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# Altering the Rules: Chinese Homeowners' Participation in Policymaking

JIANG Yihong

**Abstract:** This study looks at Chinese homeowners' participation in policymaking. Drawing on evidence from Guangzhou and Beijing, it shows that various organised homeowner activists have moved upstream in the policy process and have begun to push beyond policy implementation into the domain of agenda setting and "rule-making". These advocates display rights-conscious patterns of behaviour that are closer to that of interest or lobby groups than to the typical repertoire of Chinese contentious citizens. The study suggests that this kind of political participation is on the rise amongst Chinese homeowner activists. This result complements and extends other recent findings that suggest the Chinese policy process is gradually opening up. Such a trend could have significant implications and calls for more research in different domains of state-society relations.

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**Keywords:** China, Chinese homeowners, political participation, policy-making, lobbying, state-society relations

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## Introduction

If there are rules, we should make full use of the rules. If there are no rules, we should establish rules. If the rules are no good, we should try to change them (Anonymous 1).

In August 2003, the homeowners' committee in Dongyue Estate, Guangzhou filed a lawsuit against the estate's property developer.<sup>1</sup> The dispute arose after the property management company, a subsidiary of the developer, declined to pay for maintenance to the elevator in the neighbourhood. More fundamentally, this controversy was rooted in inconsistencies between regulations at different levels of government. The developer argued that the national regulation implied homebuyers should contribute 2 to 3 per cent of the housing price to the so-called sinking fund (物业维修基金, *wuye weixiu jijin* – intended for long-term maintenance work of the common estate facilities) after the property was purchased (Ministry of Construction and Ministry of Finance 1998). However, the homeowners' committee argued that according to Guangdong provincial legislation, the amount for the sinking fund was already included in the original property price (*Guangdong Property Management Ordinance* 1998; *Interim Measures on Regulating Housing Sinking Fund* 2000). The committee then demanded that the property developer transfer the money so that the sinking fund could be put to its intended purpose.

In 2006, after several court hearings stretching over the course of four years, the Guangzhou Intermediate People's Court came to the conclusion that it could not rule on the matter and shifted responsibility back to the government. The court reasoned that national and provincial regulations were conflicting and that the sinking fund was not explicitly mentioned in the housing purchase contracts in Dongyue Estate. When the Guangzhou Municipal Land Resources and Housing Administrative Bureau subsequently instructed property developers to pay the fund, the developer in Dongyue (and many others in Guangzhou) simply refused to do so. The government then explained that its own administrative instruction had indeed no legal mandate (*Yangcheng Wanbao* 2007). It is true that in strictly legal terms this administrative instruction could not enforce compliance by the enterprises. In Chinese practice, however, there is little doubt that the government could have compelled the enter-

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prises to give in if it had been determined to do so. Therefore, the fact that the authorities were not willing to apply pressure indicates that they were unwilling to rein in the real estate business, which further underlines the close bonds between the authorities and vested interests.

Thus, it was quite apparent that the rules of the game were stacked against homeowners in Dongyue. This was also true for many other urban residential estates in Guangzhou and all over China. It is no wonder then that similar conflicts between property developers and homeowners' committees in Guangzhou and in other Chinese cities have become pervasive since the late 1990s. In many cases, the sinking fund had either not been set up at all or the collected money never deposited into the account. The total of missing funds in Guangzhou was enormous – even the most conservative estimate provided by the Guangzhou Municipal government put it at 900 million CNY between 1999 and 2003 (*Renmin Ribao* 2006). The amount of misappropriated funds estimated by homeowners was over 8 billion CNY (Yeliahui 2006a).

In spite of these adverse conditions, the Dongyue homeowners' committee did not give up. Instead, it set up the Guangzhou Homeowners' Associations Social Club (业主委员会联谊会, *yezhu weiyuanhui lianyihui* – in short, Yeliahui) together with eleven other homeowners' committees. In August 2006, a citywide meeting was held and more than 100 further homeowners' committees approached the alliance and expressed their support. In October 2006, the Yeliahui initiated a signature campaign and sent open letters to state departments at both national and local levels, demanding the reimbursement of the misappropriated sinking funds. The claims in these open letters were presented in a highly professional, matter-of-fact style and were supported by detailed research on the actual amount of missing funds in different cities all over the nation. Moreover, the Yeliahui did not stop at demanding a one-off redress for this particular grievance. It also demanded that the authorities rectify the conflicting national and local legislation underlying this widespread phenomenon (Yeliahui 2006a).

Probably because of the pervasiveness of similar kinds of conflicts, the campaign quickly raised substantial public attention and the authorities responded with a series of measures aimed at improving the monitoring of the sinking fund (*Diji Caijing Ribao* 2006). By the end of 2007, the Legislative Affairs Office of the State Council issued a clarification document and formally stipulated that the property developer should pay the initial sinking fund if the housing purchase contract was made be-

tween October 1998 and September 2003. However, although the issue that led to its foundation was thereby settled, the Yelianshui did not simply disband. Instead, it began to get involved in the legislative and policy-making process on housing-related issues on a regular basis.

