented in a fair and appropriate way. The authorities are not required to prove in the case of expropriation what it is in this measure which constitutes public interest.

So the case of Kashgar makes it clear that the Urban Housing Demolition and Relocation Management Regulation takes little consideration of those affected. The Regulation is concerned less with a fair balance of interests between the town and the tenants or owners of the properties than with furthering urban development.

14. China and the World Cultural Heritage Convention

The People’s Republic of China signed the World Cultural Heritage Convention in the year 1985. The Convention on the Safeguarding of the Cultural and Nature Heritage”, which came into effect on 16th November 1972 regards in its preamble “any deterioration or any disappearance of objects belonging to the cultural and natural heritage as a damaging impoverishment of the heritage of all nations in the world”. Cultural heritage is with increasing frequency being threatened not only by natural decay, but by changing social and economic conditions, states the preamble.

“Cultural heritage” means for the Convention monuments, rows of houses and towns of outstanding world-wide value on account of the historical, scientific or artistic importance. If these criteria are fulfilled the state in which the site lies can apply for the culture monument to be included in the Heritage list of the World Heritage Committee. The list includes at the present time 679 cultural monuments and 174 natural monuments in 145 states. To date 37 sites have been registered in the People’s Republic, among them being three old towns (Macau, Lijiang and Ping Yao) and two villages (Xidi and Hongcun).

The right to make a recommendation for entry in the World Heritage list rests alone with the state in which the cultural monument lies. Non-governmental organisations or other non-governmental actors have no right of recommendation. The registration can also not be pressed against the will of a state. The World Heritage Convention respects the sovereignty of the states, so that there is no obligation to register culturally important sites. However such behaviour on the part of a state which is party to the agreement is at least a contradiction of the spirit of the World Heritage Convention.

The obligation to protect a monument does not arise through entry in the World Heritage list, but through signing and ratifying the Convention. So Judge Dawson in 1989 in a lawsuit between Australia and the provincial government of Queensland decided that the obligation to protect cultural sites does not follow from its being registered in the World Heritage list, but from the obligation of the signatory state to the Convention to identify sites which are important from the cultural and historical aspect. As soon as a site has been identified in this way then it belongs to the cultural heritage, regardless of whether the state refuses to allow it to be included officially in the World Heritage list (see *Gruber, Note 64, p. 263*). A signatory state to the Convention has therefore an obligation also to the protection of cultural monuments which are not currently registered officially on the World Heritage list, but which are, for example, due to be registered at a later date. The *National UNESCO-Commission of the People’s Republic China* has scheduled 59 cultural monuments on a provisional list for a possible later registration on the World Heritage list (see *Gruber, p. 263*). Even if the World Heritage Commission rejects the registration of the cultural monument the cultural site remains under its protection because the state lodging the application regards it as worthy of protection. However if the Convention is infringed there are no mechanisms of sanction.

15. The Silk Road must be protected as World Cultural Heritage

The Silk Road, which is more than 2,000 years old, was one of the main trade routes between Asia and Europe. The 7,000 km long trade road from the eastern Mediterranean to the old Chinese metropolis of Chang’an, the modern Xi’an (province of Shaanxi), spanned a quarter of the globe. It carried not only silk and spices to Europe, but also unique culture articles of gold and glass like Roman amphorae to the Rulers of East Asia. It was the most important and the first link between east and west on which an exchange of the cultures took place. People of different cultures and confessions met and began to understand each other. So the Silk Road had not only an economic importance, but also made a significant contribution to international

understanding and the exchange of cultures. For this reason scientists term the Silk Road also as "the most important road of humanity" (*The Spiritual Identity of the Silk Roads*, Amir H. Zekgroo, in: *The Silk Roads – Highways of Culture and Commerce*, 2000, p. 126).

Kashgar, which lies 4,000 km west of Peking and 1,500 km away from the provincial capital of Urumchi, is surrounded in a horse-shoe by the central Asian mountains of the Pamir to the west, Kun Lun to the south and Tien Shan to the north. It lies on the point of intersection of Asiatic trade and travel routes at the western end of the Tarim Basin. Since travellers could for a long time not cross the dreaded Taklamakan Desert the travel routes ran north and south of the desert. Oasis towns like Kucha, Hotan, Aksu and Yarkand were founded there, where melting waters from the nearby mountains allowed a modest degree of farming. In Kashgar the north and south travel routes met again so that the city was a caravan station which had a vital importance for trade on the Silk Road.