This episode contains a number of familiar features of contemporary Chinese state-society relations in general and homeowners' politics in particular: a skewed regulatory playing field between citizens and the business sector combined with close bonds between local authorities and capitalists. Another common feature is the manner in which citizens collectively, and sometimes successfully, exert pressure on local authorities (mostly by provoking an intervention from higher authorities) to enforce laws and regulations beneficial to citizens, arrange for compensation packages, or shelve specific projects (for example, see O'Brien and Li 2006; Shi and Cai 2006). However, much less is known about the above-outlined efforts of homeowners to not simply "demand entry into the realm of policy implementation" (O'Brien and Li 2006: 122) but also pressure for the rules of the game to be changed. Although Cai Yongshun surmised a few years back that "[t]he difficulties homeowners encounter in defence of rights have translated into demands for independent support organisations and a more credible legal system" (Cai 2005: 798), research on such a trend is still underdeveloped (for exceptions see Chen 2010; Yip and Jiang 2011).

Hence, it is this kind of activism (organised participation of homeowners' interest groups [HIGs] in legislation and policymaking with the aim of making relevant policies and laws more favourable to homeowners' interests) that I will seek to shed light on in this study. HIGs are distinct from the officially endorsed homeowners' committees in individual neighbourhoods in that they work towards linking individual homeowners' committees on a regional scale and seek to advance homeowners' interests in local and national policymaking without being officially authorised to do so.

As I will argue below, the aforementioned case was not an isolated one, but rather fits into a pattern of homeowner activism that has seemingly become more widespread in recent years. This paper will provide preliminary evidence of how organised homeowner activists are moving upstream in the policy process and beginning to push beyond policy implementation into the domain of agenda setting and policymaking. In many respects, the documented patterns of behaviour displayed by homeowner activists resemble the behaviour of interest groups in plural-

istic politics. Thus, without suggesting that HIGs are identical to classic lobby groups, I adopt the framework of interest group politics to analyse the empirical evidence. In the following, the terms “lobby groups” and “interest groups” will be used interchangeably.

In addition, I seek to contribute to two broader debates amongst students of Chinese state-society relations. First, scholars have debated the degree to which popular forces have gained access to the policymaking process (Gilley 2011; Mertha 2009; Wang 2008; Wu 2011). In this study, I will provide further evidence in support of the position that the Chinese policy process is indeed opening up. Second, different claims on the extent of what has been termed “rights consciousness” (Perry 2008, 2010; Li 2010) amongst Chinese citizens have been forwarded. This research shows that HIG activists have begun to display key aspects of rights-conscious behaviour and therefore lends support to the interpretation that rights consciousness in China is on the rise.

The current paper draws on data from my fieldwork in Guangzhou and Beijing between August 2008 and June 2010. To learn about homeowner activists' strategies and tactics, I conducted in-depth interviews with core members of three HIGs and participated in their seminars and meetings. These cases can certainly not be regarded as representative of the unknown number of such organisations that exist in China today. Although similar groups have emerged elsewhere (*Housing and Real Estate* 2007), the three groups studied here are the most pioneering, high profile and active. Therefore, an analysis of their activities helps to understand where China's homeowner politics could be headed. To gain a more complete picture of the actors involved in homeowner-related issues, I also interviewed a small number of officials working in local housing bureaus and people's congresses (the branches of government mainly responsible for drafting property-related and adopting management-related policies and regulations) and various executives in local property management associations and property management companies. Supplementary evidence from HIG publications, websites and the news media is also presented.

The remaining discussion is organised as follows: A brief description of homeowner activism in China is followed by an outline of interest group politics and relevant research from the Chinese context. I then analyse HIGs' efforts to influence legislation and policymaking and conclude with some thoughts on the potential broader implications of the unfolding dynamics investigated in this study.

## Homeowner Activism in China

The re-establishment of private property rights in the 1980s is one of the most significant transformations in urban China. According to estimations, more than 80 per cent of Chinese homes were privately owned by the end of 2005 (Ministry of Construction 2006). These large numbers of new Chinese homeowners, in contrast to workers and farmers, largely belong to the material beneficiaries of Chinese economic reform. Moreover, essentially forming the new Chinese middle class, they are also regarded as the backbone of the ruling Chinese Communist Party (CCP).

However, due to imperfect market regulations and problems in the legal system, housing-related disputes have escalated alongside the rise of homeownership. According to Cai, violations of homeowners' rights mainly belong to three categories:

- those concerning housing per se,
- those arising from housing demolition, and
- those concerning the environment in a residential community (Cai 2005).

From the late 1990s onwards, housing-related disputes became one of the major sources of public disputes and lawsuits. Accordingly, the rising level of conflicts between homeowners, on the one hand, and real estate companies, property management companies, and local authorities, on the other, has raised substantial academic attention in recent years. One of the major underlying questions of these studies was whether Chinese homeowners would become a driving force for political change in the process of safeguarding their housing property rights.