Many scientists value the cultural importance of the Silk Road even higher than its economic use. The aspect of economic exchange in the 20th century was no longer of such significance in view of the often tense relationship between the People's Republic of China and the Soviet Union, which hampered trade and exchange over the state frontiers. However the unique cultural character of this road linking many peoples and states has by and large remained. Many of the peoples living alongside the Silk Road share common languages, music, religion, clothing, ways of living, traditions, cultural objects, ways of tilling the land and building styles.

Cultural scientists emphasise that in the protection of the Silk Road it is not a matter of saving individual buildings from destruction, but more comprehensively of protecting the whole culture, the general picture of the most important centres, also of the landscape, in order to do justice to the importance of the Silk Road (*UNESCO Mission to the Chinese Silk Road as World Cultural Heritage Route, A systematic Approach towards Identification and Nomination, 21-31 August 2003, Report, p. 15*).

In 1987 China registered the Dunhuang Mogao caves (also called the Caves of the 1000 Buddhas) in the province of Gansu in the north-west of the People's Republic, which was the first Chinese site of the Silk Road as World Cultural Heritage in the framework of the World Heritage Convention. In 1994 China had however to withdraw an application to have the town of Jiaohe in the province of Xinjiang in the World Heritage list since it had not had sufficient preparation. Six other cultural sites on the Silk Road in five central Asian states have to date been registered and included in the World Heritage list.

At the beginning of the 90s the UNESCO carried out three visits of inspection along the Chinese part of the Silk Road to gain information on the conservation of the cultural monuments there. In the years 2003 and 2004 two UNESCO teams of experts travelled through the region to make a comprehensive study of the cultural sites (*Xinhua*, 7.8.2006). The Netherlands and Italy gave financial support to the comprehensive efforts of the UNESCO to provide effective protection for the Silk Road. The UNESCO missions discovered that there are an imposing number of cultural monuments on the 4,450 km of the Chinese part of the Silk Road on the so-called Oasis Route between Kashgar and Xi'an. It is true that the original road no longer exists, but many cultural

sites along the way bear witness to its remarkable past. The Silk Road could be placed under world protection both on account of its length (the route runs past countless monuments, excavation sites, important buildings and roads) and on account of the time in which they were built and used (the road was used intensively for centuries) and on account of the cultural criteria (importance for trade and intellectual life, for international understanding and cultural exchange).

To do justice to the world-wide dimension of the Silk Road the idea grew up of a joint application of China and several other central Asian states for inclusion in the World Heritage list. In the year 2006 50 experts from China, Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan came to a basic agreement on a joint application to the UNESCO. Experts made lists of cultural objects worthy of preservation. In a first draft of a list to be handed in to the World Heritage Commission 54 cultural monuments in the central Asian states were considered and in China 48 sites (*Xinhua*, 19.6.2007). Only twelve of the cultural sites put forward by China in this pre-selection are in Xinjiang / East Turkestan. Most of these cultural monuments are burial sites. The Old Town of Kashgar was not included in the list. This list will be further reduced before it is officially entered in the year 2011 at the World Heritage Commission for registration (*Xinhua*, 9.4.2009).

The efforts at registering the Silk Road as World Cultural Heritage could be seriously adversely affected by the large-scale destruction of the Old town of Kashgar. The UNESCO experts have always emphasised that in this project it is not a matter of placing individual excavation sites and caves under more effective protection, but that this unique trade route must be considered in all its aspects and that its complete character is particularly worthy of conservation. In this connection they have always pointed to the great importance of the oasis towns, and these would be unimaginable without Kashgar. If China's authorities now go with a vengeance to destroy large parts of the old city centre, which is the symbol against the resistance of the local people and in violation of national Chinese laws and regulations, this should arouse on the part of the UNESCO serious doubts as to the contract fulfilment of China and also the credibility of the publicly announced concern of Peking for the protection of historically important cultural sites.

16. The destruction of the Old Town infringes international law

China's authorities are in tearing down the old city centre of Kashgar not only severely violating national Chinese law, but also conventions and norms of international Law, to which the People's Republic has committed itself:

- **Convention on the abolition of every form of racism and racist discrimination:** Article 5e forbids all racial discrimination and encourages equality in exercising the right to an adequate dwelling.
- **Convention on the Rights of Children** Article 27 secures the right to adequate housing
- **Convention on the Abolition of Discrimination against Women** Article 14, Para.2 establishes the right to adequate housing

- **UNESCO Declaration on Race and Racial Prejudice** (of 27.11.1978): links the right to housing with cultural identity and calls on states not to disadvantage individual ethnic groups in the allocation of dwellings
- **Global Protection Strategy for the Year 2000** (passed unanimously by the General Assembly in the year 1988): All states should sign the basic undertaking to protect houses and city quarters instead of damaging or destroying them.
- **International Pact on Economic, Social and Cultural Rights: The UN Committee for Economic, Social and Cultural Rights** has passed detailed guidelines for states in dealing with the right to housing (on 12th December 1991): The right to adequate housing covers according to these guide-lines also a life in safety, peace and dignity. The housing and building policies and the development strategy must enable the inhabitants to express their cultural identity instead of sacrificing their culture in the name of modernism.

17. The destruction of Kashgar is reminiscent of the demolition of Old Lhasa

For thousands of years the Old Town of the old Tibetan capital of Lhasa developed a cityscape with a unified architectural style. The centre of this holy city still has for the Tibet of today an irreplaceable religious and cultural meaning. In 1980 the government of the Autonomous Region of Tibet developed plans for a modernisation of Lhasa. In the year 1983 the *Development Plan Lhasa City 2000* was passed.

The city was, like Kashgar, made up even then of two different parts. The Old Town with its Tibetan character was confronted by new Chinese settlements, which completely enclosed the old city centre. The Chinese districts made up of old army barracks were like any other Chinese city. So they were markedly different from the decorative architecture of the old city centre. The Chinese quarters of Lhasa were in the year 1995 already ten times as big as the areas of the city which were traditionally inhabited by Tibetans. With the opening of the railway-line from Golmud to Lhasa in the year 2006 the influx of Han Chinese has increased enormously.

The implementation of the development plan has had the consequence that large parts of the old city centre of Lhasa were razed to the ground. Thus in the course of the "modernisation" 470 buildings, some of which were centuries old disappeared. More than 5,000 Tibetans were compulsorily moved (*Racial Discrimination, Statement of the Society for Threatened Peoples in the UN Human Rights Commission, 2000*). More than 40,000 Tibetans were moved out of Lhasa and have had to return to their villages of origin because space was needed for the demolition of houses and the construction of modern business and residential houses.

In the first months of 1990 alone more than ten percent of the old houses in Lhasa were destroyed. Some 3,500 Tibetans were moved from their old houses and 50 traditional houses in the city centre were pulled down. In the Barkhor quarter, one of the oldest areas of Lhasa, between 1989 and 1993 more than half of the old stone houses were destroyed. In the year 1993 there were already 45 building sites in the small Barkhor quarter (*Housing Rights Violations in Occupied Tibet, Eva Herzer /*

Losang Rabgey, International Committee of Lawyers for Tibet, Mai 1996). In the same year the 17th century Shol quarter, in which 700 Tibetans had lived, disappeared. A tourist market was built on the sand of their houses. A study of the *Centre on Housing Rights and Evictions (COHRE, Geneva)* of the United Nations showed that the Tibetan quarters in the year 1995 accounted for only two percent of the area of the city (*Pogrom, Nr. 183, June 1995, p.54*).

18. New houses in Lhasa give no protection against earthquakes

Between the years 1980 and 2000 300,000 sq. m. of the old residential areas of Lhasa were destroyed and 5,226 Tibetan households were compulsorily moved. As in Kashgar today the Chinese authorities argued then in Lhasa that the old houses did not meet the living standards in the People's Republic and would therefore have to be demolished. The authorities also stated that the old houses would not resist earthquakes and would therefore have to be demolished. Most of these buildings were however several hundred years old and had survived many earthquakes. But experts have their doubts as to the sense of a Chinese law on the stability of buildings, which declares buildings with wooden posts to be unsafe and declares steel girders to be the norm in building houses. Structural engineers point out that precisely these wooden constructions prove such flexibility that they can also deal with considerable seismic shocks without the whole building collapsing. They have also expressed serious doubts as to the stability of the new buildings. The concrete used in the region is often of poor quality and the steel girders embedded are often cut down to a minimum so that the buildings could hardly survive major quakes. Stress analysts see the deleterious effect on the statics of several of the new houses in Lhasa by the addition of upper stories, meaning that the new buildings provide less protection against earthquakes than the old ones.