However, the evidence gathered by scholars was rather sobering. Homeowners' resistance shares many characteristics with the contention of other groups in Chinese society. Although homeowners are able to deploy different strategies to contest individual cases of rights infringements, they face difficulties in staging large-scale mobilisation. Moreover, in line with other social groups, they also lack an independent organisation to forward their interests more systematically and on a larger scale. Most importantly, similar to peasants' and workers' disputation (O'Brien and Li 2006; Lee 2007), it was found that homeowners challenge the authorities predominantly in the sphere of policy implementation. They tend to make "reactive" (Tilly 1993: 266) claims on the basis of what has already been granted as a legitimate right or entitlement by the (central) authorities and point out where these rights have been infringed in the

process of enforcement at the local level (Cai 2005; Read 2003; Shi and Cai 2006; Tomba 2005).

In addition, the contentious strategies adopted by homeowners were found to be significantly more “moderate” and less confrontational than those of other social groups (Cai 2005; see also Chen 2006; Read 2003; Tomba 2005). The most likely reasons for this behavioural pattern are twofold. First, being more involved (than less privileged social groups) in the networks of power and money that rule Chinese cities, homeowners are reluctant to take disruptive action against these forces. Therefore, it is unsurprising that many activists are keen to stress that what they do is strictly “rational” and not political (Zhang and Zhuang 2008). Second, belonging to the Chinese intellectual and economic elite, homeowners have more means at their disposal (such as personal networks with the bureaucracy or media, or the funds to hire lawyers) to exert other forms of pressure on local authorities (Cai 2005; Shi and Cai 2006). Hence, they resort to disruptive contention only when all other instruments of disputation have failed.

However, some of the same features that make homeowners' resistance more modest (their higher stakes in the system, their access to elite networks and resources, and, by extension, their better understanding of the political process) may also lead homeowner activism to depart in other ways from that of other contending groups in China. Recent research found that in some cities, homeowners' committees have established citywide or even cross-regional networks to offer mutual support and advance collective interests (Yip and Jiang 2011). Moreover, there is preliminary evidence that homeowners are not only aware that the rules governing their disputes with real estate businesses and local authorities are biased against them, they are also beginning to take concrete action to change these rules (Chen 2010). Hence, because it asserts “rights not yet enjoyed” instead of merely defending those already established (Tilly 1993: 266), homeowner activism, to some extent, displays features that are more “proactive” than the localised and implementation-focused resistance strategies typically adopted by contentious Chinese citizens. I will seek to further show that some of the efforts by HIGs to gradually alter the rules of the game to their advantage actually resemble strategies adopted by interest groups in liberal democracies. Thus, it may pay off to adopt an interest group perspective to analyse these attempts and thereby provide a novel angle on homeowner activism in China. Before I go

into the analysis, a brief discussion of interest group politics in China is therefore in order.

## Interest Group Politics in China

The study of interest groups originally emerged from research on the political process in Western democracies, especially in the United States. The concept has been contested and “interest groups” have been defined in a wide range of ways: social classes, voluntary groups, businesses, institutions, individuals and so forth (Baumgartner and Leech 2001). Given this research’s focus on the activities of groups organised for the specific purpose of advancing the shared interests of a broader constituency without having a broad formal membership, employing Scholzman and Tierney’s influential operationalisation of interest groups seems appropriate. They focused their attention on “organized interests”, defined broadly as actors both with and without broad formal membership, “that seek joint ends through *political* action” (Scholzman and Tierney 1986: 10, emphasis in original). The primary activity of interest groups is “lobbying” – that is, the organised action of influencing policymaking and policymakers. This involves, amongst other things, communicating with policymakers, drafting laws and regulations, writing research reports, orchestrating political pressure by filing exemplary lawsuits, starting letter-writing campaigns, and/ or providing comments on proposed law or regulations (Baumgartner and Leech 2001: 34; Berry 1997a).

When taking the study of interest group politics to a communist state such as China, one is bound to note the severe ideological difficulties these polities have with acknowledging the existence of diverse interests in society (Ferdinand 1984). They traditionally define themselves as the embodiment of “the working class” or “the people’s” interests. Nonetheless, a first and short-lived attempt to formulate an ideological rationale for acknowledging interest conflict, even under communist rule, was made as early as the 1950s in Mao Zedong’s famous “On the Correct Handling of Contradictions among the People” speech. Mao deliberated on the existence of “non-antagonistic contradictions” within society and even between the state and society (Mao 1957). However, these ideas disappeared until the issue of contradiction re-emerged during the leadership of Zhao Ziyang in the 1980s. In 1988, the CCP proclaimed in the 2nd Plenary Session of the 13th CCP Central Committee that even “under the socialist system, contradictions between different

interest groups continue to exist” (Yang et al. 2010). After, once again, a few years of relative silence regarding this issue (following the Tiananmen Square crisis in 1989), Jiang Zemin began to rework the CCP’s ideological foundations towards a broader definition of the interests the CCP was proclaimed to represent in his “Three Represents” theory. Subsequently included into the CCP constitution, the theory claimed that the CCP represented not merely the proletariat, but also “advanced productive forces”, “advanced culture”, and “the fundamental interests of the overwhelming number of the Chinese people” (Communist Party of China 2002). Eventually, by 2005, General Secretary Hu Jintao took the recognition of interest diversity within society a good step further when he articulated his theory of building a socialist harmonious society. Although lip service was still paid to the claim that citizens’ “fundamental interests are the same” (drawing heavily on Mao Zedong’s contradictions theory), Hu demanded that local authorities should not merely “properly reflect and coordinate the interests of different parts of the masses”, but also ought to “guide the masses to express their interests and demands in a rational and lawful way” (Hu 2005). In other words, it is now officially recognised – in theory at least – that not only are there divergent interests in society, but also that citizens are entitled to articulate resulting demands as long as they do so in non-disruptive ways.