As in the case of Kashgar, Lhasa was also entered by the authorities in the list of "Chinese towns of historical and cultural importance". The contradiction between theory and practice of the protection of monuments in China is clearly illustrated by the wanton destruction of the old Lhasa. So the "Regulations on the Management of the Conservation of the Cultural Heritage in the Autonomous Region of Tibet" make it absolutely clear that it is illegal to destroy historic monuments or buildings in the immediate vicinity of culturally important structures. Article 17 of the Regulations also forbids new buildings to be built which would change the character of a city quarter of cultural and historic importance. All these directions were flouted by the bulldozer in the "renovation" of Lhasa.

More serious is the fact that no respect has been shown to historic sites and buildings which have already been put forward for registration in the World Cultural Heritage list. The Potala Palace was entered in the list in 1994, the Jokhang Palace in 2000 and the Norbulinka district in December 2001. These buildings were listed together as the "Historic complex of the Potala Palace, Lhasa". The Chinese authorities did not only ignore all regulations concerning the establishment of "buffer zones" to the World Cultural Heritage sites, destroying indiscriminately old buildings, but they also infringed their professional duties to the World Heritage Committee. Article 56 of the *Operational Guidelines for the Implementation of the World Heritage Convention*

states that all states party to the contract shall inform the Committee if they plan new buildings or comprehensive renovation work near the cultural monuments which are under the protection of the World Heritage and could be affected by the construction work (*"Rebuilding" and "Renovation" in Lhasa, Tibet Information Network, Special Report, 10.9.2002, p.6*).

In Lhasa too the "renovation" came for most of the tenants and owners of the houses in the Old town as a surprise. Business people were given only ten days notice to close their businesses. Those affected were offered no formal path to take legal measures against the ruling that they should close. Many of the poorer tenants in the Old Town have not been able to afford in the long run the rents in the new tenement blocks into which they are expected to move.

The resettlement has had sweeping social consequences for those affected. It has increased the marginalising of the poorest residents of the city and has made the Han Chinese the winners in the policy of renovation with the bulldozer.

19. Renovation" facilitates surveillance of the Tibetans in Lhasa

The Chinese security forces have been successful in their goal of destroying of the Old Town of Lhasa in order to strengthen their lasting control of the Tibetan population in the city. The result has been a reduction in the number of public protests following the demolition of the old rows of houses, since wide streets and new complexes of tenement and business houses which are clearly laid out allow practically complete monitoring of the population with security cameras. In the winding streets and alleyways of the Old Town the installation of monitoring cameras was not possible. Just as Kashgar is for the Uyghurs, so Lhasa is for the Tibetans their cultural, religious, societal and social centre. This is where tourists, journalists and other foreigners come, who register the protests and report about them abroad. The Chinese policy is thoroughly consistent in starting with the demolition of these most important centres for the Tibetans and Uyghurs: with the destruction of the existing social, cultural and historic structures in both cities the authorities have encroached in the long run on the work of the nationalities in asserting their cultural, social and political rights. So the destruction of the old towns of Lhasa and Kashgar serves the same goal: the undermining of the cultural, religious and social identity of the Tibetans and Uyghurs and making both nationalities minorities in their own home countries.