With regard to the reality of interest group politics, there can be no doubt that such dynamics have always existed in China and have been in a process of transformation since the beginning of economic reforms in the late 1970s. Scholarly research began to devote attention to such matters when the totalitarianism paradigm faded and Chinese society began to become substantially more complex throughout the 1980s. Inspired by earlier applications of the interest group approach to Soviet politics (Skilling and Griffiths 1971), China scholars investigated how not only factions within the political elite, but also different societal groups (such as peasants, workers, entrepreneurs, and intellectuals, or subgroups thereof) possessed and pursued common interests through participation in local policy implementation or via internal links to local and sometimes even central policymaking (see, in particular, the edited volumes by Falkenheim 1987 and Goodman 1984).

Over the following years, scholars continued to trace how the Chinese polity cautiously opened up and social forces gained increasing space in the political process through quasi-official mass organisations or newly emerging social organisations (see, for example, Chan 1993; Saich

2000). More recently a number of scholars argued that “the barriers to entry into the political process” have lowered considerably and that China is in a process of political “pluralization of the policy-making process” without regime change (Mertha 2009: 1012). Wang Shaoguang, for instance, illustrated how the process of policy agenda-setting has undergone dramatic transformations over recent years. He showed how pressure to adopt or alter certain policies is exerted on central authorities when experts mobilise the general public or when the wider public becomes incensed by major scandals emerging in the media (Wang 2008). Andrew C. Mertha revealed how alliances of civil society or business actors strategically engage the media and exploit fissures in the fragmented authoritarian state to advance their own agendas on local and central policymaking (Mertha 2009). Moreover, Wu Fengshi (2011) documented how transnational NGOs engage the state and exert a significant impact on policy implementation and policymaking on the local level. Others (see in particular, Gilley 2011), however, caution against overstating the impact of popular forces on the political process and question the selection and interpretation of cases by scholars who advance such arguments.

Whether or not the claim for increasing pluralisation is justified, something else is relatively clear: both the policymaking process and access to the process remain poorly regulated and non-transparent, often outright opaque. Moreover, not all societal groups are equally successful in getting their interests included in government policy. Although civil society may enjoy more access than before, the most successful “policy entrepreneurs” (Mertha 2009) in China are resourceful interests groups from the business sector. This state of affairs is underlined in the case studies used by Mertha to illustrate his argument on political pluralisation. Whereas the civil society groups he studied were barely able to influence specific local policies, let alone affect overarching national policies, Mertha found that the entrepreneurial lobbyists managed to hijack Chinese diplomatic bargaining with the European Union for highly particular interests (Mertha 2009). This success in lobbying by the business sector is not surprising. In a sense, the developmental state and capitalists “are partners seeking to use the other to achieve their own goals” (Kennedy 2009: 198) – economic development and tax income on the one hand, profit maximisation on the other. Thus, in conjunction with a largely unaccountable bureaucracy, these groups form a strong power-capital nexus. Business interests are therefore able to influence

the market's emerging regulatory frame to their advantage, while other groups are frequently sidelined (Chen 2005; Kennedy 2005, 2009; Yang et al. 2010).

This general picture also applies to the housing sector. Real estate and property management companies are extremely powerful in the urban political economy and their influence has grown in parallel with China's property boom over recent years (Wang and Li 2005; Zhang 2005). In fact, the trade associations (行业协会, *hangye xiehui*) of the real estate sector are essentially extensions of the state bureaucracy and have a similar hierarchical structure reaching down to the localities. The leaders of these real estate associations usually have a background in the government department responsible for housing matters. One of their main duties is to provide policy suggestions (China Property Management Association 2010a; China Real Estate Association 2010), and they are often invited to draft relevant regulations (China Property Management Association 2010b). Local authorities and the real estate sector also share crucial economic interests. It is, for instance, no secret that the Chinese real estate boom is significantly driven by the fact that local authorities heavily rely on the property development sector for revenue generation (Cartier 2001; Zhang 2002). In addition, as a highly profitable sector, real estate companies are able to hire lawyers and other professionals to influence policymaking and public opinion (Wang and Li 2005). Under these conditions, it is no wonder that, as Li Cheng put it in a recent assessment, "the various players associated with property development have emerged as one of the most powerful special interest groups in present-day China" (Li 2012: 614) and homeowners' concerns are frequently neglected. It is this state of affairs that contributes significantly to an increasing number of conflicts between citizens and real estate capitalists and, by extension, local authorities.

The Chinese central authorities have recognised this imbalance and – in line with the gradual recognition of social interest conflicts in official ideology – have adopted measures to cautiously open the policy process and institutionalise more meaningful citizen participation. Since the mid-1990s, the development of participatory and deliberative institutions such as consultative meetings and public hearings has been driven forwards (He and Warren 2011). The Legislation Law promulgated in 2000, for instance, requires that public hearings must be held for all new laws (Paler 2005). To a certain degree, citizens are now given various opportunities to express their opinions on a wide range of public issues (e.g.

local development projects, water prices, electricity prices, etc.). This is not to say that these deliberative institutions do not have inherent weaknesses. Due to vague procedural requirements, many public hearings

are easily subject to manipulation, have greatly unequal participation, offer insufficient time for deliberation, and lack guarantees of representativeness or any means of producing clearly defined conclusions (Fishkin, He, and Siu 2008: 463).

Nonetheless, the promotion of such deliberative instruments provides legitimacy and openings for a broader range of actors to step into the political process. In addition, due to significant changes in the Chinese public sphere (in particular the rise of the internet and the commercialisation of the press), space for less powerful groups to mobilise the public has widened (Wang 2008). Thus, as the “the playing field is becoming increasingly crowded” (Mertha 2009: 1012), traditionally under-represented interest groups are flexing their muscles and trying to get their foot in the door.

## Homeowners’ Interest Groups and Lobbying in Beijing and Guangzhou

Since the introduction of housing reforms in the 1980s, China has witnessed a dramatic increase in the number of homeowners. Unlike public housing tenants, this new group of urban dwellers shares core interests centred on property rights and can appeal to a broadening legal basis for claiming these rights. The private ownership of property had been acknowledged in an amendment to the Chinese Constitution in 2004 (Constitution of the People’s Republic of China 2004). Later, the promulgation of the Property Law in 2007 further empowered homeowners (National People’s Congress 2007; see also the analysis below).

However, although homeowners form a massive potential constituency in Chinese cities, they are not represented by a regional body, let alone a national one. Yet over recent years, several organisations claiming to represent the interests of this constituency have emerged in various cities. In this study, I will focus on three of these groups in Beijing and Guangzhou. Due to the restrictions imposed by the authorities, these groups are not formally endorsed to represent the common interests of homeowners in their cities. Nonetheless, similar to Chinese farmers who act “like citizens before they are citizens” (O’Brien 2001: 425),

they have begun to act as representatives of homeowners' shared interests before being authorised to do so.

The first group, the Beijing Governance and Community Institute (GOCO), developed from a research team specialising on community governance in Renmin University and therefore has the most academic profile amongst HIGs. Since 2005, GOCO has been officially registered as an NGO with the Ministry of Civil Affairs. It frequently organises research seminars and conferences and publishes academic papers on homeowner-related issues; however, it is careful not to appear too assertive in public. In July 2011, the head of this organisation became leader of another organisation, the Consultant Centre for Beijing Homeowners' Assemblies (北京市幸福指针业主大会辅导中心, *Beijingshi xingfu zhinzhen yezhu dabui judao zhongxin*), which is supported by the Beijing Municipal Commission of Housing and Urban-Rural Development.

In 2006, another group of homeowner activists formed a preparation committee for the Beijing Union of Homeowners' Committees (业主委员会协会申办委员会, *yezhu weiyuanhui xiehui shenban weiyuanhui* – Yeshenwei for short), the second group in this study. In contrast to GOCO, Yeshenwei acts more assertively in public. The group openly claims to be speaking on behalf of all homeowners' committees in Beijing and aims to become a counterbalance to the influence of property management and property developers' trade associations. Apart from organising numerous seminars and training sessions, they also hold highly publicised meetings every year.

The third group examined here is the main homeowners' advocacy group in Guangzhou mentioned at the outset, the Yeliahui. Since their initial campaign on the sinking fund, the Yeliahui continues to be very attentive to relevant policy changes and also makes great efforts to comment on policy drafts during the policy-formulation process. Probably inspired by the example of GOCO, and frustrated with the continued denial of their legal status as an officially registered NGO, some activists from Yeliahui re-positioned themselves and registered as the Community Development Centre of Guangdong, South China (CDCC) in 2010. However, the leader of Yeliahui stayed on and is working on the formation of a provincial union of homeowners' committees.

Although these groups differ in some of the strategies they adopt, they share broadly similar policy concerns and all seek to influence legislation. Moreover, they advise homeowners' committees in disputes with developers or management agents, offer legal advice to member commit-

tees involved in litigation (sometimes pro bono, sometimes for a fee), and organise annual meetings and occasional seminars that serve as platforms for sharing experiences. To a certain degree, they also compete for resources in terms of members and privileged access to the government, amongst other things. However, when it comes to legislation, they exchange information, cooperate, and coordinate their activities.