20. Worldwide protests against China's "cultural vandalism" in Tibet

There were protests throughout the world against the destruction of old Lhasa. At the *HABITAT II* conference of the United Nations in Istanbul (4-14. 06.1996), which was concerned mainly with the problems of urban development, the demise of Lhasa was openly discussed. UNESCO sent an enquiry commission to Lhasa to analyse the

extent of the destruction and the consequences for the World Cultural Heritage. The World Heritage Committees of the UNESCO then called upon China's authorities in August 2003 to develop a strategy to ensure the protection of the old Lhasa. The UN Special Rapporteur on Adequate Housing, Miloon Kothari, appealed in April 2003 for a dialogue to begin with China's authorities on the destruction of historic buildings. Even European experts on Tibet expressed critical concern on the destruction of the old city centre. Of 600 historic buildings which were registered by experts in the year 1948 in 1998 only 250 remain, warned the scientists (Le Monde, 2.1.1998). The German Architects Association (*Bund Deutscher Architekten*), spurred on by the Society for Threatened Peoples, also expressed its alarm in March 1995 at the destruction of complete city quarters to promote the "construction of a socialist Lhasa"

21. Active protection and renovation of old houses in Lhasa

At the height of this wave of demolition the *Tibet Heritage Fund* was founded by foreign experts. The non-governmental organisation, in which André Alexander from Berlin plays an active part, has as its goal, not simply to bewail the destruction of the old buildings, but with concrete measures to encourage the restoration of especially valuable houses and to employ local craftsmen to restore buildings threatened with demolition. The aim was also to improve the living conditions of the Tibetans living in the Old Town and to ensure housing at an affordable price. The entire project was conducted with large-scale participation of the local people and it was supported by many states and foreign organisations for its exemplary character. It was also supported by the German government (the *Gesellschaft für Technische Zusammenarbeit (GTZ)* and *Misereor (Upgrading of Housing as a Strategy for Poverty Reduction: the case of old Lhasa, Tibet, China, Andre Alexander, Pimpin de Azevedo, Lundup Dorje, An Li in: Lhasa Study, Theme: Employment Generation and Participatory Area Development)*.

The *Tibet Heritage Fund* was able to convince the authorities to place a protection order on 93 houses threatened with demolition. Some 300 young people and traditional craftsmen restored many buildings. The project demonstrated clearly how the local people can be involved in the refurbishment of their city quarter. In this way not only the needs of the people affected are being catered for in the best possible way, but all those working in the project and the residents of the quarter have an increasing feeling of respect for the traditional way of life and culture.

Unfortunately the *Tibet Heritage Fund* had to suspend its work in Lhasa in the year 2000 at the order of the authorities. But now many of the craftsmen have been successful in using their knowledge in other regions of Tibet or in neighbouring provinces to work for the preservation of old buildings. Now the NGO is active in some neighbouring countries. In spite of the exemplary character of this project the rulers of China made it absolutely clear that they are not interested in involving the local people in the "restoration", nor in the effective protection of the old buildings.

22. Human rights of the Uyghurs are being ignored

The way in which China is dealing with the “restoration” of the Old Town of Kashgar is a classic example of the relationship between the authorities and the Uyghur majority in the Autonomous Uyghur Region of Xinjiang (East Turkestan). 60 years after the founding of the People’s Republic of China and after the military occupation of East Turkestan by the People’s Liberation Army in the year 1949 the relationship is still one of distrust, the refusal of basic human rights and the blanket criminalisation of all members of the mainly Moslem population of the Uyghurs.

No other of the 56 officially recognized nationalities of the People’s Republic is so massively suppressed as the approximately 12 million Uyghurs. It is true that the problems of the Uyghurs are similar to those of the Tibetans in the Autonomous Region of Tibet and in the surrounding Chinese provinces. Uyghurs and Tibetans alike suffer from the lacking implementation of their autonomy agreement by the Chinese authorities. Both nationalities are existentially threatened in their identity and in their future. Uyghurs and Tibetans both suffer from the refusal of their freedom of religion, a restrictive language policy and large-scale discrimination in their work-life.

But in spite of the severe persecution of the Tibetans the repression in the Tibetan settlement areas has not yet reached the same extent as in East Turkestan. No other ethnic group in the People’s Republic suffers so much from the extreme use of the death penalty for “political crimes” as the Uyghurs. More than 700 death sentences for political reasons have been carried out against Uyghurs since 1997. The freedom of movement of Uyghurs throughout the People’s Republic is systematically restricted purely on account of their ethnic descent. Raids, arbitrary arrests and torture are typical of the way in which the Chinese security forces treat the Uyghurs. But it is not only supposed supporters of independence movements who are persecuted: Uyghurs are the victims of the most dreadful violations of human rights purely on account of their ethnic descent.