## Lobbying from the Weaker Side

Lobbying is often distinguished into two main categories: direct lobbying and grassroots lobbying. The former refers to influencing lawmakers to take a position on specific legislation, while the latter includes attempts to persuade the general public to take action on a particular piece of legislation (Vernick 1999). In the following, I will present evidence of how HIGs make use of both these strategies.

### Direct Lobbying

Given that the decision-making process in China is extremely non-transparent and takes place amongst small circles of officials, effective lobbying efforts have to make use of non-institutionalised channels. Hence, HIGs are keen on exploring opportunities to become acquainted with people inside the policymaking circle. They seek to establish regular contact with government officials and try to make themselves indispensable. A leader of a homeowners' group explained how this works:

We have a good relationship [with the official in the Housing Bureau]. When protests happen in a neighbourhood, they often call us and ask if we can mediate. Sometimes I was asked to accompany them to speak to the discontented homeowners and it often works more effectively [than mediation efforts by officials] (Anonymous 2).

Apart from establishing relationships with the officialdom, homeowner activists go to great lengths to establish relationships with delegates to the people's congresses and members of the Chinese People's Political Consultative Conference.

In addition to such informal contact, different government bodies also invite HIG leaders to attend meetings, seminars, and symposiums as property management experts or representatives of homeowners (Zhu and Xiong 2010). Sometimes, HIG leaders have even been asked to draft relevant regulations or documents directly. For example, in Yelianhui's

2008 annual meeting, it was reported that the group was commissioned by the Guangzhou Municipal Land Resources and Housing Administrative Bureau to draft the Rules of the Procedures of Homeowners' Assembly and the Management Statute of Residential Property (Yeliahui 2008). During the revision of the Guangdong Property Management Ordinance, the Guangdong Provincial People's Congress called meetings with homeowner activists from Yeliahui. Amongst the 19 speakers in the public hearing held later, two were leaders from the Yeliahui (Lei 2008).

Another important approach HIGs use to influence legislation is to actively submit policy or legislative suggestions. To make a persuasive case, lobby groups need some sort of factual base that demonstrates why a particular policy is required or why a chosen alternative will work. To accomplish this, they must devote resources to researching, synthesising, packaging, disseminating, and promoting information (Berry 1997b). HIGs in China often have a close relationship with professionals in relevant policy areas – for example, lawyers as well as civil society and housing management scholars and practitioners. These contacts help HIGs prepare coherent and persuasive arguments rooted in the state's legal and procedural terminology.

In the case mentioned at the outset, the Yeliahui managed to compile and publish detailed data on the general situation of sinking fund payments in Guangzhou and other large cities in China to support their arguments. In Yeliahui's draft of the Guangdong Property Management Ordinance, almost every proposed revision is supplemented with detailed rationales, references to laws or regulations, and an analysis on the risk of not adopting the recommended changes (Yeliahui 2006b). In 2006, the Yeliahui submitted a legislative proposal on implementing homeowners' self-governance to the Guangdong People's Congress (Yeliahui 2006c). One month later, they went on to draft a relevant national law and submitted it to the National People's Congress (NPC) (Yeliahui 2006d). In the Chinese media, this was hailed as "the first time that citizens have drafted and submitted a law" (Wang and Lin 2007).

In Beijing, the Yeshenwei also became actively involved in legislation by submitting suggestions to corresponding government departments and legislative bodies. For example, the group compiled homeowners' opinions on the Property Law into seven suggestions and submitted these to the NPC (on this, also compare below). Moreover, they

forwarded their suggestions on a number of local regulations (including the Guidelines on Regulating Beijing Homeowners' Assembly and Homeowners' Committee and the Beijing Property Management Regulations) to the Beijing Municipal government (Yeshenwei 2010). GOCO is probably the most productive HIG in terms of conducting research, disseminating information, and involving lawyers and scholars in their activities. Between 2003 and 2010, GOCO submitted a total of eight legislative and administrative proposals through different delegates to either the NPC or the Beijing Committee of the Chinese People's Political Consultative Conference. Three of the proposals were accepted by the NPC for formal discussion. They covered issues ranging from granting legal status to homeowners' assemblies, to improving the regulations on sinking funds, security services, and homeowners' committees (GOCO 2010a).

## Grassroots Lobbying

In contrast to the direct lobbying of policymakers, grassroots lobbying seeks to mobilise an interest group's constituents and/ or the general public in order to engineer political pressure and influence the legislative process. It encompasses tactics such as constituency building, advocacy advertising, and phone or letter-writing campaigns to legislators (Schlozman and Tierney 1986; Wilcox et al. 2003).

In terms of mobilising their constituency, HIG activists draw attention to relevant laws and policies and familiar situations that constituents have experienced in handling neighbourhood issues. Hence, they are often approached by homeowners who encounter various difficulties in managing their neighbourhood. HIGs also organise seminars, forums, and meetings, while group leaders interact with and advise citizens through blogs or online discussion forums. By doing so, they are able to expand their network to new neighbourhoods and improve their standing amongst homeowners. Through these efforts, they are also able to raise awareness of shared interests and homeowners' rights within their constituency. One homeowners' group leader explained this work:

What we do is like eliminating illiteracy. The majority of homeowners do not know the relevant regulations or laws they can refer to [when taking certain actions]. They don't realise either what certain clauses in the regulations mean [for homeowners] (Anonymous 2).

In illustrating how they expand their network, the activist elaborated:

We don't always charge for consultations. If we don't charge, the only return we ask for is time. We invested time to help you solve your problems. In the future, when other neighbourhoods encounter similar problems, we will ask you to help them as we helped you this time. In this way, our network is expanding and we have established a mutual support amongst many homeowners' committees (Anonymous 2).

In the case elaborated at the beginning of this paper, the Yelianhui held numerous meetings with members of different homeowners' committees in Guangzhou. This allowed them to collect important information (on the issue of sinking fund payments) from their constituents and mobilise homeowners into launching a signature campaign. This campaign proved crucial in attracting attention to their cause and demonstrating that it had significant grassroots support. During the revision of the Guangdong Property Management Ordinance in 2008, the Yelianhui collected various comments from neighbourhoods in their network and mobilised representatives from more than 50 homeowners' committees to collectively submit a joint version of their suggestions to the Guangdong Provincial People's Congress (Yelianhui 2006b). Later, a draft law on improving the regulation of homeowners' committees was also submitted with support from 20 homeowners' committees (Yelianhui 2006d).

With regards to mobilising the public at large, HIGs are skilful in using the media to amplify their message, mobilise their constituency, and thereby orchestrate public pressure. To achieve this, they maintain tight and regular contact with newspapers. The Guangzhou Yelianhui, for instance, purposefully set up shop in a building that housed an influential magazine in order to deepen cooperation. Moreover, the groups often notify the news media of their upcoming activities, organise press conferences, and provide elaborate press releases (which are often published). Finally, media tactics have also been coordinated inter-regionally. During the discussion period of the Property Law in 2007, the Yeshenwei in Beijing held a press conference and initiated an online signature campaign supporting their seven suggestions on the draft law. On the same day, the Yelianhui in Guangzhou also held a press conference and launched a joint initiative to support Yeshenwei's suggestions. In the aftermath, their suggestions were widely reported in the news around the country. Altogether, more than 180,000 signatures in support of their suggestions were collected from homeowners nationwide and forwarded to the NPC (Yeshenwei 2008).

## Assessing the Outcomes of Homeowners' Legislative Participation

One approach to assessing the impact of interest groups is to evaluate the outcome of the policies that interest groups try to influence. This was achieved here with a content analysis of the legislative proposals submitted by HIGs and the final adopted version of corresponding laws or regulations. However, it must be noted that it is almost impossible to isolate the impact of interest groups' activities from the influence of other possible factors (Baumgartner and Leech 2001: 58–61; see also Amenta and Caren 2004 on assessing outcomes of social movements). Obviously, this is even more difficult when the researcher is faced with opaque decision-making processes such as those found in China. Therefore, the following assessment must be regarded as preliminary rather than a firm conclusion.

Three legislative issues were selected for this analysis. First, during the drafting stage of the revisions of the Guangdong Property Management Ordinance in 2006, the Yelianhui provided 42 suggestions on 68 items. However, only seven of their suggestions appeared in the final version of the ordinance, and these were primarily terminological improvements. For example, Yelianhui successfully suggested deleting “intentionally” from a passage explaining that anyone guilty of “intentionally damaging data files, property or common facilities belonging to all owners, shall be liable to a fine of 50,000 CNY to 200,000 CNY” (*Guangdong Property Management Ordinance* 2008). Their suggestions on crucial clauses affecting key interests (e.g. granting legal status to homeowners' assemblies and restricting the dominance of one vote) were not adopted. Therefore, homeowners' participation in this case did not lead to significant improvements of the rules governing the housing market.

Second, during the above-mentioned signature campaign organised by Yeshenwei, seven suggestions were provided on chapter six of the draft of the Property Law. One of these suggestions appeared in a similar form in the final version, clarifying homeowners' proprietorship of common areas and common facilities (e.g. club houses, kindergartens, offices for property management, etc.) in residential estates (National People's Congress 2007). This is significant because the property rights of these areas frequently give rise to conflicts between homeowners and property management agents and developers. The Property Law has thereby notably strengthened the position of homeowners. Moreover, Yeshenwei also suggested granting legal status to homeowners' commit-

tees. Although this suggestion was not adopted, the final version of the law added the following passage: "When homeowners' assemblies' and homeowners' committees' decisions are harmful to individual homeowners, individual homeowners may seek the court and revoke the decision" (National People's Congress 2007). On the surface, this addition may seem to weaken the position of homeowners' committees. However, it also strengthens them because the Property Law now indirectly recognises the legal status of homeowners' committees as defendants and thus implicitly recognises their legal status in general (Yeshewei 2007). Although it remains to be seen how this change will play out, it seems that the state's previously firm opposition to granting homeowners' committees full legal status has begun to weaken. These two changes to the Property Law would appear to mark an improvement in the protection of homeowners' interests.

Third, the demand for granting homeowners' committees legal status has long been a fundamental concern for HIGs. Although homeowners' committees are purportedly designed to represent homeowners' interests within the neighbourhood, their effectiveness in doing so is seriously hampered by their ambiguous legal status. This leads to numerous practical difficulties, such as the simple opening of a bank account. Most importantly, it puts homeowners' committees at a legal disadvantage, with courts simply refusing to hear lawsuits filed by homeowners' committees. HIGs are fully aware of this dilemma and have been striving for change, as demonstrated by Yeliahui's proposal to implement homeowners' self-governance in the Guangdong Property Management Ordinance (Yeliahui 2006b, 2006c, 2006d). Moreover, GOCO submitted different legislative proposals on this issue to both the NPC and the Beijing Committee of the Chinese People's Political Consultative Conference in 2007 and 2010, respectively (GOCO 2007, 2010b). Despite these long-standing efforts, the state has proved very reluctant to make concessions in this regard. However, following the implicit recognition of homeowners' committees in the Property Law, the Beijing municipal government announced plans to experiment with granting legal status to homeowners' assemblies in their recently issued Property Management Regulations (*Beijing Property Management Regulations* 2010). At the time of writing, several homeowners' assemblies have already registered as a legal entity (*Beijing Ribao* 2011). However, it remains to be seen how this experiment will develop and whether it will eventually be allowed to proliferate further.

Apart from the above legislative changes, the HIGs have also made other gains. Since their organised legislative participation was widely reported in the Chinese media, their image as a representative of homeowners' committees has been strengthened. Thus, not only more homeowners' committees have approached these HIGs, other actors (e.g. companies aiming to promote their business in residential estates) have also contacted them. Whereas the former will help to expand the HIGs' constituency base, the latter will aid the improvement of their social network – both will also bring about other material benefits. The leaders of these HIGs did not hide the fact that they receive remuneration from project-based cooperation with companies or local governments. However, they are very careful in selecting which organisations to cooperate with in order to avoid politically sensitive issues.

## Conclusion

This paper examined homeowner participation in policymaking in Beijing and Guangzhou. With regards to ongoing debates on Chinese state-society relations, it provides some support for the claim that the policy process is gradually opening up. Both capitalists and actors representing homeowners are getting organised and beginning to adopt strategies akin to those of interest groups in pluralistic polities. Although their impact is hard to discern, the very fact that these actors are trying to get their foot in the door and exert some influence at all is important to take note of. Since homeowners constitute a large social group in China and HIGs are media savvy, their activities attract a high degree of media attention. Thus, they may function as role models for other social groups and contribute to the gradual opening-up of the Chinese policymaking process that has been documented in other domains (Mertha 2009; Wang 2008; Wu 2011). However, whether or not HIGs will be able to expand their influence in the future remains to be seen.

Although the type of activism studied in this paper remains within the limits of non-contentious or at least non-disruptive channels of political participation, it displays a significant degree of “rights consciousness” (Perry 2008, 2010; Li 2010). At its core, much of the debate on the presence or absence of rights consciousness amongst Chinese citizens revolves around whether citizens mainly “play by the state’s rules” (Perry 2010: 54) – which implies that claims are confined to local officials and the (mis-)implementation of centrally mandated rules – or whether citi-

zens combine “awareness of the necessity for protection from central rule-making authorities with eagerness to acquire such protection through direct or indirect participation in rule-making” (Li 2010: 54). This research shows that homeowner activists are not only keenly aware of the need to change the rules, they also display an eagerness to work towards such change. So although their “contention” is much less disruptive than the standard repertoire employed by Chinese citizens, it is at the same time more “proactive” (Tilly 1993: 266).

As for the future of homeowner activism, HIGs participation in the legislative process appears to be increasingly acknowledged by the state and therefore has the potential to continue developing. The Chinese leadership seems to have realised that it is in its own interests to counterbalance the combined forces of local bureaucracy and capitalists to prevent and reduce social tension. Homeowner activists could play a crucial role in mediating such conflicts. Moreover, the documented legislative participation by HIGs did lead to some modest improvements in certain relevant laws and regulations. Although these rules may not be effectively enforced, experience in China suggests that when benefits and entitlements are codified in law, they become “much sturdier posts to hang rightful claims on” (O’Brien and Li 2006: 30) and therefore provide new access points and opportunities for future homeowner activism. Consequently, even the smallest codified improvements can unfold significant repercussions in future rounds of citizen-state interaction.

Finally, two words of caution are in order. First, the evidence presented in this paper is clearly preliminary; therefore, caution should be exercised when drawing broader conclusions. Second, it may indeed be a laudable development that the Chinese policy process is gradually opening up to non-state and non-business actors. However, it is also clear that the homeowner activists examined here belong to the privileged strata of Chinese society and are able to step into the policy arena partly because of the intellectual and material resources they possess. It is not clear whether less-privileged groups have seen similar improvements in the ability to make their voices heard. This calls for more research on HIGs in other areas of urban China and comparative assessments of participation in policymaking by different types of social interest groups.

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